



“THE BIRTHPLACE OF THE STATE OF NEW YORK”
OFFICE OF THE MAYOR

THOMAS M. ROACH
MAYOR

t: 914.422.1411
f: 914.422.1395

TO THE HONORABLE MEMBERS OF THE COMMON COUNCIL

I am pleased to announce the appointment of Richard Payne to the City of White Plains Transportation Commission to a term that will expire on December 31, 2025.

Thomas M. Roach
Mayor

Dated: January 13, 2022



“THE BIRTHPLACE OF THE STATE OF NEW YORK”
OFFICE OF THE MAYOR

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TO THE HONORABLE MEMBERS OF THE COMMON COUNCIL

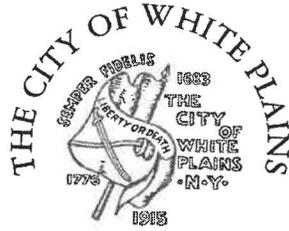
I am pleased to announce the appointment of the following members to the Community Development Citizens Advisory Committee:

Kenneth J. Creary, Chair
Millie Castro;
Mary Perri;
Sidia Cortes;
Soknan Han Jung;
William C. Brady;
Stephen Walfish;
Jonna C. Robins;
Marie Houston;
Charlene Raynor; and
Nicole Johnson.

All of the members shall serve a term of one year commencing on January 1, 2022 through December 31, 2022.

Sincerely,

Thomas M. Roach
Mayor



OFFICE OF THE CITY CLERK
MUNICIPAL BUILDING • 255 MAIN STREET • WHITE PLAINS, NY 10601
(914) 422-1227 • (914) 422-1330 Fax

Jill Iannetta
City Clerk/Registrar

Lisa McGee
Deputy Registrar

February 3, 2022

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

Submitted herewith is a communication from DelBello Donnellan Weingarten Wise & Wiederkehr, LLP, dated February 3, 2022 requesting an adjournment of the public hearing pertaining to Voda Solar Resources, LLC's application for an amendment to an approved site plan and associated Planned Campus Development Master Plan for the installation of carport solar systems at 1133 Westchester Ave.

Respectfully Submitted,

Jill Iannetta
City Clerk

**DELBELLO DONNELLAN WEINGARTEN
WISE & WIEDERKEHR, LLP**

Mark P. Weingarten
Partner
mpw@ddw-law.com

COUNSELLORS AT LAW
THE GATEWAY BUILDING
ONE NORTH LEXINGTON AVENUE
WHITE PLAINS, NEW YORK 10601
(914) 681-0200
FACSIMILE (914) 684-0288

Connecticut Office
1111 SUMMER STREET
STAMFORD, CT 06905
(203) 298-0000

February 3, 2022

By Email and Hand Delivery

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

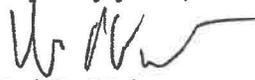
**Re: Application of Voda Solar Resources, LLC for Amended Master Plan
Approval and Amended Site Plan Approval for the Installation of Carport
Solar Systems at 1133 Westchester Avenue, White Plains.**

Dear Mayor Roach and Members of the Common Council:

As you know, this firm represents Voda Solar Resources, LLC (the "Applicant") in connection with the above-referenced applications which are on the Common Council's agenda for a continued public hearing on February 7, 2022. This afternoon we received Commissioner Amadio's determination that the proposed carport solar system is not a permitted use of the property. Given this, we respectfully request that the public hearing be adjourned until June 6, 2022 to allow the Applicant to consider how it desires to proceed.

Thank you for your consideration.

Very truly yours,


Mark P. Weingarten

cc: John Callahan, Esq., Corporation Counsel and Chief of Staff
Jill Iannetta, City Clerk
Abe Naperstek, G&S Solar
Janet J. Giris, Esq.

THOMAS M. ROACH
MAYOR



DEPARTMENT OF BUILDING

70 Church Street, White Plains, New York 10601
Phone: (914) 422 - 1269 * Fax: (914) 422 - 1471

Damon A. Amadio, P.E.
Commissioner

Kevin M. Hodapp, P.E.
Deputy Commissioner

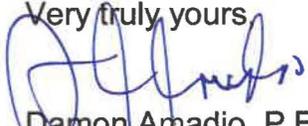
February 3, 2022

Mr. Mark Weingarten
DelBello Donnellan Weingarten Wise & Wiederkehr, LLP
The Gateway Building
One North Lexington Avenue
White Plains, New York 10601

Re: Voda Solar Resources LLC Site Plan Amendment and Amendment to
Associated Planned Campus Development Master Plan
1133 Westchester Avenue
SBL-131.20-1-1.11

Dear Mr. Weingarten,

Based on further review of the above-referenced application, including additional materials recently submitted, I have determined that the installation of the solar panels in the parking lot, as detailed in the application, is not a permitted use under the Zoning Ordinance.

Very truly yours,

Damon Amadio, P.E.
Commissioner of Building

Cc: Mayor and Members of the Common Council

RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF WHITE PLAINS
ADJOURNING THE PUBLIC HEARING IN RELATION TO AN APPLICATION
SUBMITTED ON BEHALF OF VODA SOLAR RESOURCES, LLC FOR AN
AMENDMENT TO AN APPROVED SITE PLAN AND ASSOCIATED PLANNED
CAMPUS DEVELOPMENT MASTER PLAN AT 1133 WESTCHESTER AVENUE,
WHITE PLAINS, NY TO JUNE 6, 2022.

WHEREAS, the Common Council has received a letter, dated February 3, 2022, submitted on behalf of Voda Solar Resources, LLC requesting a four month adjournment of the public hearing pertaining to the application for an amendment to an approved site plan and associated Planned Campus Development Master Plan at 1133 Westchester Avenue; now therefore be it

RESOLVED, that the public hearing scheduled to be continued on February 7, 2022 is hereby adjourned to June 6, 2022.



**CAPITAL PROJECTS BOARD
MUNICIPAL BUILDING**

255 MAIN STREET • WHITE PLAINS, NEW YORK 10601
(914) 422-1206 • FAX: (914) 422-1469

THOMAS M. ROACH
MAYOR

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

The Capital Projects Board has recommended a capital project for the replacement and or enhancement of various components of the City's Information Technology infrastructure as part of the FY 2021-2022 Capital Improvement Program at an estimated cost of \$375,000.

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. **C5589**, entitled "**City-wide IT Infrastructure Replacement/Enhancements**" as follows:

REVENUES

C5589-08810	Serial Bonds	<u>\$378,750</u>
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EXPENDITURES

C5589-4.005	Finance and Auditing	\$ 3,750
C5589-8.319	Technology Equipment	<u>375,000</u>
		<u>\$378,750</u>

It is further requested that issuance of \$375,000 in serial bonds be authorized and that the Mayor be authorized to direct the Commissioner of Finance to advance funds from the General Fund to this project pending the receipt of the bond proceeds. Finally, it is requested that the Mayor be authorized to direct the Commissioner of Finance to receive and disburse funds accordingly.

Respectfully submitted,

Thomas M. Roach, Mayor
Chairman, Capital Projects Board

Date: February 2, 2022

AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF WHITE PLAINS TO AMEND THE CAPITAL PROJECTS FUND BY ESTABLISHING CAPITAL PROJECT NO. C5589, ENTITLED “CITY-WIDE IT INFRASTRUCTURE REPLACEMENT/ENHANCEMENTS”.

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 “City-wide IT Infrastructure Replacement/Enhancements” in the Capital Improvement Program for FY 2021-2022, which provides for the replacement and/or enhancement of various components of the City’s Information Technology infrastructure.

Section 2. The Mayor is hereby authorized to direct the Chief Information Officer and the Commissioner of Purchase to enter into various contracts, as necessary, to complete this Capital 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. **C5589**, entitled “**City-Wide IT Infrastructure Replacement/Enhancements**” and to establish the project budget as follows:

REVENUES:

C5589-08810	Serial Bonds	<u>\$378,750</u>
-------------	--------------	------------------

EXPENDITURES:

C5589-4.005	Finance and Auditing	\$ 3,750
C5589-8.319	Technology Equipment	<u>375,000</u>
		<u>\$378,750</u>

Section 4. The Mayor is hereby further authorized to direct the Commissioner of Finance to authorize the sale of serial bonds totaling \$378,750 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.

BOND ORDINANCE, DATED February 7, 2022 AUTHORIZING THE ISSUANCE OF \$378,750 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, MACHINERY AND APPARATUS FOR IMPROVEMENTS TO INFORMATION TECHNOLOGY INFRASTRUCTURE

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 costs of the acquisition of equipment, machinery and apparatus for improvements to information technology infrastructure, including any preliminary and incidental costs related thereto, at a total estimated cost not to exceed \$378,750, for which no funds have heretofore been 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 \$378,750, 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 \$378,750, (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.



**CAPITAL PROJECTS BOARD
MUNICIPAL BUILDING**

255 MAIN STREET • WHITE PLAINS, NEW YORK 10601
(914) 422-1206 • FAX: (914) 422-1469

THOMAS M. ROACH
MAYOR

**TO THE HONORABLE MEMBERS OF THE COMMON COUNCIL OF THE CITY OF
WHITE PLAINS**

The Capital Projects Board has recommended a capital project for completion of the City of White Plains comprehensive plan, One White Plains, and associated environmental review pursuant to the New York State Environmental Quality Review Act (SEQRA) required for Common Council adoption as part of the FY 2021-2022 Capital Improvement Program at an estimated cost of \$350,000.

Submitted herewith is legislation which would authorize the Mayor to direct the Commissioner of Planning to enter into a professional services contract with project consultants to complete the One White Plains Comprehensive Plan in conjunction with the Department of Planning over an approximately 18-month period. The attached legislation authorizes the Mayor to direct the Budget Director to amend the Capital Projects Fund by establishing Capital Project No. C5591 entitled “**Comprehensive Plan,**” as follows:

REVENUES

C5591-08810	Serial Bonds	<u>\$353,500</u>
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EXPENDITURES

C5591-4.005	Finance and Auditing	\$ 3,500
C5591-8.113	Comprehensive Plan	<u>350,000</u>
		<u>353,500</u>

It is further requested that issuance of \$353,500 in serial bonds be authorized and that the Mayor be authorized to direct the Commissioner of Finance to advance funds from the General Fund to this project, pending the receipt of the bond proceeds. Finally, it is requested that the Mayor be authorized to direct the Commissioner of Finance to receive and disburse funds accordingly.

Respectfully submitted,

Thomas M. Roach, Mayor
Chairman, Capital Projects Board

Date: February 2, 2022



ENVIRONMENTAL OFFICER
PLANNING DEPARTMENT • 70 CHURCH STREET • WHITE PLAINS, NEW YORK 10601
(914) 422-1300; FAX: (914) 422-1301

THOMAS M. ROACH
MAYOR

ROD JOHNSON
ENVIRONMENTAL OFFICER

January 31, 2022

TO THE HONORABLE MAYOR AND MEMBERS OF THE COMMON COUNCIL

SUBJECT: CAPITAL PROJECT NO. C5591
COMPREHENSIVE PLAN

The proposed Capital Project No. C5591, entitled “Comprehensive Plan,” (hereinafter referred to as the “Proposed Action”) has been reviewed for compliance with the New York State Environmental Quality Review Act (SEQRA) regulations.

The Capital Projects Board has recommended a capital project for completion of the City of White Plains comprehensive plan, One White Plains, and associated environmental review pursuant to SEQRA required for Common Council adoption as part of the FY 2021-2022 Capital Improvement Program.

The Proposed Action involves a professional services contract with project consultants to complete the One White Plains Comprehensive Plan in conjunction with the Department of Planning over an approximately 18-month period.

The Proposed Action represents a Type II Action under SEQRA regulations in that it involves actions as cited in 6 NYCRR Part 617.5(c) as follows:

- 617.5 (c) (23) mapping of existing roads, streets, highways, natural resources, land uses and ownership patterns.
- 617.5 (c) (24) information collection including basic data collection and research, water quality and pollution studies, traffic counts, engineering studies, surveys, subsurface investigations and soils studies that do not commit the agency to undertake, fund or approve any Type I or Unlisted action.
- 617.5 (c) (27) conducting concurrent environmental, engineering, economic, feasibility and other studies and preliminary planning and budgetary processes necessary to the formulation of a proposal for action, provided those activities do not commit the agency to commence, engage in or approve such action.

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

It is recommended that the Common Council (a) as approving agency of municipal contracts, designate itself to be the Lead Agency for the environmental review; and (b) find the Proposed Action to be a Type II Action under SEQR regulations.

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

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Rod Johnson". The signature is fluid and cursive, with a long horizontal stroke at the end.

Rod Johnson
Environmental Officer

ENVIRONMENTAL FINDINGS RESOLUTION REGARDING
CAPITAL PROJECT NO. C5591, ENTITLED "COMPREHENSIVE PLAN."

WHEREAS, the proposed Capital Project No. C5591, entitled "Comprehensive Plan," (hereinafter referred to as the "Proposed Action") has been reviewed for compliance with the New York State Environmental Quality Review Act (SEQRA) regulation; and

WHEREAS, the Capital Projects Board has recommended a capital project for completion of the City of White Plains comprehensive plan, One White Plains, and associated environmental review pursuant to SEQRA required for Common Council adoption as part of the FY 2021-2022 Capital Improvement Program; and

WHEREAS, the Proposed Action involves a professional services contract with project consultants to complete the One White Plains Comprehensive Plan in conjunction with the Department of Planning over an approximately 18-month period; and

WHEREAS, the Environmental Officer has recommended that the Common Council, as approving agency of municipal contracts, designate itself as 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 is a Type II Action under SEQRA regulations in that it involves actions cited in 6 NYCRR Part 617.5(c) as follows:

- 617.5 (c) (23) mapping of existing roads, streets, highways, natural resources, land uses and ownership patterns.
- 617.5 (c) (24) information collection including basic data collection and research, water quality and pollution studies, traffic counts, engineering studies, surveys, subsurface investigations and soils studies that do not commit the agency to undertake, fund or approve any Type I or Unlisted action.
- 617.5 (c) (27) conducting concurrent environmental, engineering, economic, feasibility and other studies and preliminary planning and budgetary processes necessary to the formulation of a proposal for action, provided those activities do not commit the agency to commence, engage in or approve such action; and

WHEREAS, Type II actions are determined under SEQRA regulations 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 findings are necessary.

**AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY
OF WHITE PLAINS TO AMEND THE CAPITAL PROJECTS FUND BY
ESTABLISHING CAPITAL PROJECT NO. C5591, ENTITLED
“COMPREHENSIVE PLAN”.**

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 “Comprehensive Plan” in the Capital Improvement Program for FY 2021-2022, which provides for the completion of the City of White Plains comprehensive plan, One White Plains and the associated environmental review.

Section 2. The Mayor, or his designee, is hereby authorized to enter into various contracts, as necessary, to complete this Capital 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. **C5591**, entitled “**Comprehensive Plan**” and to establish the project budget as follows:

REVENUES:

C5591-08810	Serial Bonds	<u>\$353,500</u>
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EXPENDITURES:

C5591-4.005	Finance and Auditing	\$ 3,500
C5591-8.113	Comprehensive Plan	<u>350,000</u>
		<u>\$353,500</u>

Section 4. The Mayor is hereby further authorized to direct the Commissioner of Finance to authorize the sale of serial bonds totaling \$353,500 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.

BOND ORDINANCE, DATED FEBRUARY 7, 2022 AUTHORIZING THE ISSUANCE OF \$353,500 AGGREGATE PRINCIPAL AMOUNT SERIAL BONDS OF THE CITY OF WHITE PLAINS, COUNTY OF WESTCHESTER, STATE OF NEW YORK, TO FINANCE THE COSTS OF THE PREPARATION OF A COMPREHENSIVE MASTER PLAN

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 costs of the preparation of a comprehensive master plan, including any preliminary and incidental costs related thereto, at a total estimated cost not to exceed \$353,500, for which no funds have heretofore been 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 \$353,500, 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 \$353,500, (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 64 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.

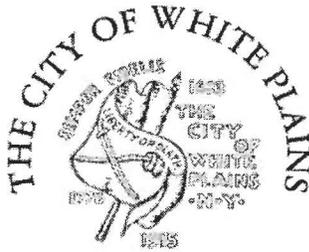
Section 8. Prior to the issuance of the serial bonds authorized herein, or of bond anticipation notes issued in anticipation of the issuance of such serial bonds, the Common Council of the City shall comply with all applicable provisions prescribed in Article 8 of the Environmental Conservation Law,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



PLANNING DEPARTMENT
70 Church Street, White Plains, New York 10601
(914) 422-1300 Fax: (914) 422-1301
E-Mail: Planning@whiteplainsny.gov

THOMAS M. ROACH
MAYOR

CHRISTOPHER N. GOMEZ, AICP
COMMISSIONER

JUDITH MEZEY
DEPUTY COMMISSIONER

TO: THE HONORABLE MAYOR AND MEMBERS OF THE COMMON COUNCIL

SUBJECT: ORDINANCE AUTHORIZING A PROFESSIONAL SERVICES CONTRACT FOR COMPLETION OF THE ONE WHITE PLAINS COMPREHENSIVE PLAN

Submitted herewith for approval is an ordinance authorizing the Mayor or designee to enter into a professional services agreement with BFJ Planning (“BFJ”) to assist in the completion of the One White Plains Comprehensive Plan.

With the assistance of BFJ, the city recently completed the seven-month Phase I: Imagine One White Plains community engagement process including the launch of the OneWhitePlains.com website and public comment portal, the 12-stop One White Plains Listening Tour, and the well-attended in-person/virtual public workshop at the White Plains Performing Arts Center on November 18, 2021. To date the city has collected over 1,200 discrete comments from the community regarding both the One White Plains draft vision statement and plan elements.

Phase II will be conducted over a 16-18 month period and will include additional public outreach, workshops, drafting of the plan itself, and all environmental review pursuant to SEQRA required for Common Council adoption of the One White Plains comprehensive plan. The professional services agreement with BFJ Planning will be for up to a maximum of \$350,000, to be funded from Capital Project No. C5591 as recommended by the Capital Projects Board.

Respectfully submitted,

Christopher N. Gomez, AICP
Commissioner of Planning

Dated: January 28, 2022

AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF WHITE PLAINS AUTHORIZING THE MAYOR, OR HIS DESIGNEE, TO ENTER INTO TO A PROFESSIONAL SERVICES AGREEMENT WITH BFJ PLANNING TO ASSIST IN THE COMPLETION OF THE ONE WHITE PLAINS COMPREHENSIVE PLAN.

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 enter into a professional services agreement with BFJ Planning (“BFJ”) to assist in the completion of the One White Plains Comprehensive Plan.

Section 2. The agreement period shall begin on the date the agreement is fully executed and the compensation for the performance of such services shall not exceed 350,000, to be funded from Capital Project No. C5591.

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

Section 4. This ordinance shall take effect immediately.



DEPARTMENT OF LAW

MUNICIPAL BUILDING • 255 MAIN STREET • WHITE PLAINS, NEW YORK 10601

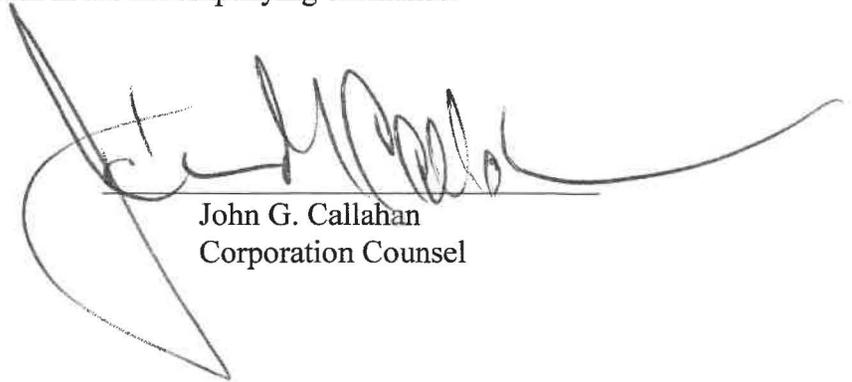
(914) 422-1241 • FAX (914) 422-1231

JOHN G. CALLAHAN
Corporation Counsel

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

Submitted herewith is an ordinance authorizing the settlement of tax review proceedings. These proceedings were brought on behalf of the owner(s) or lessee(s) of the properties located at 65 Ferris Avenue, 45 Rockledge Avenue, 12 Cottage Place, 2 Rockledge Avenue, 121 Church Street, an unnumbered lot on Barker Avenue, 27 Barker Avenue, 21 Barker Avenue, 31-33 Quinby Avenue, 27-29 Quinby Avenue, 23-25 Quinby Avenue, 90 Bryant Avenue, 69 Old Mamaroneck Road and 590-600 Mamaroneck Avenue, White Plains, NY.

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



John G. Callahan
Corporation Counsel

Dated: February 1, 2022

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 said years with no interest thereon:

**Gabmar Realty Corp.
65 Ferris Avenue
SBL: 125.58-2-16**

<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>
2017/18	\$ 7,300	\$ 5,750	\$ 1,550	\$ 318.32
2018/19	\$ 7,300	\$ 5,750	\$ 1,550	\$ 327.61
2019/20	\$ 7,300	\$ 5,750	\$ 1,550	\$ 336.46
2020/21	\$ 7,300	\$ 5,750	\$ 1,550	\$ 348.01
2021/22	\$ 7,300	\$ 5,750	\$ 1,550	\$ 356.84

Total: \$ 1,687.24

**Biscardi Rockledge, LLC
45 Rockledge Avenue
SBL: 125.59-6-11**

<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>
2016/17	\$ 16,000	\$ 16,000	\$ 0	\$ 0.00
2017/18	\$ 16,000	\$ 16,000	\$ 0	\$ 0.00
2018/19	\$ 16,000	\$ 14,100	\$ 1,900	\$ 401.58
2019/20	\$ 16,000	\$ 14,200	\$ 1,800	\$ 390.73
2020/21	\$ 16,000	\$ 13,900	\$ 2,100	\$ 471.49
2021/22	\$ 16,000	\$ 13,900	\$ 2,100	\$ 483.46

Total: \$ 1,747.26

**Avalon WP I LLC
12 Cottage Place
SBL: 125.59-9-1.1**

<u>Tax Year</u>	<u>Current Assessment</u>	<u>Proposed New Assessment</u>	<u>New Assessment Reduction</u>	<u>Proposed Amount of City Tax to be Refunded</u>
2017/18	\$ 119,000	\$ 119,000	\$ 0	\$ 0.00
2018/19	\$ 119,000	\$ 118,500	\$ 500	\$ 105.68
2019/20	\$ 119,000	\$ 116,930	\$ 2,070	\$ 449.33
2020/21	\$ 119,000	\$ 116,200	\$ 2,800	\$ 628.66
2021/22	\$ 119,000	\$ 116,800	\$ 2,200	\$ 506.48

Total: \$ 1,690.15

**Avalon WP II LLC
2 Rockledge Avenue
SBL: 125.59-9-1.2**

<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>
2017/18	\$ 299,000	\$ 299,000	\$ 0	\$ 0.00
2018/19	\$ 299,000	\$ 297,800	\$ 1,200	\$ 253.63
2019/20	\$ 299,000	\$ 293,800	\$ 5,200	\$ 1,128.76
2020/21	\$ 299,000	\$ 291,900	\$ 7,100	\$ 1,594.09
2021/22	\$ 299,000	\$ 293,400	\$ 5,600	\$ 1,289.23

Total: \$ 4,265.71

**Avalon WP III LLC
121 Church Street
SBL: 125.59-9-1.3**

<u>Tax Year</u>	<u>Current Assessment</u>	<u>Proposed New Assessment</u>	<u>New Assessment Reduction</u>	<u>Proposed Amount of City Tax to be Refunded</u>
2017/18	\$ 249,000	\$ 249,000	\$ 0	\$ 0.00
2018/19	\$ 249,000	\$ 248,000	\$ 1,000	\$ 211.36
2019/20	\$ 249,000	\$ 244,680	\$ 4,320	\$ 937.74
2020/21	\$ 249,000	\$ 243,200	\$ 5,800	\$ 1,302.22
2021/22	\$ 249,000	\$ 244,300	\$ 4,700	\$ 1,082.03

Total: \$ 3,533.35

Avalon WP IV LLC
unnumbered lot on Barker Avenue
SBL: 125.59-9-1.4

<u>Tax Year</u>	<u>Current Assessment</u>	<u>Proposed New Assessment</u>	<u>New Assessment Reduction</u>	<u>Proposed Amount of City Tax to be Refunded</u>
2017/18	\$ 149,000	\$ 149,000	\$ 0	\$ 0.00
2018/19	\$ 149,000	\$ 148,400	\$ 600	\$ 126.82
2019/20	\$ 149,000	\$ 146,410	\$ 2,590	\$ 562.21
2020/21	\$ 149,000	\$ 145,500	\$ 3,500	\$ 785.82
2021/22	\$ 149,000	\$ 146,200	\$ 2,800	\$ 644.62

Total: \$ 2,119.47

Avalon WP V LLC
27 Barker Avenue
SBL: 125.59-9-1.5

<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>
2017/18	\$ 2,249,000	\$ 2,249,000	\$ 0	\$ 0.00
2018/19	\$ 2,249,000	\$ 2,239,900	\$ 9,100	\$ 1,923.38
2019/20	\$ 2,249,000	\$ 2,209,900	\$ 39,100	\$ 8,487.44
2020/21	\$ 2,249,000	\$ 2,196,000	\$ 53,000	\$ 11,899.56
2021/22	\$ 2,249,000	\$ 2,207,000	\$ 42,000	\$ 9,669.24

Total: \$ 31,979.62

**Avalon WP VI LLC
21 Barker Avenue
SBL: 125.67-2-1**

<u>Tax Year</u>	<u>Current Assessment</u>	<u>Proposed New Assessment</u>	<u>New Assessment Reduction</u>	<u>Proposed Amount of City Tax to be Refunded</u>
2017/18	\$ 12,500	\$ 12,500	\$ 0	\$ 0.00
2018/19	\$ 12,500	\$ 12,400	\$ 100	\$ 21.14
2019/20	\$ 12,500	\$ 12,280	\$ 220	\$ 47.76
2020/21	\$ 12,500	\$ 12,200	\$ 300	\$ 67.36
2021/22	\$ 12,500	\$ 12,300	\$ 200	\$ 46.04

Total: \$ 182.30

**Quinby Apartment Associates Inc.
31-33 Quinby Avenue
SBL: 130.49-6-2**

<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>
2017/18	\$ 19,000	\$ 19,000	\$ 0	\$ 0.00
2018/19	\$ 19,000	\$ 17,330	\$ 1,670	\$ 352.97
2019/20	\$ 19,000	\$ 17,000	\$ 2,000	\$ 434.14
2020/21	\$ 19,000	\$ 16,830	\$ 2,170	\$ 487.21
2021/22	\$ 19,000	\$ 16,830	\$ 2,170	\$ 499.58

Total: \$ 1,773.90

**27-29 Quinby Avenue
SBL: 130.49-6-3**

<u>Tax Year</u>	<u>Current Assessment</u>	<u>Proposed New Assessment</u>	<u>New Assessment Reduction</u>	<u>Proposed Amount of City Tax to be Refunded</u>
2017/18	\$ 19,000	\$ 19,000	\$ 0	\$ 0.00
2018/19	\$ 19,000	\$ 17,330	\$ 1,670	\$ 352.97
2019/20	\$ 19,000	\$ 17,000	\$ 2,000	\$ 434.14
2020/21	\$ 19,000	\$ 16,830	\$ 2,170	\$ 487.21
2021/22	\$ 19,000	\$ 16,830	\$ 2,170	\$ 499.58

Total: \$ 1,773.90

**23-25 Quinby Avenue
SBL: 130.49-6-4**

<u>Tax Year</u>	<u>Current Assessment</u>	<u>Proposed New Assessment</u>	<u>New Assessment Reduction</u>	<u>Proposed Amount of City Tax to be Refunded</u>
2017/18	\$ 19,000	\$ 19,000	\$ 0	\$ 0.00
2018/19	\$ 19,000	\$ 17,340	\$ 1,660	\$ 350.86
2019/20	\$ 19,000	\$ 17,000	\$ 2,000	\$ 434.14
2020/21	\$ 19,000	\$ 16,840	\$ 2,160	\$ 484.96
2021/22	\$ 19,000	\$ 16,840	\$ 2,160	\$ 497.28

Total: \$ 1,767.24

Surrey Strathmore Owners Inc.
90 Bryant Avenue
SBL: 131.09-1-4

<u>Tax Year</u>	<u>Current Assessment</u>	<u>Proposed New Assessment</u>	<u>New Assessment Reduction</u>	<u>Proposed Amount of City Tax to be Refunded</u>
2016/17	\$ 605,200	\$ 554,000	\$ 51,200	\$ 10,288.64
2017/18	\$ 605,200	\$ 586,600	\$ 18,600	\$ 3,819.88
2018/19	\$ 605,200	\$ 535,350	\$ 69,850	\$ 14,763.50
2019/20	\$ 605,200	\$ 530,700	\$ 74,500	\$ 16,171.72
2020/21	\$ 605,200	\$ 516,750	\$ 88,450	\$ 19,858.79
2021/22	\$ 605,200	\$ 512,100	\$ 93,100	\$ 21,433.48

Total: \$ 86,336.01

69 Old Mamaroneck Road
SBL: 131.09-1-5

<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>
2016/17	\$ 44,800	\$ 41,000	\$ 3,800	\$ 763.61
2017/18	\$ 44,800	\$ 43,400	\$ 1,400	\$ 287.52
2018/19	\$ 44,800	\$ 39,650	\$ 5,150	\$ 1,088.50
2019/20	\$ 44,800	\$ 39,300	\$ 5,500	\$ 1,193.89
2020/21	\$ 44,800	\$ 38,250	\$ 6,550	\$ 1,470.61
2021/22	\$ 44,800	\$ 37,900	\$ 6,900	\$ 1,588.52

Total: \$ 6,392.65

Brymam Inc.
590-600 Mamaroneck Avenue
SBL: 131.09-2-5

<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>
2020/21	\$ 33,900	\$ 30,450	\$ 3,450	\$ 774.59
2021/22	\$ 33,900	\$ 28,000	\$ 5,900	\$ 1,358.30
Total:				<u>\$ 2,132.89</u>

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.



DEPARTMENT OF LAW

MUNICIPAL BUILDING • 255 MAIN STREET • WHITE PLAINS, NEW YORK 10601

(914) 422-1241 • FAX (914) 422-1231

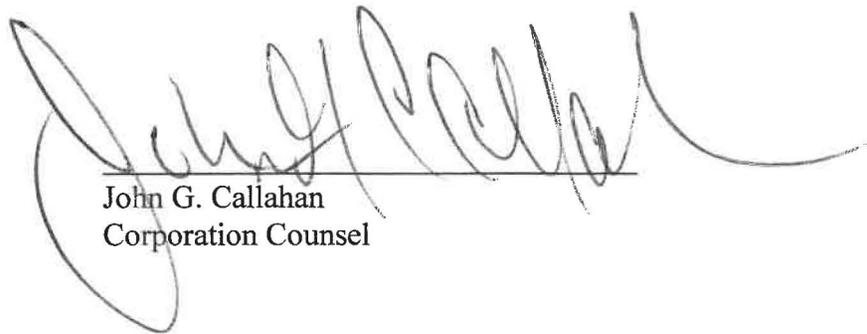
JOHN G. CALLAHAN

Corporation Counsel

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

Authorization is requested to settle the claim of Charles Patemen against the City of White Plains et. al. for the amount of \$425,000.00. The City would pay out of its Self-Insured Retention Fund no more than \$250,000.00 and the remainder will be paid from the proceeds of its excess liability policy.

Submitted for your consideration is an ordinance authorizing the aforementioned settlement.



John G. Callahan
Corporation Counsel

Dated: February 7, 2022

AN ORDINANCE AUTHORIZING THE SETTLEMENT OF LITIGATION BROUGHT BY CHARLES PATEMAN AGAINST THE CITY OF WHITE PLAINS ET AL.

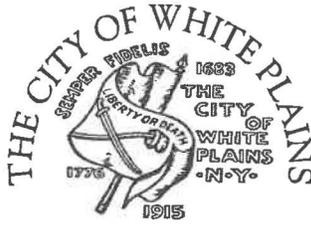
The Common Council of the City of White Plains hereby ordains and enacts as follows:

Section 1. The settlement of the litigation of Charles Pateman against the City of White Plains, et al in the amount of \$425,000.00, with no more than \$250,000 from the City of White Plains's Self Insurance Retention Fund is hereby authorized.

Section 2. The Mayor is authorized to direct the Commissioner of Finance to pay no more than the sum of \$250,000.00 from the City's Self-Insurance Retention Fund.

Section 3. This ordinance shall take effect immediately.

THOMAS M. ROACH
MAYOR



JOHN G. CALLAHAN
CORPORATION COUNSEL

DEPARTMENT OF LAW
255 MAIN STREET, 2d FLR.
WHITE PLAINS, NEW YORK 10601

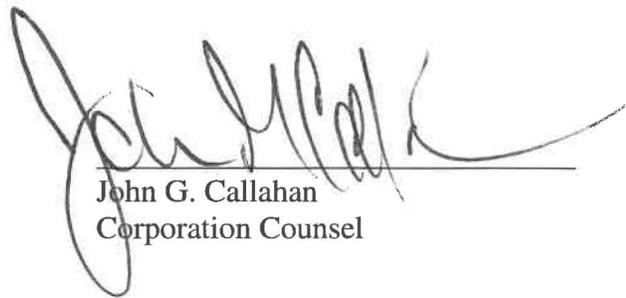
(914) 422-1241 Phone
(914) 422-1231 Fax

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

The Common Council previously authorized the retention of the firm The Roffe Group, P.C. ("the firm"), to act as Special Counsel for legislative affairs for the City. As of January 1, 2022 the firm dissolved and reformed as The Roffe Group of Robinson+Cole. The firm's responsibilities will continue to be assisting in the drafting of State legislation proposed by the City; monitoring the progress of bills which are of interest to the City in the State legislature; coordinating the City's efforts with the New York State Conference of Mayors; and acting as an advocate of the City's position on legislative matters with State legislators and the Governor's Office.

The firm dissolved as of December 31, 2021 and the City's contract was terminated. Therefore, I recommend the retention of The Roffe Group of Robinson+Cole for the one year period of January 1, 2022 through December 31, 2022, for the annual fee of \$44,000, which includes expenses that will be paid on a quarterly basis at the rate of \$11,000 per quarter.

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



John G. Callahan
Corporation Counsel

Dated: February 1, 2022

"THE BIRTHPLACE OF THE STATE OF NEW YORK"

<http://www.cityofwhiteplains.com>

AN ORDINANCE AUTHORIZING THE CORPORATION COUNSEL TO ENTER INTO AN AGREEMENT RETAINING THE SERVICES OF THE LAW FIRM THE ROFFE GROUP OF ROBINSON+COLE, AS SPECIAL COUNSEL FOR THE PERIOD JANUARY 1, 2022 THROUGH DECEMBER 31, 2022.

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

Section 1. The Corporation Counsel of The City of White Plains is hereby authorized to enter into an agreement retaining the law firm of the Roffe Group of Robinson+Cole for a period of one year, commencing January 1, 2022 and ending December 31, 2022, at an annual fee of forty-four thousand dollars (\$44,000), to be paid on a quarterly basis at the rate of \$11,000 per quarter, to act as Special Counsel for legislative affairs for The City of White Plains, and to be responsible for such matters as may be assigned to it by the Corporation Counsel.

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

Section 3. This ordinance shall take effect immediately.

THOMAS M. ROACH
MAYOR



DEPARTMENT OF BUILDING
70 Church Street, White Plains, New York 10601
Phone: (914) 422 - 1269 * Fax: (914) 422 - 1471

Damon A. Amadio, P.E.
Commissioner

Kevin M. Hodapp, P.E.
Deputy Commissioner

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

Submitted, herewith, for your review and appropriate action, is a proposed local ordinance repealing Chapter 3-4 of the White Plains Municipal Code and adding a new chapter 3-4 of the White Plains Municipal Code entitled, "Noise Pollution."

This ordinance is a comprehensive update to the city's existing Noise Pollution ordinance. It removes outdated language, adds new language recognizing new equipment technology and re-structures the content so that it is presented in a clear and concise format.

In addition, the ordinance now includes a 'Definitions' section, revises the 'Prohibitions' section by organizing it logically according to types of noise, adds a new section on 'Noise Generating Activities,' which categorizes and regulates noise from certain types of activities. The ordinance also makes specific changes with regard to noise generated by construction activity, landscape maintenance equipment and leaf blowers.

The purpose of the noise pollution ordinance is to reduce and prevent noise disturbances within the city, thereby enhancing the well-being and quality of life for residents and visitors to White Plains.

Throughout the process our focus has been to create a workable ordinance that seeks to improve the quality of life for residents in our city while recognizing the needs of businesses and commercial entities. We acknowledge that information about the changes associated with this ordinance will need to be disseminated to residents and businesses alike and plan to do that in a variety of ways as a means of increasing both awareness of and compliance with this new law.

Respectfully submitted,

Damon Amadio, P.E.
Commissioner of Building
DATE: February 2, 2022

AN ORDINANCE REPEALING CHAPTER 3-4 OF THE WHITE PLAINS MUNICIPAL CODE AND ADDING A NEW CHAPTER 3-4 OF THE WHITE PLAINS MUNICIPAL CODE ENTITLED, “NOISE POLLUTION”

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

Section 1. Chapter 3-4 of the White Plains Municipal Code, entitled “Noise Pollution”, as last amended by ordinance adopted September 2, 2020, is hereby repealed.

Section 2. The White Plains Municipal Code is hereby amended by adding a new Chapter 3-4 entitled, “Noise Pollution,” to read as follows:

Chapter 3-4 - NOISE POLLUTION

Chapter 3-4 - NOISE POLLUTION

ARTICLE I. General Provisions

Sec. 3-4-1. Title.

This chapter shall be known and may be cited as "The White Plains Noise Pollution Control Ordinance."

Sec. 3-4-2. Purpose.

It is the purpose of this chapter to prevent noise disturbances within the limits of the city, which may jeopardize the well-being, health or welfare of its citizens or degrade the quality of life and to regulate noise-producing activities. The provisions and prohibitions hereinafter contained and enacted are for the above-mentioned purpose. Factors to be considered in determining whether a noise disturbance exists include, but are not limited to, the following:

- (1) The volume of the noise
- (2) The intensity of the noise
- (3) Whether the nature of the noise is unusual or usual
- (4) Whether the origin of the noise is natural or unnatural
- (5) The volume and intensity of the background noise, if any
- (6) The proximity of the noise to residential sleeping facilities or private residences
- (7) The nature and the zoning district of the area within which the noise emanates
- (8) The time of day or night the noise occurs
- (9) The time duration of the noise
- (10) Whether the sound source is temporary
- (11) Whether the noise is continuous or impulsive

- (12) The presence of discrete tones
- (13) The number of complaints received

Sec. 3-4-3. Definitions.

As used in this chapter the following terms shall have the meanings indicated:

1. **Ambient noise** - The all-encompassing noise associated within a given environment, being usually a composite of sounds from many sources, near and far.
2. **A-weighted sound level** - The measurement of sound approximating the auditory sensitivity of the human ear as measured with a sound-level meter using an A-weighting network. The unit of measure is dB.
3. **Construction** - Any site preparation, assembly, erection, repair, alteration or similar action, but excluding demolition of buildings or structures.
4. **Continuously or, in a continuous manner** - Constant, with few, if any, brief breaks or periods of silence.
5. **Decibel** - The measured unit of sound measurement and is measured with a sound level meter (SLM). The SLM registers sound pressure and displays the readings on a sound level scale. Decibels (dB) are a logarithmic unit, which means that a noise measuring 30 decibels is actually two (2) times louder than a noise registering at 20 decibels.
6. **Demolition** - Any partial or complete dismantling, intentional destruction or removal of buildings, and/or equipment/components attached to or located within the building or structure.
7. **Electric or battery powered equipment** – Any equipment powered by an electric motor, which derives its energy from a battery or an electrical source.
8. **Internal combustion engine** – An engine that generates motive power by the burning of gasoline or other fuel with air inside a combustion chamber.
9. **Internal combustion powered equipment** – Any equipment that derives its energy from an internal combustion engine. Equipment being used while plugged into an operating generator, which is powered by an internal combustion engine, shall be deemed internal combustion powered equipment.
10. **Motor vehicle** - Any vehicle that is propelled by an internal combustion engine or motor.
11. **Noise disturbance** - Any sound which endangers or injures the health of humans, or unreasonably disturbs the quiet, comfort, repose, or peace of a person of normal sensitivities.
12. **Noise sensitive facilities** – Any school, institution of learning, public library, place of worship, courthouse, or hospital for which conspicuous signs or elements are visible indicating that the same is a school, institution of learning, public library, place of worship, courthouse, or hospital.

13. **Person** - Any individual, corporation, company, association, society, firm, partnership or joint stock company.
14. **Sound** - Vibrations that travel through the air or another medium and that can be heard when they reach a human ear.
15. **Sound device** - Any device that is used for the production or reproduction of sound, including but not limited to any amplified musical instrument, communication device, computer, radio, television, loudspeaker, or any other apparatus that converts electrical impulses into sound.
16. **Sound level** - The sound pressure level measured in decibels **with on** a sound-level meter set for A-weighting; "sound level" is expressed in "dBA."
17. **Sound Level Meter (SLM)** –An instrument (commonly hand held) designed to measure sound levels in a standardized way. At a minimum, it is comprised of a microphone, a preamplifier, signal processing components and a display. For the purposes of this document it shall be a Type 1 or 2 SLM (handheld type) meeting the American National Standards Institute (ANSI) S1.4 criteria standard.
18. **Weighting** – A system built into all standard sound level meters that account for the fact that different sound frequencies affect the listener's perception of loudness. Specifically, the fact that the human ear is less sensitive to low-pitched sounds than it is to high-pitched sounds.

Sec. 3-4-4. Prohibitions.

The following acts and the causing thereof are declared to be in violation of this chapter. Said enumeration shall not be deemed to be exclusive.

(a) **Noise associated with sound devices:**

- (1) No person shall use, play, or operate or permit to be used, played or operated any machine or device designed to produce or reproduce sound, in a continuous manner and at such a volume as to create a noise disturbance for any person other than the operator of the device.
- (2) No person shall operate any sound-reproduction device in such a manner as to be distinctly audible to persons with normal hearing at a distance of fifty (50) feet from the source or location of the noise between the hours of 10:00 p.m. and 9:00 a.m. on any day of the week.

- (b) **Human-generated noise:** No person shall make, permit, or allow to be made a noise disturbance at any time, including but not limited to yelling, shouting, whistling, or singing, that is continuous in nature and which is clearly audible at a distance of fifty (50) feet from the source or location of the noise.

(c) **Animal noise:** No person shall permit or allow any animal under their control to bark, whine, howl or make any other noise continuously for a period of 10 minutes or more at a volume which can be heard anywhere beyond the residential, commercial or industrial location from which such noise emanates.

(d) **Noise associated with motor vehicles:**

- (1) No person shall sound any horn, bell, or any other noise producing signal or device or apparatus on or in any motor vehicle, motorcycle, bus, or any other vehicle in a continuous manner as to create a noise disturbance, except as a necessary warning of emergency or of impending danger;
- (2) No person shall make or cause the unnecessary racing of motors, acceleration tests, or any excessive burst of speed which causes the tires to squeal, in or upon any public street, highway, or place in the city while moving, parked, or at a standstill;
- (3) No person shall make deliveries or pick up supplies, packages, materials, products, or merchandise or collect garbage or refuse from any place of business which creates a noise disturbance between the hours of 11:00 pm and 7:00 am on weekdays and between the hours of 11:00 pm and 8:00 am on weekends except in the case of emergency.

Sec. 3-4-5. Noise Generating Activities.

(a) **Construction, repair and demolition:** No person shall operate or permit the operation of any tool or equipment used in construction, repair, demolition or excavation between the hours of 7:00 p.m. and 8:00 a.m. on weekdays and between the hours of 7:00 p.m. and 9:30 a.m. on Saturdays, Sundays and legal holidays.

Such operation does not constitute a violation if used in an emergency, or under special circumstances in which permission has been given by the Commissioner of Building or the Commissioner of Public Works.

When construction, repair or demolition work is planned adjacent to a noise sensitive facility, the person responsible for the activity shall provide no less than two weeks' notice to the affected facility(ies) as defined in section 3-4-3 of this chapter.

(b) Moveable equipment: No person shall operate any moveable equipment or machinery (excluding landscape maintenance equipment), such as refrigerator units integral to box trucks or tractor trailer containers, chillers, boilers, air-conditioning units, generators, or similar apparatus between the hours of 10:00 p.m. and 8:00 a.m. on any day of the week. Operation of the above equipment outside of the stated hours may be permitted by the Commissioner of Building or the Commissioner of Public Works upon request and review. Sound attenuation may be required in certain instances. This paragraph shall not apply to municipal equipment nor equipment required to maintain services to buildings in the event of a service interruption.

(c) Fixed equipment: No person shall operate any fixed equipment installed on or attached to a building or structure, such as air-conditioning equipment, generator equipment, or any other type of mechanical equipment or apparatus, that exceeds fifty-five (55) decibels as measured on the “A” weighted scale of a sound level meter (SLM) at a distance of fifteen (15) feet or the nearest property line, whichever is closer to the equipment. If, as a result of testing, the equipment noise exceeds the prescribed levels, sound attenuation may be required. Fixed equipment shall only operate as needed to support the intended function and shall otherwise be powered off.

Noise from fixed emergency generators installed to operate the life safety systems (e.g. smoke/fire alarms, elevators, smoke purge systems, emergency lighting, etc.) associated with a building shall not exceed a sound level of sixty-five (65) decibels as measured on the “A” weighted scale of the sound level meter (SLM) at a distance of fifteen (15) feet or the nearest property line, whichever is closer to the equipment. If, as a result of testing, the equipment noise exceeds the prescribed levels, sound attenuation may be required. Fixed equipment shall only operate as needed to support the intended function and shall otherwise be powered off.

Emergency generator equipment shall only be permitted to be exercised between the hours of 11:00 a.m. and 5:00 p.m. on any day of the week, except with the permission of the Commissioner of Building.

(d) Landscape maintenance equipment:

(1) Operating Hours: No person shall operate any landscape maintenance equipment, such as lawn mowers, chain saws and trimmers, between the hours of 6:00 p.m. and 8:00 a.m. on weekdays, and between the hours of 6:00 p.m. and 10:00 a.m. on Saturday, Sundays and holidays.

(2) Combustion powered equipment:

- a. No person shall operate any gasoline internal combustion engine powered landscape maintenance equipment, such as lawn mowers, chain saws and trimmers, without factory installed noise reduction equipment in good working condition.
- b. No person shall operate any gasoline internal combustion engine powered landscape maintenance equipment such as lawn mowers, chain saws and trimmers that produce a sound level exceeding eighty-five (85) decibels on the "A" weighted scale at a distance of fifty (50) feet.
- c. All the aforementioned restrictions and prohibitions may be temporarily suspended by the Mayor in the event of an extreme weather event or other emergency to allow the use of combustion powered landscape maintenance equipment for debris clean up.

(e) Leaf blowers:

(1) Internal combustion leaf blowers:

- a. No person shall operate an internal combustion leaf blower after May 14, 2023.
- b. Prior their absolute prohibition after May 14, 2023, the operation of internal combustion leaf blowers is restricted as follows:
 1. Internal combustion leaf blower may only be used during the periods March 15 through May 14 and October 15 through December 15.
 2. The simultaneous operation of more than one internal combustion leaf blower on property of five thousand (5,000) square feet or less in area is prohibited.

(2) Operating Hours: No person shall operate any leaf blower between the hours of 6:00 p.m. and 8:00 a.m. on weekdays, and between the hours of 6:00 p.m. and 10:00 a.m. on Saturday, Sundays and holidays.

(3) All the aforementioned restrictions and prohibitions may be temporarily suspended by the Mayor in the event of an extreme weather event or other emergency to allow the use of leaf blowers for debris clean up.

Sec. 3-4-6. Exemptions.

The chapter shall not be construed to prohibit:

- (a) The use of a sound production device for the purpose of reporting unusual national, state or municipal events, or unusual sporting or other events of great public interest, during reasonable time and hours, in connection with events such as presidential or gubernatorial elections, inaugurations or similar events of great public interest; nor
- (b) The necessary warning sounds of police, fire, civil defense, or ambulance vehicles or other emergency warnings by public authorities; nor
- (c) The use or operation of any organ, radio, bell, chimes or other similar instrument, apparatus or device by any house of worship or school on or within its own premises, in connection with religious rites or ceremonies of such church or synagogue or in connection with schools' educational program.

Sec. 3-4-7. Persons Responsible for Noise Violations.

Any or all of the following persons may be held responsible for noise violations:

- (a) The person operating the equipment or creating the noise;
- (b) The person who employs the person operating the equipment or creating the noise at the time of the violation;
- (c) The person who owns or rents the property where the violation occurs;
- (d) A sponsor or promoter who is managing entertainment, music, or a social gathering who is not the owner of the property, where the gathering is occurring.

Sec. 3-4-8. Enforcement.

The provisions of this chapter may be enforced by a City of White Plains Building Code Enforcement Officer, Police Officer, Parking Enforcement Officer, or Public Works Code Enforcement Officer.

Sec. 3-4-9. Penalty.

Any person who violates any provision of this section shall be deemed guilty of an offense, and upon conviction thereof shall be fined not exceeding two hundred fifty dollars (\$250.00) for a first offense; not exceeding five hundred dollars (\$500.00) for a second offense within one year of the first offense; and not exceeding one thousand dollars (\$1,000.00) for a third and each successive offense thereafter within one year of the first offense, or may be imprisoned for not more than fifteen (15) days, or both.

(Secs. 3-4-10 – 30 Reserved)

ARTICLE II. Permits for Sound Devices

Sec. 3-4-31. Permits Required.

It shall be unlawful for any person to use or operate any sound device or apparatus in, on, near or adjacent to any public street, park or place without a permit issued by the commissioner of public safety.

Sec. 3-4-32. Application.

Each applicant for a permit to use or operate a sound device or apparatus in, near or adjacent to any public street, public park or place shall file a written application with the commissioner of public safety at least two (2) days prior to the date upon which such sound device or apparatus is to be used or operated. Such application shall describe the specific location or route in which such sound device or apparatus is proposed to be used or operated, the day and hour or hours during which it is proposed to be used or operated and such other pertinent information as said commissioner may deem necessary to enable him to carry out the provisions of this division.

Sec. 3-4-33. Issuance.

The commissioner of public safety shall not deny a permit required herein for any specific time, location or use to any applicant who complies with the provisions of this section except for one or more of the reasons specified in section 3-4-34 of this Code or for nonpayment of the fee prescribed in section 3-4-35 of this Code. Each permit issued pursuant to this division shall describe the specific location or route in which such sound device or apparatus may be used or operated thereunder and the exact period of time for which such apparatus or device may be operated at such location.

Sec. 3-4-34. Denial.

The commissioner of public safety shall not issue any permit for the use of a sound device or apparatus:

- (1) In any location where the commissioner of public safety, upon investigation, shall determine that the conditions of the vehicular or pedestrian traffic or both are such that the use of such a sound device or apparatus will constitute a threat to or interfere with the safety of pedestrians or vehicular operators;
- (2) In any location where the commissioner of public safety, upon investigation, shall determine that conditions of overcrowding or street repair or other physical conditions are such that the use of a sound device or apparatus will deprive the public of the right to safe, comfortable, convenient and peaceful enjoyment of any public street, park or place, for street, park or other public purposes, or will constitute a threat to or interfere with the

safety of pedestrians or vehicle operators. In the event the commissioner of public safety shall refuse any location, he shall offer the applicant an alternative location.

Sec. 3-4-35. Fee.

Each application for a permit issued under the provisions of this division shall pay a fee of fifty dollars (\$50.00) for use of each sound device or apparatus for each day, provided, however, that permits for the use of such sound device or apparatus shall be issued to any bureau, commission, board or department of the United States government, the state, the county, the city, the city school district, the White Plains Housing Authority, the White Plains Park Authority and the White Plains Urban Renewal Agency, without fee.

Sec. 3-4-36. Compliance with permit.

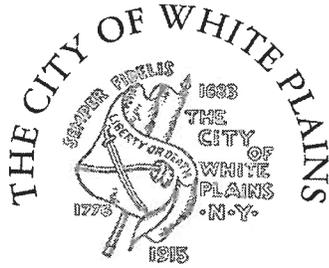
A person holding a permit issued pursuant to this article shall comply with the location and route restrictions set forth in the permit.

Sec. 3-4-37. Possession and display.

A permit issued pursuant to this division shall be in the possession of any person operating the sound amplifying equipment and/or sound truck at all times while the amplifying equipment is in operation and said permit shall be promptly displayed and shown to any police officer of the city upon request.

Sec. 3-4-38. Effective date.

This act shall take effect immediately.



DEPARTMENT OF PUBLIC WORKS

MUNICIPAL BUILDING • 255 MAIN STREET • WHITE PLAINS, NEW YORK 10601
(914) 422-1206 • FAX: (914) 422-1469

THOMAS M. ROACH
MAYOR

RICHARD G. HOPE
COMMISSIONER

UDOMLUG SIRIPHONLAI, P.E.
DEPUTY COMMISSIONER

STEFANIA A. MIGNONE
DEPUTY COMMISSIONER

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

We have received a proposal from the County of Westchester's Department of Public Works and Transportation to enter into an Inter Municipal Agreement between the parties to operate, maintain and provide advertising on bus shelters at various locations through the City of White Plains.

The Agreement is for the term of five (5) years, with a commencement date of July 1, 2021 and termination of June 30, 2026. The schedule attached to the proposed agreement enumerates the forty two (42) locations in the city where these shelters have been erected in the City. Furthermore, the participating municipalities will share revenue produced by the shelters in their particular municipality on a 50/50 basis.

In addition, this agreement requires the County to be responsible for the cleaning and all maintenance of the shelters, including snow and ice removal. The above several provisions constitute the most significant provisions of this proposed agreement.

The City is protected from liability based on a hold harmless clause in the subject agreement.

Submitted herewith for your consideration is an ordinance authorizing the Mayor to direct the Commissioner of Public Works to execute the proposed contract on behalf of the City, subject to the approval as to form, from the Corporation Counsel.

Respectfully submitted,

Richard G. Hope
Commissioner of Public Works

Dated: January 24, 2022

**AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF
WHITE PLAINS AUTHORIZING THE CITY TO ENTER INTO AN
INTER MUNICIPAL AGREEMENT WITH THE COUNTY OF
WESTCHESTER TO PROVIDE AND MAINTAIN BUS SHELTERS**

WHEREAS, the County of Westchester (the “County”) offered to provide and maintain bus shelters at various locations throughout the City of White Plains (the “City”) at no cost to the City; and

WHEREAS, the County has entered into a license agreement with a private franchisee (the “Licensee”) to operate and maintain the bus shelters as well as provide advertising; and

WHEREAS, the County is seeking to enter into a 5 year inter municipal agreement (“IMA”) with the City for the operation and maintenance of the bus shelters, which agreement provides that the City will be held harmless and indemnified against all claims, suits and actions arising from the construction and maintenance of the bus shelters.

Now, therefore be it ordained by the Common Council as follows.

Section 1. The Mayor is authorized direct the Commissioner of Public Works to execute an IMA on behalf of the City, which shall provide:

- A. The Licensee is authorized to provide and maintain bus shelters at designated locations within the City of White Plains.
- B. The term of the IMA shall be five years from July 1, 2021 through and including June 30, 2026.
- C. The City agrees that it will not enter into any other bus shelter advertising programs.
- D. The City shall be held harmless by the Licensee from all claims, suits and actions arising from the construction and maintenance of the shelters.
- E. The City shall receive 50 percent of the revenue provided to the County from the Licensee determined by the ratio of the number of shelters operated by the Licensee and producing revenue in the City

Section 2. The aforementioned IMA and all required related documents shall be in a form or forms as approved by the Corporation Counsel of the City of White Plains.

Section 3. This ordinance shall take effect immediately.

THOMAS M. ROACH
MAYOR



WHITE PLAINS YOUTH BUREAU

FRANK WILLIAMS, JR.
EXECUTIVE DIRECTOR

BHAVANA PAHWA, PhD
DEPUTY DIRECTOR

January 24, 2022

TO THE HONORABLE MAYOR AND MEMBERS OF THE COMMON COUNCIL:

New York State Office of Addiction Services and Supports (OASAS) has provided Prevention Infrastructure funding to support Addiction Prevention Services to Prevention Providers Negatively Impacted by the COVID -19 Pandemic and allow them to Expand Evidence-Based Practices. Providers are allowed to use these awards either as start-up funding to create new services, or support continued delivery of existing services and update programs. It can also be used to upgrade IT systems and video conferencing platforms. The White Plains Youth Bureau is awarded Thirty-Four Thousand Nine Hundred Seven dollars (\$34,907) The grant period is March 15, 2021 to March 14, 2023.

I am requesting that the Mayor be authorized to receive this grant. It is also requested that the Mayor authorize the Budget Director to increase the estimated revenue and appropriations and amend the Fiscal Year 2021/22 Youth Development Fund as follows:

Increase Estimated Revenue:

OASTB - 02266	NYS OASAS	<u>\$34,907</u>
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Increase Appropriations:

OASPI - 1.800	Part time Salary	\$13,060
OASPI - 2.001	FICA	\$999
OASPI - 2.020	MTA Payroll Tax	\$45
OASPI - 2.101	Emp. Pension	\$703
OASPI - 4.910	Program Supplies	\$15,100
OASPI - 4.940	Contracted Services	\$5,000

Total **\$34,907**

Respectfully Submitted,

A handwritten signature in black ink, appearing to read 'Frank Williams, Jr.', written over a horizontal line.

Frank Williams, Jr.
Director Youth Bureau



25

**AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF
WHITE PLAINS AUTHORIZING THE CITY TO RECEIVE A \$34,907 GRANT
FROM OASAS FOR SERVICES RELATING TO THE COVID 19 PANDEMIC.**

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 a \$34,907 grant from the Office of Addiction Services and Support (OASAS) to support Addition Prevention Services by expanding evidence based practices, creating new services, updating programs and upgrading IT systems and video conferencing platforms. The period of the grant is March 15, 2021 through March 14, 2023. The Mayor, or his designee, is authorized to execute on behalf of the City, any and all contracts and documents in connection with said grant. Any such contracts and documents 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 2022/23 Youth Development Fund as follows:

Increase Estimated Revenue:

OASTB-02266	NYS OASAS	<u>\$ 34,907</u>
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Increase Appropriations:

OASTB-1.800	Part time Salary	\$ 13,060
OASTB-2.001	FICA	999
OASTB-2.020	MTA Payroll Tax	45
OASTB-2.101	Employee Pension	703
OASTB-4.910	Program Supplies	15,100
OASTB-4.940	Contracted Services	<u>5,000</u>
		<u>\$34,907</u>

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

Section 4. This ordinance shall take effect as of February 7, 2022.

THOMAS M. ROACH
MAYOR



FRANK WILLIAMS, JR.
EXECUTIVE DIRECTOR

BHAVANA PAHWA, PhD
DEPUTY DIRECTOR

January 18, 2022

TO THE HONORABLE MAYOR AND MEMBERS OF THE COMMON COUNCIL:

The White Plains Youth Bureau would like to enter into a contract with Bushido School of Karate, Inc. to provide Karate classes for the youth Bureau's Healthy & Fit for Life program. Bushido School of Karate Inc. will provide 4 Karate classes per week from February 9, 2022 to December 14, 2022 for a total of 88 classes. Each class will be of 40 minutes' duration and will be charged at the rate of \$150 per class. The compensation for the performance of all such services shall not exceed Thirteen Thousand Two Hundred dollars (\$13,200). I am requesting that the Mayor or his designee be authorized to enter into a contract with Bushido School of Karate, Inc. to provide these services.

Respectfully Submitted,

A handwritten signature in blue ink that reads 'Frank Williams, Jr.'.

Frank Williams, Jr.
Director Youth Bureau



**ORDINANCE OF THE COMMON COUNCIL OF THE CITY
OF WHITE PLAINS AUTHORIZING AN AGREEMENT
BETWEEN THE CITY AND BUSHIDO SCHOOL OF
KARATE, INC. TO PROVIDE KARATE CLASSES**

Section 1. The Mayor or his designee is hereby authorized to execute an agreement between the City and Bushido School of Karate, Inc., said agreement to provide that Bushido:

- A. will provide instruction for 4 karate classes per week for a total of 88 classes at the Youth Bureau's premises;
- B. will provide the services from February 9, 2022 through December 14, 2022; and
- C. will be compensated at the rate of \$150 per class for total amount not to exceed of \$13,200.

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

Section 3. This ordinance shall take effect immediately.

THOMAS M. ROACH
MAYOR



FRANK WILLIAMS, JR.
EXECUTIVE DIRECTOR

BHAVANA PAHWA, PhD
DEPUTY DIRECTOR

January 20, 2022

TO THE HONORABLE MAYOR AND MEMBERS OF THE COMMON COUNCIL:

On March 1st 2021, the Common Council enacted an ordinance accepting a grant of Twelve Thousand dollars (\$12,000) from The Friends of the White Plains Youth Bureau, an award received from The Door/Gap Foundation, *This Way Ahead Program* to administer the *This Way Ahead - New York* youth employment initiative in Westchester during the period January 1, 2021 to December 31, 2021.

The Friends of the White Plains Youth Bureau would like to extend the grant period from December 31, 2021 to June 30, 2022 without changes to the outcome of the grant and the funding amount.

I am requesting that the Mayor be authorized to extend the period of this grant without any changes to the original funding amount of Twelve Thousand dollars (\$12,000).

Respectfully submitted,

A handwritten signature in blue ink, appearing to read 'Frank Williams, Jr.', written over the typed name.

Frank Williams, Jr
Director Youth Bureau



AN ORDINANCE AUTHORIZING THE MAYOR TO ACCEPT AN EXTENSION TO JUNE 30, 2022 OF A GRANT AWARD TO ADMINISTER THE THIS WAY AHEAD – NEW YORK YOUTH EMPLOYMENT INITIATIVE

WHEREAS, on March 1, 2021 the Common Council approved an ordinance authorizing the Mayor to accept a grant from the Friends of the White Plains Youth Bureau in an amount of \$12,000 to administer the This Way Ahead – New York Youth Employment Initiative to recruit, train and place youth in stores in Westchester County for the period of January 1, 2021 to December 31, 2021; and

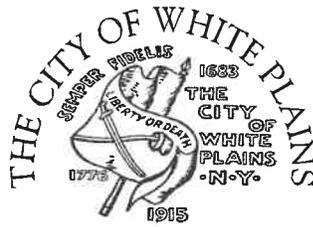
WHEREAS, the Friends of the White Plains Youth Bureau has extended the period of the grant to June 30, 2022 without changing the scope or funding amount of the grant.

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

Section 1. The Mayor is authorized to accept the extension to June 30, 2022 of a grant from the Friends of the White Plains Youth Bureau in an amount of \$12,000 to administer the This Way Ahead – New York Youth Employment Initiative.

Section 2. This ordinance shall take effect immediately.

THOMAS M. ROACH
MAYOR



WAYNE D. BASS
COMMISSIONER

FRAN CROUGHAN
DEPUTY COMMISSIONER

DEPARTMENT OF RECREATION AND PARKS
85 GEDNEY WAY
WHITE PLAINS, NEW YORK 10605

(914) 422-1336 Phone
(914) 422-1250 Fax

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

**RE: Department of Recreation and Parks
Acceptance of \$500,000 DASNY Grant**

The City of White Plains has been awarded a \$500,000 State and Municipal Facilities Program (SAM) grant from the Dormitory Authority of the State of New York (DASNY) to fund improvements to Delfino Park. The improvements to the park include the construction of a new covered pavilion/picnic area and the rehabilitation of the basketball courts. The grant funding requires that the City enter into a funding agreement with DASNY. The funding expires three years after the signing of the funding agreement by DASNY.

I respectfully request that the Common Council approve an ordinance authorizing the execution of the funding agreement.

Wayne Bass

Wayne Bass, Commissioner
Recreation and Parks

Date: January 27, 2022

**AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF
WHITE PLAINS AUTHORIZING AN AGREEMENT TO ACCEPT A \$500,000
DASNY GRANT TO FUND IMPROVEMENTS TO DELFINO PARK**

WHEREAS, the City of White Plains has been awarded a \$500,000 State and Municipal Facilities Program (SAM) grant from the Dormitory Authority of the State of New York (DASNY) to fund improvements to Delfino Park; and

WHEREAS, the improvements will include the construction of a new covered pavilion/picnic area and the rehabilitation of the basketball courts; and

WHEREAS, the grant funding requires that the City enter into a funding agreement with DASNY, the term of which expires three years after the execution of the agreement by DASNY.

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 authorized to execute on behalf of the City an agreement with DASNY and all required documents so that the City may receive the aforementioned grant funds.

Section 2. The agreement may provide that the City shall hold harmless and indemnify New York State and DASNY from claims and liability in connection with the agreement. The agreement and all required documents relating to the grant shall be in a form approved by the Corporation Counsel.

Section 3. This ordinance shall take effect immediately.

THOMAS M. ROACH
MAYOR



WAYNE D. BASS
COMMISSIONER

FRAN CROUGHAN
DEPUTY COMMISSIONER

DEPARTMENT OF RECREATION AND PARKS
85 GEDNEY WAY
WHITE PLAINS, NEW YORK 10605

(914) 422-1336 Phone
(914) 422-1250 Fax

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

RE: Department of Recreation and Parks
Proposed Schedule of Fees to be Effective March 1, 2022

Staff of the Department of Recreation and Parks have carefully reviewed and evaluated each and every program fee and have recommended a new fee schedule to be effective on March 1, 2022. The Recreation Advisory Committee has reviewed the new program fees and recommends the attached Proposed Schedule of Fees listed on the attached ordinance.

I, therefore, respectfully request that the Common Council approve the Schedule of Fees for the Department of Recreation and Parks to take effect March 1, 2022 as set forth on the attached ordinance.

Wayne Bass

Wayne Bass, Commissioner
Recreation and Parks

Date: January 23, 2022

AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF WHITE PLAINS ESTABLISHING AND APPROVING A SCHEDULE OF USER FEES FOR THE DEPARTMENT OF RECREATION AND PARKS EFFECTIVE MARCH 1, 2022.

WHEREAS, the Commissioner of Recreation and Parks has recommended a revised Schedule of Recreation and Parks User Fees for the various programs organized and operated by the Department of Recreation and Parks; and

WHEREAS, the total amount of User Fees estimated to be received by the Department of Recreation and Parks is based on the proposed fee schedule.

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

Section 1. The Common Council hereby establishes and approves the Schedule of Recreation and Parks User Fees, which is attached hereto and made a part hereof, for the various programs organized and operated by the Department of Recreation and Parks, such fees to effective March 1, 2022.

Section 2. The Schedule of Recreation and Parks User Fees shall be filed with the City Clerk.

Section 3. This ordinance shall take effect on March 1, 2022.

WHITE PLAINS RECREATION & PARKS PROPOSED FEE EFFECTIVE March 1 2022/2023						
	Date Fee Was Last Amended	Prior Year 2020/21	Current 2021/22	Proposed Fees 2022/23	Projected Revenue	+/-
Field Permits (per hour)						
<i>Delfino and Gillie</i>						
Resident Adult	2018/19	\$ 110.00	\$ 110.00	\$ 110.00	\$ 30,000.00	\$ 10,000.00
Non-Resident Adult	2020/21	\$ 150.00	\$ 150.00	\$ 150.00	\$ 3,750.00	
Youth	2015/16	\$ 50.00	\$ 50.00	\$ 50.00	\$ 1,500.00	
Secondary Fields (Gardella & Battle Hill)						
Resident Adult	2018/19	\$ 70.00	\$ 70.00	\$ 70.00	\$ 3,200.00	
Non-Resident Adult		\$ 100.00	\$ 100.00	\$ 100.00	\$ 1,500.00	
Youth	2015/16	\$ 40.00	\$ 40.00	\$ 40.00	\$ 800.00	
All Fields						
Field Lights (per hour)	2021/2022	\$ 65.00	\$ 70.00	\$ 70.00	\$ 2,200.00	
Flag Raising (1 hour max) Weekdays	NEW			\$ 250.00	\$ 2,000.00	\$ 2,000.00
Flag Raising (1 hour max) Weekend	NEW			\$ 500.00	\$ 1,000.00	\$ 1,000.00
Platform Tennis /Pickleball						
Season Passes						
Youth/Senior Citizen	2018/19	\$ 80.00	\$ 80.00	\$ 80.00	\$ 2,400.00	\$ 400.00
Resident Adult	2018/19	\$ 110.00	\$ 110.00	\$ 110.00	\$ 330.00	
Non-Resident	2010/11	\$ 200.00	\$ 200.00	\$ 200.00	\$ 200.00	
Hourly Fees Courts	2017/18	\$ 25.00	\$ 25.00	\$ 25.00	\$ 500.00	
Combo Tennis/ Platform Senior Resident	2020/21	\$ 160.00	\$ 160.00	\$ 175.00	\$ 1,750.00	\$ 1,270.00
Combo Platform/ Pickle Senior Resident	2020/21	\$ 110.00	\$ 110.00	\$ 135.00	\$ 810.00	\$ 150.00
Tennis						
Season Passes						
Youth	2018/19	\$ 60.00	\$ 80.00	\$ 90.00	\$ 1,800.00	\$ 270.00
Senior Citizen	2020/21	\$ 120.00	\$ 120.00	\$ 130.00	\$ 21,710.00	\$ 3,210.00

WHITE PLAINS RECREATION & PARKS PROPOSED FEE EFFECTIVE March 1 2022/2023						
	Date Fee Was Last Amended	Prior Year 2020/21	Current 2021/22	Proposed Fees 2022/23	Projected Revenue	+/-
Resident Adult	2020/21	\$ 140.00	\$ 140.00	\$ 150.00	\$ 11,250.00	\$ 450.00
Non-Resident Adult	2020/21	\$ 300.00	\$ 300.00	\$ 300.00	\$ 1,500.00	
Daily Fee Paid per session						
Youth/Senior Citizen	2015/16	\$ 10.00	\$ 10.00	\$ 10.00	\$ 7,500.00	\$ 2,500.00
Adult	2015/16	\$ 13.00	\$ 13.00	\$ 13.00	\$ 7,500.00	\$ 2,500.00
Guest Coupons (5 plays)	2015/16	\$ 60.00	\$ 60.00	\$ 60.00	\$ 6,000.00	\$ 1,000.00
Instruction 1 Hour						
Youth (4 Sessions)	2021	\$ 100.00	\$ 110.00	\$ 110.00	\$ 8,800.00	\$ 6,050.00
Adult (4 Sessions)	2021	\$ 135.00	\$ 145.00	\$ 145.00	\$ 5,075.00	\$ 2,175.00
Tennis Court Rentals (Per Court/hourly)	NEW			\$ 25.00	3,000.00	\$ 3,000.00
Ice Skating						
Session Entry Fees						
Youth	2015/16	\$ 8.00	\$ 8.00	\$ 9.00	\$ 54,900.00	\$ 24,900.00
Senior Citizen	2011/12	\$ 5.00	\$ 5.00	\$ 6.00	\$ 1,072.00	\$ 572.00
Adult	2015/16	\$ 10.00	\$ 10.00	\$ 11.00	\$ 16,500.00	\$ 1,500.00
Group	2015/16	\$ 6.00	\$ 6.00	\$ 7.00	\$ 4,200.00	\$ 1,800.00
Adult Coupons (10 entries)	2015/16	\$ 90.00	\$ 90.00	\$ 90.00	\$ 1,900.00	\$ 100.00
Youth Coupons (10 entries)	2015/16	\$ 70.00	\$ 70.00	\$ 70.00	\$ 1,500.00	\$ 100.00
Skate Rentals	2012/13	\$ 5.00	\$ 5.00	\$ 5.00	\$ 32,000.00	\$ 12,000.00
Skate Sharpening	2015/16	\$ 10.00	\$ 10.00	\$ 10.00	\$ 1,000.00	
Party Room Rental (2 Hours) No Skating	2012/13	\$ 200.00	\$ 200.00	\$ 200.00	\$ 0.00	
Instruction						
Resident 6 Weeks	2011/12	\$ 120.00	\$ 130.00	\$ 0.00	\$ 0.00	-\$ 65,000.00
Resident Instruction 8 Weeks	NEW			\$ 175.00	\$ 49,000.00	\$ 49,000.00
Non Resident Intruction Fee 8 Weeks	NEW			\$ 200	16,000	\$ 16,000.00

WHITE PLAINS RECREATION & PARKS PROPOSED FEE EFFECTIVE March 1 2022/2023						+/-
	Date Fee Was Last Amended	Prior Year 2020/21	Current 2021/22	Proposed Fees 2022/23	Projected Revenue	
Hourly Rink Rentals						
Resident	2017/18	\$ 300.00	\$ 300.00	\$ 300.00	\$ 23,000.00	\$ 9,000.00
Non-Resident	2017/18	\$ 350.00	\$ 350.00	\$ 350.00	\$ 25,000.00	\$ 12,000.00
Miscellaneous						
Locker Rental (per use)	2012/13	\$ 0.25	\$ 0.25	\$ 0.25	\$ 100.00	
Ebersole Food Concession	2017/18	\$ 3,500.00	\$ 3,750.00	\$ 3,750.00	\$ 3,750.00	
Summer Day Camp						
Camp Q and Camp P (3 Weeks)	2021/22	\$ 215.00	\$ 220.00	\$ 700.00	\$ 115,000.00	\$ 82,000.00
Camp Q and Camp P (6 weeks)	2021/22	\$ 1,070.00	\$ 1,100.00	\$ 1,200.00	\$ 288,000.00	\$ 24,000.00
Teen Camp (3 weeks)	2021/22	\$ 485.00	\$ 500.00	\$ 850.00	\$ 25,500.00	\$ 10,500.00
Teen Camp (6 weeks)	2021/22	\$ 1,325.00	\$ 1,350.00	\$ 1,600.00	\$ 120,000.00	\$ 18,750.00
Early Morning Weekly	2013/14'	\$ 30.00	\$ 30.00	\$ 30.00	\$ 5,400.00	\$ 1,800.00
Extended Day to 5:30 Weekly	2017/18	\$ 75.00	\$ 75.00	\$ 75.00	\$ 30,000.00	\$ 10,125.00
In the Prior years Fees for Camp Q & Camp P were for weekly or 6 weeks						
Currently camp fees are for 3 weeks or 6 weeks.						
In prior years Teen camp was for 2 weeks or 6 weeks.						
Currently Teen camp fees are for 3 weeks or 6 weeks.						
Pools						
Passes						
Youth	2021/2022	\$ 20.00	\$ 25.00	\$ 25.00	\$ 11,875.00	
Adult	2021/2022	\$ 30.00	\$ 35.00	\$ 35.00	\$ 14,000.00	
Senior	2021/2022	\$ 20.00	\$ 25.00	\$ 25.00	\$ 1,875.00	
Guest Pass	2021/2022	\$ 7.00	\$ 8.00	\$ 8.00	\$ 2,400.00	
Swimming Instruction						
Youth - Indoor	2021/2022	\$ 105.00	\$ 110.00	\$ 110.00	\$ 45,000.00	
Youth - Outdoor	2020/21	\$ 40.00	\$ 40.00	\$ 40.00	\$ 2,500.00	
Swim Team Prep	2017/18	\$ 125.00	\$ 125.00	\$ 135.00	\$ 2,500.00	

WHITE PLAINS RECREATION & PARKS PROPOSED FEE EFFECTIVE March 1 2022/2023						
	Date Fee Was Last Amended	Prior Year 2020/21	Current 2021/22	Proposed Fees 2022/23	Projected Revenue	+/-
<u>Youth Sports</u>						
Summer Youth Basketball	2015/16	\$ 25.00	\$ 30.00	\$ 30.00	\$ 3,750.00	
Summer HS Basketball Individual Fee	2011/12	\$ 25.00	\$ 30.00	\$ 30.00	\$ 2,880.00	
Resident 6 Weeks Soccer	2020/21	\$85.00	\$85.00	\$85.00	\$ 35,000.00	
Resident 8 Weeks Basketball	2021/2022	\$90.00	\$95.00	\$95.00	\$ 34,000.00	\$ 7,500.00
Travel Basketball	2021/2022	\$300.00	\$350.00	\$350.00	\$ 24,500.00	\$ 12,500.00
<u>Youth Sports Camps</u>						
Resident 1/2 Day Program	2015/16	\$ 110.00	\$ 110.00	\$ 110.00	\$ 7,720.00	\$ 4,970.00
Resident Full Day Program	2013/14'	\$ 200.00	\$ 200.00	\$ 200.00	\$ 0.00	
Partner Programs	2015/16	25% Fee	25% Fee	25% Fee	\$35,000.00	
<u>Basketball (per team) Winter</u>						
Men's	2018/19	\$ 1,000.00	\$ 1,000.00	\$ 1,000.00	\$ 8,000.00	-\$ 2,000.00
Men's Summer	2021/2022	\$ 750.00	\$ 800.00	\$ 800.00	\$8,000.00	
<u>Hockey (per person)</u>						
Tournament Bound	2018/19	\$ 125.00	\$ 125.00	\$ 125.00	\$ 4,500.00	
Resident	2020/21	\$1,000.00	\$1,000.00	\$1,050.00	\$ 45,000.00	\$ 2,000.00
Non-Resident	2020/21	\$ 1,925.00	\$ 1,925.00	\$ 2,000.00	\$ 77,000.00	
Mini/Mites	2020/21	\$900.00	\$900.00	\$950.00	\$27,000.00	
Tryouts	2018/19	\$ 85.00	\$ 85.00	\$ 85.00	\$ 14,000.00	
Midgets	2021/22	\$ 700.00	\$ 750.00	\$ 775.00	\$ 2,800.00	
Midgets Non-Resident	2021/22	\$ 1,000.00	\$ 1,050.00	\$ 1,100.00	\$ 14,000.00	
Learn to Play 6 Weeks-Partner Program	2015/16	\$ 0.00	\$ 0.00	\$ 0.00	\$ 25,000.00	
Open Adult Hockey	2015/16	\$10.00	\$10.00	\$15.00	\$ 1,800.00	\$ 1,800.00

WHITE PLAINS RECREATION & PARKS PROPOSED FEE EFFECTIVE March 1 2022/2023									
	Date Fee Was Last Amended	Prior Year 2020/21	Current 2021/22	Proposed Fees 2022/23	Projected Revenue				+/-
Softball (per team)									
Men's									
Resident	2019/20	\$ 1,400.00	\$ 1,400.00	\$ 1,400.00	\$ 47,600.00				-\$ 7,000.00
Co-Ed									
Resident	2014/15	\$ 1,400.00	\$ 1,400.00	\$ 1,400.00	\$ 33,600.00				
Fall Softball	2017/18	\$ 825.00	\$ 825.00	\$ 825.00	\$ 24,750.00				\$ 8,250.00
Special Interest Program (per 45 minute session)									
Resident Youth	2011/12	\$ 8.00	\$ 8.00	\$ 8.00	\$ 50,000.00				\$ 30,000.00
Resident Adult	2011/12	\$ 13.00	\$ 13.00	\$ 13.00	\$ 9,500.00				\$ 3,500.00
Miscellaneous									
Teen Program	2016/17	\$ 10.00	\$ 10.00	\$ 10.00	\$ 5,000.00				
Pre-School	2017/18	\$ 100.00	\$ 100.00	\$ 100.00	\$ 15,000.00				
Gymnastics 6 Sessions	2014/15	\$ 95.00	\$ 95.00	\$ 95.00	\$ 0.00				
Recreation Room Rental (per hour)	2010/11	\$ 75.00	\$ 75.00	\$ 75.00	\$ 0.00				
Community Center Room Rental (3 hrs min)	2017/18	\$ 100.00	\$ 100.00	\$ 100.00	\$ 0.00				
Community Gardens Fees	2016/17	\$ 50.00	\$ 50.00	\$ 50.00	\$ 4,000.00				
Out of Season Ebersole Park	2016/17	\$ 75.00	\$ 75.00	\$ 75.00	\$ 0.00				
Not for Profit Facility									
Field Rental Per Event 4 Hours Max	2012/13	\$ 100.00	\$ 100.00	\$ 100.00	\$ 600.00				
Campout	2017/18	\$ 60.00	\$ 60.00	\$ 60.00	\$ 0.00				
Dance Classes 12 Sessions	2017/18	\$ 145.00	\$ 145.00	\$ 145.00	\$ 24,650.00				\$ 8,450.00
Tennis Concession	2021/22	\$ 12,058.00	\$ 12,661.00	\$ 13,294.00	\$ 159,528.00				\$ 7,590.00
Dog Park Annual									
Resident (Per Dog)	2018/19	\$ 25.00	\$ 25.00	\$ 25.00	\$ 2,500.00				\$ 750.00
Non Resident (Per Dog)	2018/19	\$ 50.00	\$ 50.00	\$ 50.00	\$ 1,250.00				

WHITE PLAINS RECREATION & PARKS PROPOSED FEE EFFECTIVE March 1 2022/2023						+/-
	Date Fee Was Last Amended	Prior Year 2020/21	Current 2021/22	Proposed Fees 2022/23	Projected Revenue	
Special Needs Programs						
Special Needs 4 Weeks	2020/21	\$ 40.00	\$ 40.00	\$ 40.00	\$ 8,000.00	
Friday Night Out (8 Sessions)	2020/21	\$ 80.00	\$ 80.00	\$ 80.00	\$ 4,000.00	
Senior Citizen Programs						
Transportation Contribution	2015/16	\$ 1.00	\$ 1.00	\$ 1.00	\$ 3,000.00	
Nutrition Contribution	2015/16	\$ 3.00	\$ 3.00	\$ 3.00	\$ 12,000.00	
6 Week Programs						
Resident	2017/18	\$ 28.00	\$ 28.00	\$ 28.00	\$ 3,000.00	
Non-Resident	2017/18	\$ 52.00	\$ 52.00	\$ 52.00	\$ 300.00	
8 Week Programs						
Resident	2017/18	\$ 35.00	\$ 35.00	\$ 35.00	\$ 3,000.00	
Non-Resident	2017/18	\$ 64.00	\$ 64.00	\$ 64.00	\$ 600.00	
Seasonal Resident Program Fee	2015/16	\$ 5.00	\$ 5.00	\$ 5.00	\$ 0.00	
Seasonal Non-Resident Program Fee	2015/16	\$ 55.00	\$ 55.00	\$ 55.00	\$ 0.00	
TOTAL PROJECTED REVENUE					\$ 1,801,875.00	\$ 323,432.00
Non Fee Based Revenue					\$ 168,150	
Total Department Projected Revenue					\$ 1,970,025	
Collected Revenues Actuals					1,780,592	
COVID MARCH 2020	2018/19				1,523,863	
COVID YEAR	2019/20				1,108,347	
Projected Revenue	2020/21				1,388,014	
	2021/22					

Thomas M. Roach
Mayor



Angela Sapienza, Esq.
Personnel Officer

Debra Clay
Deputy Personnel Officer

DEPARTMENT OF PERSONNEL
255 MAIN STREET * WHITE PLAINS, NEW YORK, 10601
Tel: (914) 422-1257 * Fax: (914) 422-6496 * www.cityofwhiteplains.com
"THE BIRTHPLACE OF THE STATE OF NEW YORK"

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

Dear Mayor and Council Members:

Your approval is requested for the Mayor, or his designee, to enter into a three year contract with Enterprise Training Solutions to provide New York State mandated training for all City employees (regular and hourly) on Anti-Sexual Harassment and Bullying/Violence in the Workplace Training, consistent with the City's Policy and compliance.

This vendor is approved on the New York State contract. The contract is for a term of three years, for a total cost of \$56,000, or \$18,800 per year. The first year of the contract has been budgeted for in the 2021/22 Personnel department budget.

Respectfully submitted,

Angela Sapienza
Personnel Officer

Dated for: February 7, 2022

**AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF WHITE PLAINS
AUTHORIZING THE MAYOR, OR HIS DESIGNEE, TO ENTER INTO A CONTRACT WITH
ENTERPRISE TRAINING SOLUTIONS TO PROVIDE ANTI-SEXUAL HARASSMENT AND
BULLYING/VIOLENCE IN THE WORKPLACE TRAINING TO CITY EMPLOYEES.**

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 enter into a contract on behalf of the City with Enterprise Training Solutions to provide anti-sexual harassment and bullying/violence in the workplace training to City employees.

Section 2. The contract period shall be three years beginning on the date the contract is fully executed and the compensation for the performance of such services shall not exceed 56,400 or \$18,800 per year.

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

Section 4. This ordinance shall take effect immediately.



Thomas M. Roach
Mayor

Angela Sapienza
Personnel Officer

Debra Clay
Deputy Personnel Officer

DEPARTMENT OF PERSONNEL
255 MAIN STREET * WHITE PLAINS, NEW YORK, 10601
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"THE BIRTHPLACE OF THE STATE OF NEW YORK"

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 2021-2022 Table of Organization:

Add a position of Police Sergeant (Grade P1) in the Department of Public Safety.

Abolish one vacant position of Police Officer (Grade PO) in the Department of Public Safety.

An ordinance amending the 2021-2022 Table of Organization is transmitted herewith for Council deliberation.

Respectfully submitted,


Angela Sapienza
Personnel Officer

Dated for: February 7, 2022

AN ORDINANCE AMENDING THE 2021-2022 TABLE OF ORGANIZATION BY ADDING AND ABOLISHING CERTAIN POSITIONS.

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

Section 1. The Table of Organization for the 2021-2022 Tax Budget is hereby amended by adding and abolishing the following positions:

ADD

<u>Department</u>	<u>Position Title</u>	<u>Salary Group</u>
Public Safety	Police Sergeant	Grade P1

ABOLISH

<u>Department</u>	<u>Position Title</u>	<u>Salary Group</u>
Public Safety	Police Officer	Grade PO

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

§3. This ordinance shall take effect February 7, 2022.



TRANSPORTATION COMMISSION
255 MAIN STREET - ANNEX BUILDING \$ WHITE PLAINS, NEW YORK 10601
(914) 4221232 \$ FAX: (914) 4221274

THOMAS M. ROACH
MAYOR

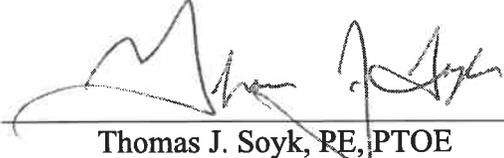
THOMAS J. SOYK, P.E., PTOE
DEPUTY COMMISSIONER

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

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

- 1.) Modify a "No Parking 10:00 AM To 11:00 AM, Monday Through Friday" on the east side of Smith Avenue as described in Section 224-c, Subdivision 11.

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



Thomas J. Soyk, PE, PTOE
Acting Chairman

Dated: January 20, 2022

AN ORDINANCE AMENDING THE TRAFFIC ORDINANCE OF THE CITY OF WHITE PLAINS IN RELATION TO MODIFYING A “NO PARKING 10:00 A.M. to 11:00 A.M. MONDAY THROUGH FRIDAY” ZONE ON THE EAST SIDE OF SMITH AVENUE FROM DAVIS AVENUE SOUTHERLY TO 27 SMITH AVENUE.

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

NO PARKING 10:00 A.M. to 11:00 A.M. MONDAY THROUGH FRIDAY

Section 1. Article II, Section 224-c of an ordinance adopted by the Common Council of the City of White Plains on the 3rd day of September 1946, entitled, “An Ordinance of the City of White Plains regulating traffic in the City of White Plains and providing penalties for the violations of its provisions,” as last amended on the 13nd day of September 2021, is hereby amended to read as follows:

11. Smith Avenue, both sides Davids Avenue and Linda Avenue and on the east side from Davis Avenue southerly to 27 Smith Avenue.

Section 2. This ordinance shall take effect immediately.



OFFICE OF THE CITY CLERK
MUNICIPAL BUILDING • 255 MAIN STREET • WHITE PLAINS, NY 10601
(914) 422-1227 • (914) 422-1330 Fax

Jill Iannetta
City Clerk/Registrar

Lisa McGee
Deputy Registrar

February 3, 2022

TO THE HONORABLE MAYOR AND MEMBERS OF THE COMMON COUNCIL:

Please be advised that the Westchester County Board of Elections has transmitted a certified copy of the original Statement of Canvass for the General Election held November 2, 2021, and the same is now filed in the Office of the Clerk.

It is requested that the copy of this original Statement of Canvass be filed and spread in full upon the minutes.

Respectfully Submitted,

Jill Iannetta
City Clerk



REGINALD A. LAFAYETTE
Commissioner
Fax 914-995-7753
JEANNIE L. PALAZOLA
Deputy Commissioner

25 Quarropas Street
White Plains, NY 10601
914-995-5700
www.westchestergov.com/boe

DOUGLAS A. COLETY
Commissioner
Fax 914-995-3190
DOROTHY L. DIPALO
Deputy Commissioner

December 3, 2021

Jill Iannetta, City Clerk
Municipal Bldg.
255 Main Street
White Plains, NY 10601

Dear Ms. Iannetta:

We are enclosing a copy of the Statement of Canvass as it pertains to the City of White Plains for the November 2, 2021 General Election.

Very truly yours,

REGINALD A. LAFAYETTE
Commissioner

DOUGLAS A. COLETY
Commissioner

tmn: enc



REGINALD A. LAFAYETTE
Commissioner
Fax 914-995-7753
JEANNIE L. PALAZOLA
Deputy Commissioner

25 Quarropas Street
White Plains, NY 10601
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DOUGLAS A. COLETY
Commissioner
Fax 914-995-3190
DOROTHY L. DIPALO
Deputy Commissioner

STATEMENT OF CANVASS
General Election
November 2, 2021

This document shall serve as the certified STATEMENT OF CANVASS of the Westchester County Board of Elections, in relation to votes cast at the General Election held on November 2, 2021.

The Westchester County Board of Elections, being custodian of election records, and after having met for the purpose of canvassing the votes cast at said election, DOES HEREBY CERTIFY THE ATTACHED, AS A SUMMARY OF SAID VOTES.

In Witness whereof, we have set our hands, and caused the seal of said Board of Elections to be affixed.

Sworn this date, December 3, 2021, in White Plains, New York.

Commissioner

Commissioner

Statement of the County Board of Canvassers of the County of *Westchester* in relation to the votes cast in the General Election, November 2, 2021

The County Board of Canvassers of the County of *Westchester* having met at the *Board of Elections, 25 Quarropas Street, White Plains, NY 10601* on *December 3, 2021* , to canvass the votes given in the several Election Districts of said County, at the General Election held on the Second day of November in the year aforesaid, do certify as follows:

That it appears on such canvass that the whole number of votes given for candidates for the office of *Mayor, City of White Plains*, was *Seven Thousand One Hundred Thirty-nine* of which the candidates named below received the number of votes set opposite their respective names:

Thomas M. Roach, Jr.	Democratic	received	7,040
		Blank & Void	2,141
		Scattering	99
		Total	9,280

We certify this statement to be correct, and have caused the same to be attested by the signature of the members of this Board, there being *two* members in said Board, this *3rd day of December 2021*.

<i>Reginald A. LaFayette</i>	
<i>Douglas A. Colety</i>	

Statement of the County Board of Canvassers of the County of Westchester in relation to the votes cast in the General Election, November 2, 2021

The County Board of Canvassers of the County of *Westchester* having met at the *Board of Elections, 25 Quarropas Street, White Plains, NY 10601* on *December 3, 2021*, to canvass the votes given in the several Election Districts of said County, at the General Election held on the Second day of November in the year aforesaid, do certify as follows:

That it appears on such canvass that the whole number of votes given for candidates for the office of *Councilmember, City of White Plains, (Vote for Three)* was *Twenty-one Thousand Three Hundred Nineteen* of which the candidates named below received the number of votes set opposite their respective names:

John M. Martin	Democratic	received	5,968
Justin C. Brasch	Democratic	received	6,212
Richard A. Payne	Democratic	received	5,978
Allan I. Grafman	Republican	received	2,850
Allan I. Grafman	Common Sense	received	259
		Blank & Void	6,521
		Scattering	52
		Total	27,840

We certify this statement to be correct, and have caused the same to be attested by the signature of the members of this Board, there being *two* members in said Board, this *3rd day of December 2021*.

<i>Reginald A. LaFayette</i>	
<i>Douglas A. Colety</i>	



DEPARTMENT OF LAW
MUNICIPAL BUILDING • 255 MAIN STREET • WHITE PLAINS, NEW YORK 10601

(914) 422-1241 • FAX (914) 422-1231

JOHN G. CALLAHAN
Corporation Counsel

DANIEL K. SPENCER
Deputy Corporation Counsel

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

By letter dated January 10, 2022, the Westchester County Industrial Development Agency sent notice to the Mayor of the City of White Plains, pursuant to Section 923-a of the General Municipal Law, which notice was received by the City on January 12, 2022, that the Westchester County Industrial Development Agency ("WCIDA") intended to issue sales tax and mortgage recording tax exemptions and a partial real property tax abatement to develop 212 multifamily residential units in two existing buildings, 149 units to be located in the 1 Lyon Place Building (also known as Section 125.84, Block 4, Lot 8.3) and 63 units in the 10 Lyon Place building (also known as Section 125.84, Block 5, Lot 2), for the benefit of Arthouse WP Developments, LLC ("the Applicant"), pursuant to an inducement resolution of the WCIDA dated December 8, 2021, with the Applicant. The WCIDA may only undertake a project if they provide thirty (30) days prior notice to the municipality within which the project is located and the legislative body fails to adopt and deliver a resolution objecting to the project to the WCIDA within those 30 days. Also attached to the notice as Schedule A is the proposed fixed assessment for the PILOT agreement for the project.

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

Nichols, Esq of Cuddy & Feder, LLP, Applicant's attorney, dated January 20, 2022, authorized by the Applicant.

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



John G. Callahan
Corporation Counsel

Dated: January 31, 2022

RESOLUTION OF NO OBJECTION TO WESTCHESTER COUNTY INDUSTRIAL DEVELOPMENT AGENCY'S ISSUANCE OF SALES TAX AND TAX EXEMPTIONS TO DEVELOP 212 MULTIFAMILY RESIDENTIAL UNITS IN TWO EXISTING BUILDINGS AT 1 AND 10 LYON PLACE FOR THE BENEFIT OF ARTHOUSE WP DEVELOPMENTS, LLC.

WHEREAS, by letter dated January 10, 2022, the Westchester County Industrial Development Agency sent notice to the Mayor of the City of White Plains, pursuant to Section 923-a of the General Municipal Law, which notice was received by the City on January 12, 2022, that the Westchester County Industrial Development Agency ("WCIDA") intended to issue sales tax and mortgage recording tax exemptions and a partial real property tax abatement to develop 212 multifamily residential units in two existing buildings, 149 units to be located in the 1 Lyon Place Building (also known as Section 125.84, Block 4, Lot 8.3) and 63 units in the 10 Lyon Place building (also known as Section 125.84, Block 5, Lot 2), for the benefit of Arthouse WP Developments, LLC ("the Applicant"), pursuant to an inducement resolution of the WCIDA dated December 8, 2021, with the Applicant; and

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

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

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

WHEREAS, the City is entitled to object to tax exemptions for a project which would cost the treasury of the City substantial money over several years; and

WHEREAS, the Applicant, through its attorney, in a letter dated January 20, 2022 and authorized by the Applicant, has agreed to pay to the City the amount of sales tax revenue which the City would have received without the exemption over an approximately twoyear period during construction: (1) \$300,000 within 9 months of the issuance of a building permit to construct the foundation; (2) \$400,000 within 21 months of the issuance of a building permit to construct the foundation; (3) a final payment representing the balance of the total amount of City sales tax benefit received during the project less the amount of the prior payments, within 45 days after the Applicant files its final report with the WCIDA of the total amount of the sales tax benefit received during construction of the project and has agreed that the City will receive the City's allocable share of the mortgage recording tax on the mortgage financing for the project, said payment to be due 30 days after the recording of any mortgage; and

WHEREAS, based upon the Applicant's agreement to pay the above-referenced items, the Common Council of the City of White Plains ("Common Council") hereby agrees that it will not object to the WCIDA project approved on December 8, 2021 and

WHEREAS, such failure to object to the aforesaid project pursuant to General Municipal Law §923-a in no way binds the Common Council to approve any approval needed for the aforesaid project to be submitted to the Common Council.

NOW, THEREFORE, BE IT RESOLVED, that, for the reasons stated above, the Common Council does hereby not object to the issuance of sales tax and mortgage recording tax exemptions and a partial real property tax abatement by the WCIDA to finance the development of a 212 multifamily residential units in two existing buildings, 149 units to be located in the 1 Lyon Place Building (also known as Section 125.84, Block 4, Lot 8.3) and 63 units in the 10 Lyon Place building (also known as Section 125.84, Block 5, Lot 2), for the benefit of Arthouse WP Developments, LLC ("the Applicant"), pursuant to an inducement resolution of the WCIDA dated December 8, 2021, with the Applicant.



148 MARTINE AVENUE
WHITE PLAINS, NY 10601
(914) 995-2900
westchestercatalyst.com

Joan McDonald, Chairperson

**Notice of the County of Westchester Industrial Development Agency in Accordance with
Section 923-a of the General Municipal Law Regarding a Proposed Project to be Located
in the City of White Plains**

January 10, 2022

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

Re: Arthouse WP Developments, LLC
1 Lyon Place and 10 Lyon Place
City of White Plains

Dear Mayor Roach:

This letter serves as notification under Section 923-a of the General Municipal Law, of a proposed project (the "Project") of the County of Westchester Industrial Development Agency (the "Agency") for the benefit of Arthouse WP Developments, LLC, a Delaware limited liability company (the "Company"), which will be located in the City of White Plains.

The Project shall consist of the Agency taking title, possession or control (by deed, lease, license or otherwise) of the land and improvements located at 1 Lyon Place and 10 Lyon Place, White Plains, New York (the "Project Property"); the lease, sublease, or installment sale of the Project Property back to the Company; and the construction, renovation, improving, maintaining and equipping upon the Project Property of 212 multifamily, residential rental units in 2 existing buildings (149 units will be located in the 1 Lyon Place building and 63 units in the 10 Lyon Place building), of which 6% of the units (13 units) shall be affordable at 60% AMI, and associated resident amenities (collectively, the "Facility"), all as more fully described in the application of the Company submitted to the Agency.

The Agency contemplates that the financial assistance to the Project will consist primarily of: (i) exemption from sales and use tax upon the materials, services, furnishings, fixtures and equipment to be utilized in connection with the Project; (ii) exemption from mortgage recording tax upon the recording of a mortgage or mortgages securing the repayment of funds borrowed for the acquisition, construction, reconstruction, furnishing and/or equipping of the Project; and (iii) a partial abatement of real property tax in accordance with a payment-in-lieu of taxes agreement upon such terms and conditions as may be acceptable to the City of White Plains. Attached, please find the PILOT Schedule provided by the Company, subject to approval by the Common Council.

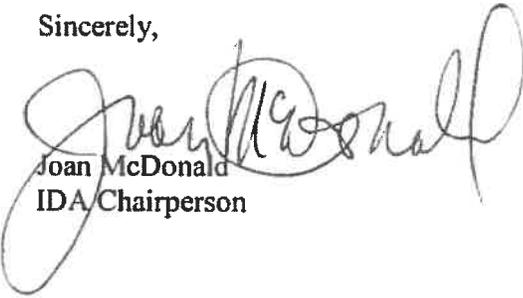


148 MARTINE AVENUE
WHITE PLAINS, NY 10601
(914) 995-2900
westchestercatalyst.com

Joan McDonald, Chairperson

The Agency believes the Project is in the best interests of the County of Westchester and the City of White Plains.

Sincerely,



Joan McDonald
IDA Chairperson

A handwritten signature in cursive script, appearing to read 'Joan McDonald', is written over the typed name and title.

1 Lyon Place - North Building

SBL: 125.84-4-8.3

Description: 149 Apartments / 105 Allocated Parking Spaces

10 Lyon Place - South Building

SBL: 125.84-5-2

Description: 63 Apartments / 45 Allocated Parking Spaces

		NORTH	SOUTH	TOTAL
		CWP 14 Yr PILOT Assessed Value	CWP 14 Yr PILOT Assessed Value	CWP 14 Yr PILOT Assessed Value
Year 1	2022	396,150	118,850	515,000
Year 2	2023	396,150	118,850	515,000
Year 3	2024	400,000	130,000	530,000
Year 4	2025	425,000	150,000	575,000
Year 5	2026	450,000	175,000	625,000
Year 6	2027	500,000	200,000	700,000
Year 7	2028	550,000	225,000	775,000
Year 8	2029	600,000	250,000	850,000
Year 9	2030	650,000	275,000	925,000
Year 10	2031	700,000	300,000	1,000,000
Year 11	2032	800,000	350,000	1,150,000
Year 12	2033	900,000	375,000	1,275,000
Year 13	2034	1,000,000	400,000	1,400,000
Year 14	2035	1,100,000	450,000	1,550,000



445 Hamilton Avenue, 14th Floor
White Plains, New York 10601
T 914 761 1300
F 914 761 5372
cuddyfeder.com

January 20, 2022

VIA E-MAIL

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

Re: Beitel Group – Arthouse WP Developments LLC f/k/a The Esplanade Project
1 Lyon Place (f/k/a 95 S. Broadway) & 10 Lyon Place (f/k/a 4 Lyon Place) (the “Premises”)

Dear Mr. Callahan:

On behalf of Arthouse WP Developments LLC (the “Developer”), we respectfully submit this letter in connection with the development and construction of the Premises.

As you know, the Developer applied to the County of Westchester Industrial Development Agency (the “IDA”) for benefits to facilitate the development of the Premises, which benefits include sales tax exemption and mortgage tax abatements as well as real property tax abatements (collectively, the “IDA Benefits”).

We have been advised that, due to its concern about the loss of revenue anticipated by exemptions obtained through the IDA Benefits and limitations in raising revenue that affect the City of White Plains (the “City”) as a result of New York State’s tax “cap,” the City is considering sending notification to the IDA that it objects to the Developer’s receipt of the IDA Benefits. Such an objection would prevent the Developer from receiving the IDA Benefits which, in turn, would jeopardize the project moving forward. Accordingly, we are writing to request your forbearance in sending any such notification, or otherwise objecting to the Developer’s receipt of IDA Benefits. In order to obtain your commitment not to object, we propose the following:

1. **Sales Tax**

The Developer will make the City whole on any sales tax that it otherwise would have received in connection with the construction of the development, but which sales tax has been exempted in connection with the IDA Benefits, as follows:

- a. The redevelopment of the Premises will take approximately 24 months.
- b. The IDA Benefits will provide the Developer with approximately \$2,667,437 in sales tax exemption. But for the sales tax exemption, the City would have received as much as \$796,250 in sales tax revenue should the Developer eventually draw on the full IDA exemption; therefore, the Developer will reimburse the City its percentage of the sales tax¹.
- c. Therefore, it is proposed that the sales tax “reimbursement” to the City of White Plains for its portion would be paid over an approximately 24-month period with a “true-up” at the end, based upon documents that will be filed with the IDA confirming the amount of the sales tax exemption utilized by the Developer, or such other reasonable documents that the Developer may provide to document sales tax amounts. Specifically, the Developer intends to reimburse the City

¹ Note the sales tax rate in the City of White Plains is 8.375% and note that the City receives 2.5% of the 8.375%.



January 12, 2022

Page -2-

its portion of sales tax as follows: (i) \$300,000.00 within 9 months of the issuance of the first building permit for the project; (ii) \$400,000.00 within 21 months of the issuance of the first building permit for the project; and (iii) "true-up" to occur within 15 days after filing documents with the IDA confirming the total amount of sales tax exemption utilized by the Developer.

2. Mortgage Recording Tax

The City will receive its allocable portion of the mortgage recording tax from the recording of any mortgage financing for the development. In other words, the Developer will make the City whole on any mortgage recording tax that it otherwise would have received in connection with the construction of the development, but which mortgage recording tax has been exempted in connection with the IDA Benefits. The Developer will reimburse the City for its allocable portion of mortgage recording tax no later than 30 days after a mortgage has been recorded in the Westchester County Clerk's Office, Division of Land Records. Currently, it is estimated that the IDA Benefits will provide the Developer with approximately \$362,000 in mortgage tax exemption. But for the mortgage tax exemption, the City would receive approximately \$181,000 in mortgage tax revenue; therefore, the Developer will reimburse the City .50% of the mortgage amount, which will be approximately \$181,000. Note that the Developer may seek a mortgage less than what is stated in the IDA application and, in such event, the mortgage tax reimbursement as set forth herein will decrease accordingly.

We understand that there is limited time within which the City must act to respond to the IDA and, therefore, we respectfully request your consideration of these terms and, in consideration thereof, your confirmation that you will not object to the Developer's receipt of the IDA Benefits.

Thank you for your consideration.

Respectfully submitted,

Eon S. Nichols

cc: Arthouse WP Developments LLC (via e-mail)

THE TERMS SET FORTH HEREIN ARE AUTHORIZED BY AND ACCEPTABLE TO THE UNDERSIGNED:

ARTHOUSE WP DEVELOPMENTS LLC

Binyamin Beitel

By: Binyamin Beitel

Name:

Title:

CEO

THOMAS M. ROACH
MAYOR



DEPARTMENT OF BUILDING

70 Church Street, White Plains, New York 10601
Phone: (914) 422 - 1269 * Fax: (914) 422 - 1471

Damon A. Amadio, P.E.
Commissioner

Kevin M. Hodapp, P.E.
Deputy Commissioner

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

Per Common Council referral on January 3, 2022, the Department of Building reviewed a request submitted by Cuddy+Feder on behalf of WPP Owner LLC, the owner of One North Broadway (aka White Plains Plaza) for a one-year extension to a previously approved Site Plan Amendment associated with exterior building signage.

This department has no objection to this extension being granted.

Very truly yours,

A handwritten signature in black ink, appearing to read "Damon A. Amadio".

Damon Amadio, P.E.
Commissioner of Building

Date: January 27, 2022



445 Hamilton Avenue, 14th Floor
White Plains, New York 10601
T 914 761 1300
F 914 761 5372
cuddyfeder.com

William S. Null, Esq.
wnull@cuddyfeder.com

12/02/2021

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

RECEIVED

DEC 02 2021

CITY OF WHITE PLAINS
DEPT OF BUILDING

RE: Amended Site Plan Approval for Signage for WPP Owner LLC
Premises: One North Broadway, White Plains, New York

Dear Mayor Roach and Members of the Common Council:

On behalf of WPP Owner LLC, the owner of the above-referenced Premises, we respectfully submit this Application requesting a second one-year extension of the Site Plan Approval initially approved on January 6, 2020, which approved signage for this existing building situated at the northwesterly corner of North Broadway and Main Street. The first extension was approved on March 1, 2021 and extended the Site Plan Approval to January 6, 2022.

While some of the signage has been installed, it has not all been completed. This extension is requested to enable new leasing activity to utilize the previously approved signage as and when such tenants are secured. Accordingly, we respectfully request the extension of the Site Plan Approval for another year.

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

1. Building Permit Application Form, dated November 15, 2019; and
2. A Short Environmental Assessment Form in accordance with Article 8 of the New York State Environmental Conservation Law and the rules and regulations promulgated thereunder at 6 N.Y.C.R.R. Part 617 (collectively "SEQRA"), dated November 15, 2019.

Thank you for your courtesy and attention to this matter.

Respectfully yours,


William S. Null

WSN:rn
Enclosures

cc: John G. Callahan, Esq., Chief of Staff and Corporation Counsel; Mr. Damon Amadio, Commissioner of Building; Mr. Christopher Gomez, Commissioner of Planning; and Ms. Christina Damiano



CITY OF WHITE PLAINS
DEPARTMENT OF BUILDING

70 Church Street, White Plains, New York 10601
 Phone: (914) 422 - 1269 * Fax: (914) 422 - 1471

Reset Form

<http://www.cityofwhiteplains.com/>

Print Form

1 APPLICATION TYPE: **MULTI-FAMILY DWELLINGS & COMMERCIAL CONSTRUCTION**
 RESIDENTIAL (ONE & TWO FAMILY DWELLINGS)

2 PERMIT TYPE: *(Only one permit per application form)* Legalization SCAN FEE: _____

<input type="checkbox"/> Building <i>(no volume added)</i>	<input type="checkbox"/> HVAC	<input type="checkbox"/> Plumbing
<input type="checkbox"/> Grading /Excavation	<input type="checkbox"/> Kitchen Exhaust	<input checked="" type="checkbox"/> Sign, Awning, Canopy & Bunting
<input type="checkbox"/> Demolition / Scaffold	<input type="checkbox"/> Boiler	<input type="checkbox"/> Fire Alarm
<input type="checkbox"/> Updated & Substitute C.O.	<input type="checkbox"/> Mechanical / Generator	<input type="checkbox"/> Low Voltage Permit
<input type="checkbox"/> Temporary Structures	<input type="checkbox"/> Fire Suppression	<input type="checkbox"/> Electrical
		<input type="checkbox"/> Vertical Transportation
		<input type="checkbox"/> Hoisting
		CON ED #: _____

3 Application #: _____ Date Filed: _____ Reviewed by: _____ Ins: _____
 Estimated Cost of Work: _____ Fee Amount: _____ Receipt #: _____
(including labor, material & fixtures)
 Permit #: _____ Date Issued: _____ Assigned CEO: _____ Assigned Eng: _____
 Site Address: One North Broadway, White Plains SBL: 125.68-5-5 Zone: RM 0.35 Set Back: _____
 Unit #: _____ Floor #: _____ Sq Ft: _____ Present Use & Occupancy: _____
 Sprinkler: _____ Construction Type: Signage Proposed Use & Occupancy: _____
 Work Description: Installation of the proposed signs on the building and grounds of the Premises.

4 Applicant: WPP Owner LLC Address: One North Broadway, White Plains, New York 10601
 Contact: Christina Damiano CELL: _____ PHONE: 914-761-2875 EMAIL: cdamiano@ivy-realty.com
 EMAIL: _____

5 Contractor: _____ Address: _____
 Contact: _____ CELL: _____ PHONE: _____ EMAIL: _____
 Signature: _____ Date: _____ Do you have any employees? Yes No

6 Engineer or Architect: SignDesign & J.C. Awning Address: 404 Willett Avenue, Port Chester, New York 10573
 Contact: Joseph Lanza CELL: _____ PHONE: 914-937-6360 FAX: 914-937-0105
 EMAIL: joe@nysigndesign.com

7 Owner or Tenant: WPP Owner LLC Address: One North Broadway, White Plains, New York
 Contact: Christina Damiano CELL: _____ PHONE: 914-761-2875 FAX: _____
 EMAIL: cdamiano@ivy-realty.com

8 STATE OF NEW YORK }
COUNTY OF WESTCHESTER }

AFFIDAVIT OF OWNERSHIP

BUILDING SHORT FORM 12/18

I, William S. Null
(PRINT NAME) (OWNER, AGENT, BUILDER, CONTRACTOR)

being duly sworn, deposes and says: that

WPP Owner LLC
(PRINT NAME OWNER)

is the owner in fee of the premises to which this application applies; that he/she (the applicant) is duly authorized to make this application; and that the statements contained here are true to the best of his/her knowledge and belief, and that the work will be performed in the manner set forth in the application and in the plans and specifications filed therewith, and in accordance with all applicable laws, ordinances and regulations.

Signature of Applicant/Contractor _____ Westchester County License# _____ Unique # & NYS #(Fire Alarm Only) _____

Applicant Sworn Before Me This
15 Day of November 20 19
RENA REGGINA
NOTARY PUBLIC

(NOTE: The filing of this application does not constitute a permit to commence construction)

RENA REGGINA

Notary Public, State of New York
No. 01RE6165642

Qualified in Westchester County 23
Commission Expires May 14, 20

9 **BUILDING OWNER CERTIFICATION (If applicable):** (To be signed by Owner)

I, _____, hereby certify that I have full knowledge of the proposed alteration at my property as described herein and take no exception to such activity.

Signature of Property Owner _____ Date _____

Print Name & Title _____

Note: An authorization letter granting the above signed applicant permission to submit this application can be attached to application, in lieu of completing owner certification.
Owner signature not required if work is being done under a Parent Building Permit.
Applicant must provide Parent Building Permit number: _____

10 **HOLD HARMLESS (If applicable)**

Homeowner to complete **only** if you will do all the work yourself. (No employees or subcontractors used.)

To: Commissioner of Building
Site Address: _____

Subject: Building Permit Application# _____
SBL: _____

I, _____, the permittee, to the fullest extent permitted by law, shall save, keep, indemnify and hold harmless the City of White Plains and their respective officers, officials, employees, and agents from and against all liability, injury, loss or damage, cost or expense in law or in equity that may at any time arise directly or indirectly by reason of or in the course of performing the work pursuant to the Building Permit, which may be occasioned by any act or omission of the permittee, any of the permittee's employees, volunteers or any subcontractor. The foregoing provisions shall not be construed to cause the permittee to indemnify the City of White Plains from its sole negligence.

Applicant /Permittee Name: _____ Signature: _____ Date: _____
Witness Name: _____ Signature: _____ Date: _____

11 **PERMIT REQUIREMENT AGREEMENT:**

I, _____ (Print Name), understand and will comply with the following: (Initial each requirement and sign)

1. Construction shall not begin until the appropriate permit is issued _____.
2. Construction, alterations or repair work shall not start before 7:00am or continue past 7:00pm on weekdays _____.
3. Construction, alterations or repairs shall not start before 9:00am or continue past 7:00pm on weekends _____.
4. Required erosion and sediment control methods will be installed and inspected prior to start of construction _____.
5. Contractor is responsible to call the W.P. Building Dept for all mandatory inspections _____.

I have read, initialed and fully understand the above requirements _____ Dated: _____
(SIGNATURE)

12 MUST BE COMPLETED FOR ALL PLUMBING APPLICATIONS:

NOTES: A Licensed master plumber and / or certified journeyman shall be present for all plumbing inspections. Plumbing applications shall only be submitted by a duly licensed Westchester County Master Plumber. File drawings, descriptions, etc. must be per the International Plumbing Code & the White Plains Supplemental Building Code.

DOES THE WESTCHESTER COUNTY LICENSED PLUMBER HAVE ANY EMPLOYEES?: YES NO

THE FOLLOWING IS A LIST OF WORK TO BE DONE:

FLOOR	W.C.	LAV.	BATHS	SINKS	SINK & TUB	LAUNDRY	URINAL	SLOP SINK	DRINKING FOUNTAIN	FLOOR DRAINS	H/W HEATER	H/W HEAT DEVICE	OTHER FIXTURE
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BSMT LEVEL	<input type="checkbox"/>												
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1ST LEVEL	<input type="checkbox"/>												
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2ND LEVEL	<input type="checkbox"/>												
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3RD LEVEL	<input type="checkbox"/>												
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4TH LEVEL	<input type="checkbox"/>												
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5TH LEVEL	<input type="checkbox"/>												
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6TH LEVEL	<input type="checkbox"/>												
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7TH LEVEL	<input type="checkbox"/>												
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8TH LEVEL	<input type="checkbox"/>												
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9TH LEVEL	<input type="checkbox"/>												
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ROOF LEVEL	<input type="checkbox"/>												
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OTHER WORK:

GENERAL FILING INSTRUCTIONS : (Building Short Form - No Volume Added)

1. Complete application and have it notarized.
2. File in person at Building Department.
3. Filing hours are Monday through Friday from 9:00 am to 1:00 pm only.
4. Provide copies of all licenses.
5. Provide certificates of insurance made out to The City of White Plains as Holder.
 - a) General Liability showing The City of White Plains as additionally insured for \$1,000,000 coverage /occurrence.
Exception: Homeowners shall provide proof of General Liability insurance of \$500,000 per occurrence.
 - b) Automobile Liability for \$1,000,000 coverage CSL.
 - c) Statutory Worker's Compensation. (Accord Form not acceptable)
Exception: Contractors with no employees, submit completed NYS Worker's Compensation Board Form#CE-200(12-08).*
: Homeowners with no employees, submit stamped NYS Worker's Compensation Board Form#BP-1(9-07).
 - d) Statutory N.Y. State Disability. (Accord Form not acceptable)
Exception: Contractors with no employees, submit approved NYS Worker's Compensation Board Form#CE-200(12-08).*
: Homeowners with no employees, submit stamped NYS Worker's Compensation Board Form#BP-1(9-07).
6. Refer to individual instructions for each specific Permit Type. (See below)
7. Incomplete applications will not be processed and will be considered abandoned after six months.
8. Provide all fees in form of check or Money Order payable to The City of White Plains. Scan fee applicable for all applications submitted with attached drawings.
9. Engineers are only available for review & consultations from 9am - 1pm.
10. Legalization work requires signed & sealed drawings and certification letter generated by a NYS licensed Design Professional.

ADDITIONAL FILING INSTRUCTIONS : (SPECIFIC INSTRUCTIONS AVAILABLE BY PERMIT TYPE)

1. PLUMBING PERMIT requirements.
2. MECHANICAL PERMIT requirements:
 - a) Central Vacuum Systems.
 - b) Oil tanks.
 - c) Chimney Re-Lining
 - d) Battery Room
3. DEMOLITION requirements.
4. HVAC PERMIT requirements.
5. BOILER PERMIT requirements.
6. KITCHEN EXHAUST PERMIT requirements.
7. FIRE ALARM PERMIT requirements.
8. FIRE SUPPRESSION PERMIT requirements.
9. FENCE & WALL requirements.

New Residential Building Sustainability Suggestions:

HAVE YOU CONSIDERED.....

1. Using recycled material in any the building elements?
2. Locating the building on the site to maximize the use of natural lighting?
3. Modular building construction?
4. Using high efficiency insulation such as "Spray foam"?
5. A photovoltaic system for power or water heating?
6. A rainwater harvesting system for irrigation purposes?
7. Energy Star Appliances?
8. Ground source heat pump system for space conditioning?
9. Heat recovery ventilation system?
10. Using high efficiency (low E) double or triple pane windows?
11. Radiant floor (hot water) heating
12. Low flow shower heads?
13. LED lamps in light fixtures?
14. Using Ceiling fans?
15. Using low VOC emitting materials for paints, adhesives, carpets, coating, etc...?
16. Recycling post construction waste?

Note: It is not mandatory that any of the above items be incorporated into your building design/construction unless specifically required by one of the New York State Codes. If you have any questions about any of the above items, please feel free to contact our offices for additional information. The intent of this document is to

Short Environmental Assessment Form

Part 1 - Project Information

Instructions for Completing

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

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

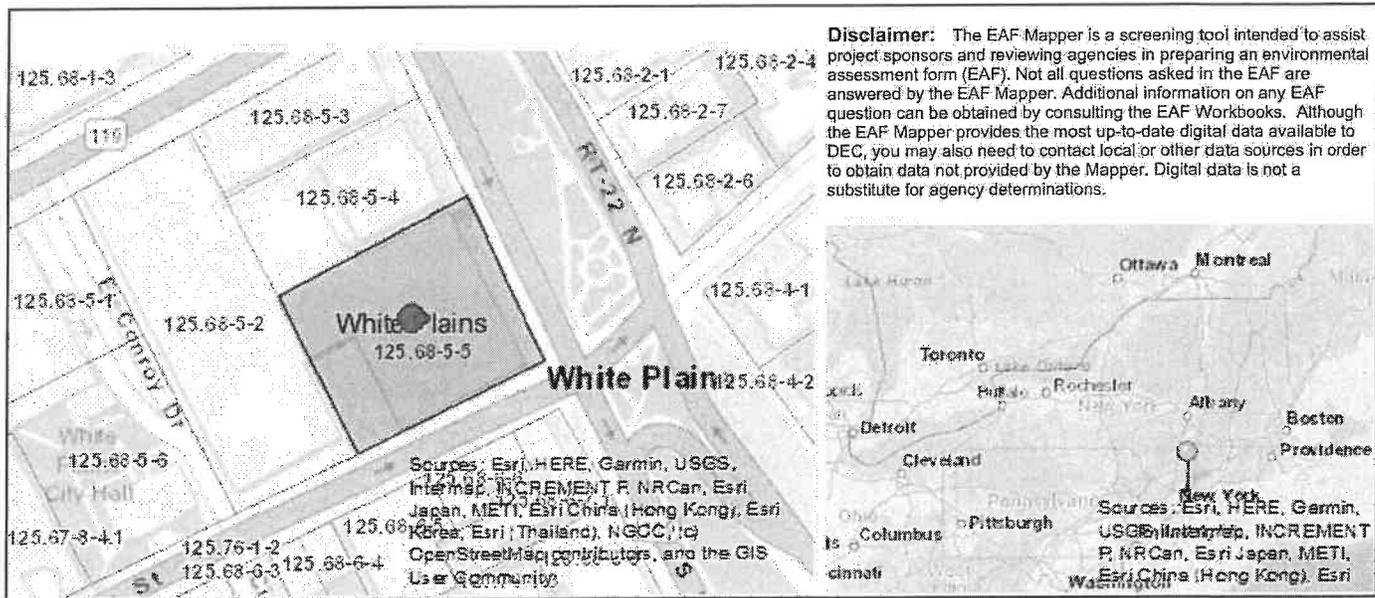
Part 1 – Project and Sponsor Information			
Signage for WPP Owner LLC			
Name of Action or Project: Amended Site Plan Approval for Signage			
Project Location (describe, and attach a location map): One North Broadway, White Plains, New York. Section 125.68 Block 5 Lot 5			
Brief Description of Proposed Action: To amend the previously approved "Signage Master Plan" to modify and permit new signage on the building and grounds of the Premises.			
Name of Applicant or Sponsor: WPP Owner LLC		Telephone: 914-761-2875	
Address: One North Broadway		E-Mail:	
City/PO: White Plains		State: NY	Zip Code: 10601
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation? If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2.		NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/>
2. Does the proposed action require a permit, approval or funding from any other government Agency? If Yes, list agency(s) name and permit or approval: Building Permit & Sign Permit		NO <input type="checkbox"/>	YES <input checked="" type="checkbox"/>
3. a. Total acreage of the site of the proposed action?		1.79 acres	
b. Total acreage to be physically disturbed?		0 acres	
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?		1.79 acres	
4. Check all land uses that occur on, are adjoining or near the proposed action:			
5. <input checked="" type="checkbox"/> Urban <input type="checkbox"/> Rural (non-agriculture) <input type="checkbox"/> Industrial <input checked="" type="checkbox"/> Commercial <input type="checkbox"/> Residential (suburban)			
<input type="checkbox"/> Forest <input type="checkbox"/> Agriculture <input type="checkbox"/> Aquatic <input type="checkbox"/> Other(Specify):			
<input type="checkbox"/> Parkland			

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

14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply:		
<input type="checkbox"/> Shoreline <input type="checkbox"/> Forest <input type="checkbox"/> Agricultural/grasslands <input type="checkbox"/> Early mid-successional <input type="checkbox"/> Wetland <input checked="" type="checkbox"/> Urban <input type="checkbox"/> Suburban		
15. Does the site of the proposed action contain any species of animal, or associated habitats, listed by the State or Federal government as threatened or endangered?	NO	YES
Peregrine Falcon	<input type="checkbox"/>	<input checked="" type="checkbox"/>
16. Is the project site located in the 100-year flood plan?	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
17. Will the proposed action create storm water discharge, either from point or non-point sources?	NO	YES
If Yes,	<input checked="" type="checkbox"/>	<input type="checkbox"/>
a. Will storm water discharges flow to adjacent properties?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
If Yes, briefly describe: _____ _____		
18. Does the proposed action include construction or other activities that would result in the impoundment of water or other liquids (e.g., retention pond, waste lagoon, dam)?	NO	YES
If Yes, explain the purpose and size of the impoundment: _____ _____	<input checked="" type="checkbox"/>	<input type="checkbox"/>
19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility?	NO	YES
If Yes, describe: _____ _____	<input checked="" type="checkbox"/>	<input type="checkbox"/>
20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste?	NO	YES
If Yes, describe: _____ _____	<input type="checkbox"/>	<input checked="" type="checkbox"/>
I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE		
Applicant/sponsor/name: <u>William S. Null</u> Date: <u>11/15/2019</u>		
Signature:  Title: <u>Attorney for the Applicant</u>		

EAF Mapper Summary Report

Thursday, November 14, 2019 4:26 PM



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



DESIGN REVIEW BOARD

70 Church Street, White Plains, New York 10601
Phone: (914) 422 - 1269 * Fax: (914) 422 - 1471

THOMAS M. ROACH
Mayor

NORMAN DICHIARA, AIA
Chairman

DAMON A AMADIO, P.E.
Commissioner of Building

KEVIN M. HODAPP, P.E.
Deputy Commissioner of Building

NICK PUJA
Secretary

January 11, 2022

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

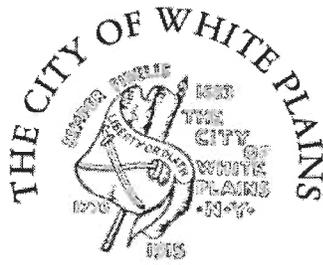
Dear Mayor and Council Members:

The Design Review Board, at its meeting on January 10, 2022, reviewed an application submitted on behalf of WPP Owner, LLC, for a one year extension of a previously approved Site Plan amendment associated with exterior building signage located at 1 North Broadway, White Plains, NY.

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

Norman DiChiara

Norman DiChiara, Chairman
Design Review Board



PLANNING DEPARTMENT

70 Church Street , White Plains, New York 10601
(914) 422-1300 Fax: (914) 422-1301
E-Mail: Planning@whiteplainsny.gov

THOMAS M. ROACH
MAYOR

CHRISTOPHER N.GOMEZ, AICP
COMMISSIONER

JUDITH A. MEZEY
DEPUTY COMMISSIONER

TO: THE HONORABLE MAYOR AND MEMBERS OF THE COMMON COUNCIL

SUBJECT: ONE NORTH BROADWAY
WPP OWNER LLC
APPLICATION FOR EXTENSION TO A SITE PLAN APPROVAL FOR SIGNAGE

By letter dated December 2, 2021, William S. Null, on behalf of WPP Owner LLC (the “Applicant”) submitted an application to the White Plains Common Council for a second one-year extension of a “Signage Master Plan” that was initially approved on January 6, 2020 and extended to January 6, 2021. The purpose of the proposed amendments to the Signage Master Plan is to help identify tenants, and provide modern and uniform signs that are consistent and complimentary with the exterior enhancements that were made to the building in accordance with the City’s Sign Ordinance.

The 1.79-acre (77,862 square feet) site is located at the northwest corner of Main Street and North Broadway and is located in the CB-3 (Core-Business-3) Zoning District and was designated an “S” Zone within the former BR-4 (Business Residential) Zoning District (in 2002 the Zoning Ordinance was amended classifying the premises in the CB-3 District). As a designated “S” Zone, the property is subject to the provisions of the special legislation adopted by the City in 1954, in connection with the original development approvals for the property, which include the requirement that all subsequent changes to the property be approved by the Common Council. Section 3.6.2 of the Zoning Ordinance states that any changes to such design documents for “S” Zones shall be treated as amendments to approved “site plans” in accordance with Section 7.7.2 of the Ordinance, provided that such amendments create no new non-conformity with the regulations of the Ordinance.

Some of the signage has been installed, however, “substantial construction” will not be achieved prior to the expiration date of the previous extension. The requested extension will enable future tenants to utilize the previously approved signage when such tenants are secured.

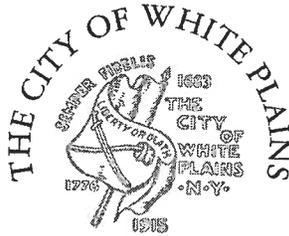
Since there have been no material changes to the Signage Master Plan approved on January 6, 2020, the Planning Department has no objection to granting a one-year extension to January 6, 2023, subject to all conditions contained in the original approval.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Chris N. Gomez", written in a cursive style.

Christopher N. Gomez, AICP
Commissioner of Planning

Dated: January 19, 2022



PLANNING BOARD

MUNICIPAL BUILDING · 70 CHURCH STREET · WHITE PLAINS, NEW YORK 10601
(914) 422-1300 · FAX: (914) 422-1301

THOMAS M. ROACH
MAYOR

JOHN IORIS
CHAIRMAN

CHRISTOPHER N. GOMEZ, AICP
COMMISSIONER OF PLANNING

JUDITH MEZEY
DEPUTY COMMISSIONER

EILEEN J. McCLAIN, AICP
SECRETARY

January 19, 2022

TO THE HONORABLE MAYOR AND MEMBERS OF THE COMMON COUNCIL

SUBJECT: WHITE PLAINS PLAZA – 1 NORTH BROADWAY–ONE YEAR EXTENSION OF THE SITE PLAN APPROVAL FOR THE INSTALLATION OF THE PROPOSED SIGNS

At its January 18, 2022 meeting, the Planning Board considered the application for a one year extension of the approval of a site plan amendment involving changes to the Signage Master Plan for White Plains Plaza, which is located at One North Broadway.

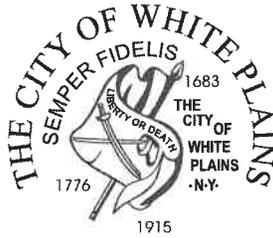
The Planning Board has no objection to the one year extension as requested.

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

Respectfully submitted,

JOHN IORIS
John Ioris, Chairman
White Plains Planning Board

47



DEPARTMENT OF PUBLIC SAFETY
77 SOUTH LEXINGTON AVENUE • WHITE PLAINS, NEW YORK 10601
(914) 422-6400 • FAX: (914) 422-6373

THOMAS M. ROACH
Mayor
422-1200

DAVID E. CHONG
Commissioner
422-6230

JOSEPH P. CASTELLI
Chief of Police
422-6210

DOUGLAS A. MCMATH
Fire Chief
422-6360

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.

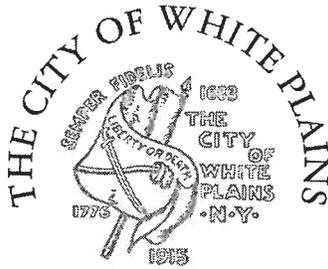
White Plains Plaza
One Year Extension-Signage

Respectfully,

David E. Chong
Commissioner of Public Safety

DEC:bn

Dated: January 11, 2022



DEPARTMENT OF PUBLIC WORKS

MUNICIPAL BUILDING • 255 MAIN STREET • WHITE PLAINS, NEW YORK 10601
(914) 422-1206 • FAX: (914) 422-1469

THOMAS M. ROACH
MAYOR

RICHARD G. HOPE
COMMISSIONER

UDOMLUG SIRIPHONLAI, P.E.
DEPUTY COMMISSIONER

STEFANIA A. MIGNONE
DEPUTY COMMISSIONER

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

In response to the Building Department referral dated December 17, 2021, the Department of Public Works has reviewed materials submitted by Cuddy and Feder, LLC, on behalf of WPP Owner, LLC (owner and applicant) requesting a one-year extension to the Amended Site Plan Approval, originally approved on 1/6/2020, for the site located at 1 North Broadway (SBL: 125.68-5-5).

This submittal includes the following documents:

- Copy of referral letter dated 12/17/2021 prepared by Damon A. Amadio, P.E., Commissioner of Building;
- Cover letter dated 12/2/2021 prepared by Cuddy and Feder LLP;
- Copy of original Short Environmental Assessment Form Part-1, dated 11/15/2019;
- Copy of original City of White Plains Department of Building Application Short Form, dated 11/15/2019.

We offer the following comments for your consideration:

1. The proposed work is to be performed entirely within private property.
2. As outlined in the January 6th, 2020 Common Council approval resolution, all outstanding comments remain in full effect.

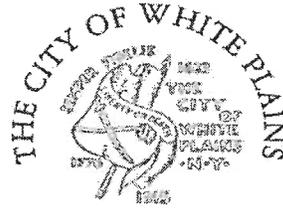
With the understanding that all of our previous comments and concerns are to be addressed prior to issuing any Building Department permits, the Department of Public Works has no objection to the approval of this extension to the Site Plan Approval Amendment.

Respectfully submitted,

Richard G. Hope
Commissioner of Public Works

Dated: January 20, 2022

THOMAS M. ROACH
MAYOR



JOHN P. LARSON
COMMISSIONER OF PARKING

DEPARTMENT OF PARKING
255 MAIN ST. – ANNEX BUILDING
WHITE PLAINS, NEW YORK 10601

THOMAS J. SOYK, P.E., PTOE
DEPUTY COMMISSIONER/
CITY TRANSPORTATION ENGINEER

(914) 422-1232 Phone
(914) 422-1274 Fax

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 request for an extension of the resolution granting a Site Plan Amendment associated with exterior signage for One North Broadway (White Plains Plaza) which was referred by the Common Council on January 3, 2022.

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

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

Dated: January 19, 2022



TRANSPORTATION COMMISSION
255 MAIN STREET - ANNEX BUILDING • WHITE PLAINS, NEW YORK 10601
(914) 422-1232 • FAX: (914) 422-1274

THOMAS M. ROACH
MAYOR

THOMAS J. SOYK, P.E., PTOE
DEPUTY COMMISSIONER

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

The Transportation Commission, at its meeting held on January 19, 2022 reviewed a request from Cuddy and Feder, LLP, on behalf of WPP Owner, LLC for a second one year extension to a previously approved Site Plan Amendment associated with exterior building signage, as referred by the Common Council on January 3, 2022.

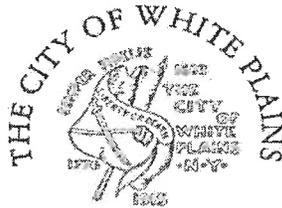
The Transportation Commission had no objections.



Thomas J. Soyk, PE, PTOE
Acting Chairman

Dated: January 20, 2022

THOMAS M. ROACH
MAYOR



JOHN P. LARSON
COMMISSIONER OF PARKING

THOMAS J. SOYK, P.E., PTOE
DEPUTY COMMISSIONER/
CITY TRANSPORTATION ENGINEER

DEPARTMENT OF PARKING
255 MAIN ST. – ANNEX BUILDING
WHITE PLAINS, NEW YORK 10601

(914) 422-1232 Phone
(914) 422-1274 Fax

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

**Re: WPP Owner LLC, White Plains Plaza 1 North Broadway
Extension of Site Plan Amendment Approval**

The Department of Parking has received and reviewed the above noted request for a one (1) year extension to a previously approved Site Plan Amendment associated with exterior building signage.

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

Respectfully submitted,

John P. Larson, Commissioner
CWP – Department of Parking

Dated: January 14, 2022



Westchester County Planning Board Referral Review
Pursuant to Section 239 L, M and N of the General Municipal Law and
Section 277.61 of the County Administrative Code

George Latimer
County Executive

January 5, 2022

Jill Iannetta, City Clerk/Registrar City of White Plains
Municipal Building
255 Main Street
White Plains, NY 10601-2479

Dear Ms. Iannetta:

Thank you for the notification concerning the following proposed action:

Project Name/File Number: **WPP Owner LLC — WHP 22-002**

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

Location: **1 North Broadway**

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.

Please inform us of the City's decision so that we can make it a part of the record.

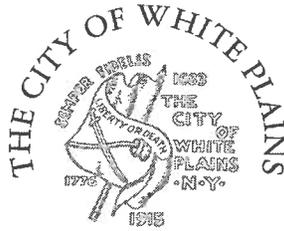
Thank you for calling this matter to our attention.

Respectfully,
WESTCHESTER COUNTY PLANNING BOARD

By:

Norma V. Drummond
Commissioner

NVD/LH



ENVIRONMENTAL OFFICER

PLANNING DEPARTMENT • 70 CHURCH STREET • WHITE PLAINS, NEW YORK 10601
(914) 422-1300; FAX: (914) 422-1301

THOMAS M. ROACH
MAYOR

ROD JOHNSON
ENVIRONMENTAL OFFICER

January 26, 2022

TO THE HONORABLE MAYOR AND MEMBERS OF THE COMMON COUNCIL

SUBJECT: ONE NORTH BROADWAY
WPP OWNER LLC
EXTENSION TO A SITE PLAN APPROVAL FOR SIGNAGE

The application dated December 2, 2021, submitted on behalf of WPP Owner LLC the owners of White Plains Plaza at One North Broadway, for a second one-year extension of a site plan approval to amend the "Signage Master Plan" that was approved on January 6, 2020 ("2020 Approval") ("Proposed Action") and extended on March 1, 2021(" 2021 Approval") to January 6, 2022, has been reviewed for compliance with the New York State Environmental Quality Review (SEQR) regulations.

Some of the approved signage has been installed, however, "substantial construction" will not be achieved prior to the expiration date of the previous extension. The requested extension will enable future tenants to utilize the previously approved signage when such tenants are secured.

The 1.79-acre (77,862 square feet) site is located at the northwest corner of Main Street and North Broadway and is located in the CB-3 (Core-Business-3) Zoning District and was designated an "S" Zone within the former BR-4 (Business Residential) Zoning District (in 2002 the Zoning Ordinance was amended classifying the premises in the CB-3 District).

The White Plains Plaza development includes two 15- story office buildings at One North Broadway and 445 Hamilton Avenue, the former Walmart retail building and the outdoor plaza along Main Street. The current signage at One North Broadway consists of various tenant wall signs mounted at the first and second floor levels of the building facade and monument signs along North Broadway and the Main Street Plaza.

As a designated "S" Zone, the property is subject to the provisions of the special legislation adopted by the City in 1954, in connection with the original development approvals for the property, which include the requirement that all subsequent changes to the property be approved by the Common Council. Section 3.6.2 of the Zoning Ordinance states that any changes to such design documents for "S" Zones shall be treated as amendments to approved "site plans" in accordance with Section 7.7.2 of the Ordinance, provided that such amendments create no new non-conformity with the regulations of the Ordinance.

The proposed amendment to the "Signage Master Plan" will add the following four wall signs:

Sign # Description. _____

- (L12) A new parapet wall sign for "ZEISS" to be mounted on the northeastern-end of the North Broadway frontage of the building for tenant, Carl Zeiss, Inc., which occupies the entire fifteenth (15th) floor of the building.
- (L13) A new parapet wall sign on the southeastern-end of the North Broadway frontage of the building for a future or existing undetermined tenant in the building (graphics yet to be determined).
- (L14) A wall sign on the Main Street (southern) frontage of the building to be situated above the second-story for tenant, Fusion Academy (graphics yet to be determined).
- (L15) A wall sign on the North Broadway (eastern) frontage of the building to be situated above the second-story for tenant, Playgroup Theatre.

The Environmental Officer recommends that the conditions included in the 2020 and 2021 Approval resolutions be continued and included as part of the Proposed Action and which are herewith considered to be a part of the Proposed Action for purposes of the environmental review.

The design documents for the Proposed Action have not changed and there have been no other relevant changes in circumstances related to the project that would change the SEQR Findings initially approved on January 6, 2020.

The Environmental Officer recommends that the Common Council (a) reconfirm itself to be the Lead Agency for the environmental review of the Proposed Action and (b) reconfirm that the Proposed Action is an Unlisted Acton; (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 adopted January 6, 2020 and extended March 1, 2021; 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.

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

Respectfully submitted,



Rod Johnson
Environmental Officer

ENVIRONMENTAL FINDINGS RESOLUTION REGARDING A SECOND ONE-YEAR EXTENSION OF THE SITE PLAN APPROVAL GRANTED JANUARY 6, 2020 TO AMEND THE "SIGNAGE MASTER PLAN" FOR THE WHITE PLAINS PLAZA AT ONE NORTH BROADWAY ON BEHALF OF WPP OWNERS LLC.

WHEREAS, the application dated December 2, 2021, submitted on behalf of WPP Owner LLC the owners of White Plains Plaza at One North Broadway, for a second one-year extension of a site plan approval to amend the "Signage Master Plan" that was approved on January 6, 2020 ("2020 Approval") ("Proposed Action") and extended on March 1, 2021(" 2021 Approval") to January 6, 2022, has been reviewed for compliance with the New York State Environmental Quality Review (SEQR) regulations; and

WHEREAS, some of the approved signage has been installed, however, "substantial construction" will not be achieved prior to the expiration date of the previous extension. The requested extension will enable future tenants to utilize the previously approved signage when such tenants are secured; and

WHEREAS, the 1.79-acre (77,862 square feet) site is located at the northwest corner of Main Street and North Broadway and is located in the CB-3 (Core-Business-3) Zoning District and was designated an "S" Zone within the former BR-4 (Business Residential) Zoning District (in 2002 the Zoning Ordinance was amended classifying the premises in the CB-3 District); and

WHEREAS, the White Plains Plaza development includes two 15- story office buildings at One North Broadway and 445 Hamilton Avenue, the former Walmart retail building and the outdoor plaza along Main Street. The current signage at One North Broadway, consists of various tenant wall signs mounted at the first and second floor levels of the building facade and monument signs along North Broadway and the Main Street Plaza; and

WHEREAS, as a designated "S" Zone, the property is subject to the provisions of the special legislation adopted by the City in 1954, in connection with the original development approvals for the property, which include the requirement that all subsequent changes to the property be approved by the Common Council; and

WHEREAS, section 3.6.2 of the Zoning Ordinance states that any changes to such design documents for "S" Zones shall be treated as amendments to approved "site plans" in accordance with Section 7.7.2 of the Ordinance, provided that such amendments create no new non-conformity with the regulations of the Ordinance; and

WHEREAS, the Environmental Officer has recommended that the following conditions included in the previous 2020 and 2021 approval resolutions be continued and included as part of the Proposed Action and which are herewith considered to be a part of the Proposed Action for purposes of the environmental review (hereinafter referred to as "Conditions"):

1. As per the recommendation set forth in the communication of the various departments, Sign L12 is hereby approved.
2. As per the recommendation set forth in the communications of the Chair of the Design Review Board dated December 13, 2019, the Chair of the Planning Board, dated December 18, 2019, the Commissioner of Planning dated December 20, 2019 and the Environmental Officer, dated December 19, 2019; the lower sign locations (L14 &L15) as proposed are approved, however, the

vinyl applied to windows sign as proposed is not approved. The (2) two proposed signs at these locations (L14 &L15) shall be in conformance with the site Signage Master Plan (specifically sign type L9 on drawings prepared by Sign Design dated 4/14/17) which shall be a Reverse Channel Letter Sign with full panel backer and as installed for current tenants Dry Bar & Fusion.

3. As per the recommendation set forth in the communications of the Chair of the Design Review Board dated December 13, 2019, the Chair of the Planning Board, dated December 18, 2019, the Commissioner of Planning dated December 20, 2019 and the Environmental Officer, dated December 19, 2019; the location of the proposed upper North Broadway "future" sign (L13) is not approved and the location and sign shall be resubmitted to the Common Council at the time when an actual sign is proposed; and

WHEREAS, the Applicant has submitted the following documents in support of the proposed second extension of site plan approval:

1. A cover letter prepared by Mr. William S. Null dated December 2, 2021.
2. A Short Form Building Permit Application dated November 15, 202.
3. A Short Environmental Assessment Form dated November 15, 2019; and

WHEREAS, the Applicant previously submitted the following documents in support of the initial 2020 Approval:

1. Cover letter prepared by Mr. William Null dated November 15, 2019.
2. A Short Form Building Permit Application dated November 15, 2019.
3. A Short Environmental Assessment Form dated November 15, 2019.
4. A graphics/signage package (18 sheets) entitled "Master Signage Plan for One North Broadway,"

<u>Dwg. #</u>	<u>Titled</u>	<u>Dated</u>	<u>Revised</u>
Cover	Master Sign Plan	9/6/19	
---	Sign Location Plan	10/21/16	revised with no date.

Labeled as "ORIGINAL APPROVED SUBMISSIONS, Represents existing & approved locations."

L1	Courtyard Monument Sign	1/30/16	09/13/17
L2	ONE Entrance	10/21/16	1/5/17
L3	ONE 445 entrance canopy sign	10/21/16	1/5/17
L4	ONE entrance FC Lettering	4/11/17	
LS	Entrance Monument Sign	1/30/16	9/13/17
L6	Panera Bread	10/21/16	
L7	Typical Channel Lettering	4/18/17	4/27/17
L8 & L11	TBD	10/21/16	1/5/17
L9	Elec Rev. Dry Bar	4/14/17	4/27/17
L11, L9, L2, L10	TBD	10/21/16	1/5/17

Labeled as "NEW, Represents additions to Master Plan. New sign location here."

L12	Zeiss CityScape Signage Proposed Specs & Rendering	1/30/16	9/13/17
L12	Zeiss CityScape Signage Proposed	1/30/16	9/13/17
L13	TBD CityScape Specs & Rendering	1/30/16	9/13/17
L13	TBD CityScape	1/30/16	9/13/17
L14	Fusion Academy (Tenant) Signage	1/30/16	9/13/17
LIS	Playgroup	1/30/16	9/13/17; and

WHEREAS, the design documents for the Proposed Action have not changed and there have been no other relevant changes in circumstances related to the project that would change the SEQR Findings initially approved on January 6, 2020.

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 and (b) reconfirm that the Proposed Action is an Unlisted Action; (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 adopted January 6, 2020 and extended March 1, 2021; (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, under the New York State Environmental Quality Review (SEQR) regulations (6 NYCRR 617), the Common Council is required to incorporate environmental considerations in approval actions by a) identifying environmental issues; b) taking a "hard look" at relevant environmental concerns; and c) making a "reasoned elaboration" as a basis for an environmental determination; and

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

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

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

RESOLVED, based on the foregoing reasons, that the Common Council 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 adopted January 6, 2020; and be it further

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

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

The 1997 Comprehensive Plan and 2006 Update offer the following strategies with respect to the Mamaroneck A venue Central Business District:

- Recognize the area around the Main/Mamaroneck intersection as the focus for the Mamaroneck A venue Central Business District revitalization efforts by encouraging a mixture of retail, office, housing, restaurant and entertainment uses. Opportunities for revitalization in the vicinity of the intersection of Main Street and Mamaroneck A venue will be pursued to strengthen this prominent area.

The premises are situated in the CB-3 (Core Business) District. In Section 5.5.1.9, the Zoning Ordinance states that the CB-3 District is a high-density, mixed-use district encompassing the core of the City's Central Business District. It allows a combination of retail, office, government and service business uses appropriate to the role of the City as a regional center.

One North Broadway is located in a Special "S" Zone and is subject to Section 3.6 of the Zoning Ordinance. Section 3.6 provides as follows:

3.6 Former Special Zones

3.6.1 Special zoning conditions affecting individual properties or groups of properties and heretofore adopted as S Zones by the Common Council under the provisions of the previous Zoning Ordinance, where determined to be still applicable have been annotated on the Zoning Map by an asterisk(*) and are hereby incorporated by reference in this Ordinance.

"Uses" established or "structures" constructed pursuant to such special zoning conditions shall be deemed conforming under the terms of this Ordinance. An index map annotating the properties affected by such conditions and containing the text of those conditions, or appropriate reference thereto, is kept by the City Clerk, with copies thereof kept by the Departments of Planning and Building. If the Common Council amends such index map, the City Clerk shall notify the Commissioner of Planning, who shall cause the amendment to be made to the map kept by the City Clerk and to the copies kept by the Departments of Planning and Building.

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

The proposed improvements to the existing facilities do not represent a significant change to the approved site plan. The improvements do not involve changes to the building bulk, floor area or parking requirements. As such, the improvements conform to the approved site plan of the Special "S" Zone.

On September 6, 2016, the Common Council approved a Site Plan Amendment to update and renovate the building's plaza (aka White Plains Plaza) facing Main Street. As a condition to this site plan approval, the Applicant was required to submit a detailed signage package illustrating the design and specifications of all new signage. The current "Signage Master Plan" was last approved as part of a site plan amendment granted by the Common Council at its October 2, 2017 meeting. A

This application and Master Signage Plan provides the location and details of four additional tenant signs.

- (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 improvements do not involve any significant changes to the plaza and building improvements and will not result in any significant changes to the site's stormwater drainage.

All construction activities will be subject the City's standard Construction Management Protocol. 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.

There are no natural landscape conditions on the site.

- (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 purpose of the proposed amendments to the Signage Master Plan is to help identify tenants, and provide modern and uniform signs that are consistent and complimentary with the exterior enhancements that were made to the building in accordance with the City's Sign Ordinance.

The Proposed Action does not involve any significant changes to the site or building layout of the existing retail /office facility.

The proposed signs do not generate light pollution, present a visual distraction or adversely impact the park, the neighborhood or open space corridor.

The illuminated box signs mounted high on the top parapet wall at the 15th story are above the general view shed of park goers.

As per the conditions in correspondence from the Design Review Board, the proposed signs above the second story level along Main Street and North Broadway will be similar to the other existing wall signs.

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

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

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

RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF WHITE PLAINS EXTENDING THE SITE PLAN APPROVAL ORIGINALLY GRANTED ON JANUARY, 6, 2020 FOR AN ADDITIONAL YEAR EXPIRING ON JANUARY 6, 2023 TO WPP OWNER LLC, OWNER OF THE PROPERTY KNOWN AS ONE NORTH BROADWAY, FOR AN AMENDMENT TO AN APPROVED SITE PLAN TO AMEND THE MASTER SIGNAGE PLAN TO INSTALL ADDITIONAL SIGNAGE.

WHEREAS, the Common Council of the City of White Plains, at its meeting held on December 2, 2019, received a communication from the Commissioner of Building dated November 19, 2019, forwarding an application, submitted on behalf of WPP Owner LLC (“Applicant”), owner of the property known as One North Broadway (encompassing 275 Main Street and 445 Hamilton Avenue and commonly referred to as “White Plains Plaza”) 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 amend the Master Signage Plan for One North Broadway to install additional signage at the site; and

WHEREAS, the 1.79 acre (77,862) square foot site is located on the northwest corner of the intersection of Main Street and North Broadway and is adjacent to 275 Main Street and 445 Hamilton Avenue; and

WHEREAS, the premises located at One North Broadway is known and designated on the Tax Assessment Map of the City of White Plains as Section 125.68, Block 5, Lot; and

WHEREAS, the property is located in a CB-3 (Core-Business 3 Zoning District of the City of White Plains (“CB-3 District”) and within the Central Parking Area (“CPA”); and

WHEREAS, the property is also designated a former Special Zone (“S Zone”), which had been located within the former BR-4 (Business Residential) Zoning District, (but in 2002, the Zoning Ordinance was amended classifying the premises in the CB-3 Zoning District); and

WHEREAS, as a designated “S” Zone, the property is subject to the provisions of special legislation adopted by the Common Council, in connection with the original development approvals for the property, including by resolution adopted June 21, 1965, and subsequent approvals thereto, including the requirement that all subsequent changes to the property be approved by the Common Council; and

WHEREAS, Section 3.6.2 of the Zoning Ordinance provides that in “S Zones” where approval of final plans, construction plans or other design documents was a condition of a change of zone, special determination or other zoning action, such design documents shall be deemed to be approved “site plans”; any amendments or changes to such design documents shall be treated as amendments to approved “site plans” in accordance with Section 7.7.2 of the Zoning Ordinance, provided that such amendments create no new non-conformity with the regulations of the Zoning Ordinance; and

WHEREAS, on January 6, 2020, the Common Council of the City of White Plains, after adopting environmental findings, approved 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 amend the Master Signage Plan for One North Broadway to install additional signage at the site; and

WHEREAS, the amended Site Plan approval (“the 2020 Approval”) granted on January 6, 2020 contained 3 conditions (“the Conditions”); and

WHEREAS, by letter dated December 22, 2020, the Applicant through its attorney, William S. Null of Cuddy & Feder LLP requested that the amended site plan approval granted on January 6, 2020 be extended for a year until January 6, 2022; and

WHEREAS, the Common Council, at a meeting held on February 1, 2021, received a communication from the Commissioner of Building, dated January 14, 2021 forwarding a letter dated December 22, 2020, from William S. Null, of Cuddy & Feder LLP, counsel for the Applicant, requesting a one (1) year extension of the 2020 Approval, 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; and

WHEREAS, on March 1, 2021, the Common Council of the City of White Plains, after adopting environmental findings, approved the one year extension to the 2020 Approval, in accordance with Sections 3 and 7 of the Zoning Ordinance amending the Master Signage Plan

for One North Broadway to install additional signage at the site (“the 2021 Approvals”) with the same Conditions; and

WHEREAS, the Common Council, at a meeting held on January 3, 2022, received a communication from the Commissioner of Building, dated December 17, 2021 forwarding a letter dated December 2, 2021, from William S. Null, 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 January 6, 2020 and previously extended by the Common Council by resolution adopted on March 1, 2021, 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; and

WHEREAS, the request for the extension of the approved Site Plan was referred by the Common Council at its January 3, 2022 meeting to all necessary City departments, boards, commissions, agencies and officers for review, comments and recommendations in accordance with the Zoning Ordinance; and

WHEREAS, there has been no material change in circumstances since the issuance of the 2020 Approval or the 2021 Approval that would affect the basis for those approvals; and

WHEREAS, the instant Application includes a letter from William S. Null, of Cuddy & Feder LLP, dated December 2, 2021 requesting the extension and all the items

constituting the application approved by the Common Council on January 6, 2020 and listed in the Approval Resolution;

WHEREAS, in connection with instant Application, the Common Council at a meeting held on February 7, 2022 received communications from the Commissioner of Building dated January 27, 2022; the Commissioner of Planning dated January 19, 2022; the Commissioner of Public Works, dated January 20, 2022; the Commissioner of Public Safety, dated January 11 2022; the Commissioner of Parking, dated January 14, 2022; the Deputy Commissioner of Parking for Transportation Engineering, dated January 19, 2022; the Chair of the Planning Board, dated January 19, 2022; the Chair of the Design Review Board, dated January 11, 2022; the Acting Chairman of the Transportation Commission, dated January 20, 2022; the Westchester County Planning Board, dated January 5, 2022; and the Environmental Officer, dated January 26, 2022; and

WHEREAS, in connection with the Application for the site plan approval extension, the Common Council, at its February 7, 2022 meeting, (a) reconfirmed itself to be the Lead Agency for the environmental review of the requested extension of the Approval; (b) reconfirmed that the Proposed Action previously approved to be an unlisted Action under SEQR regulations; (c) found that the project has not changed and that there are no new circumstances that would affect the SEQR Findings adopted for the 2020 Approval or the 2021 Approval; and (d) reconfirmed and determined 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 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

NOW, THEREFORE, BE IT

RESOLVED, that the Common Council hereby extends until January 6, 2023, the Site Plan Approval to amend the Master Signage Plan for One North Broadway to install additional signage at the site subject to the Applicant's compliance with the Conditions contained in the Approval.

THOMAS M. ROACH
MAYOR



DEPARTMENT OF BUILDING

70 Church Street, White Plains, New York 10601
Phone: (914) 422 - 1269 * Fax: (914) 422 - 1471

Damon A. Amadio, P.E.
Commissioner

Kevin M. Hodapp, P.E.
Deputy Commissioner

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 January 3, 2022, the department of Building reviewed a request for a Site Plan Approval extension and a Site Plan Amendment submitted by Cuddy+Feder LLP on behalf of MG RMC Main LLC. This request is associated with the site and building upgrades at 50 Main Street, 34 South Lexington Avenue and 1-11 Martine Avenue. This project is referred to as "City Square" and includes the conversion of 1-11 Martine Avenue to rental apartments, a single story retail addition to 50 Main Street and a single story retail addition to 34 South Lexington.

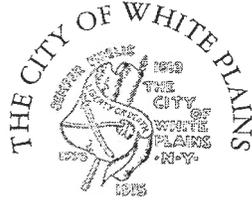
The applicant is seeking approval of the following:

1. A one year extension to the Site Plan Amendment Approval originally granted by the Common Council on July 1, 2019.
2. A new canopy at the entrance to 34 South Lexington Avenue (aka "The Metro").
3. Parking and loading space modifications on Main Street and Martine Avenue. This includes the deletion of (2) handicap parking spaces on Main Street and the restriping of the deceleration lane on Martine Avenue to accommodate loading area modifications.
4. Landscape and walkway modifications at 11 Martine Avenue. This area is adjacent to the intersection of Hamilton Avenue and South Lexington Avenue.

This department has no objection to this application being granted.

Respectfully Submitted,

Damon Amadio, P.E.
Commissioner of Building
Date: January 27, 2022



DESIGN REVIEW BOARD

70 Church Street, White Plains, New York 10601
Phone: (914) 422 - 1269 * Fax: (914) 422 - 1471

THOMAS M. ROACH
Mayor

NORMAN DICHIARA, AIA
Chairman

DAMON A AMADIO, P.E.
Commissioner of Building

KEVIN M. HODAPP, P.E.
Deputy Commissioner of Building

NICK PUJA
Secretary

January 11, 2022

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

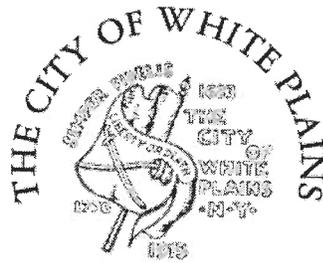
Dear Mayor and Council Members:

The Design Review Board, at its meeting on January 10, 2022, reviewed an application submitted on behalf of MG RMC, LLC, for a Site Plan approval extension and Site Plan amendment associated with 50 Main Street, White Plains, NY.

OUTCOME: Design Review Board recommends the approval of this application as submitted.

Norman DiChiara

Norman DiChiara, Chairman
Design Review Board



PLANNING DEPARTMENT
70 Church Street, White Plains, New York 10601
(914) 422-1300 Fax: (914) 422-1301
E-Mail: Planning@whiteplainsny.gov

THOMAS M. ROACH
MAYOR

CHRISTOPHER N. GOMEZ, AICP
COMMISSIONER

JUDITH MEZEY
DEPUTY COMMISSIONER

TO: THE HONORABLE MAYOR AND MEMBERS OF THE COMMON COUNCIL

SUBJECT: CITY SQUARE
50 MAIN STREET; 34 S. LEXINGTON AVENUE; 1-11 MARTINE AVENUE
APPLICATION FOR SITE PLAN AMENDMENT AND EXTENSION

By letter dated November 22, 2021, William S. Null, on behalf of MG RMC Main LLC (the "Applicant") submitted a request to the Common Council for a Site Plan Amendment and extension of site plan approval that was originally granted on July 1, 2019 and extended to January 2, 2022 for the site known as City Square. The 3.9-acre site is situated in the CB-4 Zoning District and Central Parking Area, and is bounded on the northerly side by Main Street, on the easterly side by South Lexington Avenue, on the southerly side by Martine Avenue, and on the westerly side by Bank Street.

The approved redevelopment and repurposing of this site (1) reduced the square footage of office space from 479,846 square feet to 360,183 square feet, a net reduction of 119,663 square feet; (2) increased the square footage of retail space from 8,588 square feet to 29,811 square feet, a net increase of 21,223 square feet; and (3) increased the number of residential units from 124 units to 312 units, or a net increase of 188 units. The existing parking garage containing 1,033 parking spaces accommodates the entire project.¹

The project has been substantially constructed in accordance with the original Site Plan Approval dated July 1, 2019. Applicant now proposes the following amendments:

1. Modification of the entrance canopy of The Metro building at 34 South Lexington Avenue to include a steel arch structure and matching steel canopy;

¹ 50 Main Street was approved prior to the June 1, 1981 adoption of the current Zoning Ordinance. As such, the parking for the 50 Main Street building is pre-existing, legally non-conforming to the current Zoning Ordinance.

2. Modification of the parking and loading spaces on Main Street and Martine Avenue to provide improved drop-off and pick-up areas; and
3. Modification of the landscaping and walkway areas at the 1-11 Martine Avenue and 34 South Lexington Avenue entryways.

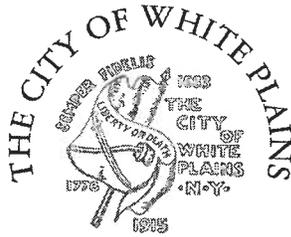
The Planning Department has no objection to these proposed changes and recommends that the Common Council grant the requested Site Plan Amendment and approve a second extension of Site Plan Approval to January 2, 2023, subject to all of the previous conditions in the original approval.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Chris N. Gomez", written in a cursive style.

Christopher N. Gomez, AICP
Commissioner of Planning

Dated: January 19, 2022



PLANNING BOARD

MUNICIPAL BUILDING · 70 CHURCH STREET · WHITE PLAINS, NEW YORK 10601
(914) 422-1300 · FAX: (914) 422-1301

THOMAS M. ROACH
MAYOR

JOHN IORIS
CHAIRMAN

CHRISTOPHER N. GOMEZ, AICP
COMMISSIONER OF PLANNING

JUDITH MEZEY
DEPUTY COMMISSIONER

EILEEN J. McCLAIN, AICP
SECRETARY

January 19, 2022

TO THE HONORABLE MAYOR AND MEMBERS OF THE COMMON COUNCIL

SUBJECT: CITY SQUARE - 50 MAIN STREET, 34 SOUTH LEXINGTON AVENUE, AND
1-11 MARTINE AVENUE - APPLICATION FOR ONE YEAR EXTENSION OF
THE APPROVAL OF A SITE PLAN AMENDMENT

At its January 18, 2022 meeting, the Planning Board considered the application by MG RMC Main LLC for a one year extension of the site plan amendment approval that was granted by the Common Council on July 1, 2019 and extended on August 3, 2020. The current application includes a further amendment to: a) add a canopy at the entrance to 34 South Lexington Avenue (aka "The Metro"); b) modify the parking and loading spaces on Main Street and Martine Avenue; and c) modify the landscaping and walkways at various locations.

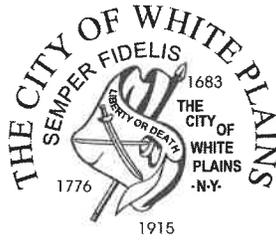
The Planning Board has no objection to approval of a one year extension and the site plan amendment as requested.

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

Respectfully submitted,

JOHN IORIS
John Ioris, Chairman
White Plains Planning Board

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DEPARTMENT OF PUBLIC SAFETY
77 SOUTH LEXINGTON AVENUE • WHITE PLAINS, NEW YORK 10601
(914) 422-6400 • FAX: (914) 422-6373

THOMAS M. ROACH
Mayor
422-1200

DAVID E. CHONG
Commissioner
422-6230

JOSEPH P. CASTELLI
Chief of Police
422-6210

DOUGLAS A. MCMATH
Fire Chief
422-6360

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.

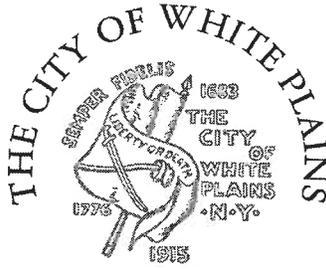
50 Main Street
Site Plan Approval Extension and
Site Plan Amendment

Respectfully,

David E. Chong
Commissioner of Public Safety

DEC:bn

Dated January 11, 2022



DEPARTMENT OF PUBLIC WORKS

MUNICIPAL BUILDING • 255 MAIN STREET • WHITE PLAINS, NEW YORK 10601
(914) 422-1206 • FAX: (914) 422-1469

THOMAS M. ROACH
MAYOR

RICHARD G. HOPE
COMMISSIONER

UDOMLUG SIRIPHONLAI, P.E.
DEPUTY COMMISSIONER

STEFANIA A. MIGNONE
DEPUTY COMMISSIONER

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

The Department of Public Works (DPW) has reviewed a petition, dated November 22, 2021, submitted by Cuddy and Feder, LLP on behalf of MG RMC Main LLC "Applicant" requesting an amendment and twelve (12) month extension to a Site Plan Approval granted July 1, 2019, for the project, known as City Square. This project is a proposed redevelopment of a 3.9-acre property composed of 50 Main Street; 34 South Lexington; and 1-11 Martine Avenue (SBL: 125.74-5-1, 2 & 3).

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

1. The proposed building entrance, which includes a new canopy; adjacent planting areas; and walls, extends into the city's right-of-way (ROW.) As indicated in the 7/1/2019 Common Council Resolution for other areas of the site extending into the municipal ROW, this additional proposed ROW encroachment area, in front of 34 South Lexington Avenue, must be clearly identified in the final As-Built drawing and will require a License Agreement with the City of White Plains. This agreement should be executed prior to any and all permits being issued. As such, this license agreement will 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.
2. The existing fire hydrant at the garage entrance on the South Lexington Avenue, shown on plan sheet as "GDC The Metro South Lexington Avenue Entrance L-1," revised 11/30/21, is labeled as "Existing Fire Hydrant to Remain." As per the 7/1/2019 Common Council Resolution, this hydrant is to be relocated to a location approximately fifty five feet (55') north of its current location. A new ductile iron pipe lead and gate valve must be installed and the existing hydrant lead must be abandoned at the main; in accordance with Department of Public Works (DPW) standards.

With the understanding that DPW's previous comments, noted in the Approval Resolution adopted by the City's Common Council on July 1, 2019 (extended on 8/3/2020,) remain in effect, as well as due consideration to our current comments, the Department of Public Works has no objection to the approval of this application for an amendment to the Site Plan Approval and twelve (12) month extension, so long as all the comments are addressed prior to the issuance of any Building Department permits.

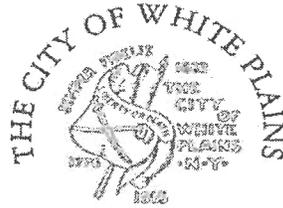
Respectfully submitted,

A handwritten signature in black ink, appearing to read "Richard G. Hope", with a long horizontal flourish extending to the right.

Richard G. Hope
Commissioner of Public Works

Dated: January 20, 2022

THOMAS M. ROACH
MAYOR



JOHN P. LARSON
COMMISSIONER OF PARKING

DEPARTMENT OF PARKING
255 MAIN ST. – ANNEX BUILDING
WHITE PLAINS, NEW YORK 10601

THOMAS J. SOYK, P.E., PTOE
DEPUTY COMMISSIONER/
CITY TRANSPORTATION ENGINEER

(914) 422-1232 Phone
(914) 422-1274 Fax

**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 request for an extension of the resolution granting Site Plan and for a Site Plan Amendment for the 50 Main Street, 34 South Lexington Avenue and 1-11 Martine Avenue residential/retail development (City Square) which was referred by the Common Council on January 3, 2022.

The Department of Parking/ Traffic Division has no objection to granting this extension and amendment.

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

Dated: January 19, 2022



TRANSPORTATION COMMISSION
255 MAIN STREET - ANNEX BUILDING • WHITE PLAINS, NEW YORK 10601
(914) 422-1232 • FAX: (914) 422-1274

THOMAS M. ROACH
MAYOR

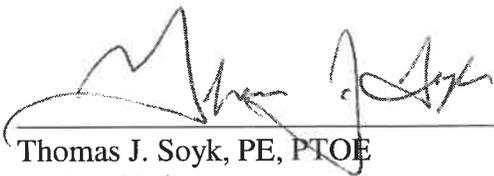
THOMAS J. SOYK, P.E., PTOE
DEPUTY COMMISSIONER

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

The Transportation Commission, at its meeting held on January 19, 2022 reviewed a request from Cuddy and Feder, LLP, on behalf of MG RMC Main, LLC. The applicant is seeking approval of the following:

- A one year extension to the Site Plan Amendment Approval.
- Approval of a new canopy at the entrance to 34 South Lexington Avenue (The Metro).
- Parking and loading space modifications on Main Street and Martine Avenue.
- Landscape and walkway modifications at 11 Martine Avenue.

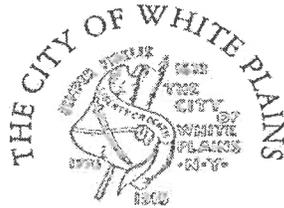
The Transportation Commission had no objections.



Thomas J. Soyk, PE, PTOE
Acting Chairman

Dated: January 20, 2022

THOMAS M. ROACH
MAYOR



JOHN P. LARSON
COMMISSIONER OF PARKING

DEPARTMENT OF PARKING
255 MAIN ST. – ANNEX BUILDING
WHITE PLAINS, NEW YORK 10601

THOMAS J. SOYK, P.E., PTOE
DEPUTY COMMISSIONER/
CITY TRANSPORTATION ENGINEER

(914) 422-1232 Phone
(914) 422-1274 Fax

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

Re: City Square, 50 Main Street, 34 S. Lexington Avenue & 1/11 Martine Avenue

The Department of Parking has reviewed the request from Cuddy and Feder, LLP, on behalf of MG RMC Main LLC, for an extension of the Site Plan Approval and a Site Plan Amendment.

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

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "John P. Larson".

John P. Larson, Commissioner
CWP – Department of Parking

Date: January 14, 2022



Westchester County Planning Board Referral Review
Pursuant to Section 239 L, M and N of the General Municipal Law and
Section 277.61 of the County Administrative Code

George Latimer
County Executive

January 5, 2022

Jill Iannetta, City Clerk/Registrar City of White Plains
Municipal Building
255 Main Street
White Plains, NY 10601-2479

Dear Ms. Iannetta:

Thank you for the notification concerning the following proposed action:

Project Name/File Number: MG RMC Main LLC — WHP 22-001

Action: One-Year Extension of Site Plan Approval

Location: 50 Main Street, 34 South Lexington Avenue and 1-11 Martine 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.

Please inform us of the City's decision so that we can make it a part of the record.

Thank you for calling this matter to our attention.

Respectfully,
WESTCHESTER COUNTY PLANNING BOARD

By: 
Norma V. Drummond
Commissioner

NVD/LH



ENVIRONMENTAL OFFICER

PLANNING DEPARTMENT • 70 CHURCH STREET • WHITE PLAINS, NEW YORK 10601
(914) 422-1252 • FAX: (914) 422-1301

THOMAS M. ROACH
MAYOR
OFFICER

ROD JOHNSON
ENVIRONMENTAL

January 26, 2022

TO: THE HONORABLE MAYOR AND MEMBERS OF THE COMMON COUNCIL

SUBJECT: CITY SQUARE
50 MAIN STREET, 34 S. LEXINGTON AVENUE, 1-11 MARTINE AVENUE
SECTION 125.74, BLOCK 5, LOTS 1, 2 & 3
EXTENSION OF SITE PLAN APPROVAL GRANTED JULY 1, 2019

The application submitted by letters dated November 10, 2021 and November 22, 2021, on behalf of MG RM C Main LLC regarding an extension of site plan approval originally granted on July 1, 2019 ("2019 Approval") and extended on August 3, 2020 to January 2, 2022, for the property known as 50 Main Street, 34 South Lexington Avenue and 1-11 Martine Avenue, related to repurposing and expanding the existing mixed-use development known as City Square (formerly Westchester Financial Center) ("Proposed Action") has been reviewed for compliance with the New York State Environmental Quality Review (SEQR) regulations.

Under Section 7.6 of the Zoning Ordinance, Site Plan approvals shall expire if substantial construction has not been completed within one year from the date of issue.

While substantially constructed the project, final completion will not be achieved by the expiration of the Site Plan Approval. The COVID-19 pandemic had the effect of delaying the initial construction of the project and, now has slowed and adversely affected the pace for development The Applicant has applied for an additional extension and also applied for amendments to the site plan drawings.

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

- A. A one-year extension of the of site plan approval granted by the Common Council on July 1, 2019 ("2019 Approval") and extended on August 3, 2020 ("2020 Approval") to January 2, 2022.
- B. An amendment to the site plan drawings as follows:
 1. Modification of the entrance canopy of The Metro building at 34 South Lexington Avenue to include a steel arch structure and matching steel canopy;
 2. Modification of the parking and loading spaces on Main Street and Martine Avenue to provide improved drop-off and pick-up areas.

At 50 Main Street two ADA parking spaces will be eliminated within the Main Street ROW and reconfigured as a loading zone. These spaces are not required for the development and do not need to be relocated. These spaces had been previously added in a deceleration lane with closing of the garage entrance included the 2019 Approval.

At 1-11 Martine Avenue the existing driveway deceleration lane within the street ROW will be shortened and reconfigured with an additional loading zone.

3. Modification of the landscaping and walkway areas at the 1-11 Martine Avenue and 34 South Lexington Avenue entryways.

The proposed modifications to the design of the project do not represent significant changes to the site plan.

Prior Approvals by the Common Council:

The Proposed Action involves an extension of the approvals originally granted by the Common Council on July 1, 2019 (“2019 Approval”) and extended on August 3, 2020 (“2020 Approval”) to January 2, 2022:

- A. Designation of the overall 3.9-acre parcel of real property consisting of three lots known as 50 Main Street (Section 125.74, Block 5, Lot 10), 34 South Lexington Avenue (Section 125.74, Block 5, Lot 2) and 1-11 Martine Avenue (Section 125.74, Block 5, Lot 3) as a “development site” pursuant to Footnote (h) Schedule of Dimensional Regulations - Non-residential in Section 5.3 of the Zoning Ordinance, for lots in a CB-4 District, whereby “Dimensional regulations apply to the entire area designated as a “development site” and are not applied to any individual areas, notwithstanding the subdivision or divided ownership of such site.”
- B. Approval of an amendment to the site plan approval for the entire Development Site consisting of 50 Main Street, 34 South Lexington Avenue and 1-11 Martine Avenue pursuant to Section 7.5 of the Zoning Ordinance.
- C. Approval of an the revocable license agreement issued by the City to the Applicant, subject to the approval of the Corporation Counsel, to permit an approximately 1,600 square foot encroachment onto the City’s right-of-way at both Main Street and South Lexington Avenue for the purpose of constructing a raised patio area and landscape walls with planters, in conjunction with the proposed single story retail expansion at the north west corner of the lot at 50 Main Street (Section 125.74, Block 5, Lot 1), as depicted on the Drawing entitled “Right-Of-Way Encroachment Plan, Fig.1,” prepared by Langan Engineering, dated May 21, 2019.
- D. Approval pursuant to the White Plains Affordable Rental Housing Program to establish a 6% affordable component for families earning 60% of Median Family Income, for a total of 12 affordable units comprised of six (6) studios, four (4) one-bedrooms, and two (2) two-bedrooms. The dedicated affordable units must remain in perpetuity for the life of the project.
- E. Approval of a payment of a fee-in-lieu of providing adequate park and recreation facilities at-grade for the proposed 188 dwelling units on a per residential unit size 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 \$535,500 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, pursuant to New York State General City Law Section 27-a: Sit Plan Review.

The total fee shall be made by the Applicant in two equal installments of \$267,750, the first at the time of issuance of the first building permit by the Department of Building, and the second upon 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. The payment is to be used exclusively for park, playground, and other recreational purposes, including the acquisition of real property.

F. Any future subdivision approval by the Planning Board of the 3.9-acre site Development Site or the three individual City tax lots consisting of 50 Main Street (Section 125.74, Block 5, Lot 1), 34 South Lexington Avenue (Section 125.74, Block 5, Lot 2) and 1-11 Martine Avenue (Section 125.74, Block 5, Lot 3).

G. Approval of a Stormwater Pollution Preventions Plan ("SWPPP").

The 3.9-acre site is situated in the CB-4 Zoning District and Central Parking Area, and is bounded on the northerly side by Main Street, on the easterly side by South Lexington Avenue, on the southerly side by Martine Avenue, and on the westerly side by Bank Street.

The site is currently occupied by a total of three (3) buildings: two office buildings (50 Main Street and 1-11 Martine Avenue) and one (1) multi-family apartment building (34 S. Lexington Avenue). The three buildings sit atop a base with a 1,033-space parking structure beneath, and surround a private elevated landscaped park.

The project site, consisting of three separate lots, was developed under the White Plains Central Renewal Project in the mid 1980's as one project known as "Westchester Financial Center." Because the development was approved prior to the adoption of the current Zoning Ordinance on June 1, 1981, the parking for the project is pre-existing, legally non-conforming to the current Zoning Ordinance.

The project original approved on July 1, 2019 involves the re-purposing and expansion of the three mixed use buildings as follows:

50 Main Street (Section 125.74, Block 5, Lot 1)

A. The existing development includes 307,786 sq. ft. of floor area consisting of 301,300 sq. ft. of office and 6,486 sq. ft. of retail space.

B. The proposed improvements include:

- The creation of new, one-story retail/commercial addition at the corner of Main Street and South Lexington Avenue, including the construction of 10,926 square feet of retail/restaurant space and the conversion of 1,683 square feet of office space to retail/restaurant space. Together with the existing 6,486 square feet of retail along Main Street, these combined improvements will yield 19,095 square feet of retail/restaurant space. There will be an elevated patio that extends along South Lexington Avenue from the entrance of the newly created retail/restaurant space at the corner. The dining patio encroaches approximately 1,600 square feet into the City's right-of-way (sidewalk). As a condition of any approval, the Applicant will need to enter into a revocable license agreement with the City to utilize the right-of-way for these purposes.
- Removal of the turning lane and driveway entrance to the parking garage along Main Street.

34 South Lexington Avenue (Section 125.74, Block 5, Lot 2)

A. The existing development includes 126,589 sq. ft. of floor area consisting of 124,487 sq. ft. of 124 residential dwelling units, and 2,102 sq. ft. of retail space.

B. The Improvements include:

- A new 4,471 square foot retail/restaurant building at the corner of South Lexington and Martine Avenues, which includes 3,129 square feet of ground floor retail space and 1,342 square feet of space on the Mezzanine level directly above.

- The existing 124 apartments at 34 South Lexington Avenue remain unchanged.

1-11 Martine Avenue (Section 125.74, Block 5, Lot 3)

- A. The existing development includes 263,039 sq. ft. of floor area consisting of 84,493 sq. ft. of office and 178,546 sq. ft. of Pace University space.
- B. Improvements include:
- The conversion of 203,438 square feet of vacant Pace University and office tenant space to 188 new luxury rental apartments (floors 2-11) consisting of 94 studios, 57 One-bedroom, and 37 two-bedroom units. Amenity spaces are proposed including a ground floor fitness center and 9th floor lounge with terrace. A separate, dedicated residential lobby and elevator bank is proposed. Of the total 188 units proposed, 6% (12 units), are proposed to be dedicated as affordable rental units pursuant to the City's Affordable Rental Housing Program Rules and Procedures.
 - Approximately 60,000 square feet will remain in use as office space (floors 12-15). A separate, dedicated office lobby and elevator bank is proposed.
 - Approximately 4,143 square feet of new retail space has been added along Martine Avenue as well as 3,500 square feet of new building expansion.

The Environmental Officer recommends that the conditions recommended by the various departments, boards and commissions, be adopted and are hereby considered to be a part of the Proposed Action for purposes of the environmental review and site plan approval.

It is recommended that the Common Council (a) reconfirm itself to be the Lead Agency for the environmental review of the Proposed Action; (b) reconfirm and determine that the Proposed Action is an Unlisted Action; (c) find that the overall project has not changed, that the proposed modifications are not significant changes to the project and that there are no new circumstances that would affect the SEQR Findings adopted for the 2019 and 2020 Approvals; and (d) determine that the Proposed Action, when compared to the SEQR criteria of environmental effect, will not have a significant effect on the environment.

Forwarded for the Common Council's consideration is a resolution that lists conditions recommended by the city departments, and makes the necessary findings and determinations.

Respectfully submitted,



Rod Johnson
Environmental Officer

ENVIRONMENTAL FINDINGS RESOLUTION REGARDING THE APPLICATION SUBMITTED ON BEHALF OF MG RMC MAIN LLC, FOR THE SECOND EXTENSION OF SITE PLAN APPROVAL GRANTED ON JULY 1, 2019 FOR 50 MAIN STREET, 34 SOUTH LEXINGTON AVENUE AND 1-11 MARTINE AVENUE, RELATED TO A MIXED USE DEVELOPMENT KNOWN AS CITY SQUARE (FORMERLY WESTCHESTER FINANCIAL CENTER).

WHEREAS, the application submitted by letters dated November 10 2021 and November 22, 2021, on behalf of MG RM C Main LLC regarding an extension of site plan approval originally granted on July 1, 2019 (“2019 Approval”) and extended on August 3, 2020 to January 2, 2022, for the property known as 50 Main Street, 34 South Lexington Avenue and 1-11 Martine Avenue, related to repurposing and expanding the existing mixed-use development known as City Square (formerly Westchester Financial Center) ("Proposed Action") has been reviewed for compliance with the New York State Environmental Quality Review (SEQR) regulations; and

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

WHEREAS, while substantially constructed the project, final completion will not be achieved by the expiration of the Site Plan Approval. The COVID-19 pandemic had the effect of delaying the initial construction of the project and, now has slowed and adversely affected the pace for development The Applicant has applied for an additional extension and also applied for amendments to the site plan drawings; and

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

- A. A one-year extension of the of site plan approval originally granted by the Common Council on July 1, 2019 (“2019 Approval”) and extended on August 3, 2020 (“2020 Approval”) to January 2, 2022.
- B. An amendment to the site plan drawings as follows:
 - 1. Modification of the entrance canopy of The Metro building at 34 South Lexington Avenue to include a steel arch structure and matching steel canopy;
 - 2. Modification of the parking and loading spaces on Main Street and Martine Avenue to provide improved drop-off and pick-up areas.

At 50 Main Street two ADA parking spaces will be eliminated within the Main Street ROW and reconfigured as a loading zone. These spaces are not required for the development and do not need to be relocated. These spaces had been previously added in a deceleration lane with the removal of the garage entrance included the 2019 Approval.

At 1-11 Martine Avenue the existing driveway deceleration lane within the street ROW will be shortened and reconfigured with an additional loading zone.

- 3. Modification of the landscaping and walkway areas at the 1-11 Martine Avenue and 34 South Lexington Avenue entryways; and

WHEREAS, the proposed modifications to the design of the project do not represent significant changes to the site plan; and

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

WHEREAS, although a considerable amount work has been started on the project, substantial completion will not be achieved by the expiration of the Site Plan Approval. Construction of the project was impacted by the

COVID-19 pandemic when all "non-essential" construction was halted by the Governor's Executive Order in March 2020; and

WHEREAS, the 3.9-acre site is situated in the CB-4 Zoning District and Central Parking Area, and is bounded on the northerly side by Main Street, on the easterly side by South Lexington Avenue, on the southerly side by Martine Avenue, and on the westerly side by Bank Street; and

WHEREAS, the site is currently occupied by a total of three (3) buildings: two office buildings (50 Main Street and 1-11 Martine Avenue) and one (1) multi-family apartment building (34 S. Lexington Avenue). The three buildings sit atop a base with a 1,033-space parking structure beneath, and surround a private elevated landscaped park; and

WHEREAS, the project site, consisting of three separate lots, was developed under the White Plains Central Renewal Project in the mid 1980's as one project known as "Westchester Financial Center." Because the development was approved prior to the adoption of the current Zoning Ordinance on June 1, 1981, the parking for the project is pre-existing, legally non-conforming to the current Zoning Ordinance; and

WHEREAS, the project original approved on July 1, 2019 involves the re-purposing and expansion of the three mixed use buildings as follows:

50 Main Street (Section 125.74, Block 5, Lot 1)

- A. The existing development includes 307,786 sq. ft. of floor area consisting of 301,300 sq. ft. of office and 6,486 sq. ft. of retail space.
- B. The proposed improvements include:
 - The creation of new, one-story retail/commercial addition at the corner of Main Street and South Lexington Avenue, including the construction of 10,926 square feet of retail/restaurant space and the conversion of 1,683 square feet of office space to retail/restaurant space. Together with the existing 6,486 square feet of retail along Main Street, these combined improvements will yield 19,095 square feet of retail/restaurant space. There will be an elevated patio that extends along South Lexington Avenue from the entrance of the newly created retail/restaurant space at the corner. The dining patio encroaches approximately 1,600 square feet into the City's right-of-way (sidewalk). As a condition of any approval, the Applicant will need to enter into a revocable license agreement with the City to utilize the right-of-way for these purposes.
 - Removal of the turning lane and driveway entrance to the parking garage along Main Street.

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- A. The existing development includes 126,589 sq. ft. of floor area consisting of 124,487 sq. ft. of 124 residential dwelling units, and 2,102 sq. ft. of retail space.
- B. The Improvements include:
 - A new 4,471 square foot retail/restaurant building at the corner of South Lexington and Martine Avenues, which includes 3,129 square feet of ground floor retail space and 1,342 square feet of space on the Mezzanine level directly above.
 - The existing 124 apartments at 34 South Lexington Avenue remain unchanged.

1-11 Martine Avenue (Section 125.74, Block 5, Lot 3)

A. The existing development includes 263,039 sq. ft. of floor area consisting of 84,493 sq. ft. of office and 178,546 sq. ft. of Pace University space.

B. Improvements include:

- The conversion of 203,438 square feet of vacant Pace University and office tenant space to 188 new luxury rental apartments (floors 2-11) consisting of 94 studios, 57 One-bedroom, and 37 two-bedroom units. Amenity spaces are proposed including a ground floor fitness center and 9th floor lounge with terrace. A separate, dedicated residential lobby and elevator bank is proposed. Of the total 188 units proposed, 6% (12 units) are proposed to be dedicated as affordable rental units pursuant to the City's Affordable Rental Housing Program Rules and Procedures.
- Approximately 60,000 square feet will remain in use as office space (floors 12-15). A separate, dedicated office lobby and elevator bank is proposed.
- Approximately 4,143 square feet of new retail space has been added along Martine Avenue as well as 3,500 square feet of new building expansion; and .

WHEREAS, the current Proposed Action involves an extension of the approval actions originally granted by the Common Council on July 1, 2019 ("2019 Approval") and extended on August 3, 2020 ("2020 Approval") to January 2, 2022:

- A. Designation of the overall 3.9-acre parcel of real property consisting of three lots known as 50 Main Street (Section 125.74, Block 5, Lot 10), 34 South Lexington Avenue (Section 125.74, Block 5, Lot 2) and 1-11 Martine Avenue (Section 125.74, Block 5, Lot 3) as a "development site" pursuant to Footnote (h) Schedule of Dimensional Regulations - Non-residential in Section 5.3 of the Zoning Ordinance, for lots in a CB-4 District, whereby "Dimensional regulations apply to the entire area designated as a "development site" and are not applied to any individual areas, notwithstanding the subdivision or divided ownership of such site."
- B. Approval of an amendment to the site plan approval for the entire Development Site consisting of 50 Main Street, 34 South Lexington Avenue and 1-11 Martine Avenue pursuant to Section 7.5 of the Zoning Ordinance.
- C. Approval of an the revocable license agreement issued by the City to the Applicant, subject to the approval of the Corporation Counsel, to permit an approximately 1,600 square foot encroachment onto the City's right-of-way at both Main Street and South Lexington Avenue for the purpose of constructing a raised patio area and landscape walls with planters, in conjunction with the proposed single story retail expansion at the north west corner of the lot at 50 Main Street (Section 125.74, Block 5, Lot 1), as depicted on the Drawing entitled "Right-Of-Way Encroachment Plan, Fig.1," prepared by Langan Engineering, dated May 21, 2019.
- D. Approval pursuant to the White Plains Affordable Rental Housing Program to establish a 6% affordable component for families earning 60% of Median Family Income, for a total of 12 affordable units comprised of six (6) studios, four (4) one-bedrooms, and two (2) two-bedrooms. The dedicated affordable units must remain in perpetuity for the life of the project.
- E. Approval of a payment of a fee-in-lieu of providing adequate park and recreation facilities at-grade for the proposed 188 dwelling units on a per residential unit size 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 \$535,500 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, pursuant to New York State General City Law Section 27-a: Sit Plan Review.

The total fee shall be made by the Applicant in two equal installments of \$267,750, the first at the time of

issuance of the first building permit by the Department of Building, and the second upon 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. The payment is to be used exclusively for park, playground, and other recreational purposes, including the acquisition of real property.

- F. Any future subdivision approval by the Planning Board of the 3.9-acre site Development Site or the three individual City tax lots consisting of 50 Main Street (Section 125.74, Block 5, Lot 1), 34 South Lexington Avenue (Section 125.74, Block 5, Lot 2) and 1-11 Martine Avenue (Section 125.74, Block 5, Lot 3).
- G. Approval of a Stormwater Pollution Preventions Plan ("SWPPP"); and

Application Materials for the current Proposed Action.

WHEREAS, the Applicant submitted the following documents in support of the current proposed extension of the site Plan Approval ("2022 Application Materials"):

- A. A letter prepared by William S. Null, Esq. of Cuddy + Feder LLP, dated November 10, 2021.
- B. A letter prepared by William S. Null Cuddy + Feder LLP dated November 22, 2021.
- C. A Short Form Building Permit Application dated October 22, 2021
- D. A Full Environmental Assessment Form dated October 10, 2018.
- E. Additional drawings regarding changes to the project design;

Changes to The Metro Entrance Canopy and Landscaping.

1. An architectural/landscape drawing prepared by Imbiano Quigley Landscape Architects entitled, "GDC, The Metro, South Lexington Ave. Entrance," "Site & Planting Plan" (L-1), dated September 26, 2021, last revised November 3, 2021.
2. A drawing prepared by Ginsburg Development Corp. entitled, "The Metro, 34 S. Lexington Avenue, White Plains, NY," "Entrance Plan and Elevations" (GDC 1.10a)," dated November 30, 2021.
3. A rendering (undated) showing the proposed architectural appearance of the new canopy proposed for The Metro building at 34 South Lexington Avenue.
4. A Survey, dated May 11, 2016, last revised May 21, 2019, prepared by Langan Engineering, Environmental, Surveying, Landscape Architecture and Geology, D.P.C., entitled "Boundary and Topographic Survey" (VB101) and (VB102).

Parking & Loading Space Modifications to Main Street and Martine Avenue:

5. A plan eliminating two (2) ADA parking spaces on Main Street and restriping the deceleration lane on Martine Avenue to provide for Loading Area modifications, 2 which changes are "bubbled" on the enclosed three (3) sets of a plan entitled, "City Square, White Plains, NY, Site Plan," (Drawing No. CS101), dated October 11, 2018; and

WHEREAS, the Applicant previously submitted the following documents in support of the first 2020 site Plan extension ("2020 Application Materials"):

- A. Cover letter from Mr. William Null dated May 15, 2020.
- B. The previously submitted Short Form Building Permit Application dated October 12, 2018.
- C. The previously submitted Full Environmental Assessment Form, Parts 1 and 2, dated October 10, 2018; and

WHEREAS, the Applicant previously submitted the following documents in support of the original 2019 Approval ("2019 Application Materials"):

- A. Cover letter from Mr. William Null dated October 12, 2018.
- B. A Short Form Building Permit Application dated October 12, 2018.
- C. A Full Environmental Assessment Form dated October 10, 2018.
- D. A shared Parking Analysis dated October 8, 2018 as prepared by Maser Consulting, P.A.
- E. Site Plan drawings generally entitled "City Square, White Plains, NY for Robert Martin Company LLC & Ginsburg Development Companies," prepared by Warshauer Mellusi Warshauer Architects, PC, Dated, numbered, titled and dated as follows:

Dwg #	Title	Date	Revised
-	Coversheet		
A-1	Master Site Plan	10/11/18	
A-2	Site Plan	10/11/18	
A-3	Lower Level Parking Plan	10/11/18	
A-4	Mid Level Parking Plan	10/11/18	
A-5	First Floor Plan	10/11/18	
A-6	Intermediate Floor Plan	10/11/18	
A-7	Second Floor Plan	10/11/18	
A-8	Third Floor Plan	10/11/18	
A-9	Fourth Floor Plan	10/11/18	
A-10	Fifth Floor Plan	10/11/18	
A-11	Sixth Floor Plan	10/11/18	
A-12	Seventh Floor Plan	10/11/18	
A-13	Eighth Floor Plan	10/11/18	
A-14	Ninth Floor Plan	10/11/18	
A-15	Tenth Floor Plan	10/11/18	
A-16	Eleventh Floor Plan	10/11/18	
A-17	Twelfth Floor Plan	10/11/18	
A-18	Fourteenth Floor Plan	10/11/18	
A-19	Fifteenth Floor Plan	10/11/18	
A-20	Sixteenth Floor Plan	10/11/18	
A-21	Elevations	10/11/18	
A-22	Enlarged Elevations	10/11/18	

- F. Civil Engineering Plans entitled "City Square, 50 Main Street, Block No. 5, Lot No. 1, White Plains, Westchester County, New York," prepared by Langan Engineering, Environmental, Surveying, Landscape Architecture and Geology, D.P.C. , numbered, titled and dated as follows:

Dwg. #	Title	Date	Revised
CS001	Coversheet	-	
CD101	Site Removal Plan	10/11/18	
CS101	Site Plan	10/11/18	
CG101	Grading and Drainage Plan (1 Of 2)	10/11/18	
CG102	Grading and Drainage Plan (2 Of 2)	10/11/18	
CE101	Erosion and Sediment Control Plan (1 Of 2)	10/11/18	
CE102	Erosion and Sediment Control Plan (2 Of 2)	10/11/18	
CS501	Details	10/11/18	

- G. Cover letter from Mr. William Null dated November 20, 2019, transmitting a packet of renderings for Ginsburg Development Companies, entitled "City Square Site Plan Application Indicative Renderings of Additions, dated November 2018:
1. 500 Main Street: New Entrance Canopy and Artwork
 2. Retail Addition: Corner Main and Lexington, Main Street Elevation
 3. Retail Addition: Corner Main and Lexington
 4. Retail Addition: Corner Main and Lexington
 5. Retail Addition: 1-11 Martine, from Martine, vehicular view
 6. Retail Addition: Martine/ Lexington, Martine Avenue Elevation
 7. Retail Addition: 1-11 Martine, from Martine, near Bank Street
- H. A survey Drawing Numbers VB101 and VB102, entitled "Mack-Cali Realty Corporation, Boundary and Topographic Survey, dated May 11, 2016, and signed 2/7/2018.
- I. Cover letter from Mr. William Null dated February 7, 2019 transmitting:
1. Color renderings of the 50 Main Street addition, providing two different vantage points, showing modified façade treatment and enhanced landscaping, etc.
 2. Revised Drawings A-21 and A-22, prepared by Warshauer Mellusi Warshauer Architects, P.C., as revised from the prior submission, showing Elevations of this addition:
- | Dwg. # | Title | Date | Revised |
|--------|---------------------|----------|---------|
| A-21 | Elevations | 10/11/18 | 2/6/19 |
| A-22 | Enlarged Elevations | 10/11/18 | 2/6/19 |
- J. Cover letter from Mr. William Null dated March 15, 2019, transmitting a March 14, 2019 Memorandum issued to Commissioner Richard G. Hope by Justin Macalintal, Senior Staff Engineer, Langan Engineering, referring to the following enclosed plans and documents:
1. Plans prepared by Langan Engineering, entitled "City Square, White Plains, NY" consisting of the following eleven (11) numbered and titled sheets, revised March 14, 2019:
 - i. (CS001) "Cover Sheet"
 - ii. (CD101) "Site Removal Plan"
 - iii. (CS101) "Site Plan ,,"
 - iv. (CG101) "Grading and Drainage Plan"
 - v. (CG102) "Grading and Drainage Plan"
 - vi. (CE101) "Erosion and Sediment Control Plan"
 - vii. (CS501) "Details"
 - viii. (CS502) "Notes"
 - ix. (LP101) "Lighting & Planting Plan"
 - x. (LP501) "Planting Details"
 - xi. (LL501) "Lighting Details"
 2. Plan prepared by Langan Engineering entitled, "City Square", "Impervious Coverage Plan" (Fig. 1), dated March 14, 2019.
 3. A March 14, 2018 letter from Joselow & Associates LLC.
- K. Email from William S. Null, Esq., Cuddy & Feder LLP, transmitting the following revised drawings showing reduced sidewalk improvements within the street right-of-way and the city's standard street light:
- | Dwg. # | Title | Prepared by | Date |
|---------|-------------------------------------------|----------------------------|----------|
| GDC 3.2 | 50 Main St. First Floor Retail Floor Plan | Ginsburg Development Corp. | 19-02-05 |
| SD-26A | CWP Standard Construction Detail | City of White Plains | - |

LED Street Lighting

- L. Memorandum regarding City Square Traffic Analysis, prepared by Maser Consulting, P.A., dated June 15, 2018.
- M. Memorandum regarding City Square Intersection capacity Analysis for Main Street and Lexington Avenue, prepared by Maser Consulting, P.A., dated September 6, 2018.
- N. Email from Mr. William Null dated May 22, 2019 transmitting the following drawing which delineates the reduced area, approximately 1,600 square foot, encroachment onto the City’s right-of-way at both Main Street and South Lexington Avenue for the purpose of constructing a raised patio area and landscape walls with planters, in conjunction with the proposed single story retail expansion at the north west corner of the lot at 50 Main Street:

<u>Dwg. #</u>	<u>Title</u>	<u>Prepared by</u>	<u>Date</u>
Fig 1	Right-of-way Encroachment Plan	Langan Engineering	May 22, 2019

- O. Additional documents listed in the communication from the Department of Public Works dated for the Common Council meeting scheduled for July 1, 2019:
 1. Cover letter dated 6/11/19, as prepared by William S. Null, of Cuddy & Feder, LLP.
 2. "Site Plan Approval" civil engineering drawings, revised 6/11/19, prepared by Langan Engineering, Environmental, Surveying, Landscape Architecture and Geology, P.D.C.
 3. "Stormwater Management Report", dated 6/11/19, prepared by Langan Engineering, Environmental, Surveying, Landscape Architecture and Geology, P.D.C.
 4. "Sanitary Sewer Evaluation Engineering Report", dated 6/11/19, prepared by Langan Engineering, Environmental, Surveying, Landscape Architecture and Geology, P.D.C.
 5. "Right-of-Way Encroachment Plan", dated 5/22/19, prepared by Langan Engineering, Environmental, Surveying, Landscape Architecture and Geology, P.D.C.
 6. Letter from William McShane, P.E., of Joselow & Associates, LLC, with evaluation of existing utility services;
 7. Boundary and Topographic Survey, revised 5/21/19, prepared by Langan Engineering, Environmental, Surveying, Landscape Architecture and Geology, P.D.C.
 8. Architectural Plan set, last revised 10/11/18, as prepared by Warshauer Mellusi Warshauer Architects;
 9. "Shared Parking Summary", dated 10/8/18, prepared by Maser Consulting P.A.
 10. Completed "Full Environmental Assessment Form - Part 1 -Project and Setting", dated 10/10/18.
 11. Completed "Full Environmental Assessment Form - Part 2 - Identification of Potential Project Impacts", undated;
 12. Completed City of White Plains Department of Building Application "Short Form Application", dated 10/12/18; and

WHEREAS, the based on the recommendations of the various City Departments, Boards and agencies, the Environmental Officer has recommended that following conditions originally approved as part of the 2019 Approval Resolution be continued and are hereby considered to be a part of the current Proposed Action for purposes of the environmental review and site plan approval (hereinafter referred to as “2019 Conditions”):

- A. Conditions recommended in the communication from the Commissioner of Planning, dated May 21, 2019:
 1. The project shall contain a 6% affordable component for families earning 60% of Median Family Income, for a total of 12 affordable units comprised of six (6) studios, four (4) one-bedrooms, and two (2) two-bedrooms. The dedicated affordable units must remain in perpetuity for the life of the project. The location, specific unit bedroom count, and total unit size of each of the 12 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.

2. The Common Council make the requisite finding pursuant to New York State General City Law §27-a, that the site plan does not provide adequate land for park and recreation facilities based on the project's anticipated generation of 298 new 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 Department 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.
3. The Common Council should assess a fee-in-lieu of providing adequate park and recreation facilities at-grade for the proposed 188 dwelling units on a per residential unit size 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 \$535,500 to be paid by the applicant to the City and to be used exclusively for park, playground, and other recreational purposes, including the acquisition of real property.

The total fee shall be made by the Applicant in two equal installments of \$267,750, the first at the time of issuance of the first building permit by the Department of Building, and the second upon 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. The payment is to be used exclusively for park, playground, and other recreational purposes, including the acquisition of real property.

4. 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.
5. Subject to the approval of the Corporation Counsel, the Applicant must enter into a revocable license agreement with the City pertaining to the approximately 1,600 square foot encroachment onto the City's right-of-way at both Main Street and South Lexington Avenue as depicted on the Right-Of-Way Encroachment Plan Fig.1, prepared by Langan Engineering, dated May 21, 2019.
6. Applicant must remove the existing deceleration lane along South Lexington Avenue leading to the parking garage entrance and replace with concrete sidewalk with promenade pattern per Department of Public Works standards as depicted on the Right-Of-Way Encroachment Plan Fig.1, prepared by Langan Engineering, dated May 21, 2019.
8. 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 run off from the site on the City storm drain system, such as from the wash down of delivery vehicles departing the site (all such vehicles must be cleaned on pads located on the site and all drainage must have proper filtration of the wash down water), noise, pest control, street cleaning, site security, scheduling of periodic meetings with nearby residents and City staff to coordinate project construction and keep residents advised. The Construction Management Plan shall be subject to the approval of the Commissioners of Building, Public Safety, Public Works, Traffic, and Planning and the Environmental Officer.

8. 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. Conditions recommended in a communication from the Deputy Parking Commissioner, City Transportation Engineer, dated December 12, 2018.:
1. The location of traffic and parking signs on the redesigned Main Street frontage must be identified with particular consideration given to the visibility of signs (not blocked by landscaping/ trees) . It is recommended that a small cut-out be considered for the modified retail which will now be closer to Main Street. The curb face for the Main Street travel lane should be restricted as "No Stopping Any Time".
 2. There must be a note on the layout plan that indicates that the City may require time period restrictions for exiting the driveway onto Bank Street, should future traffic conditions warrant this restriction.
 3. Any accessible spaces on the site must be updated to have the standard markings and sign with the new symbol. The loading area between accessible spaces must be signed as "No Parking".
 4. A loading management plan must be submitted which accounts for increased residential move ins, package (mail) deliveries, modified retail delivery requirements and increases in taxi/uber/lyft type services.
- C. Conditions recommended in a communication from the Transportation Commission dated December 20, 2018:
1. The Commission reserves the right to restrict vehicles exiting the Bank Street driveway during the peak hours in the future if needed.
- D. As per the communication of the Commissioner of Public Works, dated for the Common Council meeting on July 1, 2019:
1. Prior to the issuance of a building permit by the City's Department of Building, the applicant must provide DPW, for review and approval, a revised Stormwater Management Report. The revised report must include the 25-yr and 50-yr storm events in the Pre and Post Construction runoff analysis. The stormwater management design must, at minimum , meet a zero increase to the site's peak runoff for all storm events, in accordance with the latest NYSDEC and City of White Plains requirements.
 2. The applicant's MEP engineer of record (EOR) is the applicant's New York State Licensed Design Professional responsible for ensuring the project's service lines are adequate for its intended inhabitants and uses and that the sizes of the water and sewer services are designed to meet current New York State Code requirements.
 - A. Information provided in the Sanitary Sewer Evaluation and Engineering Report, and letter from Joselow & Associates providing the evaluation of the buildings ' existing services, indicates that the sanitary sewer and the domestic water services for the building at 1-11 Martine Avenue will require an increase to their size in order to accommodate the additional repurposing flows. Update the proposed utility plans to show the required upgrade to the services. Note that a permit from the Westchester County Department of Health (WCDOH) will be required for the service from the building to the city main.
 - B. Update the plans to show the proposed domestic water service to 1-11 Martine Ave. Any new water service must be installed with a three (3) valve configuration at the main, in accordance with DPW requirements (contact DPW for details). Note that temporary line stop(s) may be required to be installed at the existing main in order to allow for the service connection to be made without disruption of service to nearby properties.
 - C. Under NYSDEC regulations, the repurposing of an existing building yielding a proposed sanitary sewer

service flow in excess of 2,500 gpd, requires that the service be approved by the WCDOH. Provide DPW with a copy of all approvals.

3. Backflow prevention devices must be installed on all existing or proposed water service lines.
 - A. New backflow prevention devices to be installed on the fire and domestic water services, as a result of the proposed site alterations, these devices must be located in a utility room that must also accommodate a master water meter. The application for the backflow device installations must be prepared by a licensed New York State professional engineer and submitted to the Department of Public Works for review and subsequent final approval by the Westchester County Health Department. The floor drain for said room must be adequate to comply with White Plains Department of Public Works and Westchester Department of Health requirements.
 - B. Existing backflow prevention devices installed on existing water service lines must be up to date with respect to testing and inspections. Provide DPW with the updated documentation for each device installed.
 - C. After the approved backflow prevention device(s) have been installed and successfully tested, the applicant's licensed professional must certify that the installation was performed according to the WCDOH approved plans and a completed copy (per installed device) of the department's Form DOH-1013 (Report on Test and Maintenance of Backflow Prevention Device Form) must be provided to the City, as the water purveyor, prior to the issuance of a temporary certificate of occupancy (T.C.O.) by the Department of Building.
4. The applicant will be required to provide (for each sanitary sewer service line affected by the proposed site alterations) a grease trap/interceptor within the property, sized based on the proposed flow, including any anticipated restaurant or food preparing facility. The unit's type and size must be approved by the Commissioner of Public Works prior to obtaining a Building Department permit.
5. The proposed stormwater catch basin filter inserts, proposed to be installed in existing area drain inlets, other than those at parking lot driveways, may offer minimal pollutant protection. In lieu of installing the inserts at rooftop or elevated walkway area drains, provide inlet protection at the Lexington driveway entrance trench drain.
6. The existing stormwater drain catch basins at the location of the new curb alignment on South Lexington (Gust south of Main St.) may require alterations. If new castings are to be installed, it must include an ECO-Phase II Type -"STD" curb piece with the words "DUMP NO WASTE DRAINS TO WATERWAYS" cast on it and bicycle safe grate, in accordance with DPW standards.
7. The applicant will be required to perform the following ROW improvements to the areas surrounding the property:
 - A. The proposed sidewalk and curbing restoration or replacement limits, as indicated in plans, shall be as directed by the Commissioner of Public Works.
 - B. Replace the existing catch basin castings, at the following locations surrounding the site, with new ECO-Phase II Type -"STD" curb piece with the words "DUMP NO WASTE DRAINS TO WATERWAYS" cast on it and bicycle safe grates, in accordance with DPW standards:
 - a) Martine Ave. edge of pavement, just west of South Lexington Ave.
 - b) Edge of pavement at radius curb of intersection of Martine Ave. and Bank St.
 - c) Bank St. edge of pavement, just north of Martine Ave.
 - d) Bank St. edge of pavement, just south of Main St.
 - e) Main St. edge of pavement, just east of Bank St.
 - f) Main St. edge of pavement, just west of So. Lexington Ave.

8. The construction of all stormwater facilities must be under the supervision of the stormwater design Engineer of Record. To ensure the proper maintenance of the site's stormwater device(s), an as-built drawing must be provided to the Department of Public Works, signed and sealed by this engineer, or by a New York State Licensed Land Surveyor, and a typical escrow account must be established for the maintenance of the permanent stormwater facilities. The Commissioner of Public Works has the right to utilize this escrow account to perform maintenance work should the owner fail to be responsive. Further, the City's Department of Public Works, should they be required to contract the work, will receive an additional 20% of all costs as an administrative fee. A standard DPW Stormwater Maintenance Agreement must be executed with the City, approved by the Corporation Counsel, prior to the issuance of a temporary certificate of occupancy (T.C.O.).
9. The proposed ROW encroachment areas along the Main St. and So. Lexington Ave. sides of the property must be clearly identified in final As-Built drawing and will require a License Agreement with the City to be executed along with all necessary permits, and will 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 planting areas. 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 as an administrative fee.
10. The existing planting area, along with its masonry walls, along the So. Lexington Ave. side of the property (near the Martine Ave. intersection) within the municipal ROW, must be clearly identified in final As-Built drawing and the owner will be required to enter into a License agreement and will remain in effect with the transfer of the property. This document must be approved by DPW and the Corporation Counsel. An appropriate escrow account must be established by the Commissioner of Public Works for the maintenance of said planting areas. 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 as an administrative fee.
11. All tree species being proposed to be installed within the City's ROW will require approval from DPW and the City's arborist prior to planting.
12. All existing sanitary sewer and stormwater drain structures, where new connections to 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, shall be provided to DPW for review and acceptance.
13. The owner must obtain a City of White Plains Department of Public Works (DPW) MS4 storm water permit prior to the issuance of a Building Department permit. Work or encumbrance to be performed within the municipal right-of-way will require other DPW permits prior to undertaking the work. Contact DPW Code Enforcement (914-422-1208).
14. The Full Environmental Assessment Form - Part 1, dated 10/10/18, as prepared by MG RMC Main LLC, indicates that the applicant intends to contract an outside solid waste removal and hauling company to handle the site's solid waste, recycled cardboard and co-mingled materials. The applicant must provide a completed Department of Public Works (DPW) Solid Waste Management Form indicating how the trash and recyclables (co-mingled and paper/cardboard) will be handled at the site, with a private carter. This must include a plan clearly showing a sanitation truck turning radius and pickup location must be provided for the Commissioner of Public Works approval prior to obtaining a Building Department Permit.

15. Upon completion of proposed development, an as-built drawing, signed and sealed by the engineer of records, must be submitted detailing all utilities, including the drainage system as installed and all site drainage features existing and proposed, prior to the issuance of a temporary certificate of occupancy (T.C.O.).
16. All construction work shall be subject to the City's Construction Management Protocol. This Protocol includes, among other things, a Construction Management Plan, erosion and sedimentation control measures, hours of operation, parking, site access, etc.

The requirements for the White Plains Construction Management Protocol for the proposed redevelopment of the site are set forth below:

- A. A Construction Management Plan is required for the development of the proposed project and a coordination plan for coordinating construction other construction in the area, if any, including City projects which will be going on contemporaneously with this project. The plan shall include strict controls on all aspects of the construction, including construction related impacts on adjacent properties and properties within the construction impact area, such as, but not limited to, hours of operation of construction vehicles and construction work on the site, hours of deliveries to the site, location of deliveries, requirements for loading/unloading and storage of materials on the project site, length of time travel lanes can be encumbered, sidewalk closings or pedestrian diversions to ensure the safety of the pedestrians, controls on "fugitive dust" and the impact of run-off from the site on the City storm drain system, such as from the wash down of delivery vehicles departing the site (all such vehicles must be cleaned on pads located on the site and all drainage must have proper filtration of the wash-down water), noise, pest control, street cleaning, site security, scheduling of periodic meetings with nearby residents and City staff to coordinate project construction and keep residents advised. The Construction Management Plan shall be subject to the approval of the Commissioners of Building, Public Safety, Public Works, Traffic, 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 construction contractors with information on where their workers and the subcontractors are permitted to park and provide clear consequences for the failure to follow these regulations. The parking plan shall also designate the routes to the construction site for construction workers and construction vehicles, which routes must be approved by the Deputy Commissioner of Parking for Transportation Engineering, Commissioner of Public Safety and Commissioner of Public

Works. Such routes shall be along arterial and collector streets, with minimum use of minor streets if deemed necessary to access the construction site. For core area development, it is anticipated that parking for construction workers will be arranged through the City's Department of Parking. The applicant should commence discussions with the Parking Department as soon as possible to address this issue if parking in a municipal lot parking garage is proposed for construction worker parking.

- D. The Construction Management Plan shall prohibit staging or "waiting" by construction vehicles on City streets, unless previously approved in writing by the Commissioners of Public Works and Public Safety.
- E. As to "fugitive dust", the applicant must develop a plan for the protection of adjacent properties, satisfactory to the Commissioner of Building and the Environmental Officer.
- F. Due to the proximity of sensitive receptors, such as nearby residents, noise from the construction site could potentially have negative impacts, the Construction Management Plan must address both noise impacts and air quality impacts of construction equipment as follows:
 - i. The internal combustion engine-powered construction equipment used in the construction of the project shall be limited to late model (1998 and newer) so as to take advantage of the cleaner burning engines. Also, these off-road pieces of equipment will have better sound attenuation properties. Exceptions to this shall be subject to the approval of the Commissioner of Building upon a demonstration that it is not feasible or practicable to obtain the required equipment. Unless an exception is granted by the Commissioner of Building, no engines shall be used unless "critical" level exhaust silencers are fitted. This is the quietest of the three main categories and is consistent with what the City uses for its own fleet.
 - ii. All non-road vehicles over 50HP used with regard to this project shall utilize the best technology available for reducing the emission of pollutants, including, but not limited to, retrofitting such non-road vehicles with oxidation catalysts, particulate filters, and/or technology with comparable or better effectiveness. All construction equipment shall include PM2.5 emission controls. The City recognizes that there is a cost associated with PM2.5 emission controls, but the size, scope, and length of time necessary to construct each project warrants the additional cost on the part of each project developer to insure reduced emissions during the construction phase.
 - iii. All diesel powered non-road vehicles in use at this construction site shall be fueled only with ultra-low sulfur diesel having a sulfur content of no more than fifteen (15) parts per million. All fuel delivered for use at this construction site shall consist of said fuel.
 - iv. "Non-road vehicle" means a vehicle that is powered by non-road engine, fifty (50) horsepower and greater, which shall include, but not be limited to, excavators, backhoes, cranes, compressors, generators, bulldozers, and similar equipment.
 - v. "Non-road engines" mean an internal combustion engine (including the fuel system) that is not used in a motor vehicle used solely for competition or that is not subject to standards promulgated under Section 7411 or Section 7521 of Title 42 of the United States Code (USC), except that this term shall apply to internal combustion engines used to power generators, compressors, or similar equipment used in any construction program or project.
- G. Prior to the issuance of any building or excavation permits, the applicant and its construction management team, including principal contractors, must meet together with representatives of the City'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 devices.
- I. The applicant shall be responsible to ensure that all streets and/or roadway infrastructure which is damaged as a result of construction activities will be repaired to City standards, funding for such repairs to be drawn from the bond posted with the City, Builder's Risk Insurance, and by the applicant for such damage as is not covered by the bond or insurance.
- J. The Construction Management Plan shall address the maintenance of the respective properties during the construction phase. Prior to the commencement of construction, the project applicant shall also be required to maintain its property and ensure that it is clean and free from hazardous conditions.
- K. The City of White Plains Standard Construction Details and Specifications shall supersede anything submitted by the applicant which is inconsistent with those standards.
- L. The applicant shall include a note on both the approved special permit/site plan and the Construction Management Plan about soil and erosion control regulations and the need to comply with the applicable City of White Plains and New York State Department of Environmental Conservation regulations, including, in all cases providing appropriate controls on site to prevent runoff from the site into City streets and storm drainage system, and, where applicable, the requirements of the approved SWPPP.
- M. The applicant shall submit to the Commissioner of Public Works for review and approval, a certified property survey by a licensed surveyor with metes and bounds shown for all property lines. The applicant shall provide coordinates in NAD 83 on the property survey.
- N. The Applicant shall provide to the Commissioner of Public Works for his review and approval profiles of the proposed service utilities, depicting existing utility crossings.
- O. The construction sequence of this proposed project must be coordinated with the City's Department of Public Works before it can issue permits to close streets or sidewalks, and disconnect or otherwise interrupt utility services, which will likely have a significant impact to the surrounding neighborhood.
- P. The applicant or any of its successor(s) or assign(s) shall be required to notify the Corporation Counsel of the City of White Plains in writing within thirty (30) days of any change in ownership, transfer of title, or any change in the corporate structure of same; and

WHEREAS, the Environmental Officer has recommended that following additional conditions recommended of the various City Departments, Boards and agencies, be considered to be a part of the current Proposed Action for purposes of the environmental review and site plan approval (hereinafter referred to as "2020 Conditions"):

- A. The extension of Site Plan Approval is granted for an 18-month period to January 1, 2022 subject to all of the 2019 and 2020 Conditions.
- B. Condition recommended in a communication from the Commissioner of Public Works dated July 20, 2020:
 Owner/Applicant must obtain a City of White Plains, Department of Public Works (DPW) MS4 Stormwater Permit prior to the issuance of a Building Department permit. Work or encumbrance to be performed within the Municipal right-of-way will require other DPW permits before undertaking the work; and

WHEREAS, the Environmental Officer has recommended that following additional conditions recommended of the various City Departments, Boards and agencies, be considered to be a part of the current Proposed Action for

purposes of the environmental review and site plan approval (hereinafter referred to as "2022 Conditions"):

- A. Conditions recommended in a communication from the Commissioner of Public Works dated January 20, 2022
 1. The proposed building entrance, which includes a new canopy; adjacent planting areas; and walls, extends into the city's right-of-way (ROW.) As indicated in the 7/1/2019 Common Council Resolution for other areas of the site extending into the municipal ROW, this additional proposed ROW encroachment area, in front of 34 South Lexington Avenue, must be clearly identified in the final As-Built drawing and will require a License Agreement with the City of White Plains. This agreement should be executed prior to any and all permits being issued. As such, this license agreement will 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.
 2. The existing fire hydrant at the garage entrance on the South Lexington Avenue, shown on plan sheet as "GDC The Metro South Lexington Avenue Entrance L-1," revised 11/30/21, is labeled as "Existing Fire Hydrant to Remain." As per the 7/1/2019 Common Council Resolution, this hydrant is to be relocated to a location approximately fifty five feet (55') north of its current location. A new ductile iron pipe lead and gate valve must be installed and the existing hydrant lead must be abandoned at the main; in accordance with Department of Public Works (DPW) standards: and

WHEREAS, the proposed incremental changes and repurposing of the existing mixed use buildings on a developed site in Downtown White Plains represents, an Unlisted Action under SEQR regulations for the following reasons:

- a. The repurposing of the existing office building at 1-11 Martine Avenue to create net increase of 188 residential units does not achieve the threshold criteria of 250 units in a city having a population of less than 150,000 necessary to be a Type I Action.
- b. The addition or conversion of uses providing 13,477 sq. ft. of new retail space at 50 Main Street and 8,624 sq. ft. of new retail/ restaurant space at 34 South Lexington Avenue does not achieve the total threshold criteria of 100,000 square feet of non-residential uses in a city having a population of less than 150,000 necessary to be a Type I Action; and

WHEREAS, the Environmental Officer has recommended that the 2019 and 2020 Conditions recommended by the various departments, boards and commissions, be adopted and are hereby considered to be a part of the Proposed Action for purposes of the environmental review and site plan approval (herein after referred to as the "Conditions"); 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 and determine that the Proposed Action is an Unlisted Action; (c) find that the overall project has not changed, that the proposed modifications are not significant changes to the project and that there are no new circumstances that would affect the SEQR Findings adopted for the 2019 and 2020 Approvals; and (d) determine that the Proposed Action, when compared to the SEQR criteria of environmental effect, will not have a significant effect on the environment; and

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

WHEREAS, the Common Council has considered the application, Application Materials, 2019 and 2020 Conditions, and reports from the various City departments, boards or commissions and involved agencies, and

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

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

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

RESOLVED, that, based on the foregoing findings, the Common Council finds that the project has not changed and that there are no new circumstances that would affect the SEQR Findings adopted for the 2019 and 2020 Approvals; and

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

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

The proposed modifications to the design of the project do not represent significant changes to the site plan.

Consistency with the Comprehensive Plan

The project is consistent with the strategies established in the 1997 and 2006 City of White Plains 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 that supports the other two major economic generators – office and retail.” The project has been designed with additional ground floor retail to activate the Main Street, Martine Avenue and South Lexington Avenue corridors and enhance the pedestrian experience. The project also addresses pedestrian traffic by improving the access to and safety of the site, and providing a more inviting environment to draw in the public.

Further, the enhanced retail space at key corners of the development are consistent with the goals and objectives outlined in the City’s Transit District Strategic Plan which specifically calls for the need to activate the large sidewalk area at the corner of Main Street and South Lexington Avenue.

Affordable Housing

Pursuant to the White Plains Affordable Rental Housing Program Rules and Procedures, revised January 1, 2012 (the City’s new Affordable Rental Housing Program Rules will apply to all residential projects approved after September 1, 2019) the project qualifies as an Applicable Rental Project, which requires a 10% affordable rental unit set aside 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 12 affordable units as follows:

Unit Type	Total Unit Mix	Affordable Units	Market Rate Units
Studio	94	6	88
1BR	57	4	53
2BR	37	2	35
Total	188	12	176

The dedicated affordable units must remain in perpetuity for the life of the project. The location, specific unit bedroom count, and total unit size of each of the 12 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.

Open Space and Parkland

Applicant proposes significant on-site open space for private use only, including the enhancement and expansion of the approximately 25,000 square foot park area atop the parking structure with new landscaping, a water feature, a 2,000 step walk-around pathway, barbeque grills, seating, planters and lighting. In addition, Applicant proposes new amenity spaces for the new units in 1-11 Martine Avenue including a club room on the 9th floor and a ground floor fitness center. However, no public open space is proposed other than the proposed street level plazas.

Pursuant to the recommendations from the Planning Department regarding the reservation of parkland on all multi-family site plans or payment of money-in-lieu thereof, it is recommended that the Common Council make the requisite finding simultaneous with granting site plan approval that submitted plan does not provide adequate land for park and recreation facilities on the project’s anticipated generation of 298 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 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 size 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 additional 188 units at 1-11 Martine Avenue would result in a total fee-in-lieu payment to the City of \$535,500.

It is recommended that the total fee be made by the Applicant in two equal installments of \$267,750, the first at the time of issuance of the first building permit by the Department of Building, and the second upon 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. The payment is to be used exclusively for park, playground, and other recreational purposes, including the acquisition of real property.

Zoning Compliance

The proposed modifications to the design of the project do not represent significant changes to the site plan.

The property is situated in the CB-4 (Core Business-4) Zoning District, in which offices are a permitted principal use and private garages are a permitted “Accessory Use.”

The existing development with the proposed improvements conforms to the building bulk regulations for the CB-4 District.

	Required / Permitted	Existing	Proposed	Summary of Changes
Maximum Building Coverage All Buildings. Excludes garage structure. (See Notes A and B)	80.00% 117,362 sq. ft.	36.48% 53,513	40.87% 59,958 sq. ft.	4.39% 6,445 sq. ft.
Maximum Building Coverage Includes garage structure. All Buildings (See Notes A and B)		70.7% 103,725	75.1% 110,170 sq. ft.	4.4% 6,445 sq. ft.
Usable Open Space (See Note C)	20.00% 29,340 sq. ft.	64.19% 94,163 sq. ft.	59.79% 87,718 sq. ft.	-6,445 sq. ft.
Maximum Floor Area Ratio (FAR) (applies to residential, non-residential and combined)	5 FAR 733,510 sq. ft.	4.75 FAR 697,414 sq. ft.	4.89 FAR 717,919 sq. ft.	0.14 FAR 20,505 sq. ft.
SUMMARY OF USES				
50 Main Street (building totals)	-	0 DU 307,786 sq. ft.	0DU 319,580 sq. ft.	11,794 sq. ft.
Offices (50 Main Street)	No Requirement	0 DU 301,300	0 DU 300,485 sq. ft.	-815 sq. ft.
Retail I Restaurant (50 Main Street & Annex)	No Requirement	0 DU 6,486 sq. ft.	0 DU 19,095 sq. ft.	12,609 sq. ft.
1-11 Martine Avenue (building totals)		0 DU 263,039 sq. ft.	188 DU 267,279 sq. ft.	4,240 sq. ft.
Pace University (1 Martine Avenue)	No Requirement	0 DU 84,493 sq. ft.	0 DU 0	-84,493 sq. ft.
Offices (11 Martine Avenue)	No Requirement	0 DU 178,546 sq. ft.	0 DU 59,698 sq. f	-118,848 sq. ft.
Apartments (1 Martine Avenue)	No Requirement	0 DU 0	188 DU 203,438	4,143 sq. ft.
Retail (11 Martine Avenue)	No Requirement	0 DU 0	188 DU 203,438	4,143 sq. ft.
34 South Lexington Avenue (formerly 25 Martine Avenue) (building totals)		124 DU 126,589 sq. ft.	124 DU 131,060 sq. ft.	4,471 sq. ft.
Apartments (34 South Lexington Avenue)	No Requirement	124 DU 124,487 sq. ft.	124 DU 124,487 sq. ft.	0
Retail (34 South Lexington Avenue)	No Requirement	0 DU 2,102 sq. ft.	0 DU 6,573 sq. ft.	4,471 sq. ft.
Total All Buildings	No Requirement	124 DU 697,414 sq. ft.	312 DU 717,919 sq. ft.	20,505 sq. ft.
Minimum Front Yard (feet)	None	3+/-	0	-3
Maximum Height (stories)	15	15	15	0
Maximum Height (feet)	230	196+/-	196+/-	0

Note A: The lot area, based on the survey prepared by Langan dated 11 May 2016, last revised on 7 February 2018 is 146,702 square feet.

Note B: The Mam Roof Plaza located between the buildings is not included in building coverage.

Note C: Usable Open Space Includes the Street Lewi Plazas and Main Roof Level Plaza

Parking

The current application includes modifications of the parking and loading spaces on Main Street and Martine Avenue to provide improved drop-off and pick-up areas.

At 50 Main Street two ADA parking spaces will be eliminated within the Main Street ROW and reconfigured

as a loading zone. These spaces are not required for the development and do not need to be relocated. These spaces had been previously added in a deceleration lane with the removal of the garage entrance included the 2019 Approval.

At 1-11 Martine Avenue the existing driveway deceleration lane within the street ROW will be shortened and reconfigured with an additional loading zone.

According to Section 8 of the Zoning Ordinance, Applicant is required to provide 1,130 parking spaces as follows:

Use	Square Footage	Requirement	Spaces Required
Office	360,183	2/1,000 sf	720
Retail	29,811	3.3/1,000	98
Residential Units	312	1/Dwelling Unit	312
Total Spaces			1,130

A Parking Sufficiency Study, dated October 8, 2018, was prepared by Maser Consulting. The study reviewed the proposed uses, actual current utilization rates, and applied a shared parking analysis to the proposed development. The peak demand for parking at full occupancy would be approximately 1,006 spaces, where 1,033 spaces exist. Therefore, the existing garage containing 1,033 parking spaces will accommodate the proposed redevelopment.

The Proposed Action conforms to the Site Plan standards in Section 7.5 of the Zoning Ordinance as described below.

Site Plan Standards

7.5.1 *Conformity of all proposals with this Ordinance and with the goals of the "Comprehensive Plan."*
See Section I, above.

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."*

Applicant proposes to eliminate the Main Street vehicular entrance into the parking garage. Applicant submitted a Traffic Impact Study prepared by Maser Consulting, dated June 15, 2018. The analysis found that the elimination of the ingress/egress on Main Street will significantly improve pedestrian safety along the site frontage, in accordance with the City’s *Complete Streets* Policy, adopted by the Common Council on June 3, 2013, and the redistributed traffic volumes can be accommodated at the other driveway locations. A further analysis of the effects of shifting the traffic from Main Street to South Lexington Avenue dated September 6, 2018 found that the minor amount of added traffic volume reassigned to the right turn from Main Street onto south Lexington Avenue would not significantly affect the existing level of service at that intersection.

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

There are currently five (5) vehicular access points into the on-site parking garage, which

provides parking for all three buildings. There are two vehicular access points on South Lexington Avenue, one on Martine Avenue, one on Bank Street, and one on Main Street. Applicant proposes to eliminate the Main Street vehicular entrance to the parking garage. All other vehicular access points remain the same. All of the vehicular entrances will be improved with concrete matching DPW standard promenade sidewalk pattern. A six inch high granite curb separating the ingress/egress lanes will be added to the vehicular entrance to 34 South Lexington Avenue. The existing brick inlay on the sidewalk along South Lexington Avenue will be replaced with concrete matching DPW standard promenade sidewalk pattern as well.

All of the existing pedestrian entrances into the three buildings have been improved or enhanced, and, in some cases, have been modified or reconfigured. In addition, several new pedestrian entrances have been added, as follows. The pedestrian entrance on South Lexington Avenue into 34 South Lexington remains unchanged. The existing pedestrian entrance at the corner of Martine Avenue and South Lexington Avenue, providing access to 34 South Lexington Avenue, also remains unchanged, but has been enhanced with landscaping. The pedestrian entrance into 1-11 Martine Avenue has been reconfigured so that it faces Martine Avenue (instead of the garage driveway) and includes the addition of an overhead canopy, ample landscaping and an ADA accessible ramp. New pedestrian entrances will be added on Main Street (two in the vicinity of where the vehicular entrance will be eliminated, including an ADA accessible ramp) and one on South Lexington Avenue near the garage entrance, and at the back of the proposed retail/restaurant patio space at the corner of Main and South Lexington. The existing pedestrian entrance at the corner of Main Street and South Lexington Avenue remains unchanged, but will provide access into the newly proposed retail/restaurant space. The pedestrian entrance at the corner of Bank and Main Streets remains unchanged, but will be enhanced with landscaping, sculptures, and renovated stairs to a patio area. A standard promenade sidewalk with a stamped brick band behind a concrete curb will encircle the entire site.

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 subject site is located in the CB-4 Zoning District, and is in the Central Parking Area. The existing parking garage is located underneath the buildings and contains a lower level, a mid-level, a first floor, and a second floor in the South Lexington Avenue Building and the Martine Avenue Building. According to Section 8 of the Zoning Ordinance, Applicant is required to provide 1,130 parking spaces as follows:

Use	Square Footage	Requirement	Spaces Required
Office	360,183	2/1,000 sf	720
Retail	29,811	3.3/1,000	98
Residential Units	312	1/Dwelling Unit	312
Total Spaces			1,130

A Parking Sufficiency Study, dated October 8, 2018, was prepared by Maser Consulting. The study reviewed the proposed uses, actual current utilization rates, and applied a shared parking analysis to the proposed development. The peak demand for parking at full occupancy would be approximately 1,006 spaces, where 1,033 spaces exist. Therefore, the existing garage containing 1,033 parking spaces will accommodate the proposed redevelopment.

- 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.*

All parking is contained within the parking garage, which is located underneath the building. As stated above, the access point on Main Street will be eliminated.

- 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.*

A minimum of seven (7) loading spaces are required, four (4) for the office use and (3) for the retail use. However, the building currently contains three (3) loading spaces, located on the first floor of the garage (at-grade level) directly adjacent to the Martine Avenue entrance and the Bank Street entrance. The proposed project will continue to provide three (3) loading spaces.

- 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.*

The patterns of vehicular circulation will change slightly due to the elimination of the Main Street entrance into and exit from the garage. Traffic will be shifted to the South Lexington Avenue entrance, which will reduce the number of pedestrian/vehicle conflicts, and improve pedestrian safety and traffic flow on Main Street. Pedestrian circulation around the site will generally remain the same, but will be enhanced by the addition of new entrances, ADA accessible ramps, and improved landscaping and streetscapes.

- 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, as confirmed by the City's Deputy Commissioner of Parking.

- 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.*

Approximately 50 existing street (some in street boxes) and smaller interior site trees will be removed to accommodate the proposed project. Applicant will replace these trees with thirty-three new street trees in planters around the entire perimeter of the site, plus five (5) new smaller ornamental trees along the façade of 34 South Lexington Avenue. Substantial

landscaping including shrubs, perennials and groundcovers are also proposed. Parking for the entire project is located in a parking deck underneath the buildings and is, therefore, screened from the outside.

7.5.2.10 Adequacy of fire lanes and other emergency zones.

Appropriate fire zones have been provided as confirmed by the Commissioner of Public Safety.

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.

Applicant is not installing any fencing. The loading areas remain within the parking garage and will not be visible to the outside. All new plantings will be in harmony with and an improvement to the surrounding neighborhood. In addition, several sculptures are proposed along the Main Street frontage to enhance the pedestrian experience.

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 proposed project will be subject to the City's construction management protocols to the satisfaction of the Commissioner of Public Works. Appropriate erosion and sediment controls will be implemented in accordance with a Stormwater Pollution Prevention Plan ("SWPPP") approved by the Commissioner of Public Works. This will minimize the potential of dust generation and sediment in stormwater during the soil disturbance activities and after construction is completed.

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 project site is completely built out. As such, there are no disturbances to wetlands, unique wildlife, historic structures, major trees or scenic views.

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

Applicant proposes to install 26 new Lumec LED sidewalk lighting fixtures around the entire perimeter of the site, in conformance with City standards.

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.

Applicant will relocate the existing hydrant on South Lexington Avenue and is adding a water service line to match the existing water service line on South Lexington Avenue. Upon confirmation by the Commissioner of Public Works and the implementation of the Storm Water Pollution Prevention Plan (SWPPP), the proposed project provides adequate storm and surface water drainage.

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.

The Applicant does not propose any construction that will inhibit or block sunlight that is to be used by any approved solar energy system.

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.

Applicant proposes a renovation and modernization of the existing site to accommodate the conversion of office space to residential space, a growing economic trend. The proposed elimination of the vehicular entrance on Main Street and the addition of retail spaces on Main Street and South Lexington Avenues and South Lexington and Martine Avenues serve to activate these streets and improve the pedestrian experience, all strategies found in the City's Comprehensive Plan. The redesign of the private park area situated atop the parking deck creates a vibrant and functional space for all occupants of the buildings.

- (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 modifications to the design of the project do not represent significant changes to the site plan.

The Deputy Commissioner of Parking, Transportation Engineer, has reviewed the Main Street changes, which will be beneficial to accommodate deliveries, as well as Uber and similar car services.

The proposed conversion of office floor area to residential uses together with the addition of minor retail and office space does not represent an increase of traffic, noise levels or solid waste.

A Traffic Analysis has been prepared for the Proposed Action by Maser Consulting, P.A. Multifamily residential uses generate a lower amount of traffic than office uses during the peak morning and evening rush hour periods. The proposed conversion of office floor area to residential uses will result in a net decrease in traffic levels during these periods.

The project includes closure of the Main Street driveway access to the parking structure. Along the south side of Main Street there are several hundred pedestrians per hour crossing the existing driveway. These pedestrians are conflicting with the entering and exiting traffic, which in the highest one-hour peak time period is in the order of 150 vehicles per hour. This current configuration, it is not pedestrian friendly and it results in

significant pedestrian/vehicular conflicts. The closure of the Main Street driveway will significantly improve the safety of the pedestrian flows along the site frontage.

The Traffic Analysis also considered the potential effect of the closure of the Main Street driveway and the redistributed traffic volumes which would be anticipated after the closure. The shift of traffic volumes will not impact to the overall operations the adjacent intersections.

The applicant proposes to construct a dining patio that encroaches approximately 1,600 square feet into the City's right-of-way (ROW or Sidewalk Area) at the intersection of Main Street and South Lexington Avenue. These ROW's are sufficiently wide to accommodate the encroachment and not restrict either vehicular or pedestrian traffic. The patio will encroach 2.8 ft. into the average 15 ft. wide Main Street Sidewalk Area leaving a sufficient approximately 11.9 ft. pedestrian walkway. Along South Lexington Avenue the ROW is extra wide, so the patio will extend 11.5 ft. into the 31.5 ft. wide Sidewalk Area with an amble approximately 21.0 ft. clearance. Here there will be an approximately 15.6 ft. clearance between the patio structure and the tree pits adjacent to the street curb.

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

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

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

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

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

The project site, consisting of three separate lots, was developed under the White Plains Central Renewal Project in the mid 1980's as one project known as "Westchester Financial Center."

The proposed modifications to the design of the project do not represent significant changes to the site plan.

The proposed conversion of uses together with the addition of retail or office floor area does not represent a significant change in the amount of development when considered in context to the existing project and the development in the surrounding White Plains downtown area.

Multifamily residential uses generate a lower amount of traffic than office uses during the peak morning and evening rush hour periods. The proposed conversion of office floor area to residential uses will result in a net decrease in traffic levels during these periods.

The applicant proposes to construct a dining patio that encroaches approximately 1,600 square feet into the City's right-of-way (ROW or Sidewalk Area) at the intersection of Main Street and South Lexington Avenue. These ROW's are sufficiently wide to accommodate the encroachment and not restrict either vehicular or pedestrian traffic.

The closure of the Main Street driveway will significantly improve the safety of the pedestrian flows along the

Main Street frontage.

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

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

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

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

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

RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF WHITE PLAINS APPROVING THE EXTENSION AND AMENDMENT OF THE SITE PLAN ORIGINALLY GRANTED ON JULY 1, 2019, TO MG RMC MAIN LLC, FOR THE PROJECT LOCATED AT 50 MAIN STREET, 34 SOUTH LEXINGTON AVENUE AND 1-11 MARTINE AVENUE.

WHEREAS, on July 1, 2019, the Common Council of the City of White Plains, after adopting environmental findings, approved a site plan amendment application submitted on behalf of MG RMC Main LLC (“Applicant”), owner of the property known as 50 Main Street, 1-11 Martine Avenue and 34 So. Lexington Avenue (collectively referred to as the “Premises”), in accordance with Section 7.7.2 of the Zoning Ordinance of the City of White Plains (“Zoning Ordinance”), to: (1) renovate 50 Main Street building with modernized amenities including a new lobby, fitness center, café and outdoor seating, create a new one-story retail/commercial addition at the corner of Main Street and South Lexington Avenue, including the construction of 10,926 square feet of retail/restaurant space and the conversion of 1,683 square feet of office space to retail/restaurant space that will increase the retail/restaurant space to 19,095 square feet and to remove the turning lane and driveway to the parking garage along Main Street; (2) convert 203,438 square feet of office space at 1-11 Martine Avenue to 188 new luxury rental apartments consisting of 94 studios, 57 one-bedroom and 37 two-bedroom units with 12 units (6%) dedicated as affordable rental units pursuant to the City’s Affordable Rental Housing Program Rules and Procedures and the addition of approximately 4,143 square feet of new retail space along Martine Avenue as well as 3,500 square feet of new building expansion; and (3) construct 4,471 square feet of retail/restaurant space at the corner of South Lexington and Martine Avenue, which includes 3,129 square feet of ground floor retail space and 1,342 square feet of space on the Mezzanine level directly above while leaving the 124 apartments at 34 South Lexington Avenue unchanged, and renovating and expanding the elevated private park area situated on top of the garage deck with enhancements of new landscaping, a water feature, 2,000 step walk-around pathway and other amenities (“2019Approval”); and

WHEREAS, the 3.9 acre site situated in the CB-4 Zoning District is improved with 3 buildings bounded on the northerly side by Martine Avenue, on the easterly side by South Lexington, on the southerly side by Martine Avenue and on the westerly side by Bank Street; and

WHEREAS, the Premises is known and designated on the Tax Assessment Map of the City of White Plains as Section 125.74, Block 1, Lots 1, 2 and 3; and

WHEREAS, the Site Plan approval granted on July 1, 2019, contained 28 conditions; and

WHEREAS, the Applicant had previously submitted the following documents in support of the 2019 Approval, which documents remain applicable to the Proposed Action ("Application Materials"):

- A. Cover letter from Mr. William Null dated October 12, 2018.
- B. A Short Form Building Permit Application dated October 12, 2018.
- C. A Full Environmental Assessment Form dated October 10, 2018.
- D. A shared Parking Analysis dated October 8, 2018 as prepared by Maser Consulting, P.A.
- E. Site Plan drawings generally entitled "City Square, White Plains, NY for Robert Martin Company LLC & Ginsburg Development Companies," prepared by Warshauer Mellusi Warshauer Architects, PC, dated, numbered, titled and dated as follows:

<u>Dwg #</u>	<u>Title</u>	<u>Date</u>	<u>Revised</u>
-	Coversheet		
A-1	Master Site Plan		10/11/18
A-2	Site Plan		10/11/18
A-3	Lower Level Parking Plan		10/11/18
A-4	Mid Level Parking Plan		10/11/18
A-5	First Floor Plan		10/11/18
A-6	Intermediate Floor Plan		10/11/18
A-7	Second Floor Plan		10/11/18
A-8	Third Floor Plan		10/11/18
A-9	Fourth Floor Plan		10/11/18
A-10	Fifth Floor Plan		10/11/18
A-11	Sixth Floor Plan		10/11/18
A-12	Seventh Floor Plan		10/11/18
A-13	Eighth Floor Plan		10/11/18
A-14	Ninth Floor Plan		10/11/18

A-15	Tenth Floor Plan	10/11/18
A-16	Eleventh Floor Plan	10/11/18
A-17	Twelfth Floor Plan	10/11/18
A-18	Fourteenth Floor Plan	10/11/18
A-19	Fifteenth Floor Plan	10/11/18
A-20	Sixteenth Floor Plan	10/11/18
A-21	Elevations	10/11/18
A-22	Enlarged Elevations	10/11/18

- F. Civil Engineering Plans entitled "City Square, 50 Main Street, Block No. 5, Lot No. 1, White Plains, Westchester County, New York," prepared by Langan Engineering, Environmental, Surveying, Landscape Architecture and Geology, D.P.C. , numbered, titled and dated as follows:

Dwg. #	Title	Date	Revised
CS001	Coversheet		
CD101	Site Removal Plan		10/11/18
CS101	Site Plan		10/11/18
CG101	Grading and Drainage Plan (1 Of 2)		10/11/18
CG102	Grading and Drainage Plan (2 Of 2)		10/11/18
CE101	Erosion and Sediment Control Plan (1 Of 2)		10/11/18
CE102	Erosion and Sediment Control Plan (2 Of 2)		10/11/18
CS501	Details		10/11/18

- G. Cover letter from Mr. William Null dated November 20, 2018, transmitting a packet of renderings for Ginsburg Development Companies, entitled "City Square Site Plan Application Indicative Renderings of Additions, dated November 2018:

1. 500 Main Street: New Entrance Canopy and Artwork
2. Retail Addition: Corner Main and Lexington, Main Street Elevation
3. Retail Addition: Corner Main and Lexington
4. Retail Addition: Corner Main and Lexington
5. Retail Addition: 1-11 Martine, from Martine, vehicular view
6. Retail Addition: Martine/ Lexington, Martine Avenue Elevation
7. Retail Addition: 1-11 Martine, from Martine, near Bank Street

- H. A survey Drawing Numbers VB101 and VB102, entitled "Mack-Cali Realty Corporation, Boundary and Topographic Survey, dated May 11, 2016, and signed 2/7/2018.

- I. Cover letter from Mr. William Null dated February 7, 2019 transmitting:
 - 1. Color renderings of the 50 Main Street addition, providing two different vantage points, showing modified façade treatment and enhanced landscaping, etc;
 - 2. Revised Drawings A-21 and A-22, prepared by Warshauer Mellusi Warshauer Architects, P.C., as revised from the prior submission, showing elevations of this addition:

Dwg. #	Title	Date	Revised
A-21	Elevations	10/11/18	2/6/19
A-22	Enlarged Elevations	10/11/18	2/6/19

- J. Cover letter from Mr. William Null dated March 15, 2019, transmitting a March 14, 2019 Memorandum issued to Commissioner Richard G. Hope by Justin Macalintal, Senior Staff Engineer, Langan Engineering, referring to the following enclosed plans and documents:

- 1. Plans prepared by Langan Engineering, entitled "City Square, White Plains, NY" consisting of the following eleven (11) numbered and titled sheets, revised March 14, 2019:

- a. (CS001) "Cover Sheet"
- b. (CD101) "Site Removal Plan"
- c. (CS101) "Site Plan"
- d. (CG101) "Grading and Drainage Plan"
- e. (CG102) "Grading and Drainage Plan"
- f. (CE101) "Erosion and Sediment Control Plan"
- g. (CS501) "Details"
- h. (CS502) "Notes"
- i. (LP101) "Lighting & Planting Plan"
- j. (LP501) "Planting Details"
- k. (LL501) "Lighting Details"

- 2. Plan prepared by Langan Engineering entitled, "City Square", "Impervious Coverage Plan" (Fig. 1), dated March 14, 2019.
- 3. A March 14, 2018 letter from Joselow & Associates LLC.

- K. Email from William S. Null, Esq., Cuddy & Feder LLP, transmitting the following revised drawings showing reduced sidewalk improvements within the street right-of-way and the city's standard street light:

<u>Dwg. #</u>	<u>Title</u>	<u>Prepared by</u>	<u>Date</u>
GDC 3.2	50 Main St. First Floor Retail Floor Plan	Ginsburg Development Corp.	19-02-05
SD-26A	CWP Standard Construction Detail LED Street Lighting	City of White Plains	

- L. Memorandum regarding City Square Traffic Analysis, prepared by Maser Consulting, P.A., dated June 15, 2018.
- M. Memorandum regarding City Square Intersection capacity Analysis for Main Street and Lexington Avenue, prepared by Maser Consulting, P.A., dated September 6, 2018.
- N. Email from Mr. William Null dated May 22, 2019 transmitting the following drawing which delineates the reduced area, approximately 1,600 square foot, encroachment onto the City's right-of-way at both Main Street and South Lexington Avenue for the purpose of constructing a raised patio area and landscape walls with planters, in conjunction with the proposed single story retail expansion at the north west corner of the lot at 50 Main Street:

<u>Dwg. #</u>	<u>Title</u>	<u>Prepared by</u>	<u>Date</u>
Fig 1	Right-of-way Encroachment Plan	Langan Engineering	May 22, 2019

- O. Additional documents listed in the communication from the Department of Public Works dated for the Common Council meeting scheduled for July 1, 2019:
 1. Cover letter dated 6/11/19, as prepared by William S. Null, of Cuddy & Feder, LLP;
 2. "Site Plan Approval" civil engineering drawings, revised 6/11/19, prepared by Langan Engineering, Environmental, Surveying, Landscape Architecture and Geology, P.D.C.;
 3. "Stormwater Management Report, dated 6/11/19, prepared by Langan Engineering, Environmental, Surveying, Landscape Architecture and Geology, P.D.C.;
 4. "Sanitary Sewer Evaluation Engineering Report", dated 6/11/19, prepared by Langan Engineering, Environmental, Surveying, Landscape Architecture and Geology, P.D.C.;
 5. "Right-of-Way Encroachment Plan", dated 5/22/19, prepared by Langan Engineering, Environmental, Surveying, Landscape Architecture and Geology, P.D.C.;
 6. Letter from William McShane, P.E., of Joselow & Associates, LLC, with evaluation of existing utility services;
 7. Boundary and Topographic Survey, revised 5/21/19, prepared by Langan Engineering, Environmental, Surveying, Landscape Architecture and Geology, P.D.C.;
 8. Architectural Plan set, last revised 10/11/18, as prepared by Warshauer Mellusi Warshauer Architects;
 9. "Shared Parking Summary", dated 10/8/18, prepared by Maser Consulting P.A.;
 10. Completed "Full Environmental Assessment Form - Part 1 -Project and Setting", dated 10/10/18;

11. Completed "Full Environmental Assessment Form - Part 2 - Identification of Potential Project Impacts", undated;
12. Completed City of White Plains Department of Building Application "Short Form Application", dated 10/12/18; and

WHEREAS, the Common Council, at a meeting held on July 6, 2020 received a communication from the Commissioner of Building, dated June 22, 2020 forwarding a letter dated May 15, 2020, from William S. Null of Cuddy and Feder, LLP, counsel for the Applicant, requesting an additional 18 month extension of the Site Plan Amendment approval of the project 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; and

WHEREAS, the Common Council at a meeting held on August 3, 2020 granted the 18 month extension of the Site Plan Amendment until January 2, 2022; and

WHEREAS, the Common Council, at a meeting held on January 3, 2022 received a communication from the Commissioner of Building, dated forwarding a letter dated November 22, 2021, from William S. Null of Cuddy and Feder, LLP, counsel for the Applicant, requesting an additional 12 month extension and an amendment of the 2019 Approval of the project in anticipation of the Applicant's failure to complete substantial construction; and

WHEREAS, the request for the extension and amendment of the approved 2019 Approval was referred by the Common Council at its January 3, 2022 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, by letter, dated November 22, 2021, the Applicant's counsel requesting a 12 month extension along with the following modifications: (1) a new canopy at the entrance of 34 South Lexington Avenue; (2) parking and loading space modifications on Main Street and Martine Avenue; and (3) landscape and walkway modifications at 11 Martine Avenue and 34 South Lexington Avenue; and

WHEREAS, the Applicant submitted the following documents in support of the proposed extension and amendments:

- A. A letter prepared by William S. Null, Esq. of Cuddy + Feder LLP, dated November 10, 2021.
- B. A letter prepared by William S. Null Cuddy + Feder LLP dated November 22, 2021.
- C. A Short Form Building Permit Application dated October 22, 2021.
- D. A Full Environmental Assessment Form dated October 10, 2018.
- E. Additional drawings regarding changes to the project design;
- F. An architectural/landscape drawing prepared by Imbiano Quigley Landscape Architects entitled, "GDC, The Metro, South Lexington Ave. Entrance," "Site & Planting Plan" (L-1), dated September 26, 2021, last revised November 3, 2021.
- G. A drawing prepared by Ginsburg Development Corp. entitled, "The Metro, 34 S. Lexington Avenue, White Plains, NY," "Entrance Plan and Elevations" dated November 30, 2021.

- H. Rendering (undated) showing the proposed architectural appearance of the new canopy proposed for The Metro building at 34 South Lexington Avenue.
- I. A Survey, dated May 11, 2016, last revised May 21, 2019, prepared by Langan Engineering, Environmental, Surveying, Landscape Architecture and Geology, D.P.C., entitled "Boundary and Topographic Survey" (VB101) and (VB102).
- J. A plan eliminating two (2) ADA parking spaces on Main Street and restriping the deceleration lane on Martine Avenue to provide for Loading Area modifications, 2 which changes are "bubbled" on the enclosed three (3) sets of a plan entitled, "City Square, White Plains, NY, Site Plan," (Drawing No. CS101), dated October 11, 2018; and

WHEREAS, the Common Council, at a meeting held on February 7, 2022, in relation to the 12 month extension and amendment of the 2019 Approval, received communications from the Commissioner of Building, dated January 27, 2022; the Commissioner of Planning, dated January 19, 2022; the Commissioner of Public Works, dated January 20, 2022; the Commissioner of Public Safety, dated January 11, 2022; the Commissioner of Parking, dated January 14, 2022; the Deputy Commissioner of Parking for Transportation Engineering, dated January 19, 2022; the Chair of the Planning Board, dated January 19, 2022; the Acting Chair of the Transportation Commission, dated January 20, 2022; the Chair of the Design Review Board, dated January 11, 2022; the Environmental Officer, dated January 26, 2022; and the Westchester County Planning Board, dated January 5, 2022; 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 and amendment request in light of the 1997 Comprehensive Plan and the 2006 Plan Update adopted July 11, 2006, and the standards set forth in the Zoning Ordinance, including, but not limited to, Sections 4, 7 and 8; and

WHEREAS, in connection with this instant application, the Common Council, at its meeting held on February 7, 2022, adopted an Environmental Findings Resolution, which: (a) reconfirmed the Common Council as Lead Agency for the environmental review of the Proposed Action; (b) reconfirmed that the Proposed Action is an Unlisted Action under SEQR regulations (c) found that the overall project has not changed and that the proposed modifications are not significant changes to the project and that there are no new circumstances that would affect the SEQR Findings adopted for the 2019 and 2020 approvals; and (d) determined that the Proposed Action, when compared to the SEQR criteria of environmental effect, will not have a significant effect on the environment; and, therefore be it

RESOLVED, that the Common Council hereby extends until January 2, 2023, the Site Plan Amendment Approval to: (1) renovate 50 Main Street building with modernized amenities including a new lobby, fitness center, café and outdoor seating, create a new one-story retail/commercial addition at the corner of Main Street and South Lexington Avenue, including the construction of 10,926 square feet of retail/restaurant space and the conversion of 1,683 square feet of office space to retail/restaurant space that will increase the retail/restaurant space to 19,095 square feet and to remove the turning lane and driveway to the parking garage along Main Street; (2) convert 203,438 square feet of office space at 1-11 Martine Avenue to 188 new luxury rental

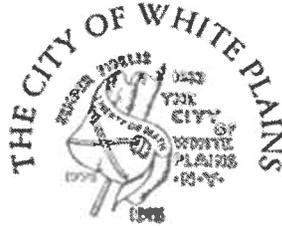
apartments consisting of 94 studios, 57 one-bedroom and 37 two-bedroom units with 12 units (6%) dedicated as affordable rental units pursuant to the City's Affordable Rental Housing Program Rules and Procedures and the addition of approximately 4,143 square feet of new retail space along Martine Avenue as well as 3,500 square feet of new building expansion; and (3) construct 4,471 square feet of retail/restaurant space at the corner of South Lexington and Martine Avenue, which includes 3,129 square feet of ground floor retail space and 1,342 square feet of space on the Mezzanine level directly above while leaving the 124 apartments at 34 South Lexington Avenue unchanged, and renovating and expanding the elevated private park area situated on top of the garage deck with enhancements of new landscaping, a water feature, 2,000 step walk-around pathway and other amenities, subject to the Applicant's compliance with all of the 28 applicable conditions contained in the July 1, 2019 approval resolution in addition to the following 2 conditions contained in the communication, dated January 20, 2022 from the Commissioner of Public Works:

1. The proposed building entrance, which includes a new canopy, adjacent planting areas and walls, extends into the city's right-of-way (ROW.) must be clearly identified in the final As-Built drawing and will require a License Agreement with the City of White Plains. This agreement must be executed prior to any permit being issued for work in the ROW. The required license agreement must be in a form approved by the Corporation Counsel and shall remain in effect with any transfer of the property.
2. The existing fire hydrant at the garage entrance on South Lexington Avenue, shown on plan sheet as "GDC The Metro South Lexington Avenue Entrance L-1," revised 11/30/21 and labeled as "Existing Fire Hydrant to Remain" must be relocated to a location approximately fifty five feet (55') north of its current location. A new ductile iron pipe lead and gate valve must be installed

and the existing hydrant lead must be abandoned at the main; in accordance with Department of Public Works standards.

BE IT FURTHER RESOLVED, that the Common Council determines that the standards of § 7.5 of the Zoning Ordinance have been satisfied and that the request to amend the 2019 approved site plan by (1) modifying the entrance canopy of “The Metro” building at 34 South Lexington Avenue to include a steel arch structure and matching steel canopy; (2) modifying the parking and loadings spaces on Main Street and Martine Avenue to provide improved drop-off and pick-up areas; and (3) modifying the landscaping and walkway areas at the 1-11 Martine Avenue and 34 South Lexington Avenue entryways be and hereby is granted.

THOMAS M. ROACH
MAYOR



DEPARTMENT OF BUILDING

70 Church Street, White Plains, New York 10601
Phone: (914) 422 - 1269 * Fax: (914) 422 - 1471

Damon A. Amadio, P.E.
Commissioner

Kevin M. Hodapp, P.E.
Deputy Commissioner

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

Per Common Council referral on October 4, 2021, the Department of Building has reviewed an application for Site Plan Approval dated September 21, 2021, submitted by Cuddy+Feder LLP on behalf of Chester WP, LLC and Chester WP II, LLC (the respective owners of 6-8 Chester Avenue and 10 Chester Avenue) and the applicant, Keeler Markwood Group, LLC.

The Applicant has proposed the development of a four (4) story, approximately 60,000 square foot residential building on parcels designated on the City of White Plains Tax Map as Section 125.83, Block 5, Lots 4 and 5 and Section 130.28, Block 1, Lot 1. The property is also known as 6-10 Chester Avenue.

This department has no objection to this approval being granted.

Very truly yours,

Damon Amadio, P.E.
Commissioner of Building

Dated February 2, 2022



DESIGN REVIEW BOARD

70 Church Street, White Plains, New York 10601
Phone: (914) 422 - 1269 * Fax: (914) 422 - 1471

THOMAS M. ROACH
Mayor

NORMAN DICHIARA, AIA
Chairman

DAMON A AMADIO, P.E.
Commissioner of Building

KEVIN M. HODAPP, P.E.
Deputy Commissioner of Building

NICK PUJA
Secretary

October 15, 2021

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

Dear Mayor and Council Members:

The Design Review Board, at its meeting on October 13, 2021, reviewed an application submitted on behalf of Chester WP II, LLC and Keeler Markwood Group, LLC for a development of a four story, approximately 60,000 square foot residential building on the property, located at 6-10 Chester Ave, White Plains, NY.

OUTCOME: Design Review Board recommends the approval of this application as submitted.

Norman DiChiara

Norman DiChiara, Chairman
Design Review Board



PLANNING DEPARTMENT

70 Church Street , White Plains, New York 10601
(914) 422-1300 Fax: (914) 422-1301
E-Mail: Planning@whiteplainsny.gov

THOMAS M. ROACH
MAYOR

CHRISTOPHER N. GOMEZ, AICP
COMMISSIONER

JUDITH MEZEY
DEPUTY COMMISSIONER

TO: THE HONORABLE MAYOR AND MEMBERS OF THE COMMON COUNCIL

SUBJECT: 6-10 CHESTER AVENUE
CHESTER WP, LLC, CHESTER WP II, LLC AND KEELER MARKWOOD
GROUP, LLC
APPLICATION FOR SITE PLAN AND SPECIAL PERMIT APPROVAL

By letters dated September 21, 2021, October 13, 2021, and February 2, 2022, William S. Null, on behalf of Chester WP, LLC, Chester WP II, LLC, and Keeler Markwood Group, LLC (collectively the "Applicant") submitted an application for Site Plan and Special Permit approval to construct a four-story residential building with 74 units, associated parking and amenity space. A special permit is required to convert permitted non-residential floor area into dwelling units in the BR-2 Zoning District. The site is comprised of 0.54 acres (23,550 square feet) of land and is located on the westerly side of Chester Avenue, south of East Post Road and north of Maple Avenue in the BR-2 (Business Residential-2) Zoning District and within the Central Parking Area (CPA).

The new, four-story building would consist of three levels of residential dwelling units on top of an at-grade 44-space parking garage. The building would contain 73 studio units and one two-bedroom unit for the building superintendent. The Applicant has opted to set aside 12%, or nine (9) of the total dwelling units as affordable for those earning 80% of the Area Median Income pursuant to the City's affordable housing requirements.

The Planning Department has reviewed the application for consistency with the Comprehensive Plan and for compliance with special permit standards and site plan approval requirements pursuant to Sections 6.0 and 7.0 of the City Zoning Ordinance, and offers the following comments and recommendations for Common Council consideration:

I. CONSISTENCY WITH THE COMPREHENSIVE PLAN

The proposed project is consistent with the land use strategies contained in the City's 1997 and 2006 Update to the Comprehensive Plan. Specifically, the Plan states that "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 trend toward more residential development in the Core Area should be encouraged."

Further, Section 5.5.1.6 of the Zoning Ordinance notes that the BR-2 District(s) are primarily low- to mid-rise, medium-density residential districts in convenient proximity to the City's business areas and adjacent to established neighborhoods. They are designed to encourage the construction of additional "multi-family dwellings" serving a variety of income groups for both rental and ownership, and focusing on the needs of young professionals, seniors and others who would benefit from proximity to "restaurants" shops, employment opportunities, cultural opportunities and transportation, consistent with the "Comprehensive Plan." To that end, the Planning Department proposed the rezoning of portions of the Chester Avenue corridor from the O-R Office-Residential district to BR-2 in order to incentivize such infill development. The Common Council approved the rezoning on May 3, 2021.

This proposed residential project exemplifies the type of development envisioned for this block. Accordingly, the Planning Department finds that the proposed project is consistent the goals of the City's Comprehensive Plan and Zoning Ordinance.

II. AFFORDABLE HOUSING

Pursuant to Title IX, Chapter 9-7, Article 1 of the White Plains Municipal Code entitled Affordable Rental Housing Regulations, adopted May 6, 2019, the project is subject to the City's Affordable Rental Housing Program (ARHP), which was established by the City of White Plains to assist families with incomes between 50% and 99% of the Area Median Income (AMI) to obtain rental housing in "ARHP Applicable Rental Projects."

In accordance with Section 9-7-3 Affordable Housing Requirements, the Applicant has selected the 12% set-aside option and will provide a total of nine (9) affordable studio housing units for those qualifying at 80% of the Westchester County Median Income (AMI).

The dedicated ARHP Affordable Units must remain affordable in perpetuity, for the life of the project. Applicant's project is subject to the Affordable Housing Rental Regulations that are outlined in Section 9-7-3, and include, but are not limited to the following:

- Affordable Units must be provided onsite and allocated by unit size (bedroom and bathroom count) in the same proportion as the Market Rate Units.
- Affordable Units shall be distributed throughout the building(s).
- The Affordable Unit(s) shall be of comparable square footage to the Market Rate Units.

III. OPEN SPACE AND PARKLAND

In accordance with Section 27a of the General City Law, where it is not practical for a particular development to provide parkland and recreational facilities on site, it is in the best interest of the City of White Plains and its residents to require funds to be paid to the City to be used exclusively for parks, playgrounds or recreational facilities, including the acquisition of property. This finding is based on an evaluation made by the Planning Department of present and anticipated future needs for park and recreation facilities in the City based on projected population growth to which this project would contribute.

The proposed residential building will contain a rooftop common area and a lower level recreation room for residents. However, the proposed site plan does not include any publicly accessible usable open space onsite. Pursuant to the recommendations from the Planning Department regarding the reservation of parkland on all multi-family site plans or payment of money-in-lieu thereof, it is recommended that the Common Council make the requisite finding simultaneous to granting site plan approval that the submitted plan does not provide adequate land for park and recreation facilities for the project's anticipated generation of 94 new residents.

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 project requires a total fee-in-lieu payment to the City of \$186,000 to be used exclusively for park, playground and other recreational purposes, including the acquisition of real property. It is recommended that the total fee be paid by the applicant in two equal installments of \$93,000. The first payment shall be made at the time of issuance of the first building permit, the second made prior to issuance of a Temporary Certificate of Occupancy (TCO) by the Commissioner of Building. In the event that no Temporary Certificate of Occupancy is required, the second payment shall be made prior to issuance of a Certificate of Occupancy (CO) by the Commissioner of Building.

IV. ZONING COMPLIANCE

Special Permit Standards

Pursuant to footnote (n) of Section 5.3 Schedule of Dimensional Regulations – Non Residential, *residential “dwelling units” may be substituted for permitted non-residential “floor area” at a*

ratio of 1 "dwelling unit" for each 700 square feet of non-residential floor area on issuance of a Special Permit by the Common Council.

Accordingly, the Applicant proposes to convert 18,840 square feet of permitted non-residential floor area into 27 additional dwelling units ($23,550 \text{ of lot area} \times 0.8 = 18,840 / 700 = 27$). Thus, the total number of dwelling units for the project is 74 units: 47 permitted dwelling units based on a lot area per dwelling unit of 500 square feet and 27 dwelling units based on the conversion of non-residential floor area into dwelling units, as described above.

The Planning Department finds that the Applicant's request to convert non-residential floor area into additional dwelling units complies with the standards outlined in Section 6.5 of the Zoning Ordinance. The additional residential density and building height are appropriate and will complement the fabric of the existing neighborhood.

Site Plan Standards

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

As is discussed above, the proposed project is consistent with many of the goals and recommendations of the City's Comprehensive Plan.

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 Traffic Study prepared by Creighton Manning, dated September 21, 2021. The Traffic Study found the following:

- The site is expected to generate 15 new trips during the weekday morning peak hour and 13 new trips during the weekday evening peak hour.
- The project proposes to consolidate existing driveway s on site to one left-in/left-out driveway on Chester Avenue. This will increase curbside space for on-street parking on Chester Avenue.
- The site will be supported by 44 off-street parking spaces inclusive of tow ADA-accessible parking spaces.
- The study intersections will operate at an acceptable overall level of service of B or better in the Building conditions.
- Traffic generated by this development will not have a significant impact on adjacent intersections.

Based on the findings of the Applicant's Traffic Study, and upon confirmation by the City's Deputy Commissioner of Parking, 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.*

Vehicular entrance into the 44-space at-grade parking garage would be made on Chester Avenue at the southerly end of the site, via a single ingress/egress access point.

The main pedestrian entrance and building lobby would be located on Chester Avenue at the northerly end of the site. An additional exit would be located adjacent to the main vehicular entrance at the southerly end of the site.

Accordingly, the Planning Department finds that vehicular and pedestrian access is adequate, as confirmed by the Deputy Commissioner of Parking.

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.*

Pursuant to Section 8 of the Zoning Ordinance, the project requires a total of 74 parking spaces (one space per dwelling unit in the CPA).

To accommodate parking for the development site, the Applicant proposes to construct a 44 space at-grade parking garage below the three levels of residential development. Applicant will receive a parking credit, pursuant to Section 8.0 of the Zoning Ordinance for 46 parking spaces.

As such, the Planning Department finds that the project conforms to the requirements of Section 8 of the Zoning Ordinance, as confirmed by the Deputy Commissioner of Parking.

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.*

There is one at-grade parking area within the building with one curb cut for vehicular access. The Planning Department finds that the proposed parking plan achieves maximum efficiency and safe and convenient traffic circulation.

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.*

Multi-family uses do not require loading spaces, pursuant to Section 8.0 of the Zoning Ordinance.

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.*

The four-foot sidewalk along the frontage of the site would be rebuilt and connect to the existing sidewalk system along Chester Avenue. New granite curbing would also be provided and on-street asphalt pavement would be restored to improve the existing on-street metered parking.

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 have been provided, subject to confirmation by the Deputy Commissioner of Parking.

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 for the project would be located at-grade, underneath the residential floors above. Appropriate landscaping will be provided around the parking area and the entire building to create a buffer for the neighboring properties, in accordance with Section 8.7.5 of the Zoning Ordinance.

7.5.2.10 *Adequacy of fire lanes and other emergency zones.*

Appropriate fire zones have been provided as confirmed by the Commissioner of Public Safety.

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.*

The Applicant proposes to provide 24 new plantings along the entire length of the building on Chester Avenue to screen the parking area from the surrounding neighborhood. In addition, Applicant's rendering indicates a fence along the frontage of the site, between the at-grade parking level and the proposed screening landscaping. Any proposed fencing and plantings shall meet the requirements of the Zoning Ordinance.

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.*

There are no natural features on the site.

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

To supplement the existing street lamps on the block, the Applicant's Lighting Plan indicates new lighting along the entire frontage of the site on Chester Avenue as well as strategically placed bollards and appropriate lighting for inside the parking area.

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. In particular, screen walls are proposed in strategic areas throughout the site.

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, dated September 21, 2021, will provide an effective strategy for managing stormwater runoff and will be thoroughly reviewed by the Commissioner 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 building would be constructed with brick of similar color and finish to adjacent buildings and dark bronze metal wall panels. The proposed development would replace a vacant and unattractive site with a residential development with a modern building that will complement and enhance the surrounding neighborhood.

V. CONCLUSION

Based on the foregoing analysis and review of the submitted application pursuant to Section 6.5 Special Permit Standards of the Zoning Ordinance, the Planning Department recommends that the Common Council approve the request for a Special Permit to convert non-residential floor area to dwelling units at a ratio of 1 dwelling unit for each 700 square feet of residential floor area.

Further, pursuant to Section 7.5 Site Plan Standards of the Zoning Ordinance, the Planning Department recommends that the Common Council grant Site Plan Approval subject to the following conditions:

1. In accordance with Section 9-7-3 Affordable Housing Requirements, the Applicant has selected the 12% set-aside option and will thus provide a total of nine (9) affordable studio units within the project for those qualifying at 80% of the Westchester County Median Income (AMI).

The dedicated ARHP Affordable Units must remain affordable in perpetuity, for the life of the project. Applicant's project is subject to the Affordable Housing Rental Regulations that are outlined in Section 9-7-3, and include, but are not limited to the following:

- Affordable Units must be provided onsite and allocated by unit size (bedroom and bathroom count) in the same proportion as the Market Rate Units.
- Affordable Units shall be distributed throughout the building(s).

- The Affordable Unit(s) shall be of comparable square footage to the Market Rate Units.
2. The Common Council make the requisite finding pursuant to New York State General City Law §27-a, that the site plan does not provide adequate land for park and recreation facilities based on the project's anticipated generation of 94 new residents, projected future overall growth in City population, and evaluation of the City's present and anticipated future needs for park and recreation facilities regarding the reservation of parkland on all multi-family site plans or payment of money-in-lieu thereof.
 3. The Common Council assess a fee-in-lieu of providing sufficient park and recreation facilities for the 74 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 \$186,000 to be used exclusively for park, playground and other recreational purposes, including the acquisition of real property. The total fee shall be paid by the applicant in two equal installments of \$93,000. The first payment shall be made at the time of issuance of the first building permit, the second made prior to issuance of a Temporary Certificate of Occupancy (TCO) by the Commissioner of Building. In the event that no Temporary Certificate of Occupancy is required, the second payment shall be made prior to issuance of a Certificate of Occupancy (CO) by the Commissioner of Building.
 4. The Applicant shall provide additional details of any proposed fencing to be provided around the parking area of the proposed development subject to the approval of the Building Commissioner.
 5. All landscaping shall consist of native species and 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.
 6. A Construction Management Plan is required for the development of the Proposed Project and a coordination plan for coordinating construction with other construction in the area, if any, including City projects which will be going on contemporaneously with this Project.

The Construction Management Plan shall be subject to the approval of the Commissioners of Building, Public Safety, Public Works, Traffic, and Planning and the Environmental Officer.
 7. 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.

8. 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.

Respectfully submitted,



Christopher N. Gomez, AICP
Commissioner of Planning

Dated: February 2, 2022



ENVIRONMENTAL OFFICER

PLANNING DEPARTMENT • 70 CHURCH STREET • WHITE PLAINS, NEW YORK 10601
(914) 422-1252 • FAX: (914) 422-1301

THOMAS M. ROACH
MAYOR
OFFICER

ROD JOHNSON
ENVIRONMENTAL

January 26, 2022

TO: THE HONORABLE MAYOR AND MEMBERS OF THE COMMON COUNCIL

SUBJECT: CITY SQUARE
50 MAIN STREET, 34 S. LEXINGTON AVENUE, 1-11 MARTINE AVENUE
SECTION 125.74, BLOCK 5, LOTS 1, 2 & 3
EXTENSION OF SITE PLAN APPROVAL GRANTED JULY 1, 2019

The application submitted by letters dated November 10, 2021 and November 22, 2021, on behalf of MG RM C Main LLC regarding an extension of site plan approval originally granted on July 1, 2019 ("2019 Approval") and extended on August 3, 2020 to January 2, 2022, for the property known as 50 Main Street, 34 South Lexington Avenue and 1-11 Martine Avenue, related to repurposing and expanding the existing mixed-use development known as City Square (formerly Westchester Financial Center) ("Proposed Action") has been reviewed for compliance with the New York State Environmental Quality Review (SEQR) regulations.

Under Section 7.6 of the Zoning Ordinance, Site Plan approvals shall expire if substantial construction has not been completed within one year from the date of issue.

While substantially constructed the project, final completion will not be achieved by the expiration of the Site Plan Approval. The COVID-19 pandemic had the effect of delaying the initial construction of the project and, now has slowed and adversely affected the pace for development. The Applicant has applied for an additional extension and also applied for amendments to the site plan drawings.

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

- A. A one-year extension of the of site plan approval granted by the Common Council on July 1, 2019 ("2019 Approval") and extended on August 3, 2020 ("2020 Approval") to January 2, 2022.
- B. An amendment to the site plan drawings as follows:
 1. Modification of the entrance canopy of The Metro building at 34 South Lexington Avenue to include a steel arch structure and matching steel canopy;
 2. Modification of the parking and loading spaces on Main Street and Martine Avenue to provide improved drop-off and pick-up areas.

At 50 Main Street two ADA parking spaces will be eliminated within the Main Street ROW and reconfigured as a loading zone. These spaces are not required for the development and do not need to be relocated. These spaces had been previously added in a deceleration lane with closing of the garage entrance included the 2019 Approval.

At 1-11 Martine Avenue the existing driveway deceleration lane within the street ROW will be shortened and reconfigured with an additional loading zone.

3. Modification of the landscaping and walkway areas at the 1-11 Martine Avenue and 34 South Lexington Avenue entryways.

The proposed modifications to the design of the project do not represent significant changes to the site plan.

Prior Approvals by the Common Council:

The Proposed Action involves an extension of the approvals originally granted by the Common Council on July 1, 2019 (“2019 Approval”) and extended on August 3, 2020 (“2020 Approval”) to January 2, 2022:

- A. Designation of the overall 3.9-acre parcel of real property consisting of three lots known as 50 Main Street (Section 125.74, Block 5, Lot 10), 34 South Lexington Avenue (Section 125.74, Block 5, Lot 2) and 1-11 Martine Avenue (Section 125.74, Block 5, Lot 3) as a “development site” pursuant to Footnote (h) Schedule of Dimensional Regulations - Non-residential in Section 5.3 of the Zoning Ordinance, for lots in a CB-4 District, whereby “Dimensional regulations apply to the entire area designated as a “development site” and are not applied to any individual areas, notwithstanding the subdivision or divided ownership of such site.”
- B. Approval of an amendment to the site plan approval for the entire Development Site consisting of 50 Main Street, 34 South Lexington Avenue and 1-11 Martine Avenue pursuant to Section 7.5 of the Zoning Ordinance.
- C. Approval of an the revocable license agreement issued by the City to the Applicant, subject to the approval of the Corporation Counsel, to permit an approximately 1,600 square foot encroachment onto the City’s right-of-way at both Main Street and South Lexington Avenue for the purpose of constructing a raised patio area and landscape walls with planters, in conjunction with the proposed single story retail expansion at the north west corner of the lot at 50 Main Street (Section 125.74, Block 5, Lot 1), as depicted on the Drawing entitled “Right-Of-Way Encroachment Plan, Fig.1,” prepared by Langan Engineering, dated May 21, 2019.
- D. Approval pursuant to the White Plains Affordable Rental Housing Program to establish a 6% affordable component for families earning 60% of Median Family Income, for a total of 12 affordable units comprised of six (6) studios, four (4) one-bedrooms, and two (2) two-bedrooms. The dedicated affordable units must remain in perpetuity for the life of the project.
- E. Approval of a payment of a fee-in-lieu of providing adequate park and recreation facilities at-grade for the proposed 188 dwelling units on a per residential unit size 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 \$535,500 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, pursuant to New York State General City Law Section 27-a: Sit Plan Review.

The total fee shall be made by the Applicant in two equal installments of \$267,750, the first at the time of issuance of the first building permit by the Department of Building, and the second upon 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. The payment is to be used exclusively for park, playground, and other recreational purposes, including the acquisition of real property.

- F. Any future subdivision approval by the Planning Board of the 3.9-acre site Development Site or the three individual City tax lots consisting of 50 Main Street (Section 125.74, Block 5, Lot 1), 34 South Lexington Avenue (Section 125.74, Block 5, Lot 2) and 1-11 Martine Avenue (Section 125.74, Block 5, Lot 3).
- G. Approval of a Stormwater Pollution Preventions Plan ("SWPPP").

The 3.9-acre site is situated in the CB-4 Zoning District and Central Parking Area, and is bounded on the northerly side by Main Street, on the easterly side by South Lexington Avenue, on the southerly side by Martine Avenue, and on the westerly side by Bank Street.

The site is currently occupied by a total of three (3) buildings: two office buildings (50 Main Street and 1-11 Martine Avenue) and one (1) multi-family apartment building (34 S. Lexington Avenue). The three buildings sit atop a base with a 1,033-space parking structure beneath, and surround a private elevated landscaped park.

The project site, consisting of three separate lots, was developed under the White Plains Central Renewal Project in the mid 1980's as one project known as "Westchester Financial Center." Because the development was approved prior to the adoption of the current Zoning Ordinance on June 1, 1981, the parking for the project is pre-existing, legally non-conforming to the current Zoning Ordinance.

The project original approved on July 1, 2019 involves the re-purposing and expansion of the three mixed use buildings as follows:

50 Main Street (Section 125.74, Block 5, Lot 1)

- A. The existing development includes 307,786 sq. ft. of floor area consisting of 301,300 sq. ft. of office and 6,486 sq. ft. of retail space.
- B. The proposed improvements include:
- The creation of new, one-story retail/commercial addition at the corner of Main Street and South Lexington Avenue, including the construction of 10,926 square feet of retail/restaurant space and the conversion of 1,683 square feet of office space to retail/restaurant space. Together with the existing 6,486 square feet of retail along Main Street, these combined improvements will yield 19,095 square feet of retail/restaurant space. There will be an elevated patio that extends along South Lexington Avenue from the entrance of the newly created retail/restaurant space at the corner. The dining patio encroaches approximately 1,600 square feet into the City's right-of-way (sidewalk). As a condition of any approval, the Applicant will need to enter into a revocable license agreement with the City to utilize the right-of-way for these purposes.
 - Removal of the turning lane and driveway entrance to the parking garage along Main Street.

34 South Lexington Avenue (Section 125.74, Block 5, Lot 2)

- A. The existing development includes 126,589 sq. ft. of floor area consisting of 124,487 sq. ft. of 124 residential dwelling units, and 2,102 sq. ft. of retail space.
- B. The Improvements include:
- A new 4,471 square foot retail/restaurant building at the corner of South Lexington and Martine Avenues, which includes 3,129 square feet of ground floor retail space and 1,342 square feet of space on the Mezzanine level directly above.

- The existing 124 apartments at 34 South Lexington Avenue remain unchanged.

1-11Martine Avenue (Section 125.74, Block 5, Lot 3)

- A. The existing development includes 263,039 sq. ft. of floor area consisting of 84,493 sq. ft. of office and 178,546 sq. ft. of Pace University space.
- B. Improvements include:
- The conversion of 203,438 square feet of vacant Pace University and office tenant space to 188 new luxury rental apartments (floors 2-11) consisting of 94 studios, 57 One-bedroom, and 37 two-bedroom units. Amenity spaces are proposed including a ground floor fitness center and 9th floor lounge with terrace. A separate, dedicated residential lobby and elevator bank is proposed. Of the total 188 units proposed, 6% (12units), are proposed to be dedicated as affordable rental units pursuant to the City's Affordable Rental Housing Program Rules and Procedures.
 - Approximately 60,000 square feet will remain in use as office space (floors 12-15). A separate, dedicated office lobby and elevator bank is proposed.
 - Approximately 4,143 square feet of new retail space has been added along Martine Avenue as well as 3,500 square feet of new building expansion.

The Environmental Officer recommends that the conditions recommended by the various departments, boards and commissions, be adopted and are hereby considered to be a part of the Proposed Action for purposes of the environmental review and site plan approval.

It is recommended that the Common Council (a) reconfirm itself to be the Lead Agency for the environmental review of the Proposed Action; (b) reconfirm and determine that the Proposed Action is an Unlisted Action; (c) find that the overall project has not changed, that the proposed modifications are not significant changes to the project and that there are no new circumstances that would affect the SEQR Findings adopted for the 2019 and 2020 Approvals; and (d) determine that the Proposed Action, when compared to the SEQR criteria of environmental effect, will not have a significant effect on the environment.

Forwarded for the Common Council's consideration is a resolution that lists conditions recommended by the city departments, and makes the necessary findings and determinations.

Respectfully submitted,



Rod Johnson
Environmental Officer

ENVIRONMENTAL FINDINGS RESOLUTION REGARDING THE APPLICATION SUBMITTED ON BEHALF OF MG RMC MAIN LLC, FOR THE SECOND EXTENSION OF SITE PLAN APPROVAL GRANTED ON JULY 1, 2019 FOR 50 MAIN STREET, 34 SOUTH LEXINGTON AVENUE AND 1-11 MARTINE AVENUE, RELATED TO A MIXED USE DEVELOPMENT KNOWN AS CITY SQUARE (FORMERLY WESTCHESTER FINANCIAL CENTER).

WHEREAS, the application submitted by letters dated November 10 2021 and November 22, 2021, on behalf of MG RM C Main LLC regarding an extension of site plan approval originally granted on July 1, 2019 (“2019 Approval”) and extended on August 3, 2020 to January 2, 2022, for the property known as 50 Main Street, 34 South Lexington Avenue and 1-11 Martine Avenue, related to repurposing and expanding the existing mixed-use development known as City Square (formerly Westchester Financial Center) ("Proposed Action") has been reviewed for compliance with the New York State Environmental Quality Review (SEQR) regulations; and

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

WHEREAS, while substantially constructed the project, final completion will not be achieved by the expiration of the Site Plan Approval. The COVID-19 pandemic had the effect of delaying the initial construction of the project and, now has slowed and adversely affected the pace for development The Applicant has applied for an additional extension and also applied for amendments to the site plan drawings; and

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

- A. A one-year extension of the of site plan approval originally granted by the Common Council on July 1, 2019 (“2019 Approval”) and extended on August 3, 2020 (“2020 Approval”) to January 2, 2022.
- B. An amendment to the site plan drawings as follows:
 - 1. Modification of the entrance canopy of The Metro building at 34 South Lexington Avenue to include a steel arch structure and matching steel canopy;
 - 2. Modification of the parking and loading spaces on Main Street and Martine Avenue to provide improved drop-off and pick-up areas.

At 50 Main Street two ADA parking spaces will be eliminated within the Main Street ROW and reconfigured as a loading zone. These spaces are not required for the development and do not need to be relocated. These spaces had been previously added in a deceleration lane with the removal of the garage entrance included the 2019 Approval.

At 1-11 Martine Avenue the existing driveway deceleration lane within the street ROW will be shortened and reconfigured with an additional loading zone.

- 3. Modification of the landscaping and walkway areas at the 1-11 Martine Avenue and 34 South Lexington Avenue entryways; and

WHEREAS, the proposed modifications to the design of the project do not represent significant changes to the site plan; and

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

WHEREAS, although a considerable amount work has been started on the project, substantial completion will not be achieved by the expiration of the Site Plan Approval. Construction of the project was impacted by the

COVID-19 pandemic when all "non-essential" construction was halted by the Governor's Executive Order in March 2020; and

WHEREAS, the 3.9-acre site is situated in the CB-4 Zoning District and Central Parking Area, and is bounded on the northerly side by Main Street, on the easterly side by South Lexington Avenue, on the southerly side by Martine Avenue, and on the westerly side by Bank Street; and

WHEREAS, the site is currently occupied by a total of three (3) buildings: two office buildings (50 Main Street and 1-11 Martine Avenue) and one (1) multi-family apartment building (34 S. Lexington Avenue). The three buildings sit atop a base with a 1,033-space parking structure beneath, and surround a private elevated landscaped park; and

WHEREAS, the project site, consisting of three separate lots, was developed under the White Plains Central Renewal Project in the mid 1980's as one project known as "Westchester Financial Center." Because the development was approved prior to the adoption of the current Zoning Ordinance on June 1, 1981, the parking for the project is pre-existing, legally non-conforming to the current Zoning Ordinance; and

WHEREAS, the project original approved on July 1, 2019 involves the re-purposing and expansion of the three mixed use buildings as follows:

50 Main Street (Section 125.74, Block 5, Lot 1)

- A. The existing development includes 307,786 sq. ft. of floor area consisting of 301,300 sq. ft. of office and 6,486 sq. ft. of retail space.
- B. The proposed improvements include:
 - The creation of new, one-story retail/commercial addition at the corner of Main Street and South Lexington Avenue, including the construction of 10,926 square feet of retail/restaurant space and the conversion of 1,683 square feet of office space to retail/restaurant space. Together with the existing 6,486 square feet of retail along Main Street, these combined improvements will yield 19,095 square feet of retail/restaurant space. There will be an elevated patio that extends along South Lexington Avenue from the entrance of the newly created retail/restaurant space at the corner. The dining patio encroaches approximately 1,600 square feet into the City's right-of-way (sidewalk). As a condition of any approval, the Applicant will need to enter into a revocable license agreement with the City to utilize the right-of-way for these purposes.
 - Removal of the turning lane and driveway entrance to the parking garage along Main Street.

34 South Lexington Avenue (Section 125.74, Block 5, Lot 2)

- A. The existing development includes 126,589 sq. ft. of floor area consisting of 124,487 sq. ft. of 124 residential dwelling units, and 2,102 sq. ft. of retail space.
- B. The Improvements include:
 - A new 4,471 square foot retail/restaurant building at the corner of South Lexington and Martine Avenues, which includes 3,129 square feet of ground floor retail space and 1,342 square feet of space on the Mezzanine level directly above.
 - The existing 124 apartments at 34 South Lexington Avenue remain unchanged.

1-11 Martine Avenue (Section 125.74, Block 5, Lot 3)

A. The existing development includes 263,039 sq. ft. of floor area consisting of 84,493 sq. ft. of office and 178,546 sq. ft. of Pace University space.

B. Improvements include:

- The conversion of 203,438 square feet of vacant Pace University and office tenant space to 188 new luxury rental apartments (floors 2-11) consisting of 94 studios, 57 One-bedroom, and 37 two-bedroom units. Amenity spaces are proposed including a ground floor fitness center and 9th floor lounge with terrace. A separate, dedicated residential lobby and elevator bank is proposed. Of the total 188 units proposed, 6% (12units) are proposed to be dedicated as affordable rental units pursuant to the City's Affordable Rental Housing Program Rules and Procedures.
- Approximately 60,000 square feet will remain in use as office space (floors 12-15). A separate, dedicated office lobby and elevator bank is proposed.
- Approximately 4,143 square feet of new retail space has been added along Martine Avenue as well as 3,500 square feet of new building expansion; and .

WHEREAS, the current Proposed Action involves an extension of the approval actions originally granted by the Common Council on July 1, 2019 ("2019 Approval") and extended on August 3, 2020 ("2020 Approval") to January 2, 2022:

- A. Designation of the overall 3.9-acre parcel of real property consisting of three lots known as 50 Main Street (Section 125.74, Block 5, Lot 10), 34 South Lexington Avenue (Section 125.74, Block 5, Lot 2) and 1-11 Martine Avenue (Section 125.74, Block 5, Lot 3) as a "development site" pursuant to Footnote (h) Schedule of Dimensional Regulations - Non-residential in Section 5.3 of the Zoning Ordinance, for lots in a CB-4 District, whereby "Dimensional regulations apply to the entire area designated as a "development site" and are not applied to any individual areas, notwithstanding the subdivision or divided ownership of such site."
- B. Approval of an amendment to the site plan approval for the entire Development Site consisting of 50 Main Street, 34 South Lexington Avenue and 1-11 Martine Avenue pursuant to Section 7.5 of the Zoning Ordinance.
- C. Approval of an the revocable license agreement issued by the City to the Applicant, subject to the approval of the Corporation Counsel, to permit an approximately 1,600 square foot encroachment onto the City's right-of-way at both Main Street and South Lexington Avenue for the purpose of constructing a raised patio area and landscape walls with planters, in conjunction with the proposed single story retail expansion at the north west corner of the lot at 50 Main Street (Section 125.74, Block 5, Lot 1), as depicted on the Drawing entitled "Right-Of-Way Encroachment Plan, Fig.1," prepared by Langan Engineering, dated May 21, 2019.
- D. Approval pursuant to the White Plains Affordable Rental Housing Program to establish a 6% affordable component for families earning 60% of Median Family Income, for a total of 12 affordable units comprised of six (6) studios, four (4) one-bedrooms, and two (2) two-bedrooms. The dedicated affordable units must remain in perpetuity for the life of the project.
- E. Approval of a payment of a fee-in-lieu of providing adequate park and recreation facilities at-grade for the proposed 188 dwelling units on a per residential unit size 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 \$535,500 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, pursuant to New York State General City Law Section 27-a: Sit Plan Review.

The total fee shall be made by the Applicant in two equal installments of \$267,750, the first at the time of

issuance of the first building permit by the Department of Building, and the second upon 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. The payment is to be used exclusively for park, playground, and other recreational purposes, including the acquisition of real property.

- F. Any future subdivision approval by the Planning Board of the 3.9-acre site Development Site or the three individual City tax lots consisting of 50 Main Street (Section 125.74, Block 5, Lot 1), 34 South Lexington Avenue (Section 125.74, Block 5, Lot 2) and 1-11 Martine Avenue (Section 125.74, Block 5, Lot 3).
- G. Approval of a Stormwater Pollution Preventions Plan ("SWPPP"); and

Application Materials for the current Proposed Action.

WHEREAS, the Applicant submitted the following documents in support of the current proposed extension of the site Plan Approval ("2022 Application Materials"):

- A. A letter prepared by William S. Null, Esq. of Cuddy + Feder LLP, dated November 10, 2021.
- B. A letter prepared by William S. Null Cuddy + Feder LLP dated November 22, 2021.
- C. A Short Form Building Permit Application dated October 22, 2021
- D. A Full Environmental Assessment Form dated October 10, 2018.
- E. Additional drawings regarding changes to the project design;

Changes to The Metro Entrance Canopy and Landscaping.

1. An architectural/landscape drawing prepared by Imbiano Quigley Landscape Architects entitled, "GDC, The Metro, South Lexington Ave. Entrance," "Site & Planting Plan" (L-1), dated September 26, 2021, last revised November 3, 2021.
2. A drawing prepared by Ginsburg Development Corp. entitled, "The Metro, 34 S. Lexington Avenue, White Plains, NY," "Entrance Plan and Elevations" (GDC 1.10a)," dated November 30, 2021.
3. A rendering (undated) showing the proposed architectural appearance of the new canopy proposed for The Metro building at 34 South Lexington Avenue.
4. A Survey, dated May 11, 2016, last revised May 21, 2019, prepared by Langan Engineering, Environmental, Surveying, Landscape Architecture and Geology, D.P.C., entitled "Boundary and Topographic Survey" (VB101) and (VB102).

Parking & Loading Space Modifications to Main Street and Martine Avenue:

5. A plan eliminating two (2) ADA parking spaces on Main Street and restriping the deceleration lane on Martine Avenue to provide for Loading Area modifications, 2 which changes are "bubbled" on the enclosed three (3) sets of a plan entitled, "City Square, White Plains, NY, Site Plan," (Drawing No. CS101), dated October 11, 2018; and

WHEREAS, the Applicant previously submitted the following documents in support of the first 2020 site Plan extension ("2020 Application Materials"):

- A. Cover letter from Mr. William Null dated May 15, 2020.
- B. The previously submitted Short Form Building Permit Application dated October 12, 2018.
- C. The previously submitted Full Environmental Assessment Form, Parts 1 and 2, dated October 10, 2018; and

WHEREAS, the Applicant previously submitted the following documents in support of the original 2019 Approval ("2019 Application Materials"):

- A. Cover letter from Mr. William Null dated October 12, 2018.
- B. A Short Form Building Permit Application dated October 12, 2018.
- C. A Full Environmental Assessment Form dated October 10, 2018.
- D. A shared Parking Analysis dated October 8, 2018 as prepared by Maser Consulting, P.A.
- E. Site Plan drawings generally entitled "City Square, White Plains, NY for Robert Martin Company LLC & Ginsburg Development Companies," prepared by Warshauer Mellusi Warshauer Architects, PC, Dated, numbered, titled and dated as follows:

<u>Dwg #</u>	<u>Title</u>	<u>Date</u>	<u>Revised</u>
-	Coversheet		
A-1	Master Site Plan	10/11/18	
A-2	Site Plan	10/11/18	
A-3	Lower Level Parking Plan	10/11/18	
A-4	Mid Level Parking Plan	10/11/18	
A-5	First Floor Plan	10/11/18	
A-6	Intermediate Floor Plan	10/11/18	
A-7	Second Floor Plan	10/11/18	
A-8	Third Floor Plan	10/11/18	
A-9	Fourth Floor Plan	10/11/18	
A-10	Fifth Floor Plan	10/11/18	
A-11	Sixth Floor Plan	10/11/18	
A-12	Seventh Floor Plan	10/11/18	
A-13	Eighth Floor Plan	10/11/18	
A-14	Ninth Floor Plan	10/11/18	
A-15	Tenth Floor Plan	10/11/18	
A-16	Eleventh Floor Plan	10/11/18	
A-17	Twelfth Floor Plan	10/11/18	
A-18	Fourteenth Floor Plan	10/11/18	
A-19	Fifteenth Floor Plan	10/11/18	
A-20	Sixteenth Floor Plan	10/11/18	
A-21	Elevations	10/11/18	
A-22	Enlarged Elevations	10/11/18	

- F. Civil Engineering Plans entitled "City Square, 50 Main Street, Block No. 5, Lot No. 1, White Plains, Westchester County, New York," prepared by Langan Engineering, Environmental, Surveying, Landscape Architecture and Geology, D.P.C. , numbered, titled and dated as follows:

<u>Dwg. #</u>	<u>Title</u>	<u>Date</u>	<u>Revised</u>
CS001	Coversheet	-	
CD101	Site Removal Plan	10/11/18	
CS101	Site Plan	10/11/18	
CG101	Grading and Drainage Plan (1 Of 2)	10/11/18	
CG102	Grading and Drainage Plan (2 Of 2)	10/11/18	
CE101	Erosion and Sediment Control Plan (1 Of 2)	10/11/18	
CE102	Erosion and Sediment Control Plan (2 Of 2)	10/11/18	
CS501	Details	10/11/18	

G. Cover letter from Mr. William Null dated November 20, 2019, transmitting a packet of renderings for Ginsburg Development Companies, entitled "City Square Site Plan Application Indicative Renderings of Additions, dated November 2018:

1. 500 Main Street: New Entrance Canopy and Artwork
2. Retail Addition: Corner Main and Lexington, Main Street Elevation
3. Retail Addition: Corner Main and Lexington
4. Retail Addition: Corner Main and Lexington
5. Retail Addition: 1-11 Martine, from Martine, vehicular view
6. Retail Addition: Martine/ Lexington, Martine Avenue Elevation
7. Retail Addition: 1-11 Martine, from Martine, near Bank Street

H. A survey Drawing Numbers VB101 and VB102, entitled "Mack-Cali Realty Corporation, Boundary and Topographic Survey, dated May 11, 2016, and signed 2/7/2018.

I. Cover letter from Mr. William Null dated February 7, 2019 transmitting:

1. Color renderings of the 50 Main Street addition, providing two different vantage points, showing modified façade treatment and enhanced landscaping, etc.
2. Revised Drawings A-21 and A-22, prepared by Warshauer Mellusi Warshauer Architects, P.C., as revised from the prior submission, showing Elevations of this addition:

Dwg. #	Title	Date	Revised
A-21	Elevations	10/11/18	2/6/19
A-22	Enlarged Elevations	10/11/18	2/6/19

J. Cover letter from Mr. William Null dated March 15, 2019, transmitting a March 14, 2019 Memorandum issued to Commissioner Richard G. Hope by Justin Macalintal, Senior Staff Engineer, Langan Engineering, referring to the following enclosed plans and documents:

1. Plans prepared by Langan Engineering, entitled "City Square, White Plains, NY" consisting of the following eleven (11) numbered and titled sheets, revised March 14, 2019:
 - i. (CS001) "Cover Sheet"
 - ii. (CD101) "Site Removal Plan"
 - iii. (CS101) "Site Plan ,,"
 - iv. (CG101) "Grading and Drainage Plan"
 - v. (CG102) "Grading and Drainage Plan"
 - vi. (CE101) "Erosion and Sediment Control Plan"
 - vii. (CS501) "Details"
 - viii. (CS502) "Notes"
 - ix. (LP101) "Lighting & Planting Plan"
 - x. (LP501) "Planting Details"
 - xi. (LL501) "Lighting Details"

2. Plan prepared by Langan Engineering entitled, "City Square", "Impervious Coverage Plan" (Fig. 1), dated March 14, 2019.

3. A March 14, 2018 letter from Joselow & Associates LLC.

K. Email from William S. Null, Esq., Cuddy & Feder LLP, transmitting the following revised drawings showing reduced sidewalk improvements within the street right-of-way and the city's standard street light:

Dwg. #	Title	Prepared by	Date
GDC 3.2	50 Main St. First Floor Retail Floor Plan	Ginsburg Development Corp.	19-02-05
SD-26A	CWP Standard Construction Detail	City of White Plains	-

LED Street Lighting

- L. Memorandum regarding City Square Traffic Analysis, prepared by Maser Consulting, P.A., dated June 15, 2018.
- M. Memorandum regarding City Square Intersection capacity Analysis for Main Street and Lexington Avenue, prepared by Maser Consulting, P.A., dated September 6, 2018.
- N. Email from Mr. William Null dated May 22, 2019 transmitting the following drawing which delineates the reduced area, approximately 1,600 square foot, encroachment onto the City’s right-of-way at both Main Street and South Lexington Avenue for the purpose of constructing a raised patio area and landscape walls with planters, in conjunction with the proposed single story retail expansion at the north west corner of the lot at 50 Main Street:

<u>Dwg. #</u>	<u>Title</u>	<u>Prepared by</u>	<u>Date</u>
Fig 1	Right-of-way Encroachment Plan	Langan Engineering	May 22, 2019

- O. Additional documents listed in the communication from the Department of Public Works dated for the Common Council meeting scheduled for July 1, 2019:
 1. Cover letter dated 6/11/19, as prepared by William S. Null, of Cuddy & Feder, LLP.
 2. "Site Plan Approval" civil engineering drawings, revised 6/11/19, prepared by Langan Engineering, Environmental, Surveying, Landscape Architecture and Geology, P.D.C.
 3. "Stormwater Management Report", dated 6/11/19, prepared by Langan Engineering, Environmental, Surveying, Landscape Architecture and Geology, P.D.C.
 4. "Sanitary Sewer Evaluation Engineering Report", dated 6/11/19, prepared by Langan Engineering, Environmental, Surveying, Landscape Architecture and Geology, P.D.C.
 5. "Right-of-Way Encroachment Plan", dated 5/22/19, prepared by Langan Engineering, Environmental, Surveying, Landscape Architecture and Geology, P.D.C.
 6. Letter from William McShane, P.E., of Joselow & Associates, LLC, with evaluation of existing utility services;
 7. Boundary and Topographic Survey, revised 5/21/19, prepared by Langan Engineering, Environmental, Surveying, Landscape Architecture and Geology, P.D.C.
 8. Architectural Plan set, last revised 10/11/18, as prepared by Warshauer Mellusi Warshauer Architects;
 9. "Shared Parking Summary", dated 10/8/18, prepared by Maser Consulting P.A.
 10. Completed "Full Environmental Assessment Form - Part 1 -Project and Setting", dated 10/10/18.
 11. Completed "Full Environmental Assessment Form - Part 2 - Identification of Potential Project Impacts", undated;
 12. Completed City of White Plains Department of Building Application "Short Form Application", dated 10/12/18; and

WHEREAS, the based on the recommendations of the various City Departments, Boards and agencies, the Environmental Officer has recommended that following conditions originally approved as part of the 2019 Approval Resolution be continued and are hereby considered to be a part of the current Proposed Action for purposes of the environmental review and site plan approval (hereinafter referred to as “2019 Conditions”):

- A. Conditions recommended in the communication from the Commissioner of Planning, dated May 21, 2019:
 1. The project shall contain a 6% affordable component for families earning 60% of Median Family Income, for a total of 12 affordable units comprised of six (6) studios, four (4) one-bedrooms, and two (2) two-bedrooms. The dedicated affordable units must remain in perpetuity for the life of the project. The location, specific unit bedroom count, and total unit size of each of the 12 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.

2. The Common Council make the requisite finding pursuant to New York State General City Law §27-a, that the site plan does not provide adequate land for park and recreation facilities based on the project's anticipated generation of 298 new 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 Department 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.
3. The Common Council should assess a fee-in-lieu of providing adequate park and recreation facilities at-grade for the proposed 188 dwelling units on a per residential unit size 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 \$535,500 to be paid by the applicant to the City and to be used exclusively for park, playground, and other recreational purposes, including the acquisition of real property.

The total fee shall be made by the Applicant in two equal installments of \$267,750, the first at the time of issuance of the first building permit by the Department of Building, and the second upon 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. The payment is to be used exclusively for park, playground, and other recreational purposes, including the acquisition of real property.

4. 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.
5. Subject to the approval of the Corporation Counsel, the Applicant must enter into a revocable license agreement with the City pertaining to the approximately 1,600 square foot encroachment onto the City's right-of-way at both Main Street and South Lexington Avenue as depicted on the Right-Of-Way Encroachment Plan Fig.1, prepared by Langan Engineering, dated May 21, 2019.
6. Applicant must remove the existing deceleration lane along South Lexington Avenue leading to the parking garage entrance and replace with concrete sidewalk with promenade pattern per Department of Public Works standards as depicted on the Right-Of-Way Encroachment Plan Fig.1, prepared by Langan Engineering, dated May 21, 2019.
8. 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 run off from the site on the City storm drain system, such as from the wash down of delivery vehicles departing the site (all such vehicles must be cleaned on pads located on the site and all drainage must have proper filtration of the wash down water), noise, pest control, street cleaning, site security, scheduling of periodic meetings with nearby residents and City staff to coordinate project construction and keep residents advised. The Construction Management Plan shall be subject to the approval of the Commissioners of Building, Public Safety, Public Works, Traffic, and Planning and the Environmental Officer.

8. 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. Conditions recommended in a communication from the Deputy Parking Commissioner, City Transportation Engineer, dated December 12, 2018.:

1. The location of traffic and parking signs on the redesigned Main Street frontage must be identified with particular consideration given to the visibility of signs (not blocked by landscaping/ trees) . It is recommended that a small cut-out be considered for the modified retail which will now be closer to Main Street. The curb face for the Main Street travel lane should be restricted as "No Stopping Any Time".
2. There must be a note on the layout plan that indicates that the City may require time period restrictions for exiting the driveway onto Bank Street, should future traffic conditions warrant this restriction.
3. Any accessible spaces on the site must be updated to have the standard markings and sign with the new symbol. The loading area between accessible spaces must be signed as "No Parking".
4. A loading management plan must be submitted which accounts for increased residential move ins, package (mail) deliveries, modified retail delivery requirements and increases in taxi/uber/lyft type services.

C. Conditions recommended in a communication from the Transportation Commission dated December 20, 2018:

1. The Commission reserves the right to restrict vehicles exiting the Bank Street driveway during the peak hours in the future if needed.

D. As per the communication of the Commissioner of Public Works, dated for the Common Council meeting on July 1, 2019:

1. Prior to the issuance of a building permit by the City's Department of Building, the applicant must provide DPW, for review and approval, a revised Stormwater Management Report. The revised report must include the 25-yr and 50-yr storm events in the Pre and Post Construction runoff analysis. The stormwater management design must, at minimum , meet a zero increase to the site's peak runoff for all storm events, in accordance with the latest NYSDEC and City of White Plains requirements.
2. The applicant's MEP engineer of record (EOR) is the applicant's New York State Licensed Design Professional responsible for ensuring the project's service lines are adequate for its intended inhabitants and uses and that the sizes of the water and sewer services are designed to meet current New York State Code requirements.
 - A. Information provided in the Sanitary Sewer Evaluation and Engineering Report, and letter from Joselow & Associates providing the evaluation of the buildings ' existing services, indicates that the sanitary sewer and the domestic water services for the building at 1-11 Martine Avenue will require an increase to their size in order to accommodate the additional repurposing flows. Update the proposed utility plans to show the required upgrade to the services. Note that a permit from the Westchester County Department of Health (WCDOH) will be required for the service from the building to the city main.
 - B. Update the plans to show the proposed domestic water service to 1-11 Martine Ave. Any new water service must be installed with a three (3) valve configuration at the main, in accordance with DPW requirements (contact DPW for details). Note that temporary line stop(s) may be required to be installed at the existing main in order to allow for the service connection to be made without disruption of service to nearby properties.

C. Under NYSDEC regulations, the repurposing of an existing building yielding a proposed sanitary sewer

service flow in excess of 2,500 gpd, requires that the service be approved by the WCDOH. Provide DPW with a copy of all approvals.

3. Backflow prevention devices must be installed on all existing or proposed water service lines.
 - A. New backflow prevention devices to be installed on the fire and domestic water services, as a result of the proposed site alterations, these devices must be located in a utility room that must also accommodate a master water meter. The application for the backflow device installations must be prepared by a licensed New York State professional engineer and submitted to the Department of Public Works for review and subsequent final approval by the Westchester County Health Department. The floor drain for said room must be adequate to comply with White Plains Department of Public Works and Westchester Department of Health requirements.
 - B. Existing backflow prevention devices installed on existing water service lines must be up to date with respect to testing and inspections. Provide DPW with the updated documentation for each device installed.
 - C. After the approved backflow prevention device(s) have been installed and successfully tested, the applicant's licensed professional must certify that the installation was performed according to the WCDOH approved plans and a completed copy (per installed device) of the department's Form DOH-1013 (Report on Test and Maintenance of Backflow Prevention Device Form) must be provided to the City, as the water purveyor, prior to the issuance of a temporary certificate of occupancy (T.C.O.) by the Department of Building.
4. The applicant will be required to provide (for each sanitary sewer service line affected by the proposed site alterations) a grease trap/interceptor within the property, sized based on the proposed flow, including any anticipated restaurant or food preparing facility. The unit's type and size must be approved by the Commissioner of Public Works prior to obtaining a Building Department permit.
5. The proposed stormwater catch basin filter inserts, proposed to be installed in existing area drain inlets, other than those at parking lot driveways, may offer minimal pollutant protection. In lieu of installing the inserts at rooftop or elevated walkway area drains, provide inlet protection at the Lexington driveway entrance trench drain.
6. The existing stormwater drain catch basins at the location of the new curb alignment on South Lexington (Gust south of Main St.) may require alterations. If new castings are to be installed, it must include an ECO-Phase II Type -"STD" curb piece with the words "DUMP NO WASTE DRAINS TO WATERWAYS" cast on it and bicycle safe grate, in accordance with DPW standards.
7. The applicant will be required to perform the following ROW improvements to the areas surrounding the property:
 - A. The proposed sidewalk and curbing restoration or replacement limits, as indicated in plans, shall be as directed by the Commissioner of Public Works.
 - B. Replace the existing catch basin castings, at the following locations surrounding the site, with new ECO-Phase II Type -"STD" curb piece with the words "DUMP NO WASTE DRAINS TO WATERWAYS" cast on it and bicycle safe grates, in accordance with DPW standards:
 - a) Martine Ave. edge of pavement, just west of South Lexington Ave.
 - b) Edge of pavement at radius curb of intersection of Martine Ave. and Bank St.
 - c) Bank St. edge of pavement, just north of Martine Ave.
 - d) Bank St. edge of pavement, just south of Main St.
 - e) Main St. edge of pavement, just east of Bank St.
 - f) Main St. edge of pavement, just west of So. Lexington Ave.

8. The construction of all stormwater facilities must be under the supervision of the stormwater design Engineer of Record. To ensure the proper maintenance of the site's stormwater device(s), an as-built drawing must be provided to the Department of Public Works, signed and sealed by this engineer, or by a New York State Licensed Land Surveyor, and a typical escrow account must be established for the maintenance of the permanent stormwater facilities. The Commissioner of Public Works has the right to utilize this escrow account to perform maintenance work should the owner fail to be responsive. Further, the City's Department of Public Works, should they be required to contract the work, will receive an additional 20% of all costs as an administrative fee. A standard DPW Stormwater Maintenance Agreement must be executed with the City, approved by the Corporation Counsel, prior to the issuance of a temporary certificate of occupancy (T.C.O.).
9. The proposed ROW encroachment areas along the Main St. and So. Lexington Ave. sides of the property must be clearly identified in final As-Built drawing and will require a License Agreement with the City to be executed along with all necessary permits, and will 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 planting areas. 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 as an administrative fee.
10. The existing planting area, along with its masonry walls, along the So. Lexington Ave. side of the property (near the Martine Ave. intersection) within the municipal ROW. must be clearly identified in final As-Built drawing and the owner will be required to enter into a License agreement and will remain in effect with the transfer of the property. This document must be approved by DPW and the Corporation Counsel. An appropriate escrow account must be established by the Commissioner of Public Works for the maintenance of said planting areas. 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 as an administrative fee.
11. All tree species being proposed to be installed within the City's ROW will require approval from DPW and the City's arborist prior to planting.
12. All existing sanitary sewer and stormwater drain structures, where new connections to 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, shall be provided to DPW for review and acceptance.
13. The owner must obtain a City of White Plains Department of Public Works (DPW) MS4 storm water permit prior to the issuance of a Building Department permit. Work or encumbrance to be performed within the municipal right-of-way will require other DPW permits prior to undertaking the work. Contact DPW Code Enforcement (914-422-1208).
14. The Full Environmental Assessment Form - Part 1, dated 10/10/18, as prepared by MG RMC Main LLC, indicates that the applicant intends to contract an outside solid waste removal and hauling company to handle the site's solid waste, recycled cardboard and co-mingled materials. The applicant must provide a completed Department of Public Works (DPW) Solid Waste Management Form indicating how the trash and recyclables (co-mingled and paper/cardboard) will be handled at the site, with a private carter. This must include a plan clearly showing a sanitation truck turning radius and pickup location must be provided for the Commissioner of Public Works approval prior to obtaining a Building Department Permit.

15. Upon completion of proposed development, an as-built drawing, signed and sealed by the engineer of records, must be submitted detailing all utilities, including the drainage system as installed and all site drainage features existing and proposed, prior to the issuance of a temporary certificate of occupancy (T.C.O.).
16. All construction work shall be subject to the City's Construction Management Protocol. This Protocol includes, among other things, a Construction Management Plan, erosion and sedimentation control measures, hours of operation, parking, site access, etc.

The requirements for the White Plains Construction Management Protocol for the proposed redevelopment of the site are set forth below:

- A. A Construction Management Plan is required for the development of the proposed project and a coordination plan for coordinating construction other construction in the area, if any, including City projects which will be going on contemporaneously with this project. The plan shall include strict controls on all aspects of the construction, including construction related impacts on adjacent properties and properties within the construction impact area, such as, but not limited to, hours of operation of construction vehicles and construction work on the site, hours of deliveries to the site, location of deliveries, requirements for loading/unloading and storage of materials on the project site, length of time travel lanes can be encumbered, sidewalk closings or pedestrian diversions to ensure the safety of the pedestrians, controls on "fugitive dust" and the impact of run-off from the site on the City storm drain system, such as from the wash down of delivery vehicles departing the site (all such vehicles must be cleaned on pads located on the site and all drainage must have proper filtration of the wash-down water), noise, pest control, street cleaning, site security, scheduling of periodic meetings with nearby residents and City staff to coordinate project construction and keep residents advised. The Construction Management Plan shall be subject to the approval of the Commissioners of Building, Public Safety, Public Works, Traffic, 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 construction contractors with information on where their workers and the subcontractors are permitted to park and provide clear consequences for the failure to follow these regulations. The parking plan shall also designate the routes to the construction site for construction workers and construction vehicles, which routes must be approved by the Deputy Commissioner of Parking for Transportation Engineering, Commissioner of Public Safety and Commissioner of Public

Works. Such routes shall be along arterial and collector streets, with minimum use of minor streets if deemed necessary to access the construction site. For core area development, it is anticipated that parking for construction workers will be arranged through the City's Department of Parking. The applicant should commence discussions with the Parking Department as soon as possible to address this issue if parking in a municipal lot parking garage is proposed for construction worker parking.

- D. The Construction Management Plan shall prohibit staging or "waiting" by construction vehicles on City streets, unless previously approved in writing by the Commissioners of Public Works and Public Safety.
- E. As to "fugitive dust", the applicant must develop a plan for the protection of adjacent properties, satisfactory to the Commissioner of Building and the Environmental Officer.
- F. Due to the proximity of sensitive receptors, such as nearby residents, noise from the construction site could potentially have negative impacts, the Construction Management Plan must address both noise impacts and air quality impacts of construction equipment as follows:
 - i. The internal combustion engine-powered construction equipment used in the construction of the project shall be limited to late model (1998 and newer) so as to take advantage of the cleaner burning engines. Also, these off-road pieces of equipment will have better sound attenuation properties. Exceptions to this shall be subject to the approval of the Commissioner of Building upon a demonstration that it is not feasible or practicable to obtain the required equipment. Unless an exception is granted by the Commissioner of Building, no engines shall be used unless "critical" level exhaust silencers are fitted. This is the quietest of the three main categories and is consistent with what the City uses for its own fleet.
 - ii. All non-road vehicles over 50HP used with regard to this project shall utilize the best technology available for reducing the emission of pollutants, including, but not limited to, retrofitting such non-road vehicles with oxidation catalysts, particulate filters, and/or technology with comparable or better effectiveness. All construction equipment shall include PM2.5 emission controls. The City recognizes that there is a cost associated with PM2.5 emission controls, but the size, scope, and length of time necessary to construct each project warrants the additional cost on the part of each project developer to insure reduced emissions during the construction phase.
 - iii. All diesel powered non-road vehicles in use at this construction site shall be fueled only with ultra-low sulfur diesel having a sulfur content of no more than fifteen (15) parts per million. All fuel delivered for use at this construction site shall consist of said fuel.
 - iv. "Non-road vehicle" means a vehicle that is powered by non-road engine, fifty (50) horsepower and greater, which shall include, but not be limited to, excavators, backhoes, cranes, compressors, generators, bulldozers, and similar equipment.
 - v. "Non-road engines" mean an internal combustion engine (including the fuel system) that is not used in a motor vehicle used solely for competition or that is not subject to standards promulgated under Section 7411 or Section 7521 of Title 42 of the United States Code (USC), except that this term shall apply to internal combustion engines used to power generators, compressors, or similar equipment used in any construction program or project.
- G. Prior to the issuance of any building or excavation permits, the applicant and its construction management team, including principal contractors, must meet together with representatives of the City'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 devices.
- I. The applicant shall be responsible to ensure that all streets and/or roadway infrastructure which is damaged as a result of construction activities will be repaired to City standards, funding for such repairs to be drawn from the bond posted with the City, Builder's Risk Insurance, and by the applicant for such damage as is not covered by the bond or insurance.
- J. The Construction Management Plan shall address the maintenance of the respective properties during the construction phase. Prior to the commencement of construction, the project applicant shall also be required to maintain its property and ensure that it is clean and free from hazardous conditions.
- K. The City of White Plains Standard Construction Details and Specifications shall supersede anything submitted by the applicant which is inconsistent with those standards.
- L. The applicant shall include a note on both the approved special permit/site plan and the Construction Management Plan about soil and erosion control regulations and the need to comply with the applicable City of White Plains and New York State Department of Environmental Conservation regulations, including, in all cases providing appropriate controls on site to prevent runoff from the site into City streets and storm drainage system, and, where applicable, the requirements of the approved SWPPP.
- M. The applicant shall submit to the Commissioner of Public Works for review and approval, a certified property survey by a licensed surveyor with metes and bounds shown for all property lines. The applicant shall provide coordinates in NAD 83 on the property survey.
- N. The Applicant shall provide to the Commissioner of Public Works for his review and approval profiles of the proposed service utilities, depicting existing utility crossings.
- O. The construction sequence of this proposed project must be coordinated with the City's Department of Public Works before it can issue permits to close streets or sidewalks, and disconnect or otherwise interrupt utility services, which will likely have a significant impact to the surrounding neighborhood.
- P. The applicant or any of its successor(s) or assign(s) shall be required to notify the Corporation Counsel of the City of White Plains in writing within thirty (30) days of any change in ownership, transfer of title, or any change in the corporate structure of same; and

WHEREAS, the Environmental Officer has recommended that following additional conditions recommended of the various City Departments, Boards and agencies, be considered to be a part of the current Proposed Action for purposes of the environmental review and site plan approval (hereinafter referred to as "2020 Conditions"):

- A. The extension of Site Plan Approval is granted for an 18-month period to January 1, 2022 subject to all of the 2019 and 2020 Conditions.
- B. Condition recommended in a communication from the Commissioner of Public Works dated July 20, 2020:
 Owner/Applicant must obtain a City of White Plains, Department of Public Works (DPW) MS4 Stormwater Permit prior to the issuance of a Building Department permit. Work or encumbrance to be performed within the Municipal right-of-way will require other DPW permits before undertaking the work; and

WHEREAS, the Environmental Officer has recommended that following additional conditions recommended of the various City Departments, Boards and agencies, be considered to be a part of the current Proposed Action for

purposes of the environmental review and site plan approval (hereinafter referred to as "2022 Conditions"):

- A. Conditions recommended in a communication from the Commissioner of Public Works dated January 20, 2022
 1. The proposed building entrance, which includes a new canopy; adjacent planting areas; and walls, extends into the city's right-of-way (ROW.) As indicated in the 7/1/2019 Common Council Resolution for other areas of the site extending into the municipal ROW, this additional proposed ROW encroachment area, in front of 34 South Lexington Avenue, must be clearly identified in the final As-Built drawing and will require a License Agreement with the City of White Plains. This agreement should be executed prior to any and all permits being issued. As such, this license agreement will 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.
 2. The existing fire hydrant at the garage entrance on the South Lexington Avenue, shown on plan sheet as "GDC The Metro South Lexington Avenue Entrance L-1," revised 11/30/21, is labeled as "Existing Fire Hydrant to Remain." As per the 7/1/2019 Common Council Resolution, this hydrant is to be relocated to a location approximately fifty five feet (55') north of its current location. A new ductile iron pipe lead and gate valve must be installed and the existing hydrant lead must be abandoned at the main; in accordance with Department of Public Works (DPW) standards: and

WHEREAS, the proposed incremental changes and repurposing of the existing mixed use buildings on a developed site in Downtown White Plains represents, an Unlisted Action under SEQR regulations for the following reasons:

- a. The repurposing of the existing office building at 1-11 Martine Avenue to create net increase of 188 residential units does not achieve the threshold criteria of 250 units in a city having a population of less than 150,000 necessary to be a Type I Action.
- b. The addition or conversion of uses providing 13,477 sq. ft. of new retail space at 50 Main Street and 8,624 sq. ft. of new retail/ restaurant space at 34 South Lexington Avenue does not achieve the total threshold criteria of 100,000 square feet of non-residential uses in a city having a population of less than 150,000 necessary to be a Type I Action; and

WHEREAS, the Environmental Officer has recommended that the 2019 and 2020 Conditions recommended by the various departments, boards and commissions, be adopted and are hereby considered to be a part of the Proposed Action for purposes of the environmental review and site plan approval (herein after referred to as the "Conditions"); 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 and determine that the Proposed Action is an Unlisted Action; (c) find that the overall project has not changed, that the proposed modifications are not significant changes to the project and that there are no new circumstances that would affect the SEQR Findings adopted for the 2019 and 2020 Approvals; and (d) determine that the Proposed Action, when compared to the SEQR criteria of environmental effect, will not have a significant effect on the environment; and

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

WHEREAS, the Common Council has considered the application, Application Materials, 2019 and 2020 Conditions, and reports from the various City departments, boards or commissions and involved agencies, and

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

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

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

RESOLVED, that, based on the foregoing findings, the Common Council finds that the project has not changed and that there are no new circumstances that would affect the SEQR Findings adopted for the 2019 and 2020 Approvals; and

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

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

The proposed modifications to the design of the project do not represent significant changes to the site plan.

Consistency with the Comprehensive Plan

The project is consistent with the strategies established in the 1997 and 2006 City of White Plains 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 that supports the other two major economic generators – office and retail." The project has been designed with additional ground floor retail to activate the Main Street, Martine Avenue and South Lexington Avenue corridors and enhance the pedestrian experience. The project also addresses pedestrian traffic by improving the access to and safety of the site, and providing a more inviting environment to draw in the public.

Further, the enhanced retail space at key corners of the development are consistent with the goals and objectives outlined in the City's Transit District Strategic Plan which specifically calls for the need to activate the large sidewalk area at the corner of Main Street and South Lexington Avenue.

Affordable Housing

Pursuant to the White Plains Affordable Rental Housing Program Rules and Procedures, revised January 1, 2012 (the City's new Affordable Rental Housing Program Rules will apply to all residential projects approved after September 1, 2019) the project qualifies as an Applicable Rental Project, which requires a 10% affordable rental unit set aside 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 12 affordable units as follows:

Unit Type	Total Unit Mix	Affordable Units	Market Rate Units
Studio	94	6	88
1BR	57	4	53
2BR	37	2	35
Total	188	12	176

The dedicated affordable units must remain in perpetuity for the life of the project. The location, specific unit bedroom count, and total unit size of each of the 12 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.

Open Space and Parkland

Applicant proposes significant on-site open space for private use only, including the enhancement and expansion of the approximately 25,000 square foot park area atop the parking structure with new landscaping, a water feature, a 2,000 step walk-around pathway, barbeque grills, seating, planters and lighting. In addition, Applicant proposes new amenity spaces for the new units in 1-11 Martine Avenue including a club room on the 9th floor and a ground floor fitness center. However, no public open space is proposed other than the proposed street level plazas.

Pursuant to the recommendations from the Planning Department regarding the reservation of parkland on all multi-family site plans or payment of money-in-lieu thereof, it is recommended that the Common Council make the requisite finding simultaneous with granting site plan approval that submitted plan does not provide adequate land for park and recreation facilities on the project’s anticipated generation of 298 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 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 size 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 additional 188 units at 1-11 Martine Avenue would result in a total fee-in-lieu payment to the City of \$535,500.

It is recommended that the total fee be made by the Applicant in two equal installments of \$267,750, the first at the time of issuance of the first building permit by the Department of Building, and the second upon 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. The payment is to be used exclusively for park, playground, and other recreational purposes, including the acquisition of real property.

Zoning Compliance

The proposed modifications to the design of the project do not represent significant changes to the site plan.

The property is situated in the CB-4 (Core Business-4) Zoning District, in which offices are a permitted principal use and private garages are a permitted “Accessory Use.”

The existing development with the proposed improvements conforms to the building bulk regulations for the CB-4 District.

	Required / Permitted	Existing	Proposed	Summary of Changes
Maximum Building Coverage All Buildings. Excludes garage structure. (See Notes A and B)	80.00% 117,362 sq. ft.	36.48% 53,513	40.87% 59,958 sq. ft.	4.39% 6,445 sq. ft.
Maximum Building Coverage Includes garage structure. All Buildings (See Notes A and B)		70.7% 103,725	75.1% 110,170 sq. ft.	4.4% 6,445 sq. ft.
Usable Open Space (See Note C)	20.00% 29,340 sq. ft.	64.19% 94,163 sq. ft.	59.79% 87,718 sq. ft.	-6,445 sq. ft.
Maximum Floor Area Ratio (FAR) (applies to residential, non-residential and combined)	5 FAR 733,510 sq. ft.	4.75 FAR 697,414 sq. ft.	4.89 FAR 717,919 sq. ft.	0.14 FAR 20,505 sq. ft.
SUMMARY OF USES				
50 Main Street (building totals)	-	0 DU 307,786 sq. ft.	0DU 319,580 sq. ft.	11,794 sq. ft.
Offices (50 Main Street)	No Requirement	0 DU 301,300	0 DU 300,485 sq. ft.	-815 sq. ft.
Retail I Restaurant (50 Main Street & Annex)	No Requirement	0 DU 6,486 sq. ft.	0 DU 19,095 sq. ft.	12,609 sq. ft.
1-11 Martine Avenue (building totals)		0 DU 263,039 sq. ft.	188 DU 267,279 sq. ft.	4,240 sq. ft.
Pace University (1 Martine Avenue)	No Requirement	0 DU 84,493 sq. ft.	0 DU 0	-84,493 sq. ft.
Offices (11 Martine Avenue)	No Requirement	0 DU 178,546 sq. ft.	0 DU 59,698 sq. f	-118,848 sq. ft.
Apartments (1 Martine Avenue)	No Requirement	0 DU 0	188 DU 203,438	4,143 sq. ft.
Retail (11 Martine Avenue)	No Requirement	0 DU 0	188 DU 203,438	4,143 sq. ft.
34 South Lexington Avenue (formerly 25 Martine Avenue) (building totals)		124 DU 126,589 sq. ft.	124 DU 131,060 sq. ft.	4,471 sq. ft.
Apartments (34 South Lexington Avenue)	No Requirement	124 DU 124,487 sq. ft.	124 DU 124,487 sq. ft.	0
Retail (34 South Lexington Avenue)	No Requirement	0 DU 2,102 sq. ft.	0 DU 6,573 sq. ft.	4,471 sq. ft.
Total All Buildings	No Requirement	124 DU 697,414 sq. ft.	312 DU 717,919 sq. ft.	20,505 sq. ft.
Minimum Front Yard (feet)	None	3+/-	0	-3
Maximum Height (stories)	15	15	15	0
Maximum Height (feet)	230	196+/-	196+/-	0

Note A: The lot area, based on the survey prepared by Langan dated 11 May 2016, last revised on 7 February 2018 is 146,702 square feet.

Note B: The Mam Roof Plaza located between the buildings is not included in building coverage.

Note C: Usable Open Space Includes the Street Lewi Plazas and Main Roof Level Plaza

Parking

The current application includes modifications of the parking and loading spaces on Main Street and Martine Avenue to provide improved drop-off and pick-up areas.

At 50 Main Street two ADA parking spaces will be eliminated within the Main Street ROW and reconfigured

as a loading zone. These spaces are not required for the development and do not need to be relocated. These spaces had been previously added in a deceleration lane with the removal of the garage entrance included the 2019 Approval.

At 1-11 Martine Avenue the existing driveway deceleration lane within the street ROW will be shortened and reconfigured with an additional loading zone.

According to Section 8 of the Zoning Ordinance, Applicant is required to provide 1,130 parking spaces as follows:

Use	Square Footage	Requirement	Spaces Required
Office	360,183	2/1,000 sf	720
Retail	29,811	3.3/1,000	98
Residential Units	312	1/Dwelling Unit	312
Total Spaces			1,130

A Parking Sufficiency Study, dated October 8, 2018, was prepared by Maser Consulting. The study reviewed the proposed uses, actual current utilization rates, and applied a shared parking analysis to the proposed development. The peak demand for parking at full occupancy would be approximately 1,006 spaces, where 1,033 spaces exist. Therefore, the existing garage containing 1,033 parking spaces will accommodate the proposed redevelopment.

The Proposed Action conforms to the Site Plan standards in Section 7.5 of the Zoning Ordinance as described below.

Site Plan Standards

7.5.1 *Conformity of all proposals with this Ordinance and with the goals of the "Comprehensive Plan."*
See Section I, above.

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."*

Applicant proposes to eliminate the Main Street vehicular entrance into the parking garage. Applicant submitted a Traffic Impact Study prepared by Maser Consulting, dated June 15, 2018. The analysis found that the elimination of the ingress/egress on Main Street will significantly improve pedestrian safety along the site frontage, in accordance with the City's *Complete Streets* Policy, adopted by the Common Council on June 3, 2013, and the redistributed traffic volumes can be accommodated at the other driveway locations. A further analysis of the effects of shifting the traffic from Main Street to South Lexington Avenue dated September 6, 2018 found that the minor amount of added traffic volume reassigned to the right turn from Main Street onto south Lexington Avenue would not significantly affect the existing level of service at that intersection.

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

There are currently five (5) vehicular access points into the on-site parking garage, which

provides parking for all three buildings. There are two vehicular access points on South Lexington Avenue, one on Martine Avenue, one on Bank Street, and one on Main Street. Applicant proposes to eliminate the Main Street vehicular entrance to the parking garage. All other vehicular access points remain the same. All of the vehicular entrances will be improved with concrete matching DPW standard promenade sidewalk pattern. A six inch high granite curb separating the ingress/egress lanes will be added to the vehicular entrance to 34 South Lexington Avenue. The existing brick inlay on the sidewalk along South Lexington Avenue will be replaced with concrete matching DPW standard promenade sidewalk pattern as well.

All of the existing pedestrian entrances into the three buildings have been improved or enhanced, and, in some cases, have been modified or reconfigured. In addition, several new pedestrian entrances have been added, as follows. The pedestrian entrance on South Lexington Avenue into 34 South Lexington remains unchanged. The existing pedestrian entrance at the corner of Martine Avenue and South Lexington Avenue, providing access to 34 South Lexington Avenue, also remains unchanged, but has been enhanced with landscaping. The pedestrian entrance into 1-11 Martine Avenue has been reconfigured so that it faces Martine Avenue (instead of the garage driveway) and includes the addition of an overhead canopy, ample landscaping and an ADA accessible ramp. New pedestrian entrances will be added on Main Street (two in the vicinity of where the vehicular entrance will be eliminated, including an ADA accessible ramp) and one on South Lexington Avenue near the garage entrance, and at the back of the proposed retail/restaurant patio space at the corner of Main and South Lexington. The existing pedestrian entrance at the corner of Main Street and South Lexington Avenue remains unchanged, but will provide access into the newly proposed retail/restaurant space. The pedestrian entrance at the corner of Bank and Main Streets remains unchanged, but will be enhanced with landscaping, sculptures, and renovated stairs to a patio area. A standard promenade sidewalk with a stamped brick band behind a concrete curb will encircle the entire site.

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 subject site is located in the CB-4 Zoning District, and is in the Central Parking Area. The existing parking garage is located underneath the buildings and contains a lower level, a mid-level, a first floor, and a second floor in the South Lexington Avenue Building and the Martine Avenue Building. According to Section 8 of the Zoning Ordinance, Applicant is required to provide 1,130 parking spaces as follows:

Use	Square Footage	Requirement	Spaces Required
Office	360,183	2/1,000 sf	720
Retail	29,811	3.3/1,000	98
Residential Units	312	1/Dwelling Unit	312
Total Spaces			1,130

A Parking Sufficiency Study, dated October 8, 2018, was prepared by Maser Consulting. The study reviewed the proposed uses, actual current utilization rates, and applied a shared parking analysis to the proposed development. The peak demand for parking at full occupancy would be approximately 1,006 spaces, where 1,033 spaces exist. Therefore, the existing garage containing 1,033 parking spaces will accommodate the proposed redevelopment.

- 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.*

All parking is contained within the parking garage, which is located underneath the building. As stated above, the access point on Main Street will be eliminated.

- 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.*

A minimum of seven (7) loading spaces are required, four (4) for the office use and (3) for the retail use. However, the building currently contains three (3) loading spaces, located on the first floor of the garage (at-grade level) directly adjacent to the Martine Avenue entrance and the Bank Street entrance. The proposed project will continue to provide three (3) loading spaces.

- 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.*

The patterns of vehicular circulation will change slightly due to the elimination of the Main Street entrance into and exit from the garage. Traffic will be shifted to the South Lexington Avenue entrance, which will reduce the number of pedestrian/vehicle conflicts, and improve pedestrian safety and traffic flow on Main Street. Pedestrian circulation around the site will generally remain the same, but will be enhanced by the addition of new entrances, ADA accessible ramps, and improved landscaping and streetscapes.

- 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, as confirmed by the City's Deputy Commissioner of Parking.

- 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.*

Approximately 50 existing street (some in street boxes) and smaller interior site trees will be removed to accommodate the proposed project. Applicant will replace these trees with thirty-three new street trees in planters around the entire perimeter of the site, plus five (5) new smaller ornamental trees along the façade of 34 South Lexington Avenue. Substantial

landscaping including shrubs, perennials and groundcovers are also proposed. Parking for the entire project is located in a parking deck underneath the buildings and is, therefore, screened from the outside.

7.5.2.10 Adequacy of fire lanes and other emergency zones.

Appropriate fire zones have been provided as confirmed by the Commissioner of Public Safety.

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.

Applicant is not installing any fencing. The loading areas remain within the parking garage and will not be visible to the outside. All new plantings will be in harmony with and an improvement to the surrounding neighborhood. In addition, several sculptures are proposed along the Main Street frontage to enhance the pedestrian experience.

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 proposed project will be subject to the City's construction management protocols to the satisfaction of the Commissioner of Public Works. Appropriate erosion and sediment controls will be implemented in accordance with a Stormwater Pollution Prevention Plan ("SWPPP") approved by the Commissioner of Public Works. This will minimize the potential of dust generation and sediment in stormwater during the soil disturbance activities and after construction is completed.

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 project site is completely built out. As such, there are no disturbances to wetlands, unique wildlife, historic structures, major trees or scenic views.

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

Applicant proposes to install 26 new Lumec LED sidewalk lighting fixtures around the entire perimeter of the site, in conformance with City standards.

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.

Applicant will relocate the existing hydrant on South Lexington Avenue and is adding a water service line to match the existing water service line on South Lexington Avenue. Upon confirmation by the Commissioner of Public Works and the implementation of the Storm Water Pollution Prevention Plan (SWPPP), the proposed project provides adequate storm and surface water drainage.

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.

The Applicant does not propose any construction that will inhibit or block sunlight that is to be used by any approved solar energy system.

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.

Applicant proposes a renovation and modernization of the existing site to accommodate the conversion of office space to residential space, a growing economic trend. The proposed elimination of the vehicular entrance on Main Street and the addition of retail spaces on Main Street and South Lexington Avenues and South Lexington and Martine Avenues serve to activate these streets and improve the pedestrian experience, all strategies found in the City's Comprehensive Plan. The redesign of the private park area situated atop the parking deck creates a vibrant and functional space for all occupants of the buildings.

- (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 modifications to the design of the project do not represent significant changes to the site plan.

The Deputy Commissioner of Parking, Transportation Engineer, has reviewed the Main Street changes, which will be beneficial to accommodate deliveries, as well as Uber and similar car services.

The proposed conversion of office floor area to residential uses together with the addition of minor retail and office space does not represent an increase of traffic, noise levels or solid waste.

A Traffic Analysis has been prepared for the Proposed Action by Maser Consulting, P.A. Multifamily residential uses generate a lower amount of traffic than office uses during the peak morning and evening rush hour periods. The proposed conversion of office floor area to residential uses will result in a net decrease in traffic levels during these periods.

The project includes closure of the Main Street driveway access to the parking structure. Along the south side of Main Street there are several hundred pedestrians per hour crossing the existing driveway. These pedestrians are conflicting with the entering and exiting traffic, which in the highest one-hour peak time period is in the order of 150 vehicles per hour. This current configuration, it is not pedestrian friendly and it results in

significant pedestrian/vehicular conflicts. The closure of the Main Street driveway will significantly improve the safety of the pedestrian flows along the site frontage.

The Traffic Analysis also considered the potential effect of the closure of the Main Street driveway and the redistributed traffic volumes which would be anticipated after the closure. The shift of traffic volumes will not impact to the overall operations the adjacent intersections.

The applicant proposes to construct a dining patio that encroaches approximately 1,600 square feet into the City's right-of-way (ROW or Sidewalk Area) at the intersection of Main Street and South Lexington Avenue. These ROW's are sufficiently wide to accommodate the encroachment and not restrict either vehicular or pedestrian traffic. The patio will encroach 2.8 ft. into the average 15 ft. wide Main Street Sidewalk Area leaving a sufficient approximately 11.9 ft. pedestrian walkway. Along South Lexington Avenue the ROW is extra wide, so the patio will extend 11.5 ft. into the 31.5 ft. wide Sidewalk Area with an amble approximately 21.0 ft. clearance. Here there will be an approximately 15.6 ft. clearance between the patio structure and the tree pits adjacent to the street curb.

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

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

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

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

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

The project site, consisting of three separate lots, was developed under the White Plains Central Renewal Project in the mid 1980's as one project known as "Westchester Financial Center."

The proposed modifications to the design of the project do not represent significant changes to the site plan.

The proposed conversion of uses together with the addition of retail or office floor area does not represent a significant change in the amount of development when considered in context to the existing project and the development in the surrounding White Plains downtown area.

Multifamily residential uses generate a lower amount of traffic than office uses during the peak morning and evening rush hour periods. The proposed conversion of office floor area to residential uses will result in a net decrease in traffic levels during these periods.

The applicant proposes to construct a dining patio that encroaches approximately 1,600 square feet into the City's right-of-way (ROW or Sidewalk Area) at the intersection of Main Street and South Lexington Avenue. These ROW's are sufficiently wide to accommodate the encroachment and not restrict either vehicular or pedestrian traffic.

The closure of the Main Street driveway will significantly improve the safety of the pedestrian flows along the

Main Street frontage.

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

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

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

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

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

RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF WHITE PLAINS APPROVING THE EXTENSION AND AMENDMENT OF THE SITE PLAN ORIGINALLY GRANTED ON JULY 1, 2019, TO MG RMC MAIN LLC, FOR THE PROJECT LOCATED AT 50 MAIN STREET, 34 SOUTH LEXINGTON AVENUE AND 1-11 MARTINE AVENUE.

WHEREAS, on July 1, 2019, the Common Council of the City of White Plains, after adopting environmental findings, approved a site plan amendment application submitted on behalf of MG RMC Main LLC (“Applicant”), owner of the property known as 50 Main Street, 1-11 Martine Avenue and 34 So. Lexington Avenue (collectively referred to as the “Premises”), in accordance with Section 7.7.2 of the Zoning Ordinance of the City of White Plains (“Zoning Ordinance”), to: (1) renovate 50 Main Street building with modernized amenities including a new lobby, fitness center, café and outdoor seating, create a new one-story retail/commercial addition at the corner of Main Street and South Lexington Avenue, including the construction of 10,926 square feet of retail/restaurant space and the conversion of 1,683 square feet of office space to retail/restaurant space that will increase the retail/restaurant space to 19,095 square feet and to remove the turning lane and driveway to the parking garage along Main Street; (2) convert 203,438 square feet of office space at 1-11 Martine Avenue to 188 new luxury rental apartments consisting of 94 studios, 57 one-bedroom and 37 two-bedroom units with 12 units (6%) dedicated as affordable rental units pursuant to the City’s Affordable Rental Housing Program Rules and Procedures and the addition of approximately 4,143 square feet of new retail space along Martine Avenue as well as 3,500 square feet of new building expansion; and (3) construct 4,471 square feet of retail/restaurant space at the corner of South Lexington and Martine Avenue, which includes 3,129 square feet of ground floor retail space and 1,342 square feet of space on the Mezzanine level directly above while leaving the 124 apartments at 34 South Lexington Avenue unchanged, and renovating and expanding the elevated private park area situated on top of the garage deck with enhancements of new landscaping, a water feature, 2,000 step walk-around pathway and other amenities (“2019 Approval”); and

WHEREAS, the 3.9 acre site situated in the CB-4 Zoning District is improved with 3 buildings bounded on the northerly side by Martine Avenue, on the easterly side by South Lexington, on the southerly side by Martine Avenue and on the westerly side by Bank Street; and

WHEREAS, the Premises is known and designated on the Tax Assessment Map of the City of White Plains as Section 125.74, Block 1, Lots 1, 2 and 3; and

WHEREAS, the Site Plan approval granted on July 1, 2019, contained 28 conditions; and

WHEREAS, the Applicant had previously submitted the following documents in support of the 2019 Approval, which documents remain applicable to the Proposed Action ("Application Materials"):

- A. Cover letter from Mr. William Null dated October 12, 2018.
- B. A Short Form Building Permit Application dated October 12, 2018.
- C. A Full Environmental Assessment Form dated October 10, 2018.
- D. A shared Parking Analysis dated October 8, 2018 as prepared by Maser Consulting, P.A.
- E. Site Plan drawings generally entitled "City Square, White Plains, NY for Robert Martin Company LLC & Ginsburg Development Companies," prepared by Warshauer Mellusi Warshauer Architects, PC, dated, numbered, titled and dated as follows:

<u>Dwg #</u>	<u>Title</u>	<u>Date</u>	<u>Revised</u>
-	Coversheet		
A-1	Master Site Plan		10/11/18
A-2	Site Plan		10/11/18
A-3	Lower Level Parking Plan		10/11/18
A-4	Mid Level Parking Plan		10/11/18
A-5	First Floor Plan		10/11/18
A-6	Intermediate Floor Plan		10/11/18
A-7	Second Floor Plan		10/11/18
A-8	Third Floor Plan		10/11/18
A-9	Fourth Floor Plan		10/11/18
A-10	Fifth Floor Plan		10/11/18
A-11	Sixth Floor Plan		10/11/18
A-12	Seventh Floor Plan		10/11/18
A-13	Eighth Floor Plan		10/11/18
A-14	Ninth Floor Plan		10/11/18

A-15	Tenth Floor Plan	10/11/18
A-16	Eleventh Floor Plan	10/11/18
A-17	Twelfth Floor Plan	10/11/18
A-18	Fourteenth Floor Plan	10/11/18
A-19	Fifteenth Floor Plan	10/11/18
A-20	Sixteenth Floor Plan	10/11/18
A-21	Elevations	10/11/18
A-22	Enlarged Elevations	10/11/18

- F. Civil Engineering Plans entitled "City Square, 50 Main Street, Block No. 5, Lot No. 1, White Plains, Westchester County, New York," prepared by Langan Engineering, Environmental, Surveying, Landscape Architecture and Geology, D.P.C. , numbered, titled and dated as follows:

Dwg. #	Title	Date	Revised
CS001	Coversheet		
CD101	Site Removal Plan		10/11/18
CS101	Site Plan		10/11/18
CG101	Grading and Drainage Plan (1 Of 2)		10/11/18
CG102	Grading and Drainage Plan (2 Of 2)		10/11/18
CE101	Erosion and Sediment Control Plan (1 Of 2)		10/11/18
CE102	Erosion and Sediment Control Plan (2 Of 2)		10/11/18
CS501	Details		10/11/18

- G. Cover letter from Mr. William Null dated November 20, 2018, transmitting a packet of renderings for Ginsburg Development Companies, entitled "City Square Site Plan Application Indicative Renderings of Additions, dated November 2018:

1. 500 Main Street: New Entrance Canopy and Artwork
2. Retail Addition: Corner Main and Lexington, Main Street Elevation
3. Retail Addition: Corner Main and Lexington
4. Retail Addition: Corner Main and Lexington
5. Retail Addition: 1-11 Martine, from Martine, vehicular view
6. Retail Addition: Martine/ Lexington, Martine Avenue Elevation
7. Retail Addition: 1-11 Martine, from Martine, near Bank Street

- H. A survey Drawing Numbers VB101 and VB102, entitled "Mack-Cali Realty Corporation, Boundary and Topographic Survey, dated May 11, 2016, and signed 2/7/2018.

- I. Cover letter from Mr. William Null dated February 7, 2019 transmitting:
1. Color renderings of the 50 Main Street addition, providing two different vantage points, showing modified façade treatment and enhanced landscaping, etc;
 2. Revised Drawings A-21 and A-22, prepared by Warshauer Mellusi Warshauer Architects, P.C., as revised from the prior submission, showing elevations of this addition:

Dwg. #	Title	Date	Revised
A-21	Elevations	10/11/18	2/6/19
A-22	Enlarged Elevations	10/11/18	2/6/19

- J. Cover letter from Mr. William Null dated March 15, 2019, transmitting a March 14, 2019 Memorandum issued to Commissioner Richard G. Hope by Justin Macalintal, Senior Staff Engineer, Langan Engineering, referring to the following enclosed plans and documents:

1. Plans prepared by Langan Engineering, entitled "City Square, White Plains, NY" consisting of the following eleven (11) numbered and titled sheets, revised March 14, 2019:

- a. (CS001) "Cover Sheet"
- b. (CD101) "Site Removal Plan"
- c. (CS101) "Site Plan"
- d. (CG101) "Grading and Drainage Plan"
- e. (CG102) "Grading and Drainage Plan"
- f. (CE101) "Erosion and Sediment Control Plan"
- g. (CS501) "Details"
- h. (CS502) "Notes"
- i. (LP101) "Lighting & Planting Plan"
- j. (LP501) "Planting Details"
- k. (LL501) "Lighting Details"

2. Plan prepared by Langan Engineering entitled, "City Square", "Impervious Coverage Plan" (Fig. 1), dated March 14, 2019.
3. A March 14, 2018 letter from Joselow & Associates LLC.

- K. Email from William S. Null, Esq., Cuddy & Feder LLP, transmitting the following revised drawings showing reduced sidewalk improvements within the street right-of-way and the city's standard street light:

<u>Dwg. #</u>	<u>Title</u>	<u>Prepared by</u>	<u>Date</u>
GDC 3.2	50 Main St. First Floor Retail Floor Plan	Ginsburg Development Corp.	19-02-05
SD-26A	CWP Standard Construction Detail LED Street Lighting	City of White Plains	

- L. Memorandum regarding City Square Traffic Analysis, prepared by Maser Consulting, P.A., dated June 15, 2018.
- M. Memorandum regarding City Square Intersection capacity Analysis for Main Street and Lexington Avenue, prepared by Maser Consulting, P.A., dated September 6, 2018.
- N. Email from Mr. William Null dated May 22, 2019 transmitting the following drawing which delineates the reduced area, approximately 1,600 square foot, encroachment onto the City's right-of-way at both Main Street and South Lexington Avenue for the purpose of constructing a raised patio area and landscape walls with planters, in conjunction with the proposed single story retail expansion at the north west corner of the lot at 50 Main Street:

<u>Dwg. #</u>	<u>Title</u>	<u>Prepared by</u>	<u>Date</u>
Fig 1	Right-of-way Encroachment Plan	Langan Engineering	May 22, 2019

- O. Additional documents listed in the communication from the Department of Public Works dated for the Common Council meeting scheduled for July 1, 2019:
 1. Cover letter dated 6/11/19, as prepared by William S. Null, of Cuddy & Feder, LLP;
 2. "Site Plan Approval" civil engineering drawings, revised 6/11/19, prepared by Langan Engineering, Environmental, Surveying, Landscape Architecture and Geology, P.D.C.;
 3. "Stormwater Management Report, dated 6/11/19, prepared by Langan Engineering, Environmental, Surveying, Landscape Architecture and Geology, P.D.C.;
 4. "Sanitary Sewer Evaluation Engineering Report", dated 6/11/19, prepared by Langan Engineering, Environmental, Surveying, Landscape Architecture and Geology, P.D.C.;
 5. "Right-of-Way Encroachment Plan", dated 5/22/19, prepared by Langan Engineering, Environmental, Surveying, Landscape Architecture and Geology, P.D.C.;
 6. Letter from William McShane, P.E., of Joselow & Associates, LLC, with evaluation of existing utility services;
 7. Boundary and Topographic Survey, revised 5/21/19, prepared by Langan Engineering, Environmental, Surveying, Landscape Architecture and Geology, P.D.C.;
 8. Architectural Plan set, last revised 10/11/18, as prepared by Warshauer Mellusi Warshauer Architects;
 9. "Shared Parking Summary", dated 10/8/18, prepared by Maser Consulting P.A.;
 10. Completed "Full Environmental Assessment Form - Part 1 -Project and Setting", dated 10/10/18;

11. Completed "Full Environmental Assessment Form - Part 2 - Identification of Potential Project Impacts", undated;
12. Completed City of White Plains Department of Building Application "Short Form Application", dated 10/12/18; and

WHEREAS, the Common Council, at a meeting held on July 6, 2020 received a communication from the Commissioner of Building, dated June 22, 2020 forwarding a letter dated May 15, 2020, from William S. Null of Cuddy and Feder, LLP, counsel for the Applicant, requesting an additional 18 month extension of the Site Plan Amendment approval of the project 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; and

WHEREAS, the Common Council at a meeting held on August 3, 2020 granted the 18 month extension of the Site Plan Amendment until January 2, 2022; and

WHEREAS, the Common Council, at a meeting held on January 3, 2022 received a communication from the Commissioner of Building, dated forwarding a letter dated November 22, 2021, from William S. Null of Cuddy and Feder, LLP, counsel for the Applicant, requesting an additional 12 month extension and an amendment of the 2019 Approval of the project in anticipation of the Applicant's failure to complete substantial construction; and

WHEREAS, the request for the extension and amendment of the approved 2019 Approval was referred by the Common Council at its January 3, 2022 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, by letter, dated November 22, 2021, the Applicant's counsel requesting a 12 month extension along with the following modifications: (1) a new canopy at the entrance of 34 South Lexington Avenue; (2) parking and loading space modifications on Main Street and Martine Avenue; and (3) landscape and walkway modifications at 11 Martine Avenue and 34 South Lexington Avenue; and

WHEREAS, the Applicant submitted the following documents in support of the proposed extension and amendments:

- A. A letter prepared by William S. Null, Esq. of Cuddy + Feder LLP, dated November 10, 2021.
- B. A letter prepared by William S. Null Cuddy + Feder LLP dated November 22, 2021.
- C. A Short Form Building Permit Application dated October 22, 2021.
- D. A Full Environmental Assessment Form dated October 10, 2018.
- E. Additional drawings regarding changes to the project design;
- F. An architectural/landscape drawing prepared by Imbiano Quigley Landscape Architects entitled, "GDC, The Metro, South Lexington Ave. Entrance," "Site & Planting Plan" (L-1), dated September 26, 2021, last revised November 3, 2021.
- G. A drawing prepared by Ginsburg Development Corp. entitled, "The Metro, 34 S. Lexington Avenue, White Plains, NY," "Entrance Plan and Elevations" dated November 30, 2021.

- H. Rendering (undated) showing the proposed architectural appearance of the new canopy proposed for The Metro building at 34 South Lexington Avenue.
- I. A Survey, dated May 11, 2016, last revised May 21, 2019, prepared by Langan Engineering, Environmental, Surveying, Landscape Architecture and Geology, D.P.C., entitled "Boundary and Topographic Survey" (VB101) and (VB102).
- J. A plan eliminating two (2) ADA parking spaces on Main Street and restriping the deceleration lane on Martine Avenue to provide for Loading Area modifications, 2 which changes are "bubbled" on the enclosed three (3) sets of a plan entitled, "City Square, White Plains, NY, Site Plan," (Drawing No. CS101), dated October 11, 2018; and

WHEREAS, the Common Council, at a meeting held on February 7, 2022, in relation to the 12 month extension and amendment of the 2019 Approval, received communications from the Commissioner of Building, dated January 27, 2022; the Commissioner of Planning, dated January 19, 2022; the Commissioner of Public Works, dated January 20, 2022; the Commissioner of Public Safety, dated January 11, 2022; the Commissioner of Parking, dated January 14, 2022; the Deputy Commissioner of Parking for Transportation Engineering, dated January 19, 2022; the Chair of the Planning Board, dated January 19, 2022; the Acting Chair of the Transportation Commission, dated January 20, 2022; the Chair of the Design Review Board, dated January 11, 2022; the Environmental Officer, dated January 26, 2022; and the Westchester County Planning Board, dated January 5, 2022; 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 and amendment request in light of the 1997 Comprehensive Plan and the 2006 Plan Update adopted July 11, 2006, and the standards set forth in the Zoning Ordinance, including, but not limited to, Sections 4, 7 and 8; and

WHEREAS, in connection with this instant application, the Common Council, at its meeting held on February 7, 2022, adopted an Environmental Findings Resolution, which: (a) reconfirmed the Common Council as Lead Agency for the environmental review of the Proposed Action; (b) reconfirmed that the Proposed Action is an Unlisted Action under SEQR regulations (c) found that the overall project has not changed and that the proposed modifications are not significant changes to the project and that there are no new circumstances that would affect the SEQR Findings adopted for the 2019 and 2020 approvals; and (d) determined that the Proposed Action, when compared to the SEQR criteria of environmental effect, will not have a significant effect on the environment; and, therefore be it

RESOLVED, that the Common Council hereby extends until January 2, 2023, the Site Plan Amendment Approval to: (1) renovate 50 Main Street building with modernized amenities including a new lobby, fitness center, café and outdoor seating, create a new one-story retail/commercial addition at the corner of Main Street and South Lexington Avenue, including the construction of 10,926 square feet of retail/restaurant space and the conversion of 1,683 square feet of office space to retail/restaurant space that will increase the retail/restaurant space to 19,095 square feet and to remove the turning lane and driveway to the parking garage along Main Street; (2) convert 203,438 square feet of office space at 1-11 Martine Avenue to 188 new luxury rental

apartments consisting of 94 studios, 57 one-bedroom and 37 two-bedroom units with 12 units (6%) dedicated as affordable rental units pursuant to the City's Affordable Rental Housing Program Rules and Procedures and the addition of approximately 4,143 square feet of new retail space along Martine Avenue as well as 3,500 square feet of new building expansion; and (3) construct 4,471 square feet of retail/restaurant space at the corner of South Lexington and Martine Avenue, which includes 3,129 square feet of ground floor retail space and 1,342 square feet of space on the Mezzanine level directly above while leaving the 124 apartments at 34 South Lexington Avenue unchanged, and renovating and expanding the elevated private park area situated on top of the garage deck with enhancements of new landscaping, a water feature, 2,000 step walk-around pathway and other amenities, subject to the Applicant's compliance with all of the 28 applicable conditions contained in the July 1, 2019 approval resolution in addition to the following 2 conditions contained in the communication, dated January 20, 2022 from the Commissioner of Public Works:

1. The proposed building entrance, which includes a new canopy, adjacent planting areas and walls, extends into the city's right-of-way (ROW.) must be clearly identified in the final As-Built drawing and will require a License Agreement with the City of White Plains. This agreement must be executed prior to any permit being issued for work in the ROW. The required license agreement must be in a form approved by the Corporation Counsel and shall remain in effect with any transfer of the property.
2. The existing fire hydrant at the garage entrance on South Lexington Avenue, shown on plan sheet as "GDC The Metro South Lexington Avenue Entrance L-1," revised 11/30/21 and labeled as "Existing Fire Hydrant to Remain" must be relocated to a location approximately fifty five feet (55') north of its current location. A new ductile iron pipe lead and gate valve must be installed

and the existing hydrant lead must be abandoned at the main; in accordance with Department of Public Works standards.

BE IT FURTHER RESOLVED, that the Common Council determines that the standards of § 7.5 of the Zoning Ordinance have been satisfied and that the request to amend the 2019 approved site plan by (1) modifying the entrance canopy of “The Metro” building at 34 South Lexington Avenue to include a steel arch structure and matching steel canopy; (2) modifying the parking and loadings spaces on Main Street and Martine Avenue to provide improved drop-off and pick-up areas; and (3) modifying the landscaping and walkway areas at the 1-11 Martine Avenue and 34 South Lexington Avenue entryways be and hereby is granted.

THOMAS M. ROACH
MAYOR



DEPARTMENT OF BUILDING

70 Church Street, White Plains, New York 10601
Phone: (914) 422 - 1269 * Fax: (914) 422 - 1471

Damon A. Amadio, P.E.
Commissioner

Kevin M. Hodapp, P.E.
Deputy Commissioner

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

Per Common Council referral on October 4, 2021, the Department of Building has reviewed an application for Site Plan Approval dated September 21, 2021, submitted by Cuddy+Feder LLP on behalf of Chester WP, LLC and Chester WP II, LLC (the respective owners of 6-8 Chester Avenue and 10 Chester Avenue) and the applicant, Keeler Markwood Group, LLC.

The Applicant has proposed the development of a four (4) story, approximately 60,000 square foot residential building on parcels designated on the City of White Plains Tax Map as Section 125.83, Block 5, Lots 4 and 5 and Section 130.28, Block 1, Lot 1. The property is also known as 6-10 Chester Avenue.

This department has no objection to this approval being granted.

Very truly yours,

Damon Amadio, P.E.
Commissioner of Building

Dated February 2, 2022



DESIGN REVIEW BOARD

70 Church Street, White Plains, New York 10601
Phone: (914) 422 - 1269 * Fax: (914) 422 - 1471

THOMAS M. ROACH
Mayor

NORMAN DICHIARA, AIA
Chairman

DAMON A AMADIO, P.E.
Commissioner of Building

KEVIN M. HODAPP, P.E.
Deputy Commissioner of Building
NICK PUJA
Secretary

October 15, 2021

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

Dear Mayor and Council Members:

The Design Review Board, at its meeting on October 13, 2021, reviewed an application submitted on behalf of Chester WP II, LLC and Keeler Markwood Group, LLC for a development of a four story, approximately 60,000 square foot residential building on the property, located at 6-10 Chester Ave, White Plains, NY.

OUTCOME: Design Review Board recommends the approval of this application as submitted.

Norman DiChiara

Norman DiChiara, Chairman
Design Review Board



PLANNING DEPARTMENT
70 Church Street , White Plains, New York 10601
(914) 422-1300 Fax: (914) 422-1301
E-Mail: Planning@whiteplainsny.gov

THOMAS M. ROACH
MAYOR

CHRISTOPHER N. GOMEZ, AICP
COMMISSIONER

JUDITH MEZEY
DEPUTY COMMISSIONER

TO: THE HONORABLE MAYOR AND MEMBERS OF THE COMMON COUNCIL

SUBJECT: 6-10 CHESTER AVENUE
CHESTER WP, LLC, CHESTER WP II, LLC AND KEELER MARKWOOD
GROUP, LLC
APPLICATION FOR SITE PLAN AND SPECIAL PERMIT APPROVAL

By letters dated September 21, 2021, October 13, 2021, and February 2, 2022, William S. Null, on behalf of Chester WP, LLC, Chester WP II, LLC, and Keeler Markwood Group, LLC (collectively the "Applicant") submitted an application for Site Plan and Special Permit approval to construct a four-story residential building with 74 units, associated parking and amenity space. A special permit is required to convert permitted non-residential floor area into dwelling units in the BR-2 Zoning District. The site is comprised of 0.54 acres (23,550 square feet) of land and is located on the westerly side of Chester Avenue, south of East Post Road and north of Maple Avenue in the BR-2 (Business Residential-2) Zoning District and within the Central Parking Area (CPA).

The new, four-story building would consist of three levels of residential dwelling units on top of an at-grade 44-space parking garage. The building would contain 73 studio units and one two-bedroom unit for the building superintendent. The Applicant has opted to set aside 12%, or nine (9) of the total dwelling units as affordable for those earning 80% of the Area Median Income pursuant to the City's affordable housing requirements.

The Planning Department has reviewed the application for consistency with the Comprehensive Plan and for compliance with special permit standards and site plan approval requirements pursuant to Sections 6.0 and 7.0 of the City Zoning Ordinance, and offers the following comments and recommendations for Common Council consideration:

I. CONSISTENCY WITH THE COMPREHENSIVE PLAN

The proposed project is consistent with the land use strategies contained in the City's 1997 and 2006 Update to the Comprehensive Plan. Specifically, the Plan states that "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 trend toward more residential development in the Core Area should be encouraged."

Further, Section 5.5.1.6 of the Zoning Ordinance notes that the BR-2 District(s) are primarily low- to mid-rise, medium-density residential districts in convenient proximity to the City's business areas and adjacent to established neighborhoods. They are designed to encourage the construction of additional "multi-family dwellings" serving a variety of income groups for both rental and ownership, and focusing on the needs of young professionals, seniors and others who would benefit from proximity to "restaurants" shops, employment opportunities, cultural opportunities and transportation, consistent with the "Comprehensive Plan." To that end, the Planning Department proposed the rezoning of portions of the Chester Avenue corridor from the O-R Office-Residential district to BR-2 in order to incentivize such infill development. The Common Council approved the rezoning on May 3, 2021.

This proposed residential project exemplifies the type of development envisioned for this block. Accordingly, the Planning Department finds that the proposed project is consistent the goals of the City's Comprehensive Plan and Zoning Ordinance.

II. AFFORDABLE HOUSING

Pursuant to Title IX, Chapter 9-7, Article 1 of the White Plains Municipal Code entitled Affordable Rental Housing Regulations, adopted May 6, 2019, the project is subject to the City's Affordable Rental Housing Program (ARHP), which was established by the City of White Plains to assist families with incomes between 50% and 99% of the Area Median Income (AMI) to obtain rental housing in "ARHP Applicable Rental Projects."

In accordance with Section 9-7-3 Affordable Housing Requirements, the Applicant has selected the 12% set-aside option and will provide a total of nine (9) affordable studio housing units for those qualifying at 80% of the Westchester County Median Income (AMI).

The dedicated ARHP Affordable Units must remain affordable in perpetuity, for the life of the project. Applicant's project is subject to the Affordable Housing Rental Regulations that are outlined in Section 9-7-3, and include, but are not limited to the following:

- Affordable Units must be provided onsite and allocated by unit size (bedroom and bathroom count) in the same proportion as the Market Rate Units.
- Affordable Units shall be distributed throughout the building(s).
- The Affordable Unit(s) shall be of comparable square footage to the Market Rate Units.

III. OPEN SPACE AND PARKLAND

In accordance with Section 27a of the General City Law, where it is not practical for a particular development to provide parkland and recreational facilities on site, it is in the best interest of the City of White Plains and its residents to require funds to be paid to the City to be used exclusively for parks, playgrounds or recreational facilities, including the acquisition of property. This finding is based on an evaluation made by the Planning Department of present and anticipated future needs for park and recreation facilities in the City based on projected population growth to which this project would contribute.

The proposed residential building will contain a rooftop common area and a lower level recreation room for residents. However, the proposed site plan does not include any publicly accessible usable open space onsite. Pursuant to the recommendations from the Planning Department regarding the reservation of parkland on all multi-family site plans or payment of money-in-lieu thereof, it is recommended that the Common Council make the requisite finding simultaneous to granting site plan approval that the submitted plan does not provide adequate land for park and recreation facilities for the project's anticipated generation of 94 new residents.

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 project requires a total fee-in-lieu payment to the City of \$186,000 to be used exclusively for park, playground and other recreational purposes, including the acquisition of real property. It is recommended that the total fee be paid by the applicant in two equal installments of \$93,000. The first payment shall be made at the time of issuance of the first building permit, the second made prior to issuance of a Temporary Certificate of Occupancy (TCO) by the Commissioner of Building. In the event that no Temporary Certificate of Occupancy is required, the second payment shall be made prior to issuance of a Certificate of Occupancy (CO) by the Commissioner of Building.

IV. ZONING COMPLIANCE

Special Permit Standards

Pursuant to footnote (n) of Section 5.3 Schedule of Dimensional Regulations – Non Residential, *residential "dwelling units" may be substituted for permitted non-residential "floor area" at a*

ratio of 1 "dwelling unit" for each 700 square feet of non-residential floor area on issuance of a Special Permit by the Common Council.

Accordingly, the Applicant proposes to convert 18,840 square feet of permitted non-residential floor area into 27 additional dwelling units ($23,550 \text{ of lot area} \times 0.8 = 18,840 / 700 = 27$). Thus, the total number of dwelling units for the project is 74 units: 47 permitted dwelling units based on a lot area per dwelling unit of 500 square feet and 27 dwelling units based on the conversion of non-residential floor area into dwelling units, as described above.

The Planning Department finds that the Applicant's request to convert non-residential floor area into additional dwelling units complies with the standards outlined in Section 6.5 of the Zoning Ordinance. The additional residential density and building height are appropriate and will complement the fabric of the existing neighborhood.

Site Plan Standards

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

As is discussed above, the proposed project is consistent with many of the goals and recommendations of the City's Comprehensive Plan.

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 Traffic Study prepared by Creighton Manning, dated September 21, 2021. The Traffic Study found the following:

- The site is expected to generate 15 new trips during the weekday morning peak hour and 13 new trips during the weekday evening peak hour.
- The project proposes to consolidate existing driveways on site to one left-in/left-out driveway on Chester Avenue. This will increase curbside space for on-street parking on Chester Avenue.
- The site will be supported by 44 off-street parking spaces inclusive of tow ADA-accessible parking spaces.
- The study intersections will operate at an acceptable overall level of service of B or better in the Building conditions.
- Traffic generated by this development will not have a significant impact on adjacent intersections.

Based on the findings of the Applicant's Traffic Study, and upon confirmation by the City's Deputy Commissioner of Parking, 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.*

Vehicular entrance into the 44-space at-grade parking garage would be made on Chester Avenue at the southerly end of the site, via a single ingress/egress access point.

The main pedestrian entrance and building lobby would be located on Chester Avenue at the northerly end of the site. An additional exit would be located adjacent to the main vehicular entrance at the southerly end of the site.

Accordingly, the Planning Department finds that vehicular and pedestrian access is adequate, as confirmed by the Deputy Commissioner of Parking.

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.*

Pursuant to Section 8 of the Zoning Ordinance, the project requires a total of 74 parking spaces (one space per dwelling unit in the CPA).

To accommodate parking for the development site, the Applicant proposes to construct a 44 space at-grade parking garage below the three levels of residential development. Applicant will receive a parking credit, pursuant to Section 8.0 of the Zoning Ordinance for 46 parking spaces.

As such, the Planning Department finds that the project conforms to the requirements of Section 8 of the Zoning Ordinance, as confirmed by the Deputy Commissioner of Parking.

- 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.*

There is one at-grade parking area within the building with one curb cut for vehicular access. The Planning Department finds that the proposed parking plan achieves maximum efficiency and safe and convenient traffic circulation.

- 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.*

Multi-family uses do not require loading spaces, pursuant to Section 8.0 of the Zoning Ordinance.

- 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.*

The four-foot sidewalk along the frontage of the site would be rebuilt and connect to the existing sidewalk system along Chester Avenue. New granite curbing would also be provided and on-street asphalt pavement would be restored to improve the existing on-street metered parking.

- 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 have been provided, subject to confirmation by the Deputy Commissioner of Parking.

- 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 for the project would be located at-grade, underneath the residential floors above. Appropriate landscaping will be provided around the parking area and the entire building to create a buffer for the neighboring properties, in accordance with Section 8.7.5 of the Zoning Ordinance.

- 7.5.2.10 *Adequacy of fire lanes and other emergency zones.*

Appropriate fire zones have been provided as confirmed by the Commissioner of Public Safety.

- 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.*

The Applicant proposes to provide 24 new plantings along the entire length of the building on Chester Avenue to screen the parking area from the surrounding neighborhood. In addition, Applicant's rendering indicates a fence along the frontage of the site, between the at-grade parking level and the proposed screening landscaping. Any proposed fencing and plantings shall meet the requirements of the Zoning Ordinance.

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.*

There are no natural features on the site.

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

To supplement the existing street lamps on the block, the Applicant's Lighting Plan indicates new lighting along the entire frontage of the site on Chester Avenue as well as strategically placed bollards and appropriate lighting for inside the parking area.

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. In particular, screen walls are proposed in strategic areas throughout the site.

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, dated September 21, 2021, will provide an effective strategy for managing stormwater runoff and will be thoroughly reviewed by the Commissioner 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 building would be constructed with brick of similar color and finish to adjacent buildings and dark bronze metal wall panels. The proposed development would replace a vacant and unattractive site with a residential development with a modern building that will complement and enhance the surrounding neighborhood.

V. CONCLUSION

Based on the foregoing analysis and review of the submitted application pursuant to Section 6.5 Special Permit Standards of the Zoning Ordinance, the Planning Department recommends that the Common Council approve the request for a Special Permit to convert non-residential floor area to dwelling units at a ratio of 1 dwelling unit for each 700 square feet of residential floor area.

Further, pursuant to Section 7.5 Site Plan Standards of the Zoning Ordinance, the Planning Department recommends that the Common Council grant Site Plan Approval subject to the following conditions:

1. In accordance with Section 9-7-3 Affordable Housing Requirements, the Applicant has selected the 12% set-aside option and will thus provide a total of nine (9) affordable studio units within the project for those qualifying at 80% of the Westchester County Median Income (AMI).

The dedicated ARHP Affordable Units must remain affordable in perpetuity, for the life of the project. Applicant's project is subject to the Affordable Housing Rental Regulations that are outlined in Section 9-7-3, and include, but are not limited to the following:

- Affordable Units must be provided onsite and allocated by unit size (bedroom and bathroom count) in the same proportion as the Market Rate Units.
- Affordable Units shall be distributed throughout the building(s).

- The Affordable Unit(s) shall be of comparable square footage to the Market Rate Units.
2. The Common Council make the requisite finding pursuant to New York State General City Law §27-a, that the site plan does not provide adequate land for park and recreation facilities based on the project's anticipated generation of 94 new residents, projected future overall growth in City population, and evaluation of the City's present and anticipated future needs for park and recreation facilities regarding the reservation of parkland on all multi-family site plans or payment of money-in-lieu thereof.
 3. The Common Council assess a fee-in-lieu of providing sufficient park and recreation facilities for the 74 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 \$186,000 to be used exclusively for park, playground and other recreational purposes, including the acquisition of real property. The total fee shall be paid by the applicant in two equal installments of \$93,000. The first payment shall be made at the time of issuance of the first building permit, the second made prior to issuance of a Temporary Certificate of Occupancy (TCO) by the Commissioner of Building. In the event that no Temporary Certificate of Occupancy is required, the second payment shall be made prior to issuance of a Certificate of Occupancy (CO) by the Commissioner of Building.
 4. The Applicant shall provide additional details of any proposed fencing to be provided around the parking area of the proposed development subject to the approval of the Building Commissioner.
 5. All landscaping shall consist of native species and 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.
 6. A Construction Management Plan is required for the development of the Proposed Project and a coordination plan for coordinating construction with other construction in the area, if any, including City projects which will be going on contemporaneously with this Project.

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

7. 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.

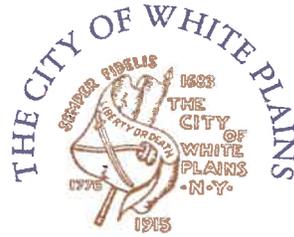
8. Prior to issuing a building permit, the Department of Building should ensure that the Applicant has provided documentation demonstrating the extent to which the project would meet LEED Certification Silver and New York State Energy Star standards.

Respectfully submitted,



Christopher N. Gomez, AICP
Commissioner of Planning

Dated: February 2, 2022



PLANNING BOARD

MUNICIPAL BUILDING · 70 CHURCH STREET · WHITE PLAINS, NEW YORK 10601
(914) 422-1300 · FAX: (914) 422-1301

THOMAS M. ROACH
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COMMISSIONER OF PLANNING

JUDITH MEZEY
DEPUTY COMMISSIONER

EILEEN J. McCLAIN, AICP
SECRETARY

October 20, 2021

TO THE HONORABLE MAYOR AND MEMBERS OF THE COMMON COUNCIL

SUBJECT: 6-10 CHESTER AVENUE – SITE PLAN APPLICATION FOR A 74-UNIT
APARTMENT BUILDING

At its October 19, 2021 meeting, the Planning Board reviewed the site plan application that proposes development of a 74-unit multi-family building on property at 6-10 Chester Avenue. The project includes 73 studio apartments and one two-bedroom unit for the building superintendent. Forty one parking spaces will be provided at grade on the site, and nine of the apartments will be designated as affordable units.

The Planning Board supports the project and recommends approval of the site plan.

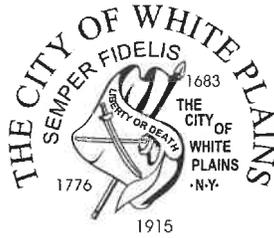
Planning Board members voting in favor of the motion to send a letter to the Common Council recommending approval of the site plan: J. Ioris, A. Cabrera, L. Gruenfeld, L. Oliva, R. Payne, and (5); Opposed: None (0); Absent: S. Russell (1). There is one vacancy on the Board.

Respectfully submitted,

JOHN IORIS

John Ioris, Chairman
White Plains Planning Board

73



DEPARTMENT OF PUBLIC SAFETY
77 SOUTH LEXINGTON AVENUE • WHITE PLAINS, NEW YORK 10601
(914) 422-6400 • FAX: (914) 422-6373

THOMAS M. ROACH
Mayor
422-1200

DAVID E. CHONG
Commissioner
422-6230

JOSEPH P. CASTELLI
Chief of Police
422-6210

DOUGLAS A. MCMATH
Fire Chief
422-6360

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

DEAR MAYOR AND COMMON COUNCIL MEMBERS:

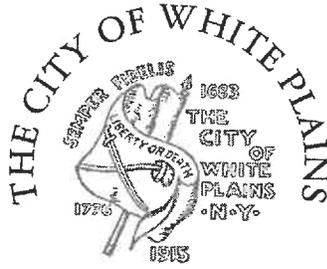
The Department of Public Safety has reviewed the following plans.
There are no objections.

Application for Site Plan Approval
6-10 Chester Avenue, White Plains, New York

David E. Chong
Commissioner of Public Safety

DEC:bn

Dated: October 18, 2021



DEPARTMENT OF PUBLIC WORKS

MUNICIPAL BUILDING • 255 MAIN STREET • WHITE PLAINS, NEW YORK 10601
(914) 422-1206 • FAX: (914) 422-1469

THOMAS M. ROACH
MAYOR

RICHARD G. HOPE
COMMISSIONER

UDOMLUG SIRIPHONLAI, P.E.
DEPUTY COMMISSIONER

STEFANIA A. MIGNONE
DEPUTY COMMISSIONER

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

The Department of Public Works has reviewed an application requesting site plan approval for the proposed development located at 6-10 Chester Avenue, submitted by Cuddy and Feder LLP, on behalf of Chester WP II, LLC and Keeler Markwood Group, LLC. The applicant proposes the development of a four (4) story, approximately 60,000 square foot, residential building on parcels designated on the City of White Plains Tax Map as SBL:125.83-5-4; 125.83-5-5; and 130.28-1-1.

The application submittal included the following items:

- Plans sheets C-1 thru C-9, titled “6-10 Chester Site Plans,” last revised 1/20/22, prepared by Creighton Manning Engineering LLP.;
- An annotated response, dated 1/20/22, prepared by Creighton Manning Engineering LLP;
- A Stormwater Management Plan, dated January 2022, prepared by Creighton Manning Engineering LLP;
- Sewer Analysis memo, dated 12/22/21, prepared by Creighton Manning Engineering LLP;
- Sanitary Flow Monitoring Report, dated 12/20/21, prepared by Flow Assessment;
- MEP calculations and memo, dated 12/20/21, prepared by Joselow & Associates, LLC;
- Solid Waste Management Plan form, dated 12/15/21;
- Cover letter, dated 9/21/21, prepared by Cuddy and Fedder LLP;
- A Traffic Impact Study, dated 9/21/21, prepared by Creighton Manning Engineering LLP;
- A copy of the White Plains Building Long Form 04/21, pages 1 thru 7, dated 9/21/21;
- A copy of the Full Environmental Assessment Form pages 1 thru 13, dated 9/21/21;
- A copy of the property survey, dated 7/27/21, was prepared by Gallas Surveying Group;
- Soil testing, witnessed by the Department of Public Works on 4/18/18.

We offer the following comments:

1. The owner must obtain a City of White Plains Department of Public Works (DPW) MS4 stormwater permit prior to issuance of a Building Department Permit.
2. The proposed parking lot design does not permit the City to provide trash/recycling pickup. Trash and recycling pickup will be operated by a private carting service.
3. DPW will issue a single street address to the lot that will be created by merging 6, 8 and 10 Chester Avenue. DPW will provide the official addresses for the building and apartments after the final plans have been approved. The applicant is responsible for coordinating with the U.S. Post Office regarding specifications and placement of the community mailbox, which must remain entirely within the property.
4. Pressurized line stops will be required if existing water valves cannot adequately isolate the tie-in location for the water service connections.
5. Backflow prevention devices must be installed on the domestic water services and fire service (if proposed.) 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 DPW for review and subsequent final approval by the Westchester County Department of Health (WCDOH.) The floor drain for said room must be adequate to comply with White Plains Department of Public Works and Westchester County Department of Health requirements.
6. The sanitary sewer service from the service manhole in the property to the municipal sanitary sewer main must be by gravity flow. A force main service, as currently shown, is not permitted to be connected to the municipal main.
7. WCDOH approval will be required for the sanitary sewer service since flow is over 2,500 gallons/day. Sanitary sewer service plans must be submitted to DPW for review/approval and signed by the Commissioner of Public Works prior to submission to the WCDOH.
8. Interference may be encountered with existing utilities (i.e., gas, electric, traffic control, communication, etc.) that lie within the work area but are not all shown on the plans. Test pits are required in the area of underground utility crossings prior to construction. In addition, the utility location information must be obtained from all utility companies and included in the plans. Include the pipe size and number of duct banks, where applicable.

9. 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. The applicant will be required to provide sanitary infrastructure improvements located within the Sewer District in which the project is located to reduce infiltration and inflow (I&I.) The improvements will include the lining of (5) five sanitary sewer manholes and (600) six hundred linear feet (LF) of existing sewer mains located in the vicinity of the project and shall be at the developer's expense or a fee in lieu; to be determined by the Commissioner of Public Works. The Commissioner shall determine the locations of manholes and sewer mains to be lined.
10. The existing catch basins in the rear of the property are shown connecting to a pipe through an adjacent property out to Cromwell Place. If these drainage connections are no longer utilized, clearly show the pipe being cut and capped at the property line. If any stormwater continues to be directed to the existing pipe, the applicant will need to provide a TV inspection of the pipe to determine the condition, and must provide any documentation for the utility easement which permits the stormwater pipe to travel through the adjacent property.
11. Construction of all stormwater facilities must be under the supervision of the Stormwater Design Engineer of Record, and an as-built must be provided to the Department of Public Works, signed and sealed by this engineer, or by a New York State Licensed Land Surveyor. A required maintenance agreement for all on-site stormwater management measures must be executed, along with all necessary permits, prior to the construction of any permanent stormwater facility and remain in effect with the transfer of the property. This document must be completed in accordance with the City's local law requirements and coordinated with the Corporation Counsel. An appropriate escrow account must be established by the Commissioner of Public Works for the maintenance of said stormwater facilities. The Commissioner of Public Works has the right to utilize this escrow account to perform maintenance work, should the owner fail to be responsive. Further, the City, through the Department of Public Works, shall receive an administrative fee of 20% of all costs, if DPW must contract the work.
12. 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 after construction. In addition, no groundwater is permitted to be pumped from the site into the city's sanitary sewer mains.
13. 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.
14. Shop drawings for all materials being installed within the right-of-way (ROW) must be submitted to DPW for review and approval prior to construction.
15. All construction work shall be subject to the City's Construction Management Protocol. This protocol includes, among other things, a construction management plan, erosion and sedimentation control measures, hours of operation, parking, site access, etc.

The City of White Plains Construction Management Protocol for the proposed redevelopment of the site are set forth below:

- a. A Construction Management Plan is required for the development of the proposed project. A coordination plan for other possible construction in the area will also be required. Include city projects which may be going on simultaneously 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. This will include, but is 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 may be encumbered; sidewalk closings or pedestrian diversions to ensure the safety of the pedestrians. In addition, this information must include controls on the “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, and 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, 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 ensures 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 construction contractors with information on where their workers and the subcontractors are permitted to park and provide clear consequences for the failure to follow these regulations. The parking plan shall also designate the routes to the construction site for construction workers and construction vehicles, which routes must be approved by the Deputy Commissioner of Parking for Transportation Engineering, Commissioner of Public Safety, and Commissioner of Public Works. Such routes shall be along arterial and collector streets, with minimum use of minor streets if deemed necessary to access the construction site. For core area development, it is anticipated that parking for construction workers will be arranged through the City's Department of Parking. The applicant should commence discussions with the Parking Department as soon as possible to address this issue if parking in a municipal lot parking garage is proposed for construction worker parking.
- d. The Construction Management Plan shall prohibit staging or "waiting" by construction vehicles on City streets unless previously approved in writing by the Commissioners of Public Works and Public Safety.
- e. As to "fugitive dust," the applicant must develop a plan for the protection of adjacent properties, satisfactory to the Commissioner of Building and the Environmental Officer.
- f. Due to the proximity of sensitive receptors, such as nearby residents, noise from the construction site could potentially have negative impacts; the Construction Management Plan must address both noise impacts and air quality impacts of construction equipment as follows:
 - i. The internal combustion engine-powered construction equipment used in the construction of the project shall be limited to late model (1998 and newer) so as to take advantage of the cleaner-burning engines. Also, these off-road pieces of equipment will have better sound attenuation properties. Exceptions to this shall be subject to the approval of the Commissioner of Building upon a demonstration that it is not feasible or practicable to obtain the required equipment. Unless an exception is granted by the Commissioner of Building, no engines shall be used unless "critical" level exhaust silencers are fitted. This is the quietest of the three main categories and is consistent with what the City uses for its own fleet.

- ii. All non-road vehicles over 50HP used with regard to this project shall utilize the best technology available for reducing the emission of pollutants, including, but not limited to, retrofitting such non-road vehicles with oxidation catalysts, particulate filters, and/or technology with comparable or better effectiveness. All construction equipment shall include PM2.5 emission controls. The City recognizes that there is a cost associated with PM2.5 emission controls, but the size, scope, and length of time necessary to construct each project warrants the additional cost on the part of each project developer to ensure reduced emissions during the construction phase.
 - iii. “Non-road vehicle” means a vehicle that is powered by a 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.
 - iv. “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 “backup” sound attenuation devices.
- i. Applicant shall be responsible for ensuring 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. 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. 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 on the surrounding neighborhood.
- p. 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.

In conclusion, we have no objection to conditioned approval provided the comments are addressed to the sole satisfaction of the Commissioner of Public Works prior to the issuance of a Building Department permit.

Respectfully submitted,



Richard G. Hope
Commissioner of Public Works

Dated: January 20, 2022

THOMAS M. ROACH
MAYOR



JOHN P. LARSON
COMMISSIONER

THOMAS J. SOYK, PE., PTOE
DEPUTY COMMISSIONER
CITY TRANSPORTATION ENGINEER

DEPARTMENT OF PARKING
255 MAIN ST. - ANNEX BUILDING
WHITE PLAINS, NEW YORK 10601

(914) 422-1232 Phone
(914) 422-1274 Fax

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 application for site plan approval from Chester WP II, LLC, (6-10 Chester Avenue) which was referred by the Common Council on October 4, 2021.

The Department of Parking/ Traffic Division has the following comments:

1. There must be a stop line (an eighteen (18) inch line a minimum of four (4) feet back from the sidewalk) and short double yellow line at the driveway exit.
2. A "Do Not Enter" sign should be posted to prevent vehicles from traveling the wrong way on the back roadway. The directional pavement arrow for this roadway should be located near this sign.
3. The color and size of pavement markings must be indicated on the site plan or details.
4. The parking space chart on the site plan should indicate the number required by zoning and the number provided, including the credit.

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

Dated: October 20, 2021



TRANSPORTATION COMMISSION
255 MAIN STREET - ANNEX BUILDING • WHITE PLAINS, NEW YORK 10601
(914) 422-1232 • FAX: (914) 422-1274

THOMAS M. ROACH
MAYOR

THOMAS J. SOYK, P.E., PTOE
DEPUTY COMMISSIONER

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

The Transportation Commission, at its meeting held on October 20, 2021 reviewed a request from Cuddy & Feder, LLP, on behalf of Chester WP I, LLC and Keeler Markwood Group, LLC for site plan approval for the property at 6-10 Chester Avenue, as referred by the Common Council on October 6, 2021.

The Transportation Commission had no objections.

Thomas J. Soyk, PE, PTOE
Acting Chairman

Dated: October 20, 2021

THOMAS M. ROACH
MAYOR



DEPARTMENT OF PARKING
255 MAIN ST. - ANNEX BUILDING
WHITE PLAINS, NEW YORK 10601

(914) 422-1232 Phone
(914) 422-1274 Fax

JOHN P. LARSON
COMMISSIONER

THOMAS J. SOYK, PE., PTOE
DEPUTY COMMISSIONER
CITY TRANSPORTATION ENGINEER

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

Re: 6 - 10 Chester Avenue Application for Site Plan Approval

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

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

Respectfully submitted,

John P. Larson, Commissioner
CWP – Department of Parking

Dated: October 20, 2021

George Latimer
County Executive

October 19, 2021

Jill Iannetta, City Clerk/Registrar
City of White Plains
Municipal Building
255 Main Street
White Plains, NY 10601-2479

**County Planning Board Referral File WHP 21-029 – 6-10 Chester Avenue
Site Plan Approvals**

Dear Ms. Iannetta:

The Westchester County Planning Board has received a site plan (dated September 21, 2021) for the redevelopment of a 0.54-acre site located at 6-10 Chester Avenue into a four-story multifamily residential building. The site consists of three properties: 6 Chester Avenue (SBL 125.83-5-4) and 8 Chester Avenue (SBL 125.83-5-5), which have been recently cleared of all structures, and 10 Chester Avenue (130.28-1-1) that currently hosts a three-story medical center which is to be demolished. The site lies in a city block containing a mix of commercial and single family residences, and is across Chester Avenue from the City-owned Chester-Maple Parking Garage. The property lies within the BR-2 Business Residential zone, and is within the Central Parking Area.

The first floor of the building would contain a parking garage for 44 vehicles, along with a lobby. The upper three stories, containing 74 residential units, would be built upon columns so the first floor garage would not be enclosed. All of the units are to be studios, except for one 2-bedroom unit reserved for the building superintendent. As per the White Plains Affordable Rental Housing Program, nine of the units are to be provided at 80% AMI. Building amenities include a rooftop common area, and a recreation room and bicycle storage room in the basement. Pedestrian access would be located from the main lobby at the north end of the building, and a secondary staircase at the southern end. Vehicular access would be from the southern end of the building.

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

1. Consistency with County Planning Board policies.

The proposed development is consistent with the 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*, adopted by the Board on May 6, 2008, amended January 5, 2010, and its recommended *strategies* set forth in *Patterns for Westchester: The Land and the People*, adopted December 5, 1995, because it would add new, higher density development within the City's downtown within walking distance of a number of commercial uses.

2. Affirmatively furthering fair housing (AFFH).

We are supportive of the applicant including the required 9 affordable units within the development, though it is not indicated if they will follow Affirmatively Furthering Fair Housing guidelines. We urge the City to consider the County's Model Ordinance Provisions for guidance in providing affordable housing. The County developed these Provisions to standardize the affordable housing programs across Westchester to make it easier for both residents and developers to understand qualifications and requirements, and to provide fair housing throughout all municipalities.

3. Recycling provisions.

While we note that the plans show specific refuse areas to handle waste generation, the City should request the applicant to verify that sufficient space will be available to store recyclables under the County recycling program, which includes plastics numbered 1 through 7. County regulations for plastic recycling may be found at: <http://environment.westchestergov.com>.

4. Sewage flows.

The proposed development will increase sewage flows from this site into the existing infrastructure. The increased flow will add to the volume of sewage flow requiring treatment at a Water Resource Recovery Facility operated by Westchester County. Since 2010, it has been the policy of the County Planning Board that municipal governments require the applicant to identify mitigation measures that will offset the projected increase in flow. The best means to do so is through reductions in inflow/infiltration (I&I) at a ratio of three for one for market rate units and a ratio of one for one for affordable AFFH units.

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

5. Stormwater Management.

We note that the impervious surface coverage for the site would be increased due to the proposed development. The applicant should be encouraged to explore aboveground stormwater management solutions that treat runoff on-site wherever possible, such as using pervious paving for parking areas, installing a green roof to augment the rooftop amenity space, or utilize vegetative rain gardens within the landscaping plan.

6. Bicycle and electric vehicle parking.

We commend the applicant for providing a bike storage room within the building, and recommend that outdoor bicycle racks be provided for any visitors to the site. Also, we recommend that the bicycle parking areas include access to a power supply for the charging of e-bicycles. In addition, the City and

the applicant should give consideration towards the provision of electric vehicle parking capabilities within the proposed parking garage.

7. Green building technology.

We encourage the applicant to include as much green, or sustainable building technology as possible within the proposed development.

8. Universal design.

We encourage the City to consider the principles of universal design in this development. Universal design standards allow all residents and visitors to fully engage in our public spaces. Universal design is also an important means of allowing households to age in place as well as to allow for persons with mobility issues to visit. Information on universal design can be found at: <https://www.section508.gov/blog/Universal-Design-What-is-it>.

Please inform us of the City's decision so that we can make it a part of the record.

Thank you for calling this matter to our attention.

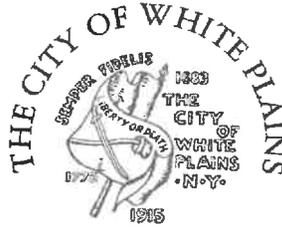
Respectfully,
WESTCHESTER COUNTY PLANNING BOARD

By:



Norma V. Drummond
Commissioner

NVD/MV



ENVIRONMENTAL OFFICER

PLANNING DEPARTMENT • 70 CHURCH STREET • WHITE PLAINS, NEW YORK 10601
(914) 422-1300; FAX: (914) 422-1301

THOMAS M. ROACH
MAYOR

ROD JOHNSON
ENVIRONMENTAL OFFICER

February 2, 2022

TO THE HONORABLE MAYOR AND MEMBERS OF THE COMMON COUNCIL

SUBJECT: 6-10 CHESTER AVENUE
CHESTER WP, LLC, CHESTER WP II, LLC AND KEELER MARKWOOD GROUP, LLC
APPLICATION FOR SITE PLAN AND SPECIAL PERMIT

The application submitted by letters dated September 21, 2021, October 13, 2021 and February 2, 2022, for Site Plan and Special Permit approvals to construct a four-story residential building at 6-10 Chester Avenue ("Proposed Action") has been reviewed for compliance with the N. Y. State Environmental Quality Review ("SEQR") regulations.

Chester WP, LLC and Chester WP II, LLC, the respective owners of 6-8 Chester Avenue and 10 Chester Avenue, which are the properties comprising the Premises herein, have authorized Keeler Markwood Group, LLC (collectively the "Applicant") to process the application for Site Plan and Special Permit approvals.

The site is comprised of three lots (Section 125.83, Block 5, Lots 4 and 5 and Section 130.28, Block 1, Lot 1) with 0.54 acres (23,550 square feet) of land, situated on the westerly side of Chester Avenue, south of East Post Road and north of Maple Avenue in the BR-2 (Business Residential-2) Zoning District and within the Central Parking Area (CPA). The lots at 6 and 8 Chester Avenue have been cleared of prior buildings and the lot at 10 Chester Avenue is occupied by a vacant, 2-story office building which will be demolished.

The project involves construction of a four-story building consisting of three levels of residential dwelling units on top of an at-grade 44-space parking garage. A special permit is required to convert permitted non-residential floor area into dwelling units in the BR-2 Zoning District. The new building would contain 74 dwelling units (73 studio units and one 2-bedroom unit for the Superintendent). The Applicant has opted to set aside 12%, or nine (9) of the total dwelling units as affordable for those earning 80% of the Area Median Income pursuant to the City's affordable housing requirements. The required parking is proposed to be accommodated through applying a (46) space parking credit associated with buildings that previously occupied the parcels and a (44) space parking structure situated below the new building.

Related to the project site and other properties along the Chester Avenue corridor, the Common Council at its on May 3, 2021 meeting (A) rezoned portions of the block situated between Chester Avenue,

Cromwell Place, East Post Road and Maple Avenue from the prior O-R (Office-Residential) District to the BR-2 (Business Residential) District, (B) removed the “S Zone” designation from 6 Chester Avenue and 8 Chester Avenue, and 90 Maple Avenue; (C) removed the Special Building Setback along the west side of Chester Avenue; and (D) revised certain Dimensional Standards and Uses of the BR-2 District.

WHEREAS, the Proposed Action involves the following approvals of the Common Council:

1. Approval of a site plan pursuant to Section 7.5.1 of the Zoning Ordinance.
2. Approval of a special permit maximizing the residential development by converting permitted non-residential floor area into dwelling units in the BR-2 Zoning District.

Pursuant to footnote (n) of Section 5.3 Schedule of Dimensional Regulations – Non Residential, residential “dwelling units” may be substituted for permitted non-residential “floor area” at a ratio of 1 “dwelling unit” for each 700 square feet of non-residential floor area on issuance of a Special Permit by the Common Council.

Accordingly, the Applicant proposes to convert 18,840 square feet of permitted non-residential floor area into 27 additional dwelling units (23,550 of lot area X 0.8=18,840/700=27). Thus, the total number of dwelling units for the project is 74 units: 47 permitted dwelling units based on a lot area per dwelling unit of 500 square feet and 27 dwelling units based on the conversion of non-residential floor area into dwelling units, as described above.

3. Approval of the affordable housing component by the Common Council. In accordance with Section 9-7-3 Affordable Housing Requirements, the Applicant has selected the 12% set-aside option and will thus provide a total of nine (9) affordable studio units within the project for those qualifying at 80% of the Westchester County Median Income (AMI). The dedicated ARHP Affordable Units must remain affordable in perpetuity, for the life of the project. Applicant’s project is subject to the Affordable Housing Rental Regulations that are outlined in Section 9-7-3, and include, but are not limited to the following:
 - Affordable Units must be provided onsite and allocated by unit size (bedroom and bathroom count) in the same proportion as the Market Rate Units.
 - Affordable Units shall be distributed throughout the building(s).
 - The Affordable Unit(s) shall be of comparable square footage to the Market Rate Units.
4. Approval of a fee-in-lieu of providing sufficient park and recreation facilities for the 134 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 \$186,000 to be used exclusively for park, playground and other recreational purposes, including the acquisition of real property. The total fee shall be paid by the applicant in two equal installments of \$93,000. The first payment shall be made at the time of issuance of the first building permit, the second made prior to issuance of a Temporary Certificate of Occupancy (TCO) by the Commissioner of Building. In the event that no Temporary Certificate of Occupancy is required, the second payment shall be made prior to issuance of a Certificate of Occupancy (CO) by the Commissioner of Building.

The Environmental Officer recommends that the conditions recommended by the various departments, boards and commissions, be adopted as part of the Proposed Action and are hereby considered to be a part of the Proposed Action for purposes of the environmental review and site plan approval.

The Environmental Officer recommends that the Common Council (a) designate itself to be the Lead Agency for the environmental review of the Proposed Action; (b) find that the Proposed Action to be an Unlisted Action under SEQR regulations; (c) determine 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 determinations and findings is offered for the Common Council's consideration.

Respectfully submitted,

A handwritten signature in black ink that reads "Rod Johnson". The signature is written in a cursive style with a large initial "R".

Rod Johnson
Environmental Officer

ENVIRONMENTAL FINDINGS RESOLUTION REGARDING SITE PLAN AND SPECIAL PERMIT APPROVALS TO CONSTRUCT A RESIDENTIAL BUILDING AT 6-10 CHESTER AVENUE ON BEHALF OF CHESTER WP, LLC, CHESTER WP II, LLC AND KEELER MARKWOOD GROUP, LLC.

WHEREAS, the application submitted by letters dated September 21, 2021, October 13, 2021 and February 2, 2022, for Site Plan and Special Permit approvals to construct a four-story residential building at 6-10 Chester Avenue ("Proposed Action") has been reviewed for compliance with the N.Y. State Environmental Quality Review ("SEQR") regulations; and

WHEREAS, Chester WP, LLC and Chester WP II, LLC, the respective owners of 6-8 Chester Avenue and 10 Chester Avenue, which are the properties comprising the Premises herein, have authorized Keeler Markwood Group, LLC (collectively the "Applicant") to process the application for Site Plan and Special Permit approvals; and

WHEREAS, the site is comprised of three lots (Section 125.83, Block 5, Lots 4 and 5 and Section 130.28, Block 1, Lot 1) with 0.54 acres (23,550 square feet) of land, situated on the westerly side of Chester Avenue, south of East Post Road and north of Maple Avenue in the BR-2 (Business Residential-2) Zoning District and within the Central Parking Area (CPA). The lots at 6 and 8 Chester Avenue have been cleared of prior buildings and the lot at 10 Chester Avenue is occupied by a vacant, 2-story office building which will be demolished; and

WHEREAS, the project involves construction of a four-story building would consisting of three levels of residential dwelling units on top of an at-grade 44-space parking garage. A special permit is required to convert permitted non-residential floor area into dwelling units in the BR-2 Zoning District. The new building would contain 74 dwelling units (73 studio units and one 2-bedroom unit for the Superintendent). The Applicant has opted to set aside 12%, or nine (9) of the total dwelling units as affordable for those earning 80% of the Area Median Income pursuant to the City's affordable housing requirements. The required parking is proposed to be accommodated through applying a (46) space parking credit associated with buildings that previously occupied the parcels and a (44) space parking structure situated below the new building; and

WHEREAS, related to the project site and other properties along the Chester Avenue corridor, the Common Council at its on May 3, 2021 meeting (A) rezoned portions of the block situated between Chester Avenue, Cromwell Place, East Post Road and Maple Avenue from the prior O-R (Office-Residential) District to the BR-2 (Business Residential) District, (B) removed the "S Zone" designation from 6 Chester Avenue and 8 Chester Avenue, and 90 Maple Avenue; (C) removed the Special Building Setback along the west side of Chester Avenue; and (D) revised certain Dimensional Standards and Uses of the BR-2 District; and

WHEREAS, the Proposed Action involves the following approvals of the Common Council:

1. Approval of a site plan pursuant to Section 7.5.1 of the Zoning Ordinance.
2. Approval of a special permit maximizing the residential development by converting permitted non-residential floor area into dwelling units in the BR-2 Zoning District.

Pursuant to footnote (n) of Section 5.3 Schedule of Dimensional Regulations – Non Residential, residential "dwelling units" may be substituted for permitted non-residential "floor area" at a ratio of 1 "dwelling unit" for each 700 square feet of non-residential floor area on issuance of a Special Permit by the Common Council.

Accordingly, the Applicant proposes to convert 18,840 square feet of permitted non-residential floor area into 27 additional dwelling units (23,550 of lot area X 0.8=18,840/700=27). Thus, the total number of dwelling units for the project is 74 units: 47 permitted dwelling units based on a lot area per

dwelling unit of 500 square feet and 27 dwelling units based on the conversion of non-residential floor area into dwelling units, as described above.

3. Approval of the affordable housing component by the Common Council. In accordance with Section 9-7-3 Affordable Housing Requirements, the Applicant has selected the 12% set-aside option and will thus provide a total of nine (9) affordable studio units within the project for those qualifying at 80% of the Westchester County Median Income (AMI). The dedicated ARHP Affordable Units must remain affordable in perpetuity, for the life of the project. Applicant's project is subject to the Affordable Housing Rental Regulations that are outlined in Section 9-7-3, and include, but are not limited to the following:
 - Affordable Units must be provided onsite and allocated by unit size (bedroom and bathroom count) in the same proportion as the Market Rate Units.
 - Affordable Units shall be distributed throughout the building(s).
 - The Affordable Unit(s) shall be of comparable square footage to the Market Rate Units.
4. Approval of a fee-in-lieu of providing sufficient park and recreation facilities for the 134 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 \$186,000 to be used exclusively for park, playground and other recreational purposes, including the acquisition of real property. The total fee shall be paid by the applicant in two equal installments of \$93,000. The first payment shall be made at the time of issuance of the first building permit, the second made prior to issuance of a Temporary Certificate of Occupancy (TCO) by the Commissioner of Building. In the event that no Temporary Certificate of Occupancy is required, the second payment shall be made prior to issuance of a Certificate of Occupancy (CO) by the Commissioner of Building; and

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

1. The application submitted by from William S. Null, dated September 21, 2021, October 13, 2021 and February 2, 2022, on behalf of Chester WP II, LLC and Keeler Markwood Group, LLC.
2. A Building Permit Application, dated September 21, 2021.
3. Plans prepared by Design Development, PLLC, entitled "6-10 Chester, White Plains, NY, Site Plan Approval," consisting of the following sheets:

Page #	Title	Dated
G-001	Cover Sheet, Drawing List, Project Information & Site Plan	09/21/2021
A-001	Architectural Site	09/21/2021
A-002	Architectural Site Lighting and Landscape Plan	09/21/2021
A-100	Basement Level	09/21/2021
A-101	Grade Level Parking	09/21/2021
A-102	First Residential Level	09/21/2021
A-103	Typical Residential Levels -Levels 2 & 3	09/21/2021
A-104	Roof Level	09/21/2021
A-201	Building Elevation -East (Chester Avenue) & Window Detail	09/20/2021
A-202	Building Elevation -South	09/20/2021
A-203	Building Elevation - West	09/20/2021
A-204	Building Elevation -North	09/20/2021
A-301	Site Section	09/21/2021
A-900	Rendering	09/20/2021

4. Plans prepared by Creighton Manning Engineering, LLP (unless otherwise noted), entitled, "6-10 Chester Site Plan," dated September 15, 2021, consisting of the following sheets:

- a. Cover Sheet
 - b. Boundary & Topographic Survey, Lot 1, Block 1, Section 130.28, Lots 4 & 5, Block 5 Section 125.83," dated 07/27/2021, prepared by Gallas Surveying Group.
 - c. C-1 Demolition and Tree Protection Plan
 - d. C-2 Site Layout Plan
 - e. C-3 Grading and Utility Plan
 - f. C-4 Utility Layout Plan
 - g. C-5 Erosion and Sediment Control Plan
 - h. C-6 Site Details
 - i. C-7 Utility Details—1
 - j. C-8 Utility Details—2
 - k. C-9 Erosion Control Details
5. A Full Environmental Assessment Form (EAF) in accordance with New York State Environmental Quality Review Act (6NYCRR Part 617).
 6. A Traffic Impact Statement, dated September 21, 2021, prepared by Creighton Manning Engineering, LLP.
 7. A "Draft" Stormwater Pollution Prevention Plan, entitled "6-10 Chester Multi-Family Residential Development, 6-10 Chester Ave, City of White Plains, Westchester County, New York," dated September 2021, prepared by Creighton Manning Engineering, LLP for preliminary review by the Department of Public Works and coordination therewith; and

WHEREAS, as per the communication of the Commissioner of Public Works dated January 20, 2022, the Department of Public Works has received the following additional document:

- a. Plans sheets C-1 thru C-9, titled "6-10 Chester Site Plans," last revised 1/20/22, prepared by Creighton Manning Engineering LLP.
- b. An annotated response, dated 1/20/22, prepared by Creighton Manning Engineering LLP.
- c. A Stormwater Management Plan, dated January 2022, prepared by Creighton Manning Engineering LLP.
- d. Sewer Analysis memo, dated 12/22/21, prepared by Creighton Manning Engineering LLP.
- e. Sanitary Flow Monitoring Report, dated 12/20/21, prepared by Flow Assessment.
- f. MEP calculations and memo, dated 12/20/21, prepared by Joselow & Associates, LLC.
- g. Solid Waste Management Plan form, dated 12/15/21.
- h. Cover letter, dated 9/21/21, prepared by Cuddy and Fedder LLP.
- i. A Traffic Impact Study, dated 9/21/21, prepared by Creighton Manning Engineering LLP.
- j. A copy of the White Plains Building Long Form 04/21, pages 1 thru 7, dated 9/21/21.
- k. A copy of the Full Environmental Assessment Form pages 1 thru 13, dated 9/21/21.
- l. A copy of the property survey, dated 7/27/21, was prepared by Gallas Surveying Group.

- m. Soil testing, witnessed by the Department of Public Works on 4/18/18; and

WHEREAS, the Environmental Officer has recommended that the following conditions recommended by the various departments, boards and commissions be continued and adopted as part of the Proposed Action and are hereby considered to be a part of the Proposed Action for purposes of the environmental review and site plan approval (herein after referred to as the "Conditions"):

- A. As per the recommendation set forth in the communication of the Commissioner of Planning dated January 19, 2022:

1. In accordance with Section 9-7-3 Affordable Housing Requirements, the Applicant has selected the 12% set-aside option and will thus provide a total of nine (9) affordable studio units within the project for those qualifying at 80% of the Westchester County Median Income (AMI).

The dedicated ARHP Affordable Units must remain affordable in perpetuity, for the life of the project. Applicant's project is subject to the Affordable Housing Rental Regulations that are outlined in Section 9-7-3, and include, but are not limited to the following:

- Affordable Units must be provided onsite and allocated by unit size (bedroom and bathroom count) in the same proportion as the Market Rate Units.
 - Affordable Units shall be distributed throughout the building(s).
 - The Affordable Unit(s) shall be of comparable square footage to the Market Rate Units.
2. The Common Council make the requisite finding pursuant to New York State General City Law §27-a, that the site plan does not provide adequate land for park and recreation facilities based on the project's anticipated generation of 94 new residents, projected future overall growth in City population, and evaluation of the City's present and anticipated future needs for park and recreation facilities regarding the reservation of parkland on all multi-family site plans or payment of money-in-lieu thereof.
3. The Common Council assess a fee-in-lieu of providing sufficient park and recreation facilities for the 74 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 \$186,000 to be used exclusively for park, playground and other recreational purposes, including the acquisition of real property. The total fee shall be paid by the applicant in two equal installments of \$93,000. The first payment shall be made at the time of issuance of the first building permit, the second made prior to issuance of a Temporary Certificate of Occupancy (TCO) by the Commissioner of Building. In the event that no Temporary Certificate of Occupancy is required, the second payment shall be made prior to issuance of a Certificate of Occupancy (CO) by the Commissioner of Building.
4. The Applicant shall provide additional details of any proposed fencing to be provided around the parking area of the proposed development subject to the approval of the Building Commissioner.
5. All landscaping shall consist of native species and 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.

6. A Construction Management Plan is required for the development of the Proposed Project and a coordination plan for coordinating construction with other construction in the area, if any, including City projects which will be going on contemporaneously with this Project.

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

7. 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.
 8. 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.
- B. As per the recommendation set forth in the communication of the Commissioner of Public Works dated January 20, 2022:
1. The owner must obtain a City of White Plains Department of Public Works (DPW) MS4 stormwater permit prior to issuance of a Building Department Permit.
 2. The proposed parking lot design does not permit the City to provide trash/recycling pickup. Trash and recycling pickup will be operated by a private carting service.
 3. DPW will issue a single street address to the lot that will be created by merging 6, 8 and 10 Chester Avenue. DPW will provide the official addresses for the building and apartments after the final plans have been approved. The applicant is responsible for coordinating with the U.S. Post Office regarding specifications and placement of the community mailbox, which must remain entirely within the property.
 4. Pressurized line stops will be required if existing water valves cannot adequately isolate the tie-in location for the water service connections.
 5. Backflow prevention devices must be installed on the domestic water services and fire service (if proposed). 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 DPW for review and subsequent final approval by the Westchester County Department of Health (WCDOH). The floor drain for said room must be adequate to comply with White Plains Department of Public Works and Westchester County Department of Health requirements.
 6. The sanitary sewer service from the service manhole in the property to the municipal sanitary sewer main must be by gravity flow. A force main service, as currently shown, is not permitted to be connected to the municipal main.
 7. WCDOH approval will be required for the sanitary sewer service since flow is over 2,500 gallons/day. Sanitary sewer service plans must be submitted to DPW for review/approval and signed by the Commissioner of Public Works prior to submission to the WCDOH.
 8. Interference may be encountered with existing utilities (i.e., gas, electric, traffic control, communication, etc.) that lie within the work area but are not all shown on the plans. Test pits

are required in the area of underground utility crossings prior to construction. In addition, the utility location information must be obtained from all utility companies and included in the plans. Include the pipe size and number of duct banks, where applicable.

9. 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. The applicant will be required to provide sanitary infrastructure improvements located within the Sewer District in which the project is located to reduce infiltration and inflow (I&I.) The improvements will include the lining of (5) five sanitary sewer manholes and (600) six hundred linear feet (LF) of existing sewer mains located in the vicinity of the project and shall be at the developer's expense or a fee in lieu; to be determined by the Commissioner of Public Works. The Commissioner shall determine the locations of manholes and sewer mains to be lined.
10. The existing catch basins in the rear of the property are shown connecting to a pipe through an adjacent property out to Cromwell Place. If these drainage connections are no longer utilized, clearly show the pipe being cut and capped at the property line. If any stormwater continues to be directed to the existing pipe, the applicant will need to provide a TV inspection of the pipe to determine the condition, and must provide any documentation for the utility easement which permits the stormwater pipe to travel through the adjacent property.
11. Construction of all stormwater facilities must be under the supervision of the Stormwater Design Engineer of Record, and an as-built must be provided to the Department of Public Works, signed and sealed by this engineer, or by a New York State Licensed Land Surveyor. A required maintenance agreement for all on-site stormwater management measures must be executed, along with all necessary permits, prior to the construction of any permanent stormwater facility and remain in effect with the transfer of the property. This document must be completed in accordance with the City's local law requirements and coordinated with the Corporation Counsel. An appropriate escrow account must be established by the Commissioner of Public Works for the maintenance of said stormwater facilities. The Commissioner of Public Works has the right to utilize this escrow account to perform maintenance work, should the owner fail to be responsive. Further, the City, through the Department of Public Works, shall receive an administrative fee of 20% of all costs, if DPW must contract the work.
12. 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 after construction. In addition, no groundwater is permitted to be pumped from the site into the city's sanitary sewer mains.
13. 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.
14. Shop drawings for all materials being installed within the right-of-way (ROW) must be submitted to DPW for review and approval prior to construction.
15. 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.: and

The City of White Plains Construction Management Protocol for the proposed redevelopment of the site are set forth below:

- a. A Construction Management Plan is required for the development of the proposed project. A coordination plan for other possible construction in the area will also be required. Include city projects which may be going on simultaneously 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. This will include, but is 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 may be encumbered; sidewalk closings or pedestrian diversions to ensure the safety of the pedestrians. In addition, this information must include controls on the "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, and 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, 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 ensures 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 construction contractors with information on where their workers and the subcontractors are permitted to park and provide clear consequences for the failure to follow these regulations. The parking plan shall also designate the routes to the construction site for construction workers and construction vehicles, which routes must be approved by the Deputy Commissioner of Parking for Transportation Engineering, Commissioner of Public Safety, and Commissioner of Public Works. Such

routes shall be along arterial and collector streets, with minimum use of minor streets if deemed necessary to access the construction site. For core area development, it is anticipated that parking for construction workers will be arranged through the City's Department of Parking. The applicant should commence discussions with the Parking Department as soon as possible to address this issue if parking in a municipal lot parking garage is proposed for construction worker parking.

- d. The Construction Management Plan shall prohibit staging or "waiting" by construction vehicles on City streets unless previously approved in writing by the Commissioners of Public Works and Public Safety.
- e. As to "fugitive dust," the applicant must develop a plan for the protection of adjacent properties, satisfactory to the Commissioner of Building and the Environmental Officer.
- f. Due to the proximity of sensitive receptors, such as nearby residents, noise from the construction site could potentially have negative impacts; the Construction Management Plan must address both noise impacts and air quality impacts of construction equipment as follows:
 - i. The internal combustion engine-powered construction equipment used in the construction of the project shall be limited to late model (1998 and newer) so as to take advantage of the cleaner-burning engines. Also, these off-road pieces of equipment will have better sound attenuation properties. Exceptions to this shall be subject to the approval of the Commissioner of Building upon a demonstration that it is not feasible or practicable to obtain the required equipment. Unless an exception is granted by the Commissioner of Building, no engines shall be used unless "critical" level exhaust silencers are fitted. This is the quietest of the three main categories and is consistent with what the City uses for its own fleet.
 - ii. All non-road vehicles over 50HP used with regard to this project shall utilize the best technology available for reducing the emission of pollutants including, but not limited to, retrofitting such non-road vehicles with oxidation catalysts, particulate filters, and/or technology with comparable or better effectiveness. All construction equipment shall include PM2.5 emission controls. The City recognizes that there is a cost associated with PM2.5 emission controls, but the size, scope, and length of time necessary to construct each project warrants the additional cost on the part of each project developer to ensure reduced emissions during the construction phase.
 - iii. "Non-road vehicle" means a vehicle that is powered by a 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.
 - iv. "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 "backup" sound attenuation devices.
- i. Applicant shall be responsible for ensuring 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. 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. 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 on the surrounding neighborhood.
- p. 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.

C. As per the recommendation set forth in the communication of the Deputy Commissioner of Parking, City Transportation Engineer dated: October 20, 2021:

- 1. There must be a stop line (an eighteen (18) inch line a minimum of four (4) feet back from the sidewalk) and short double yellow line at the driveway exit.
- 2. A "Do Not Enter" sign should be posted to prevent vehicles from traveling the wrong way on the back roadway. The directional pavement arrow for this roadway should be located near this sign.
- 3. The color and size of pavement markings must be indicated on the site plan or details; and

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

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

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

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

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

- (a) The Proposed Action is consistent with the Comprehensive Plan, the White Plains Zoning Ordinance

Consistency With The Comprehensive Plan

The proposed project is consistent with the land use strategies contained in the City's 1997 and 2006 Update to the Comprehensive Plan. Specifically, the Plan states that "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 trend toward more residential development in the Core Area should be encouraged."

Further, Section 5.5.1.6 of the Zoning Ordinance notes that the BR-2 District(s) are primarily low- to mid-rise, medium-density residential districts in convenient proximity to the City's business areas and adjacent to established neighborhoods. They are designed to encourage the construction of additional "multi-family dwellings" serving a variety of income groups for both rental and ownership, and focusing on the needs of young professionals, seniors and others who would benefit from proximity to "restaurants" shops, employment opportunities, cultural opportunities and transportation, consistent with the "Comprehensive Plan." To that end, the Planning Department proposed the rezoning of portions of the Chester Avenue corridor from the O-R Office-Residential district to BR-2 in order to incentivize such infill development. The Common Council approved the rezoning on May 3, 2021.

This proposed residential project exemplifies the type of development envisioned for this block. Accordingly, the proposed project is consistent the goals of the City's Comprehensive Plan and Zoning Ordinance.

ZONING COMPLIANCE

The proposed apartment building constitutes a permitted principal use in the BR-2 District. The proposed development fully conforms to the requirements of the Zoning Ordinance.

Special Permit Standards

The Zoning Ordinance allows an additional number of residential units on a site In the BR-2 District by the conversion of permitted non-residential floor area to residential uses. Pursuant to footnote (n) of Section 5.3 Schedule of the Zoning Ordinance Dimensional Regulations – Non Residential, *residential “dwelling units” may be substituted for permitted non-residential “floor area” at a ratio of 1 “dwelling unit” for each 700 square feet of non-residential floor area on issuance of a Special Permit by the Common Council.*

Accordingly, the Applicant proposes to convert 18,840 square feet of permitted non-residential floor area into 27 additional dwelling units (23,550 of lot area*0.8=18,840/700=27). Thus, the total number of dwelling units for the project is 74 units: 47 permitted dwelling units based on a lot area per dwelling unit of 500 square feet and 27 dwelling units based on the conversion of non-residential floor area into dwelling units.

The Applicant’s request to convert non-residential floor area into additional dwelling units complies with the standards outlined in Section 6.5 of the Zoning Ordinance. The additional residential density and building height are appropriate and will complement the fabric of the existing neighborhood.

The Proposed Action conforms to the building bulk regulations of the BR-2 Zoning District and provisions for the Special Permit.

ZONING REQUIREMENT IN BR-2 DISTRICT	REQUIRED/PERMITTED	PROPOSED
Area of Lot (sf)	--	23,550 sq. ft.
Building Coverage (sf) % Sq. ft. rea	70% 16,485 sq. ft.	70% 16,485 sq. ft.
Maximum Floor Area Ratio (FAR) Non-residential - 0.8 Residential – None	18,840 sq. ft. Non –Residential Not Applicable	- 59,550 sq. ft.
DWELLING UNITS Lot area/ Dwelling Unit / 500 sq. ft/ DU 700 sq. ft. / DU Conversion of permitted Non-residential floor area	23,550 s.f. / 500 sq. ft/ DU = 47 DU <u>18,840 s.f. / 700 sq. ft/ DU = 27 DU</u> 84 DU	74 DU
Max Height (stories) Max Height (ft.)	none 75 ft.	4 sty 59’-6”
Yard dimensions Front One side Two sides Rear Rear yard setbacks for parking lot in the CPA. Footnote (nn)	5 ft. - - 25 ft. Zero setback for parking facilities under 10 feet in height	5 ft. - - 25 ft. Zero

<u>Off-Street Parking</u> Multi-Family - Over 3 Stories In CPA (1 P.S. Per Dwelling Unit)	73 Studio Apt. @ 1 P.S./Unit = 73 P.S 1 Two- Bedroom @ 1.P.S./Unit = 1 P.S. 74 P.S.	44 On site <u>46 Car Credit</u> 90 Provided*
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Footnote (nn): zero rear yard setback for non-enclosed structures and parking facilities under 10 feet in height located within the Central Parking Area

Required Parking

The required parking for 74 residential units in the Central Parking Area is one space per unit for a total of 74 spaces. Pursuant to Section 8.2-4 of the Zoning Ordinance, the demolition of 10 Chester Avenue, which is legally non-conforming with regard to required parking, results in a parking credit of 46 spaces to be applied for this new development. The 44 parking spaces situated below the building together with the 46-space parking credit total 90 parking spaces where the required parking for 74-units is 74 parking spaces.

Site Plan Standards

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

As is discussed above, the proposed project is consistent with many of the goals and recommendations of the City's Comprehensive Plan.

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 Traffic Study prepared by Creighton Manning, dated September 21, 2021. The Traffic Study found the following:

- The site is expected to generate 15 new trips during the weekday morning peak hour and 13 new trips during the weekday evening peak hour.
- The project proposes to consolidate existing driveway s on site to one left-in/left-out driveway on Chester Avenue. This will increase curbside space for on-street parking on Chester Avenue.
- The site will be supported by 44 off-street parking spaces inclusive of tow ADA-accessible parking spaces.
- The study intersections will operate at an acceptable overall level of service of B or better in the Building conditions.
- Traffic generated by this development will not have a significant impact on adjacent intersections.

The Commissioner of Parking for Transportation Engineering has reviewed the Traffic Study prepared by Creighton Manning. The proposed action will not result in a substantial increase in traffic above present levels.

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

Vehicular entrance into the 44-space at-grade parking garage would be made on Chester Avenue at the southerly end of the site, via a single ingress/egress access point.

The main pedestrian entrance and building lobby would be located on Chester Avenue at the northerly end of the site. An additional exit would be located adjacent to the main vehicular entrance at the southerly end of the site.

The vehicular and pedestrian access is adequate, as confirmed by the Deputy Commissioner of Parking.

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.*

Pursuant to Section 8 of the Zoning Ordinance, the project requires a total of 74 parking spaces (one space per dwelling unit in the CPA).

To accommodate parking for the development site, the Applicant proposes to construct a 44 space at-grade parking garage below the three levels of residential development. Applicant will receive a parking credit, pursuant to Section 8.0 of the Zoning Ordinance for 46 parking spaces.

The requirements of Section 8 of the Zoning Ordinance, as confirmed by the Deputy Commissioner of Parking..

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.*

There is one at-grade parking area within the building with one curb cut for vehicular access. The proposed parking plan achieves maximum efficiency and safe and convenient traffic circulation.

- 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.*

Multi-family uses do not require loading spaces, pursuant to Section 8.0 of the Zoning Ordinance.

- 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.*

The four-foot sidewalk along the frontage of the site would be rebuilt and connect to the existing sidewalk system along Chester Avenue. New granite curbing would also be provided and on-street asphalt pavement would be restored to improve the existing on-street metered parking.

- 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 have been provided, subject to confirmation by the Deputy Commissioner of Parking.

- 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 for the project would be located at-grade, underneath the residential floors above. Appropriate landscaping will be provided around the parking area and the entire building to create a buffer for the neighboring properties, in accordance with Section 8.7.5 of the Zoning Ordinance.

- 7.5.2.10 *Adequacy of fire lanes and other emergency zones.*

Appropriate fire zones have been provided as confirmed by the Commissioner of Public Safety.

- 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.

The Applicant proposes to provide 24 new plantings along the entire length of the building on Chester Avenue to screen the parking area from the surrounding neighborhood. In addition,

- 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.*

There are no natural features on the site.

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

To supplement the existing street lamps on the block, the Applicant's Lighting Plan indicates new lighting along the entire frontage of the site on Chester Avenue as well as strategically placed bollards and appropriate lighting for inside the parking area.

- 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. In particular, screen walls are proposed in strategic areas throughout the site.

- 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 Stormwater Management Plan, dated January 2022, will provide an effective strategy for managing stormwater runoff and is subject to the approval of the Commissioner of Public Works.

The project includes stormwater quantity and quality treatment by the instillation of an onsite 48" diameter infiltration pipe. This infiltration system will mitigate the pre-existing conditions by reducing both the peak flow during storm events and the overall water volume draining off the site.

The final stormwater management plan is subject to approval 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 building would be constructed with brick of similar color and finish to adjacent buildings and dark bronze metal wall panels. The proposed development would replace a vacant and unattractive site with a residential development with a modern building that will complement and enhance the surrounding neighborhood.

- (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 Department of Public Works has reviewed the Stormwater Management Plan, dated January 2022. The project includes stormwater quantity and quality treatment by the instillation of an onsite 48" diameter infiltration pipe. This infiltration system will mitigate the pre-existing conditions by reducing both the peak flow during storm events and the overall water volume draining off the site. The final stormwater management plan is subject to approval by the Department of Public Works.

The proposed parking lot design does not permit the City to provide trash/recycling pickup. Trash and recycling pickup will be operated by a private carting service.

The applicant will be required to provide sanitary infrastructure improvements located within the Sewer District in which the project is located to reduce infiltration and inflow (I&I.) The improvements will include the lining of (5) five sanitary sewer manholes and (600) six hundred linear feet (LF) of existing sewer mains located in the vicinity of the project and shall be at the developer's expense or a fee in lieu; to be determined by the Commissioner of Public Works. The Commissioner shall determine the locations of manholes and sewer mains to be lined.

The Commissioner of Parking for Transportation Engineering has reviewed the Traffic Study prepared by Creighton Manning. The residential project will not result in any significant increase in traffic above present levels.

All construction work will be subject to the City's Construction Management Protocol. This Protocol includes, among other things, a Construction Management Plan, erosion and sedimentation control measures, hours of operation, parking, site access, etc. The Construction Management Plan, to be approved by the City Departments, will include strict controls on all aspects of the construction.

- (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 features, wetlands or unique wildlife habitat on the site.

- (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 will replace two, vacant lots (two former residential-buildings, converted to office uses) and an existing, vacant three-story office with a four-story residential building. On the opposite side of Chester Avenue, there is an 8-story, multi-family building and the 7-story Chester –Maple Municipal Parking Garage.

The rear lot line of the project site at 6-10 Chester Avenue, abuts the Percy Granger Home and Studio Historic Site, a National Register Building, located at 7 Cromwell Place ("Granger Site"). The Granger Site is situated within a historically changing commercial-downtown area with office buildings and parking facilities. Immediately north of the Granger Site is a 20-space parking lot and 4-story office building. To the south there is a 3-story office building. Immediately across Cromwell Place is a 9-level municipal parking garage and a 6-story assisted living facility. In context of the surrounding uses and buildings, the development of the proposed 4-story residential building at 6-10 Chester Avenue will not significantly change the character of the neighborhood surrounding the Granger Site.

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

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

- (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 and determines that the Proposed Action will not have a significant effect on the environment; and be it further

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

RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF WHITE PLAINS APPROVING THE APPLICATION SUBMITTED ON BEHALF OF CHESTER WP, LLC, OWNER OF THE PROPERTY KNOWN AS 6-8 CHESTER AVENUE, (ALSO KNOWN AS SECTION 125.83, BLOCK 5, LOTS 4 AND 5), CHESTER WP II, LLC, OWNER OF THE PROPERTY KNOWN AS 10 CHESTER AVENUE, (ALSO KNOWN AS SECTION 130.28, BLOCK 1, LOT 1) AND KEELER MARKWOOD GROUP, LLC FOR SITE PLAN AND SPECIAL PERMIT APPROVALS TO CONSTRUCT A NEW FOUR-STORY RESIDENTIAL BUILDING WITH 74 UNITS, ASSOCIATED PARKING AND AMENITY SPACE AND PAYMENT BY THE APPLICANT OF FEE-IN-LIEU IN THE AMOUNT OF \$186,000 TO BE USED EXCLUSIVELY FOR PARK, PLAYGROUND AND OTHER RECREATIONAL PURPOSES, INCLUDING THE ACQUISITION OF REAL PROPERTY, TO MITIGATE THE RECREATIONAL IMPACT OF THE NEW MULTI-FAMILY PROJECT, IN ACCORDANCE WITH GENERAL CITY LAW SECTION 27-A.

WHEREAS, the Common Council of the City of White Plains, at its meeting held on October 4, 2021, received a communication from the Commissioner of Building dated September 23, 2021, forwarding an application, submitted on behalf of Chester WP, LLC, owner of the property known as 6-8 Chester Avenue, Chester WP II, LLC, owner of the property known as 10 Chester Avenue, and Keeler Markwood Group, LLC (collectively known as “the Applicant”) for site plan and special permit approval (“Application”), in accordance with Sections 6 and 7 of the Zoning Ordinance of the City of White Plains (“Zoning Ordinance”), to construct a new four-story residential building with 74 units, associated parking and amenity space; and

WHEREAS, the site is presently partially vacant (6 and 8 Chester Avenue) and partially improved with a vacant two-story office building (10 Chester Avenue); and

WHEREAS, the properties are located in the BR-2 (Business Residential-2) Zoning District; and

WHEREAS, the instant Application includes the following documents:

A. Cover letters dated September 21, 2021 and October 13, 2021, from William S. Null of Cuddy & Feder LLP transmitting the Application and describing same;

B. A Building Permit Application, dated September 21, 2021;

C. A Full Environmental Assessment Form (EAF) in accordance with New York State Environmental Quality Review Act (6 NYCRR Part 617) dated September 21, 2021;

D. Plans prepared by Design Development, PLLC, entitled "6-10 Chester, White Plains, NY, Site Plan Approval," consisting of the following sheets:

Page #	Title	Dated
G-001	Cover Sheet, Drawing List, Project Information & Site Plan	09/21/2021
A-001	Architectural Site	09/21/2021
A-002	Architectural Site Lighting and Landscape Plan	09/21/2021
A-100	Basement Level	09/21/2021
A-101	Grade Level Parking	09/21/2021
A-102	First Residential Level	09/21/2021

A-103 Typical Residential Levels - Levels 2 & 3	09/21/2021
A-104 Roof Level	09/21/2021
A-201 Building Elevation - East (Chester Avenue) & Window Detail	09/20/2021
A-202 Building Elevation - South	09/20/2021
A-203 Building Elevation - West	09/20/2021
A-204 Building Elevation - North	09/20/2021
A-301 Site Section	09/21/2021
A-900 Rendering	09/20/2021; and

E. Plans prepared by Creighton Manning Engineering, LLP (unless otherwise noted), entitled, "6-10 Chester Site Plan," dated September 15, 2021, consisting of the following sheets:

Cover Sheet

Boundary & Topographic Survey, Lot 1, Block 1, Section 130.28, Lots 4 & 5, Block 5 Section 125.83," dated 07/27/2021, prepared by Gallas Surveying Group.

- C-1 Demolition and Tree Protection Plan
- C-2 Site Layout Plan
- C-3 Grading and Utility Plan
- C-4 Utility Layout Plan
- C-5 Erosion and Sediment Control Plan
- C-6 Site Details
- C-7 Utility Details - 1
- C-8 Utility Details - 2

C-9 Erosion Control Details;

F. A Traffic Impact Statement, dated September 21, 2021, prepared by Creighton Manning Engineering, LLP;

G. 7. A "Draft" Stormwater Pollution Prevention Plan, entitled "6-10 Chester Multi-Family Residential Development, 6-10 Chester Ave, City of White Plains, Westchester County, New York," dated September 2021, prepared by Creighton Manning Engineering, LLP for preliminary review by the Department of Public Works and coordination therewith; and

H. The Department of Public Works has received and reviewed the following plans in connection with the approval of the Stormwater Pollution Prevention Plan:

- a. Plans sheets C-1 thru C-9, titled "6-10 Chester Site Plans," last revised 1/20/22, prepared by Creighton Manning Engineering LLP.
- b. An annotated response, dated 1/20/22, prepared by Creighton Manning Engineering LLP.
- c. A Stormwater Management Plan, dated January 2022, prepared by Creighton Manning Engineering LLP.
- d. Sewer Analysis memo, dated 12/22/21, prepared by Creighton Manning Engineering LLP.
- e. Sanitary Flow Monitoring Report, dated 12/20/21, prepared by Flow Assessment.
- f. MEP calculations and memo, dated 12/20/21, prepared by Joselow & Associates, LLC.

- g. Solid Waste Management Plan form, dated 12/15/21.
- h. Cover letter, dated 9/21/21, prepared by Cuddy and Fedder LLP.
- i. A Traffic Impact Study, dated 9/21/21, prepared by Creighton Manning Engineering LLP.
- j. A copy of the White Plains Building Long Form 04/21, pages 1 thru 7, dated 9/21/21.
- k. A copy of the Full Environmental Assessment Form pages 1 thru 13, dated 9/21/21.
- l. A copy of the property survey, dated 7/27/21, was prepared by Gallas Surveying Group.
- m. Soil testing, witnessed by the Department of Public Works on 4/18/18; and

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

WHEREAS, pursuant to a letter from the Corporation Counsel, dated October 25, 2021, the Common Council, by resolution adopted November 1, 2021 scheduled a public hearing for December 6, 2021 regarding the proposed application which requires a special permit to substitute residential floor area for non-residential floor area which would allow an additional 27 units for this property located in the BR-2 (Business Residential-2) Zoning District, which approval requires that a public hearing be held before any final action can be taken; and

WHEREAS, the public hearing was duly noticed and opened on December 6, 2021, at which time the Applicant's representatives and the public were given the opportunity to speak for and against the Application, which hearing was closed on that date; and

WHEREAS, in connection with the instant Application, the Common Council at a meeting held on February 7, 2022 received a communication from the Commissioner of Building dated February 2, 2022; the Commissioner of Planning dated February 2, 2022; the Commissioner of Public Works, dated January 20, 2022; the Commissioner of Public Safety, dated October 18, 2021; the Commissioner of Parking, dated October 20, 2021; the Deputy Commissioner of Parking for Transportation Engineering, dated October 20, 2021; the Chair of the Planning Board, dated October 20, 2021; the Chairman of the Design Review Board, dated October 15, 2021; the Acting Chairman of the Transportation Commission, dated October 20, 2021; the Westchester County Planning Board, dated October 19, 2021; and the Environmental Officer, dated February 2, 2022; and

WHEREAS, in connection with the Application for site plan and special permit approval, the Common Council, at its February 7, 2022 meeting, declared itself Lead Agency for the environmental review of this project pursuant to the New York State Environmental Quality Review Act and its accompanying regulations (“SEQRA”), classified this proposal as an Unlisted Action and undertook an environmental review of the proposed action pursuant to SEQRA and adopted environmental findings, including a negative declaration; and

WHEREAS, the proposed Application for a site plan and special permit approval is in full compliance with the applicable requirements of the BR-2 (Business Residential-2) Zoning District, the standards for approval of the special permit under the Zoning Ordinance and

is consistent with the Zoning Ordinance and the 1997 Comprehensive Plan and the amendments thereto adopted by the Common Council on July 11, 2006; and

WHEREAS, the Common Council has reviewed and considered comments from various City departments, boards, commissions, agencies, and officers and has reviewed and considered the Application for site plan and special permit approval with respect to the standards set forth in Sections 6 and 7.5 of the Zoning Ordinance.

NOW, THEREFORE, be it

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

1. Based upon the analysis contained in the letter of the Commissioner of Planning, dated February 2, 2022, the project is consistent with the Comprehensive Plan.

2. Based upon the analysis contained in the letter of the Commissioner of Planning, dated February 2, 2022, it is appropriate to grant a special permit for this project to convert 18,840 square feet of permitted non-residential floor area into 27 additional dwelling units consistent with the standards outlined in Section 6.5 of the Zoning Ordinance.

3. Based upon the analysis contained in the letter of the Commissioner of Planning, dated February 2, 2022, the project is consistent with the standards for granting site plan approval pursuant to Section 7.5 of the Zoning Ordinance.

Affordable Housing

4. Pursuant to Title IX, Chapter 9-7, Article 1 of the White Plains Municipal Code entitled Affordable Rental Housing Regulations, adopted May 6, 2019, the project is subject to the City's Affordable Rental Housing Program (ARHP), which was established by the City of White Plains to assist families with incomes between 50% and 99% of the Area Median Income (AMI) to obtain rental housing in "ARHP Applicable Rental Projects."

5. In accordance with Section 9-7-3 Affordable Housing Requirements, the Applicant has selected the 12% set-aside option and is required to provide a total of nine (9) affordable studio housing units for those qualifying at 80% of the Westchester County Median Income (AMI).

6. The dedicated affordable units must remain in perpetuity for the life of the project. The project must comply with the Affordable Housing Rental Regulations that are outlined in Section 9-7-3 of the Code which include, but are not limited to, that the Affordable Units must be provided onsite and allocated by unit size in the same proportion as the Market Rate Units, must be distributed throughout the building and be of comparable square footage to the Market Rate Units

to the satisfaction of the Commissioner of Planning as Director of the White Plains Affordable Rental Housing Program.

Reservation of Parkland on Site Plan-
Payment of Money-in-Lieu-Findings
in Accordance with Section 27-a of
the New York General City Law

7. In connection with this Site Plan, the City of White Plains finds, in accordance with Section 27-a of the New York General City Law, that the provision of parkland and recreation facilities in conjunction with the development of multi-family uses is necessary to meet the needs of its residents.

8. In accordance with Section 27-a of the General City Law, where it is not practical for a particular development to provide parkland and recreational facilities, it is in the best interest of the City of White Plains and its residents to require funds to be paid to the City to be used exclusively for parks, playgrounds or recreational facilities, including the acquisition of property.

9. In accordance with Section 27-a of the General City Law, land for park, playground or other recreational facilities may not be required until the Common Council has made a finding that a proper case exists for requiring that a park or parks be suitably located for

playgrounds or other recreational facilities within the City of White Plains. Such findings shall include an evaluation of the present and anticipated future needs for park and recreation facilities in the City based on projected population growth to which the particular site plan will contribute.

10. In accordance with Section 27-a of the General City Law, by adoption of this approval resolution herein, the Common Council makes a finding that the proposed site plan presents a proper case for requiring a park or parks suitably located for playgrounds or other recreation purposes, but that a suitable park or parks of adequate size cannot be properly located on the proposed project development site, therefore, the Common Council shall require a sum of money in lieu thereof to be established by a resolution of the Common Council. In making such determination of suitability, the Common Council assessed the size and suitability of land shown on the site plan which could be possible locations for park or recreational facilities, as well as practical factors, including whether there is a need for additional facilities in the immediate neighborhood or a need for improvements to or the acquisition of parks, playgrounds or recreation facilities or purposes that may be used by the population of the particular site plan. Such fee required by the Common Council in lieu of land for park, playground or other recreation purposes or facilities shall be deposited in a trust fund to be used by the City of White Plains exclusively for park, playground and other recreational purposes, including the acquisition of property. This finding is based on the following information and analysis.

A. As noted in the communication of the Commissioner of Planning, dated January 4, 2016, as White Plains continues to experience strong multi-family development pressure in the downtown core and nearby corridors, it is imperative that the City be proactive in planning for increased population growth and the associated impact on existing park and recreational facilities.

B. The Common Council has assessed both the suitability of possible park and recreation lands on the proposed project site, and has determined that there is a need for additional facilities Citywide, or acquisition of parks, playgrounds or recreation facilities. The Commissioner of Planning, in a communication dated January 4, 2016, has provided a comprehensive analysis of the City's projected population trends, current park/recreation inventory, and New York State recreation guidelines for the Common Council's review in making such a determination.

C. Over a twenty (20) year period from 1990-2010, the City's population increased by 16% and a total of 19% through 2014, according to the most recent Census Bureau population estimate. The City's increase in population since the 2000 Census in particular can be attributed to the rise in the number of 20-24 years olds (27% increase) and the number of persons between the ages of 55-84. The 2013 American Community Survey confirms the assertion that the City of White Plains has been successful in attracting young working professionals or "Millennials" and gaining and retaining "empty-nesters." There is also a large cohort of 25-44 year olds as a

percentage of total City population, which tend to be comprised of larger family sizes and thus have a greater need for adequate recreation facilities.

D. Future population projections provided by the New York Metropolitan Council, the regional metropolitan planning organization that distributes federal transportation monies to local governments, indicate that the City's total population will increase by 27% by the year 2050.

E. According to the communication of the Commissioner of Planning, dated January 8, 2016, the New York State Office of Parks, Recreation and Historic Preservation has developed recreation facility guidelines that include recommended standards for the type and size of recreational facilities that a community should provide given its population size. Large regional parks are not applicable to local government park planning as their purpose is to serve a larger County-wide population.

F. The City of White Plains has a total of 133.1 acres of public parkland or only 44% of the total 305.2 acres recommended by New York State based on current population, amounting to a deficiency of 172 acres of local parkland. Even with the inclusion of 140 acres of County-owned park facilities located within the City, White Plains is still far below the

recommended parkland acres per capita with only 273 acres compared to the 595 acres recommended per New York State guidelines.

G. As stated in the communication of the Commissioner of Planning dated January 4, 2016, when accounting for the total projected 2050 City of White Plains population of 73,984 and assuming no acquisition of additional parkland in that time, the City would contain only 35% of the total 383 acres recommended by New York State, amounting to a deficiency of 250 acres of local parkland. Even with the inclusion of 140 acres of County- owned park facilities located within the City, White Plains would still fall far below the recommended parkland acres per capita with only 273 acres compared to the 748 acres recommended by New York State guidelines.

H. While the submitted Amended Site Plan Application complies with the City's Zoning Ordinance with respect to "useable open space," and does provide some public open space the benefit of the provided open space must be weighed against the requirements of the new City residents.

13. The provision for an applicant to contribute a fee-in-lieu of providing adequate land for park and recreation within its site plan is consistent with the 1997 Comprehensive Plan and 2006 Update, adopted on July 11, 2006, and the City's Recreation Vision Statement, which states:

"... the Plan contains a vision for open space and recreational resources that

includes better integrating public open space into the fabric of the City's neighborhoods through an interconnected open space system ... creating additional recreational opportunities through the construction of ballfields and passive open spaces, and achieving new parkland through the development review process." (emphasis added)

14. Based upon the above, the Common Council finds that a fee-in-lieu of providing adequate park and recreation facilities for the 74-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) would amount to a total fee of \$186,000.

15. The fee of \$186,000 shall be paid by the Applicant in two equal installments; \$ 93,000 prior to the issuance of the first building permit and \$93,000 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.

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

1. As per the recommendation set forth in the communication of the Commissioner of Planning dated February 2, 2022, all landscaping shall be maintained in a healthy, growing condition throughout the duration of the structure and use and any planting not so maintained shall be replaced with new plants at the beginning of the next growing season; and

2 As per the recommendation set forth in the communication of the Commissioner of Planning, dated February 2, 2022, the Common Council, having made 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 additional 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, and considering the amount of the publically accessible open space provided hereby imposes a recreation fee of fee of \$186,000 to be paid by the Applicant as follows: \$ 93,000 prior to the issuance of the first building permit and \$ 93,000 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; and

3. As per the recommendation set forth in the communication of the Commissioner of Planning, dated February 2, 2022, the Applicant has selected the 12% set-aside option and is required to provide a total of nine (9) affordable studio housing units for those qualifying at 80% of the Westchester County Median Income (AMI). The dedicated affordable units must remain in perpetuity for the life of the project and be allocated by unit size in the same proportion as the Market Rate Units, must be distributed throughout the building and be of comparable square footage to the Market Rate Units to the satisfaction of the Commissioner of Planning as Director of the White Plains Affordable Rental Housing Program. pursuant to existing program guidelines (the Affordable Housing Rental Regulations that are outlined in Section 9-7-3 of the Code); and

4. As per the recommendation set forth in the communication of the Commissioner of Planning dated February 2, 2022, the Applicant must provide additional details of any proposed fencing to be provided around the parking area of the proposed development subject to the approval of the Building Commissioner prior to installation of the fencing; and

5. As per the recommendation set forth in the communication of the Commissioner of Planning dated February 2, 2022, the Applicant must provide the Building Department, prior to the issuance of any building permit, documentation demonstrating the extent to which the project would meet LEED Certification Silver and New York State Energy Star standards; and

6. As per the recommendation set forth in the communications of the Commissioner of Planning dated February 2, 2022, and the Commissioner of Public Works dated January 20, 2022, all construction work shall be subject to the City's Construction Management Protocol, which requirements for the White Plains Construction Management Protocol are set forth below:

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

subject to the approval of the Commissioners of Building, Public Safety, Planning, and Public Works, the Deputy Commissioner of Parking for Transportation Engineering, and the Environmental Officer.

b. Since vibration from excavation and construction equipment and work could have negative impacts on adjacent properties, the Applicant must take all appropriate steps to avoid impacts to such properties, including pre-disturbance surveys of the adjoining properties not owned by the Applicant, use of procedures approved by the Departments of Public Safety and Building for rock chipping (if any is to be conducted), pile driving, sheeting and shoring around the excavation area, and any such other necessary protections as are deemed appropriate and protective of the adjoining properties by the Commissioner of Building. If blasting is required, separate approval must be obtained from the City departments of Building, Public Safety and Public Works. The City has a separate protocol for blasting. In developing the excavation and construction procedures, the Applicant shall consult with residents within the construction impact area on their needs and concerns and to provide adequate understanding of the construction process, and ensure proper notice to these owners. This includes creating a photographic record of structural conditions of buildings in the designated construction impact area if rock chipping or blasting will occur.

c. The Construction Management Plan for the proposed project shall require that the Applicant ensure through appropriate measures, to be agreed upon between the City and the Applicant, that the parking location requirements for construction workers will be strictly enforced. As part of the Construction Management Plan, the Applicant shall submit a parking plan for construction workers, which designates the construction manager as the responsible party to ensure that the proposed parking plan is enforced. Once a parking plan is approved by the City for construction workers, the Applicant shall be required to provide all construction contractors with information on where their workers and the subcontractors are permitted to park and provide clear consequences for the failure to follow these regulations. The parking plan shall also designate the routes to the construction site for construction workers and construction vehicles, which routes must be approved by the Deputy Commissioner of Parking for Transportation Engineering, Commissioner of Public Safety and Commissioner of Public Works. Such routes shall be along arterial and collector streets, with minimum use of minor streets if deemed necessary to access the construction site. For Core Area development, it is anticipated that parking for construction workers will be arranged through the City's Department of Parking. The Applicant should commence discussions with the Parking Department as soon as possible to address this issue if parking in a municipal lot parking garage is proposed for construction worker parking.

d. The Construction Management Plan shall prohibit staging or "waiting" by construction vehicles on City streets, unless previously approved in writing by the Commissioners of Public Works and Public Safety.

e. As to "fugitive dust", the Applicant must develop a plan for the protection of adjacent properties, satisfactory to the Commissioner of Building and the Environmental Officer.

f. Due to the proximity of sensitive receptors, such as nearby residents, noise from the construction site could potentially have negative impacts, the Construction Management Plan must address both noise impacts and air quality impacts of construction equipment as follows:

i. The internal combustion engine-powered construction equipment used in the construction of the project shall be limited to late model (1998 and newer) so as to take advantage of the cleaner burning engines. Also, these off-road pieces of equipment will have better sound attenuation properties. Exceptions to this shall be subject to the approval of the Commissioner of Building upon a demonstration that it is not feasible or practicable to obtain the required equipment. Unless an exception is granted by the

Commissioner of Building, no engines shall be used unless "critical" level exhaust silencers are fitted. This is the quietest of the three main categories and is consistent with what the City uses for its own fleet.

- ii. All non-road vehicles over 50HP used with regard to this Project shall utilize the best technology available for reducing the emission of pollutants, including, but not limited to, retrofitting such non-road vehicles with oxidation catalysts, particulate filters, and/or technology with comparable or better effectiveness. All construction equipment shall include PM2.5 emission controls. The City recognizes that there is a cost associated with PM2.5 emission controls, but the size, scope, and length of time necessary to construct each project warrants the additional cost on the part of each project developer to insure reduced emissions during the construction phase.

- iii. All diesel powered non-road vehicles in use at this construction site shall be fueled only with ultra-low sulfur diesel having a sulfur content of no more than fifteen (15) parts per million. All fuel delivered for use at this construction site shall consist of said fuel.

iv. "Non-road vehicle" means a vehicle that is powered by non-road engine, fifty (50) horsepower and greater, which shall include, but not be limited to, excavators, backhoes, cranes, compressors, generators, bulldozers, and similar equipment.

v. "Non-road engines" mean an internal combustion engine (including the fuel system) that is not used in a motor vehicle used solely for competition or that is not subject to standards promulgated under Section 7411 or Section 7521 of Title 42 of the United States Code (USC), except that this term shall apply to internal combustion engines used to power generators, compressors, or similar equipment used in any construction program or project.

g. Prior to the issuance of any building or excavation permits, the Applicant and its construction management team, including principal contractors, must meet together with representatives of the City Departments of Building, Public Works, Public Safety, and Planning and the Environmental Officer, to review the Project Construction Management Plan and to ensure that all responsible parties understand their responsibilities under that Plan.

h. The Applicant shall equip all construction equipment with “back up” sound attenuation devices.

i. The Applicant shall be responsible to ensure that all streets and/or roadway infrastructure which is damaged as a result of construction activities will be repaired to City standards, funding for such repairs to be drawn from the bond posted with the City, Builder’s Risk Insurance, and by the Applicant for such damage as is not covered by the bond or insurance.

j. The Construction Management Plan shall address the maintenance of the respective properties during the construction phase. Prior to the commencement of construction, the Project Applicant shall also be required to maintain its property and ensure that it is clean and free from hazardous conditions.

k. The City of White Plains Standard Construction Details and Specifications shall supersede anything submitted by the Applicant which is inconsistent with those standards.

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

m. The Applicant shall submit to the Commissioner of Public Works for review and approval a certified property survey by a licensed surveyor with metes and bounds shown for all property lines. The Applicant shall provide coordinates in NAD 83 on the property survey.

n. The Applicant shall provide to the Commissioner of Public Works for his review and approval profiles of the proposed service utilities, depicting existing utility crossings.

o. The construction sequence of this proposed project must be coordinated with the City's Department of Public Works before it can issue permits to close streets or

sidewalks, and disconnect or otherwise interrupt utility services, which will likely have a significant impact to the surrounding neighborhood.

p. The Applicant or any of its successor(s) or assign(s) shall be required to notify the Corporation Counsel of the City of White Plains in writing within thirty (30) days of any change in ownership, transfer of title, or any change in the corporate structure of same; and

7. As per the recommendation set forth in the communication of the Commissioner of Public Works dated January 20, 2022, the Applicant must obtain a City of White Plains Department of Public Works (DPW) MS4 storm water permit prior to the issuance of a Building Department permit; and

8. As per the recommendation set forth in the communication of the Commissioner of Public Works dated January 20, 2022, since the proposed parking lot design does not permit the City to provide trash/recycling pickup the Applicant will be required to provide trash and recycling pickup by a private carting service; and

9. As per the recommendations set forth in the communication of the Commissioner of Public Works, dated January 20, 2022, the Applicant must obtain a new single street address for the lot that will be created by merging 6, 8 and 10 Chester Avenue which will be provided for the building and apartments after the final plans have been approved. The Applicant is responsible for coordinating with the U.S. Post Office regarding specifications and placement of the community mailbox, which must remain entirely within the property boundaries; and

10. As per the recommendation set forth in the communication of the Commissioner of Public Works dated January 20, 2022, the Applicant will be required to use pressurized line stops, if existing water valves cannot adequately isolate the tie-in location for the water service connections; and

11. As per the recommendation set forth in the communication of the Commissioner of Public Works dated January 20, 2022, the Applicant must install backflow prevention devices 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 installation must be prepared by a licensed New York State Professional Engineer and submitted to the Department of Public Works for review and subsequent final approval by the Westchester County Department of Health (“WCDOH”). The floor drain for said room must be adequate to comply with White Plains Department of Public Works and WCDOH requirements; and

12. As per the recommendations set forth in the communication of the Commissioner of Public Works, dated January 20, 2022, the Applicant must connect the sanitary sewer service from the service manhole in the property to the municipal sanitary sewer main by gravity flow since a force main service, as currently shown, is not permitted to be connected to the municipal main; and

13. As per the recommendations set forth in the communication of the Commissioner of Public Works, dated January 20, 2022, since the Commissioner of Public Works must certify to the WCDOH the adequacy of the municipal water and sewer systems with respect to the proposed building because the flow is over 2,500 gallons/day, the sanitary sewer service plans must be submitted to DPW for review/approval and must be signed by the Commissioner of Public Works prior to submission to the WCDOH; and

14. As per the recommendations set forth in the communication of the Commissioner of Public Works, dated January 20, 2022 and the communication of the Westchester County Planning Board, dated October 19, 2021, since the Commissioner of Public Works must certify to the Westchester County Department of Public Health the adequacy of the municipal water and sewer systems with respect to the proposed building because the flow is over 2,500 gallons/day, the Applicant will be required to provide sanitary sewer infrastructure improvements located within the Sewer District in which the project is located to reduce infiltration and inflow (I&I.) The improvements will include the lining of (5) five sanitary sewer manholes and (600) six hundred linear feet (LF) of existing sewer mains located in the vicinity of the project and shall be at the

developer's expense or a fee in lieu; to be determined by the Commissioner of Public Works. The Commissioner shall determine the locations of manholes and sewer mains to be lined and the work must be completed before obtaining any Certificate of Occupancy; and

15. As per the recommendations set forth in the communication of the Commissioner of Public Works, dated January 20, 2022, since interference may be encountered with existing utilities (i.e., gas, electric, traffic control, communication, etc.) that lie within the work area but are not all shown on the plans, the Applicant is required to dig test pits in the area of underground utility crossings prior to construction. In addition, the utility location information must be obtained from all utility companies (including the pipe size and number of duct banks, where applicable) and included in the plans; and

16. As per the recommendations set forth in the communication of the Commissioner of Public Works, dated January 20, 2022, since the plans show the existing catch basins in the rear of the property connecting to a pipe which runs through an adjacent property out to Cromwell Place, the Applicant must show the pipe being cut and capped at the property line if the pipe is no longer to be used, or, if any stormwater continues to be directed to the existing pipe, the Applicant will need to provide a TV inspection of the pipe to determine the condition, and must provide documentation for the utility easement which permits the stormwater pipe to travel through the adjacent property; and

17. As per the recommendations set forth in the communication of the Commissioner of Public Works, dated January 20, 2022, the Applicant must include a note on the plans stating that the construction of all stormwater facilities must be under the supervision of the stormwater design Engineer of Record, must provide an as-built survey to the Department of Public Works, signed and sealed by this engineer, or by a New York State licensed land surveyor, must obtain all necessary permits prior to the construction of any permanent stormwater facility and must execute, prior to the issuance of any certificate of occupancy (temporary or permanent) the required maintenance agreement for all on-site stormwater management measures which agreement must be in accordance with the City's local law requirements, must remain in effect with the transfer of the property, must contain an appropriate escrow account in an amount established by the Commissioner of Public Works for the maintenance of said stormwater facilities, which escrow account may be used by the Commissioner of Public Works to perform maintenance work should the owner fail to be responsive for which, the City through the Department of Public Works shall receive 20% of all costs, if the Department of Public Works must contract the work, as an administrative fee and shall be in a form approved by the Corporation Counsel; and

18. As per the recommendations set forth in the communication of the Commissioner of Public Works, dated January 20, 2022, 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 after construction. In addition no groundwater is permitted to be pumped from the site into the City's sanitary sewer mains; and

19. As per the recommendations set forth in the communication of the Commissioner of Public Works, dated January 20, 2022, all construction under the jurisdiction of the Department of Public Works must be in accordance with Department of Public Works standards regardless of what is shown or omitted from the plans; and

20. As per the recommendations set forth in the communication of the Commissioner of Public Works, dated January 20, 2022, shop drawings for all materials being installed within the ROW must be submitted to the DPW for review and approval prior to construction; and

21. As per the recommendations set forth in the communication of the Deputy Commissioner of Parking for Transportation Engineering, dated October 20, 2021, the Applicant must install a stop line (an eighteen (18) inch line a minimum of four (4) feet back from the sidewalk and a short double yellow line at the driveway exit; and

22. As per the recommendations set forth in the communication of the Deputy Commissioner of Parking for Transportation Engineering, dated October 20, 2021, the Applicant

must show the location of a “Do Not Enter” sign to prevent vehicles from traveling the wrong way on the back roadway as well as the location of a directional pavement arrow on the site plan, which must be approved by the Deputy Commissioner of Parking for Transportation Engineering, prior to the issuance of any building permit; and

23. As per the recommendation set forth in the communication of the Deputy Commissioner of Parking for Transportation Engineering, dated October 20, 2021, the Applicant must indicate the color and size of the pavement markings on the site plan, which must be approved by the Deputy Commissioner of Parking for Transportation Engineering, prior to the issuance of any building permit; and

24. As per the recommendations set forth in the communication of the Deputy Commissioner of Parking for Transportation Engineering, dated October 20, 2021, the Applicant must indicate on the parking space chart on the site plan the number of parking spaces required by zoning, the number actually provided and the parking credit, which must be approved by the Deputy Commissioner of Parking for Transportation Engineering, prior to the issuance of any building permit.

THOMAS M. ROACH
MAYOR



DEPARTMENT OF BUILDING

70 Church Street, White Plains, New York 10601
Phone: (914) 422 - 1269 * Fax: (914) 422 - 1471

Damon A. Amadio, P.E.
Commissioner

Kevin M. Hodapp, P.E.
Deputy Commissioner

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, are updated drawings associated with an application for Site Plan Approval associated with the redevelopment of property located at 51 South Broadway.

As you will recall, an initial application for this proposed project was submitted by Cuddy+Feder LLP on behalf of RMS Companies of Stamford, CT ("RMS") on August 27, 2021.

RMS is proposing to demolish the existing single story building and construct a (134) unit, eight (8) story multi-family building consisting of (6) residential floors above a (2) story parking garage on the approximately one acre site.

The property is situated between the White Plains Armory building and the building that houses Royal Green Appliances and is in the CB-2 zoning district. It is commonly known as the "Frozen Ropes" building and is designated as Section 125.76, Block 5, Lot 12 on the City of White Plains Tax Map.

Since their initial appearance before the Common Council, RMS has met with the appropriate boards and commissions as well as Westchester County. As a result of comments received during these meetings, certain modifications have been incorporated into the site and building design, namely,

- a. The creation of a second vehicular entrance into the garage;
- b. The creation of a drop-off area in front of the building and,
- c. The creation of a dog walk area.

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

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "Damon Amadio". The signature is written in a cursive, flowing style.

Damon Amadio, P.E.
Commissioner of Building

Dated: January 31, 2022

Documents Submitted: Cover letter prepared by Neil Alexander dated January 20, 2022; site plan design drawings prepared by JMC Engineers revised January 14, 2022 and architectural drawings prepared by Lessard Design P.C. dated January 14, 2022.



445 Hamilton Avenue, 14th Floor
White Plains, New York 10601
T 914 761 1300
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cuddyfeder.com

January 20, 2022

Neil J. Alexander
nalexander@cuddyfeder.com

By Hand and Email

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

RECEIVED
JAN 20 2022
CITY OF WHITE PLAINS
DEPT OF BUILDING

Re: RMS Companies
Application: Site Plan Approval
Premises: 51 South Broadway, City of White Plains, New York
Zoning District: CB-2 (Core Business) and Central Parking Area (CPA)
Lot Area: 1.02 acres / 44,705 +/- square feet
Property Owner: Post-Broadway Associates, LLC c/o A&R Minskoff
Tax Identification: Section 125.76, Block 5, Lot 12

Dear Mayor Roach and Members of the Common Council:

This letter is respectfully submitted on behalf of RMS Companies of Stamford, CT ("RMS") as the contract vendee to Post-Broadway Associates, LLC c/o A&R Minskoff, who is the owner of the parcel of real property located at 51 South Broadway a/k/a the "Frozen Ropes" Site in the City, consisting of approximately 1.02 acres / 44,705 +/- square feet, classified in the CB-2 (Core-Business 2) zoning district and the Central Parking Area, bearing a tax identification of Section 125.76, Block 5, Lot 12, and fronting to the East and South on South Broadway and East Post Road, respectively (the "Premises").

Since its initial submission on August 27, 2021 and its initial appearance before the Common Council¹ on September 13, 2021, RMS has had an opportunity to appear before the Planning Board² on September 21, 2021, the Transportation Commission³ on September 15, 2021, and the Design Review Board⁴ on September 27, 2021 as well as receive feedback and input from the City

¹ See <https://www.cityofwhiteplains.com/AgendaCenter/ViewFile/Agenda/09132021-1678> at Page 164 of 166.

² See <https://www.cityofwhiteplains.com/AgendaCenter/ViewFile/Minutes/09212021-1683> at Pages 3-5 of 6.

³ See <https://www.cityofwhiteplains.com/AgendaCenter/ViewFile/Minutes/09152021-1675> at Pages 3 & 4 of 4.

⁴ See <https://www.cityofwhiteplains.com/AgendaCenter/ViewFile/Minutes/09272021-1684> at .Page 3 of 3.



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Department of Public Works and the Westchester County Department of Public Works and Transportation.

As a result of participation in the City Referral process as well as County agency consultation, **RMS continues to seek Site Plan Approval per Section 7 of the City of White Plains Zoning Ordinance ("Zoning Ordinance") to develop on the Premises an 8-story residential rental apartment project consisting of 134 multifamily units, with 12% as affordable in the 80% AMI range, along with related amenities and 134 parking spaces.**

Although the Project remains fully Zoning Compliant, the above consultation process has resulted in a few site plan clarifications and modifications as shown on the revised Drawing Sets prepared by JMC PLLC and Lessard Design, last revised January 14, 2022, namely:

- A. A second driveway providing right in/right-out resident traffic has been added at the southern side of the proposed building as a result of comments received from the Westchester County Department of Public Works (WCDPW). The proposed driveway at the northern side of the proposed building will remain and provide right-in/right-out truck traffic and right-in only resident traffic. The proposed southern driveway eliminates one of the proposed street trees and two (2) existing on-street parking spaces.
- B. A drop-off area (8'x40') has been added to the northern side of the main entrance of the proposed building as a result of comments received from the City of White Plains Transportation Commission.
- C. A dog walk area (15'x20.5') has been added to the southern side of the proposed building as requested by RMS to provide an amenity for residents of the development.

Notwithstanding these alterations, RMS's proposed, multifamily building complies fully with the bulk and area standards for the CB-2 zoning district as codified in Section 5.3's Schedule of Dimensional Regulations – Non-residential in the Zoning Ordinance. Indeed, this 134-unit multifamily apartment project fronting on South Broadway and East Post Road consisting of 6 stories of residential over 2 levels of off-street parking in the Central Parking Area, will have a total height of 84 feet 11 inches, which is under the permitted 85 feet, and is in accordance with Zoning Ordinance Section 5.3's Footnote (oo) of the Schedule of Dimensional Resolutions. Similarly, the Gross Floor Area of approximately 195,126 square feet with allowable deductions to 133,667 square feet yields a FAR of 2.99, which is less than the 3.0 permitted. The design for the Project also complies with the extra requirements of Zoning Ordinance Section 5.3's footnote



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(v) as to a reduction to 60% coverage from 85% coverage for the portions of the building above ground exceeding 50 feet in height as well as the additional street setback standards set forth in Section 5.5.3.1 of 25 feet from East Post Road and 15 feet from all other streets for properties with building heights from 45 feet to 90 feet, such as the proposed RMS project on the Premises, in the CB-2 zoning district.

The mix of apartment units remains as originally contemplated with 27 studio units, 59 one-bedroom units, and 48 two-bedroom units. Consistent with the requirements for the Central Parking Area, the Project has 134 parking spaces for the 134 multifamily apartments (i.e., 1 parking space/dwelling unit). In addition to the parking provided on the Premises, the Project is located approximately 0.2 miles walking distance from the Mitchell Place municipal parking lot and approximately 0.2 miles walking distance from the Lyon Place municipal parking garage. Further, there is convenient access to public transportation *via* Bee-line bus stops within walking distance located at the intersection of East Post Road and Mamaroneck Avenue as well as at the intersection of South Broadway and Martine Avenue. Moreover, the Project includes a Bike Room with bike racks and a bike repair station.

In addition, RMS complies with the City's Affordable Rental Housing Program Regulations, through the 12% set-aside requirement for a total of 16 units where the mix of affordable units will parallel the overall unit size allocations such that there will be 3 affordable studio units, 7 affordable one-bedroom units, and 6 affordable two-bedroom units.

Relative to the architecture and aesthetic for the Project, RMS took into consideration the proximity to the White Plains Armory within the overall urban milieu consisting of Simon's The Westchester Mall, Argent's Westchester One office building, Beitel's Esplanade Multifamily Redevelopment, and Lennar/LMC's 60 South Broadway approved project as well as Lennar/LMC's The Mitchell project under construction. As such, RMS has designed the Project in a manner that responds to the existing context, beautifies the existing conditions, and connects to the frontages of South Broadway and East Post Road. To maintain good visibility, light and air, and the established prominence of the White Plains Armory's site, the Project provides generous setbacks along the side facing the White Plains Armory building. Further, the RMS design for the building implements brick with articulation that not only adds texture and detail to its façade, but also compliments the White Plains Armory's use of brick.⁵

⁵ The New York State Office of Parks, Recreation and Historic Preservation (OPRHP) issued a No-Effect letter dated October 25, 2021.



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Additionally, the Project has been designed to promote active frontage and seeks to significantly contribute to the beautification of the street edge at the pedestrian level along South Broadway and East Post Road through the use of natural elements (such as planters along the frontage) and articulation of the façade materials (such as brick details and canopy design). Those planters, located at either side of the residential entry, will provide green and garden like space and will implement a wall edge that will match the building material. Similarly, the Project will feature a 2 story "grand entry" and amenity space, with large glass panels, a high level of transparency, brick detailing and a sculpted canopy design intended to promote a friendly environment along the streetscape that will embrace pedestrians as well as residents.

Materials Submitted in Support of This Site Plan Application

Please find enclosed with this letter 35 sets of the following revised materials in furtherance of this Application for Site Plan Approval pursuant to Section 7 of the Zoning Ordinance:

Exhibit A: Site Plan Drawing Set, prepared by JMC Planning Engineering Landscape Architecture & Land Surveying, PLLC, last revised January 14, 2022.

Exhibit B: Architectural Drawing Set, prepared by Lessard Design, Inc. PC, including floor plans, elevations, viewshed sections, shadow study, materials, context comparison, and perspectives, last revised January 14, 2022.

Conclusion

RMS respectfully submits that approval of the instant application is warranted, and it looks forward to appearing before the Common Council, hopefully as early as the February 7, 2022 agenda. Should the Common Council or City Staff have any questions or comments in the interim, please feel free to contact me. Thank you in advance for your cooperation and consideration in this matter.

Very truly yours,

A handwritten signature in black ink that reads "Neil J. Alexander". The signature is written in a cursive, flowing style.

Neil J. Alexander

cc: John G. Callahan, Esq., Corporation Counsel and Chief-of-Staff



January 20, 2022

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Commissioner Christopher Gomez, City Planning
Commissioner Damon Amadio, City Building
Commissioner Richard G. Hope, City Public Works
Deputy Commissioner Thomas Soyk, City Parking & Traffic
Doreen Rich, Esq., Senior Assistant Corporation Counsel
Randy M. Salvatore & Patrick Carino, RMS
Diego Villareale & Paul Sysak, JMC Planning Engineering Landscape Architecture & Land
Surveying, PLLC
Ulises Montes De Oca, Luz Del Mar Rosado, & Ricardo Tovar, Lessard Design, Inc. PC
Eon Nichols, Esq., Cuddy & Feder LLP

THOMAS M. ROACH
MAYOR



DEPARTMENT OF BUILDING

70 Church Street, White Plains, New York 10601
Phone: (914) 422 - 1269 * Fax: (914) 422 - 1471

Damon A. Amadio, P.E.
Commissioner

Kevin M. Hodapp, P.E.
Deputy Commissioner

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

Submitted, herewith, for your review and appropriate action, is a letter petition dated November 23, 2021 (revised January 21, 2022) prepared by DelBello, Donnellan, et al on behalf of Hale WP Owner, LLC (the Applicant). This petition is a request for Amended Special Permit and Site Plan Approvals associated with the development of two (2) multi-family residential buildings on the East and West side of Hale Avenue.

The properties are located at 97-111 Hale Avenue and 100-114 Hale Avenue and are presently known and designated as Section 126.77, Block 1, Lots 1.1 and Section 126.77, Block 2, Lots 1.1 respectively on the tax map of the City of White Plains.

The applicant is proposing certain modifications to the east and west building/site design to compensate for challenging below surface site conditions that were identified as a result of a geotechnical field investigation.

The modifications proposed to the West building are as follows:

1. Reduce the height of the building from 8 stories to 7 stories.
2. Reduce the number of dwelling units in the building from 57 units to 54 units
3. Due to the dwelling unit reduction, reduce the required parking space quantity from 68 spaces to 56 spaces.
4. Eliminate the underground parking level below the building.
5. Increase the exterior parking area elevation from 174 feet to 184 feet.

The modifications proposed to the East building are as follows:

1. Increase the basement 1, basement 2 and first floor level elevations by 1.84 feet to allow a storm water lateral pipe connection into an existing manhole on Maple Avenue

2. Increase the quantity of Satellite Parking spaces in the East building in support of the West building from 7 spaces to 15 spaces.
3. Re-configuration of an exterior handicap ramp.
4. Increase the number of parking spaces from 102 spaces to 105 spaces.

Referrals may be made at this time to appropriate City Departments and Boards

Respectfully Submitted,



Damon Amadio, P.E.
Commissioner of Building

Dated: January 28, 2022
Documents Letter prepared by Ms. Janet Giris dated November 18, 2021 (revised January 28, 2022) and engineering drawings dated September 23, 2022 as enumerated in the Giris letter.

**DELBELLO DONNELLAN WEINGARTEN
WISE & WIEDERKEHR, LLP**

Janet J. Giris
Partner
jig@ddw-law.com

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November 23, 2021
(revised January 21, 2022)

By Hand Delivery

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

Re: Application of Hale WP Owner, LLC for Amended Special Permit and Site Plan Approvals for a Multi-Family Residence at 97-111 and 100-114 Hale Avenue.

Dear Mayor Roach and Members of the Common Council:

This firm represents Hale WP Owner, LLC (“Developer”) in connection with the redevelopment of the property located at 97-111 and 100-114 Hale Avenue, White Plains, and designated on the tax map of the City of White Plains as Section 126.77, Block 1, Lot 1.1 and Section 126.77, Block 2, Lot 1.1 (the “Property”). As you may remember, on December 4, 2018, the Common Council granted special permit approval and site plan approval (collectively, the “Approvals”)¹ to Developer for the development of two (2) buildings: on the east side of Hale Avenue, a seven (7) story building (the “East Building”) containing 70 dwelling units and 102 on-site parking spaces, and on the west side of Hale Avenue, an eight (8) story building (the “West Building”) containing 57 dwelling units and 68 parking spaces (together, the “Project”). The Approvals² have been extended by the Common Council and are currently valid through and including December 3, 2022.

Since the Approvals were granted, Developer and its design and engineering teams have worked diligently to overcome topographic and geometric constraints of the Property in a manner that makes the Project feasible. Having thoroughly explored potential solutions to the issues, Developer now proposes certain minor modifications to the approved Project would make

¹ The special permit was granted to permit one (1) additional story at the East Building and two (2) additional stories at the West Building, as permitted in the RM-0.35 District by footnote (n) to the Schedule of Dimensional Regulations (Section 5.3 of the Zoning Ordinance). In addition, seven (7) spaces of “satellite parking” for the West Building are approved to be located in the “East Building” parking garage.

² Including a minor amendment to the Project approved in early 2020.

construction feasible; the proposed modifications have been proposed in conjunction with discussions with the Commissioner of Building. On behalf of Developer, and pursuant to Section 7.7.2 of the Zoning Ordinance of the City of White Plains, we are writing to respectfully request amended site plan approval to permit these minor modifications as detailed below.

The Amended Site Plan Approval Application

The following minor modifications to the Project are proposed and are shown on the enclosed drawings:

For the West Building.

1. The height of the West Building has been reduced from 8 to 7 stories by eliminating the previously approved 8th story.
2. The number of units in the West Building has been reduced from 57 units to 54 units; the unit mix now consists of 6 studios, 30 one-bedroom and 18 two-bedroom units. We note that there is no reduction in the number of affordable housing units (13) to be maintained as part of the Project.
3. As a result of the decrease in the number of dwelling units, the required number of parking spaces for the West Building has been reduced from 75 to 70.5.
4. The number of parking spaces in the West Building has been reduced from 68 spaces to 56 spaces. Accordingly, the Applicant is also requesting that 14.5 of the required parking spaces for the West Building be permitted to be located in the East Building pursuant to Section 8.5.2 of the Zoning Ordinance, in lieu of the previously approved 7 spaces.
5. The previously approved underground parking level in the West Building has been eliminated.
6. The exterior parking level has been raised to elevation 184 feet (previously approved at elevation 174 feet) which is consistent with the elevation of the parking level at Maple Avenue.

For the East Building

1. The Basement 1, Basement 2 and First Floor levels of the East Building have been raised by 1.84 feet to reduce the amount of required excavation and to allow storm water facilities to tie in to the existing stormwater manhole in Maple Avenue.
2. The handicap ramp to the East Building has been reconfigured.
3. The number of parking spaces in the East Building has been increased to 105 spaces (from 102).

In addition to the above referenced modifications, the previously approved public sanitary sewer extension in Hale Avenue is no longer necessary and has been eliminated from the Project. All other aspects of the Project remain unchanged, including the number of affordable housing units to be provided as part of the Project, and the Project continues to

comply in all respects with the requirements of the Zoning Ordinance, including the number of off-street parking spaces.³

Required Submissions

In accordance with the requirements of the Common Council and in support of Developer’s application we respectfully submit the following materials:

1. A set of site plan drawings consisting of the following sheets:

Drawing No.	Title	Prepared By	Dated or Last Revised
C011	Cover Sheet	Catizone Engineering, P.C.	09/23/2021
C111	Existing Conditions	Catizone Engineering, P.C.	09/23/2021
C112	Existing Conditions	Catizone Engineering, P.C.	09/23/2021
C211	Layout Plan	Catizone Engineering, P.C.	09/23/2021
C221	Grading Plan	Catizone Engineering, P.C.	09/23/2021
C231	Utility Plan	Catizone Engineering, P.C.	09/23/2021
C232	Utility Plan	Catizone Engineering, P.C.	09/23/2021
C241	Erosion and Sediment Control Plan	Catizone Engineering, P.C.	09/23/2021
C242	Erosion and Sediment Control Plan	Catizone Engineering, P.C.	09/23/2021
C311	Profiles	Catizone Engineering, P.C.	09/23/2021
C312	Profiles	Catizone Engineering, P.C.	09/23/2021
C313	Profiles	Catizone Engineering, P.C.	09/23/2021
C411	Site Details	Catizone Engineering, P.C.	09/23/2021
C412	Site Details	Catizone Engineering, P.C.	09/23/2021
C421	City of White Plains Standard Notes	Catizone Engineering, P.C.	09/23/2021
C422	City of White Plains Standard Details	Catizone Engineering, P.C.	09/23/2021
C423	City of White Plains Standard Details	Catizone Engineering, P.C.	09/23/2021
C424	City of White Plains Standard Details	Catizone Engineering, P.C.	09/23/2021
C425	City of White Plains Standard Details	Catizone Engineering, P.C.	09/23/2021
C431	MUTCD Standard Details	Catizone Engineering, P.C.	09/23/2021

³ The number of units in the East Building remains 70 with a unit mix of 5 studios, 49 one-bedroom units and 16 two-bedroom units; the number of parking spaces in the East Building is 105. The total number of parking spaces required for the Project is 160.75; 161 spaces are now provided.

Honorable Thomas Roach, Mayor
and Members of the Common Council

November 23, 2021
(revised January 21, 2022)
Page 4

2. A completed "Building Short Form" application;
3. A completed Short Environmental Assessment Form; and
4. A check in the amount of \$3,420.00, made payable to the City of White Plains and representing the amended site plan application fee has been submitted to the Commissioner of Building under separate cover.

We respectfully request that the application be placed on the next available agenda of the Common Council for required referrals to City departments, boards and agencies as necessary. Please feel free to contact me if you have any questions or if you would like any additional information.

Thank you for your consideration.

Very truly yours,



JANET J. CIRIS

Enclosures

cc: John Callahan, Esq., Corporation Counsel and Chief of Staff
Christopher Gomez, AICP, Commissioner of Planning
Martin G. Berger, Saber
Mark P. Weingarten, Esq.
Peter J. Wise, Esq.
David Mann, Lighthouse Living

THOMAS M. ROACH
MAYOR



DEPARTMENT OF BUILDING

70 Church Street, White Plains, New York 10601
Phone: (914) 422 - 1269 * Fax: (914) 422 - 1471

Damon A. Amadio, P.E.
Commissioner

Kevin M. Hodapp, P.E.
Deputy Commissioner

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

Submitted, herewith, for your review and appropriate action, pursuant to Section 7 of the White Plains Zoning Ordinance, is a request by Westmoreland Lofts, LLC, for an extension of the Site Plan and Special Permit Approval to allow the construction of a mixed-use building at 146 Westmoreland Avenue.

A letter petition, dated December 23, 2021, prepared by Zarin and Steinmetz on behalf of Westmoreland Lofts, LLC has been submitted for a one (1) year extension to the Common Council Resolution originally approved on January 3, 2017.

It should be noted that the applicant received an extension to their zoning variance approval associated with the building height from the Zoning Board of Appeals on January 5, 2022.

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

Very truly yours,

Damon Amadio, P.E.
Commissioner of Building

Dated: January 28, 2022

Documents

Submitted: Cover letter as prepared by David Steinmetz dated December 23, 2021.



**ZARIN &
STEINMETZ**

David S. Steinmetz*
david@zarin-steinmetz.com

* Also admitted in DC

December 23, 2021

By Federal Express

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

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

Dear Mayor Roach and Members of the Common Council:

We represent 136-158 Westmoreland LLC (the “Applicant”) in connection with the development of the property located at 146 Westmoreland Avenue in the City of White Plains (the “City”), known as the Westmoreland Lofts project (the “Project”). As your Board will recall, the Applicant purchased the Property from our former client, Westmoreland Lofts, LLC, in August 2020. While the Applicant remains actively engaged in this Project and expects to commence construction in early 2022, we respectfully request that the Common Council extend the time period for the Project’s previously granted Special Permit and Site Plan Approval, which is set to expire in January 2022.

The plans for the Project have not changed since the approvals were initially received from your Council on January 3, 2017, nor have the surrounding circumstances. The Applicant is excited to develop the Project in accordance with the existing approvals. We are simultaneously pursuing an extension of the height variances previously issued by the Zoning Board of Appeals, and expect that the ZBA will issue that extension at its January 2022 meeting. As your Council will recall, the Applicant is proposing the development of a new mixed-use building that will feature approximately sixty-two (62) residential units, high-quality amenities, a roof-top terrace, and ground floor non-residential spaces (including a Green Grocer and Micro-Brewery as potential proposed tenants), together with on-site parking for both residents and customers. The building’s design contemplates innovative finishes and architectural features to recreate the ambiance of an early 20th-Century manufacturing building, adding a unique

architectural element to the City. Moreover, the retail and manufacturing uses slated for the ground floor of the building will create vibrancy and a sense of place for the zoning district.

The Applicant has been diligently pursuing the Project since acquiring the Property on August 27, 2020, including, without limitation, finalizing construction drawings, working on its financing, and addressing open IDA-related issues. The Applicant submitted a Building Permit Application on December 21, 2021. Despite some pandemic-related setbacks regarding costs and other factors, the Applicant still intends to develop the Property as originally approved and expects to finalize the construction schedule and secure construction financing before the end of the year. The Applicant is encouraged by the apparent leasing success of the nearby, similarly-designed Norden Lofts project.

The Applicant would like to also note that the success of its Project will serve as a catalyst for future development in the Light-Industrial Mixed-Use District, adhering to the City’s overall zoning and planning goals. Any rejection of this extension request could hinder (and will certainly delay) the creation of a vital, mixed-use district oriented around public transportation and would be misplaced.¹ As the new owner, the Applicant is enthusiastically committed to finding an efficient and timely path toward commencing development.

Accordingly, we respectfully request that the Project’s existing Special Permit and Site Plan Approval be granted an additional extension at the Common Council’s earliest possible meeting.

Respectfully submitted,

ZARIN & STEINMETZ



By: _____
 David S. Steinmetz
 Kasey A. Brenner

¹ It should be noted that it has been consistently held by New York State courts that when a party applies in a timely fashion for an extension of a zoning approval from a municipal board or agency, “the applicant ‘must be afforded an opportunity to show that circumstances have not changed, and a denial of [an] extension will only be sustained if proof of such circumstances is lacking.’” Allegany Wind LLC v. Planning Board of the Town of Allegany, 982 N.Y.S.2d 278, 279 (4th Dep’t 2014) (citing Patricia E. Salkin, 2 N.Y. Zoning Law & Practice § 29:34). Consequently, when the circumstances related to a project have not changed, a municipality has no valid reason to deny an extension request. This is because “[t]he purpose for imposing a time limitation . . . is to insure that in the event conditions have changed at the expiration of the period prescribed[,] the board will have the opportunity to reappraise the proposal” Dil-Hill Realty Corp. v. Schultz, 385 N.Y.S.2d 324, 327 (2d Dep’t 1976). As the Applicant has not modified the Project since its initial Approval, and no other conditions surrounding this site have changed, the City should have no reason to deny this extension request.

cc: Jill Iannetta, City Clerk
John Callahan, Esq., Corporation Counsel
Damon Amadio, Building Commissioner
Chris Gomez, AICP, Planning & Development Commissioner
Mr. Neal Tewani, 136-158 Westmoreland LLC
Philip A. Fruchter, AIA

THOMAS M. ROACH
MAYOR



DEPARTMENT OF BUILDING
70 Church Street, White Plains, New York 10601
Phone: (914) 422 - 1269 * Fax: (914) 422 - 1471

Damon A. Amadio, P.E.
Commissioner

Kevin M. Hodapp, P.E.
Deputy Commissioner

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

Submitted, herewith, for your review and appropriate action, pursuant to Section 7 of the White Plains Zoning Ordinance, is a request for an extension of the Site Plan Amendment Approval to allow the construction of a three (3) story parking garage at 1111 Westchester Avenue.

A letter petition, dated December 17, 2021, prepared by McCullough, Goldberger and Staudt on behalf of Westpark Associates NY LLC has been submitted for a one (1) year extension to the Common Council Resolution originally approved on February 5, 2018.

On May 5, 2021, the Zoning Board of Appeals granted a 2-year extension to an Area Variance required to advance the project.

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

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

Respectfully Submitted,

Damon Amadio, P.E.
Commissioner of Building

Dated: January 31, 2022

Related Documents: Letter prepared by Seth Mandelbaum dated December 17, 2021.

McCULLOUGH, GOLDBERGER & STAUDT, LLP
ATTORNEYS AT LAW
1311 MAMARONECK AVENUE, SUITE 340
WHITE PLAINS, NEW YORK

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KEVIN E. STAUDT
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FRANK S. McCULLOUGH (1905-1998)
EVANS V. BREWSTER (1920-2005)

December 17, 2021

Rec'd 12/17/21
DR

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

Re: Westpark Parking Garage
1111-1129 Westchester Avenue

Dear Hon. Mayor Roach & Members of the Common Council:

This firm represents Westpark Associates NY LLC (the "Applicant"), the owner of the above-referenced property (the "Property"), which is home to an office development that is currently occupied exclusively by PepsiCo, Inc.

As you may recall, in order to address currently insufficient parking on the Property, the Applicant proposed a three-level parking structure with a solar array above the top level, a new guard booth and security gates that will improve security on site, and some alterations to the parking lot to accommodate the proposed parking garage and guard booth. The Common Council granted Site Plan approval for this project on February 5, 2018. The time to complete substantial construction was subsequently granted one-year extensions by the Council until February 5, 2022.

The Applicant is in the process of marketing the Property to another potential user of both buildings, and as a result, substantial construction of the parking garage and other improvements will not be completed by February 5, 2022. In light of the foregoing, on behalf of the Applicant, we respectfully request a one-year extension of the time to complete substantial construction, until February 5, 2023.

A check for the required extension fee will be hand-delivered to the City Clerk's Office early next week. Kindly place this matter on the January 3, 2022 Common Council agenda for consideration. If you have any questions, please do not hesitate to contact my office.

Very truly yours,

A handwritten signature in black ink, appearing to read "Seth M. Mandelbaum", with a long horizontal flourish extending to the right.

Seth M. Mandelbaum

SMM:srw

cc: John G. Callahan, Esq.
Westpark Associates NY LLC



DEPARTMENT OF FINANCE
MUNICIPAL BUILDING – 255 MAIN STREET – WHITE PLAINS, NEW YORK 10601

TEL: (914) 422-1235 – Fax: (914) 422-1273

THOMAS M. ROACH
MAYOR

SERGIO SENSI, CPA
COMMISSIONER

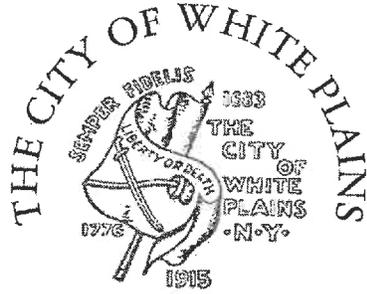
CAROL ENDRES
DEPUTY COMMISSIONER

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

Submitted herewith is the unaudited interim financial report for the six months ended December 31, 2021.

Sergio Sensi
Commissioner of Finance

Dated: January 25, 2022



CITY OF WHITE PLAINS, NEW YORK
INTERIM FINANCIAL REPORT
SIX MONTHS ENDED DECEMBER 31, 2021

PREPARED BY
DEPARTMENT OF FINANCE
January 25, 2022

MAYOR

THOMAS M. ROACH

COMMON COUNCIL MEMBERS

JUSTIN C. BRASCH, PRESIDENT

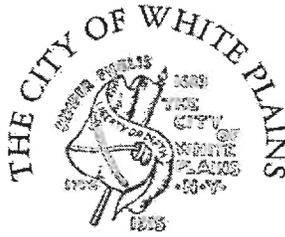
JUSTIN C. BRASCH
NADINE HUNT-ROBINSON
JOHN M.MARTIN
RICHARD PAYNE
VICTORIA PRESSER
JENNIFER PUJA

FINANCE DEPARTMENT

SERGIO SENSI, COMMISSIONER
CAROL ENDRES, DEPUTY COMMISSIONER
JOHN FREIBERGER, ACCOUNTANT
ANTHONY PENA, ACCOUNTANT

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DEPARTMENT OF FINANCE

MUNICIPAL BUILDING – 255 MAIN STREET – SUITE 102 – WHITE PLAINS, NEW YORK 10601

TEL: (914) 422-1235 – FAX: (914) 422-1273

THOMAS M. ROACH
MAYOR

SERGIO SENSI, CPA
Commissioner

CAROL ENDRES
DEPUTY COMMISSIONER

January 25, 2022

To the Honorable Mayor and Common Council:

We are pleased to present the City of White Plains, New York (City) interim financial report as of and for the six months ended December 31, 2021 with comparative totals for the same period in 2020. This report is divided into six sections: this management discussion and analysis, the financial statements and a glossary of terms. As always, we are open to your suggestions, comments and questions that may foster improvements in these and other reports.

It should be remembered that unlike our annual comprehensive financial report (ACFR), these interim financial reports are prepared for the use of management as internal documents. These interim financial reports are unaudited and are not prepared in compliance with generally accepted accounting principles (GAAP) in that they do not include all funds of the City, do not include all GAAP-required statements and schedules, do not include notes to the financial statements and are not necessarily formatted in accordance with GAAP.

Management's Discussion and Analysis

General Fund

In the first six months of fiscal year 2021-2022, the City recognized 67% of its revenues and other financing sources, and expended 44% of its appropriations and other financing uses, resulting in a net increase in fund balance of \$42.4 million. Comparatively the results for the first six months of the prior fiscal year were slightly higher, the City had recognized 60% of its revenues and other financing sources and expended 45% of its appropriations and other financing uses, resulting in a net increase in fund balance of \$27.7 million.

Total General Fund revenues and other financing sources for the second quarter of fiscal year 2021-2022 were \$125.4 million, an increase of \$16 million (14.4%) over the same period in fiscal year 2020-2021.

Property taxes and related items increased \$1.9 million (2.9%) primarily due to the adopted 2021-2022 property tax rate increase of 2.5%.

Sales and use taxes increased \$5,657,055 (26.1%). Sales tax revenues of \$2.7 million restricted to the tax stabilization account brought the total amount in that account to \$12.5 million. Increases were seen in Room Occupancy Tax (\$245,581), Mortgage Tax (\$412,873), Intergovernmental revenues (\$518,940) and Utility gross receipts (\$61,357). Most of the increase in Intergovernmental is due to the reimbursement from FEMA for COVID 19 and Tropical Storm Isaias. There are still additional reimbursements pending from FEMA. Charges for services were up \$3,650,985 (36.6%), Licenses and permits were up \$1,908,667 (39.1%) and Fines and Forfeitures increased \$1,992,561 (68.4%). Interest earnings decreased \$37,950. Interest earnings continue to decrease due to historically low interest earning rates. Completing the revenue picture, miscellaneous revenue went down by \$532,527 (23.7%)

Total General Fund expenditures and other financing uses were \$83 million, an increase of \$1.2 (1.4%) over the same period of fiscal year 2020-2021.

Personal services decreased \$558,374 (1.5%), and employee benefits increased \$577,912 (1.8%). Most City employees did not receive an increase in salary due to expiring contracts. Employee benefits were up primarily due to an \$847,738 increase in pension expense which was offset by 246,205 decrease in active employee health insurance.

Material and Supplies increased \$693,835 (22.1%), Direct Costs increased \$558,360 (6.2%) and equipment decreased \$287,563 (73.5%)

Per the adopted 2021-2022 budget, transfers were made to other funds: \$22,500 to Special Revenue fund, \$2.8 million to the Library Fund and \$4.4 million to the Debt Service Fund.

Library Fund

The Library Fund is a special revenue fund, used to account for and report the levy and use of real property taxes restricted by Section 259 of the Education Law for public library purposes.

Total Library Fund revenues and other financing sources were \$2.8 million for the second quarter of fiscal year 2021-2022, representing a decrease of \$79,459 (2.8%) over the same period of the prior fiscal year. Operating transfers in from the General Fund decreased \$84,610 (3%) and other revenues were up \$5,151. Operating funds are transferred from the General Fund to the Library Fund on an as-needed basis.

Total expenditures and other financing uses were \$2.9 million, a decrease of \$42,986 (1.5%) over the same period in the prior fiscal year. Increases in personal services \$30,567, and employee benefits of \$29,556 were offset by decreases in materials and supplies (\$89,563) and direct costs of \$8,936.

Water Fund

The Water Fund is an enterprise fund, used to report the operations, maintenance and improvements to the City's water system, for which fees are charged to external users (customers) for the availability and delivery of City water.

Operating revenues of \$7.8 million were offset by operating expenses of \$7.8 million and net non-operating expenses of \$898,705, resulting in a decrease in net position of \$899,371 million for the first half of fiscal year 2021-2022. The intra-year timing of revenues and expenses is not indicative of how the fund will perform by year end.

For the first half of fiscal year 2021-2022, an increase in Intergovernmental of \$40,000 was offset by decreases in metered water sales of \$233,023 and miscellaneous revenues of \$315,537 which accounted for the \$508,572 (6.1%) decrease in total operating revenues.

Total operating expenses of \$7.8 million were \$295,961 (3.9%) more than the first half of fiscal year 2020-21. Increases in direct costs (\$405,993), and depreciation (\$188,557) were offset by decreases in personal services (\$85,292), employee benefits (\$4,961), materials and supplies (\$57,026), equipment (\$53,457), and capital outlay (\$97,853).

Net non-operating expenses decreased \$17,238 reflecting a decrease of \$12,661 in interest income and a decrease in interest expense of \$29,899.

Sewer Rent Fund

The Sewer Rent Fund is an enterprise fund, used to report the operations, maintenance and improvements to the City's sanitary sewer system, for which fees are charged to external users (customers) for the use of that system.

Operating revenues of \$1.5 million were offset by operating expenses of \$2 and net non-operating expenses of \$65,867, resulting in a decrease in net position of \$579,023 for the first half of fiscal year 2021-2022. The intra-year timing of revenues and expenses is not indicative of how the fund will perform by year end.

Sewer rents were \$1.2 million for the first half of fiscal year 2021-2022, which is a decrease of \$34,674 (2.8%) from 2020-2021. The decrease in sewer rents was offset by an increase in Intergovernmental revenues of \$272,171 which accounted for the \$237,548 in total operating revenues.

Total operating expenses were \$23,323 more than the first half of fiscal year 2020-2021. There were increases in employee benefits (\$1,508), material and supplies (\$22,677), direct costs (\$230,271), depreciation (\$27,443) and capital outlay (\$78,576) which was offset by a decrease in personal services (\$6,358).

Net non-operating expense increased \$591, reflecting a decrease in interest expense of \$209 and a decrease in interest income of \$800.

Self Insurance Fund

The Self Insurance Fund is an internal service fund, used to report risk management and insurance services provided to other funds and departments of the City on a cost-reimbursement basis.

Self Insurance Fund operating revenues totaled \$5.2 million for the first half of fiscal year 2021-

2022, representing a \$0.2 million (3.5%) decrease over the first half of fiscal year 2020-2021. Charges for Services are recognized as revenue in the Self Insurance Fund at the beginning of each fiscal year and represent the various amounts charged back to each of the City's operating funds.

Total operating expenses of \$3.3 million were \$494,104 (17.4%) more than the prior fiscal year, with increases in employee benefits (\$115), direct costs (\$518,278), and general liability claims (\$90,650), which were offset by decreases in unemployment (\$30,593) and workers compensation (\$84,346).

Increase in net position for the first half was \$1.9 million, a \$711,904 decrease over the same period of the prior fiscal year. Year-to-date change in net position is not an adequate predictor of how the fund will perform by the end of the fiscal year due to the lag time in filing and processing claims.

Cable TV Fund

The Cable TV Fund is a component unit of the City and accounts for the financial activities of the White Plains Cable Television Access Commission (Cable TV Commission). A component unit is a legally separate entity (the Cable TV Commission is a not-for-profit corporation) for which the elected officials of the primary government (the Mayor and Common Council of the City of White Plains) are financially accountable (the City guarantees the debt, if any, of the Cable TV Commission) and there exists a financial benefit or burden relationship between the component unit and primary government.

Cable TV Fund revenues totaled \$394,192 for the first half of fiscal year 2021-2022, representing a \$9,256 (2.3%) decrease over the first half of fiscal year 2020-2021. Total expenditures of \$207,235 were \$97,732 (32.1%) less than the prior fiscal year. Increase in net position for the first half was \$186,957 compared to an increase of \$98,481 for the first half of the prior fiscal year.

Acknowledgments

Special appreciation is extended to Finance Department staff members Carol Endres, John Freiberger and Anthony Pena for their assistance in preparing this report.

Respectfully submitted,



Sergio Sensi
Commissioner of Finance

City of White Plains, New York
 General Fund
 Balance Sheet
 December 31,

	2021	2020
Assets		
Cash and cash equivalents	\$ 65,906,902	\$ 42,700,166
Investments	9,515,332	11,400,765
Taxes receivable	101,201,539	103,815,041
Accounts receivable	820,202	824,439
Deposits	7,761	16,581
Due from other governments	59,059	158,620
Due from other funds	4,021,056	246,265
Inventory of supplies, at cost	1,104,663	1,049,488
Total Assets	\$ 182,636,514	\$ 160,211,365
Liabilities and Fund Balance		
Liabilities:		
Accounts payable	\$ 108,947	\$ 94,699
Retainage payable	8,312	17,919
Accrued liabilities	327,553	102,325
Deposits	2,554,973	1,242,748
Due to other governments	89,878,686	88,530,450
Deferred revenue	1,718,365	1,383,025
Total Liabilities	94,596,836	91,371,166
Fund Balance:		
Non-spendable	1,155,473	1,100,526
Restricted - tax stabilization	4,829,481	4,924,450
Committed	176,353	199,553
Assigned	20,290,802	21,182,067
Unassigned	61,587,569	41,433,603
Total Fund Balance	88,039,678	68,840,199
Total Liabilities and Fund Balance	\$ 182,636,514	\$ 160,211,365

City of White Plains, New York
General Fund
Schedule of Revenues, Expenditures and Changes in Fund Balance
Six Months Ended December 31,

	2021-2022 Adopted Budget	2021-2022 Revised Budget	2021-2022 Actual	2020-2021 Actual
Revenues:				
Property taxes and items:				
Property taxes and PILOTS	\$ 67,445,880	\$ 67,445,880	\$ 67,021,209	\$ 65,131,246
Interest and penalties	470,000	470,000	172,507	165,899
Allowance for uncollectibles	(22,000)	(22,000)	-	-
Total property taxes and items	67,893,880	67,893,880	67,193,716	65,297,145
Sales and use tax - restricted	4,170,000	4,170,000	2,737,569	2,171,869
Sales and use tax - unrestricted	37,530,000	37,530,000	24,638,128	19,546,823
Room occupancy tax	505,250	505,250	450,871	205,290
Utility gross receipts tax	1,176,000	1,176,000	586,317	524,960
Mortgage tax	2,000,000	2,000,000	1,245,080	832,207
Intergovernmental	16,834,205	16,834,205	1,486,221	967,281
Charges for services	19,394,087	19,394,087	13,636,341	9,985,356
Licenses and permits	9,538,488	9,538,488	6,795,180	4,886,513
Fines and forfeitures	8,031,395	8,031,395	4,904,129	2,911,568
Interest	122,475	122,475	14,451	52,401
Miscellaneous	5,780,492	5,780,492	1,713,744	2,246,271
Total Revenues	172,976,272	172,976,272	125,401,747	109,627,684
Other Financing Sources-				
Appropriated fund balance	11,594,450	14,424,602	-	-
Total Revenues and Other Financing Sources	<u>\$ 184,570,722</u>	<u>\$ 187,400,874</u>	<u>125,401,747</u>	<u>109,627,684</u>
Expenditures:				
Personal services	\$ 80,095,820	\$ 77,063,043	36,947,380	37,505,754
Employee benefits	53,881,327	51,990,869	25,340,658	24,762,746
Materials and supplies	8,913,737	9,352,537	3,832,805	3,138,970
Direct costs	15,957,505	17,405,493	9,608,562	9,050,202
Equipment	1,077,289	1,874,609	103,577	391,140
Reserve for financing	4,463,710	9,522,126	-	-
Total Expenditures	164,389,388	167,208,677	75,832,982	74,848,812
Other Financing Uses:				
Transfers to Special Revenue	22,500	22,500	22,500	-
Transfers to Library Fund	6,580,300	6,591,163	2,787,885	2,872,495
Transfers to Debt Service Fund	13,578,534	13,578,534	4,405,517	4,159,560
Total Other Financing Uses	20,181,334	20,192,197	7,215,902	7,032,055
Total Expenditures and Other Financing Uses	<u>\$ 184,570,722</u>	<u>\$ 187,400,874</u>	<u>83,048,884</u>	<u>81,880,867</u>
Net change in fund balance			42,352,863	27,746,817
Fund Balance - Beginning			45,686,815	41,093,382
Fund Balance - Ending			<u>\$ 88,039,678</u>	<u>\$ 68,840,199</u>

City of White Plains, New York
Library Fund
Schedule of Revenues, Expenditures and Changes in Fund Balance
Six Months Ended December 31,

	2021-2022 Adopted Budget	2021-2022 Revised Budget	2021-2022 Actual	2020-2021 Actual
Revenues:				
Intergovernmental	\$ 11,650	\$ 11,650	\$ 15,712	\$ 12,572
Miscellaneous	2,000	2,000	2,748	498
Total Revenues	<u>13,650</u>	<u>13,650</u>	<u>18,460</u>	<u>13,070</u>
Other Financing Sources				
Transfer in from General Fund	6,580,300	6,591,163	2,787,885	2,872,495
Appropriated fund balance	43,390	43,390	-	-
Total Other Financing Sources	<u>6,623,690</u>	<u>6,634,553</u>	<u>2,787,885</u>	<u>2,872,495</u>
Total Revenues and Other Financing Sources	<u>\$ 6,637,340</u>	<u>\$ 6,648,203</u>	<u>2,806,345</u>	<u>2,885,565</u>
Expenditures:				
Personal services	\$ 3,087,043	\$ 3,097,173	1,445,807	1,415,240
Employee benefits	1,656,316	1,658,817	802,966	773,410
Materials and supplies	789,630	789,630	303,922	393,485
Direct costs	383,356	383,356	211,703	220,639
Reserve for financing	18,426	16,658	-	-
Total Expenditures	<u>5,934,771</u>	<u>5,945,634</u>	<u>2,764,398</u>	<u>2,802,774</u>
Other Financing Uses -				
Transfer out to Debt Service Fund	702,569	702,569	127,885	132,495
Total Expenditures and Other Financing Uses	<u>\$ 6,637,340</u>	<u>\$ 6,648,203</u>	<u>2,892,283</u>	<u>2,935,269</u>
Net change in fund balance			(85,938)	(49,704)
Fund Balance - Beginning			<u>134,880</u>	<u>122,764</u>
Fund Balance - Ending			<u>\$ 48,942</u>	<u>\$ 73,060</u>

City of White Plains, New York
Water Fund
Schedule of Revenues, Expenses and Changes in Net Position
Six Months Ended December 31,

	2021-2022 Adopted Budget	2021-2022 Revised Budget	2021-2022 Actual	2020-2021 Actual
Operating Revenues:				
Metered water sales	\$ 17,806,500	\$ 17,806,500	\$ 7,741,714	\$ 7,974,749
Intergovernmental	123,381	123,381	40,000	-
Miscellaneous	34,100	34,100	35,244	350,781
Total Operating Revenues	<u>17,963,981</u>	<u>17,963,981</u>	<u>7,816,958</u>	<u>8,325,530</u>
Other Financing Sources				
Appropriated fund balance	<u>191,867</u>	<u>625,203</u>	<u>-</u>	<u>-</u>
Total Revenues and Other Financing Sources	<u>18,155,848</u>	<u>18,589,184</u>	<u>7,816,958</u>	<u>8,325,530</u>
Operating Expenses:				
Personal services	2,424,921	2,404,953	1,108,815	1,194,107
Employee benefits	1,445,019	1,414,254	685,484	690,445
Materials and supplies	7,489,712	7,610,255	3,148,366	3,205,392
Direct costs	1,895,259	1,930,733	1,676,374	1,270,381
Equipment	61,640	61,640	53,721	107,178
Depreciation	1,927,407	1,927,407	963,704	775,147
Capital Outlay	900,000	1,177,319	181,160	279,013
Reserve for financing	164,819	215,552	-	-
Total Operating Expenses	<u>16,308,777</u>	<u>16,742,113</u>	<u>7,817,624</u>	<u>7,521,663</u>
Operating Income (Loss)	<u>1,847,071</u>	<u>1,847,071</u>	<u>(666)</u>	<u>803,867</u>
Non-Operating Revenues (Expenses):				
Interest income	40,000	40,000	6,395	19,056
Interest expense	<u>(1,887,071)</u>	<u>(1,887,071)</u>	<u>(905,100)</u>	<u>(934,999)</u>
Total Non-Operating Expenses	<u>(1,847,071)</u>	<u>(1,847,071)</u>	<u>(898,705)</u>	<u>(915,943)</u>
Change in net position	-	-	(899,371)	(112,076)
Net Position - Beginning	-	-	<u>38,386,815</u>	<u>35,091,298</u>
Net Position - Ending	<u>\$ -</u>	<u>\$ -</u>	<u>\$ 37,487,444</u>	<u>\$ 34,979,222</u>

City of White Plains, New York
Sewer Rent Fund
Schedule of Revenues, Expenses and Changes in Net Position
Six Months Ended December 31,

	2021-2022 Adopted Budget	2021-2022 Revised Budget	2021-2022 Actual	2020-2021 Actual
Operating Revenues:				
Sewer rents	\$ 3,183,000	\$ 3,183,000	\$ 1,190,006	\$ 1,224,680
Intergovernmental	-	-	272,171	-
Miscellaneous	250	250	-	(51)
Total Operating Revenues	<u>3,183,250</u>	<u>3,183,250</u>	<u>1,462,177</u>	<u>1,224,629</u>
Other Financing Sources				
Appropriated fund balance	499,478	1,072,083	-	-
Total Revenues and Other Financing Sources	<u>3,682,728</u>	<u>4,255,333</u>	<u>1,462,177</u>	<u>1,224,629</u>
Operating Expenses:				
Personal services	525,683	504,197	223,355	229,713
Employee benefits	363,302	355,858	167,330	165,822
Materials and supplies	187,385	211,888	46,119	23,442
Direct costs	945,408	975,020	880,541	650,270
Depreciation	953,637	953,637	476,819	449,376
Capital outlay	525,000	1,043,490	181,169	102,593
Reserve for financing	47,006	75,936	-	-
Total Operating Expenses	<u>3,547,421</u>	<u>4,120,026</u>	<u>1,975,333</u>	<u>1,952,010</u>
Operating Income (Loss)	<u>135,307</u>	<u>135,307</u>	<u>(513,156)</u>	<u>(727,381)</u>
Non-Operating Expenses:				
Interest income	10,000	10,000	521	1,321
Interest expense	(145,307)	(145,307)	(66,388)	(66,597)
Total Non-Operating Expenses	<u>(135,307)</u>	<u>(135,307)</u>	<u>(65,867)</u>	<u>(65,276)</u>
Change in net position	-	-	(579,023)	(792,657)
Net Position - Beginning	-	-	9,012,625	9,026,390
Net Position - Ending	<u>\$ -</u>	<u>\$ -</u>	<u>\$ 8,433,602</u>	<u>\$ 8,233,733</u>

City of White Plains, New York
Self Insurance Fund
Schedule of Revenues, Expenses and Changes in Net Position
Six Months Ended December 31,

	<u>2021-2022 Adopted Budget</u>	<u>2021-2022 Revised Budget</u>	<u>2021-2022 Actual</u>	<u>2020-2021 Actual</u>
Operating Revenues:				
Charges for services	\$ 5,123,168	\$ 5,123,168	\$ 5,123,167	\$ 5,388,755
Miscellaneous	-	-	98,669	21,560
Total Operating Revenues	<u>\$ 5,123,168</u>	<u>\$ 5,123,168</u>	<u>5,221,836</u>	<u>5,410,315</u>
Operating Expenses:				
Personal services	\$ 18,000	\$ 18,000	-	-
Employee benefits	18,439	18,439	6,744	6,629
Unemployment benefits	40,254	40,254	10,000	40,593
Workers Compensation	2,648,828	2,648,828	1,329,687	1,414,033
Materials and supplies	100	100	-	-
Direct costs	1,302,547	1,302,547	1,466,331	948,053
General liability insurance	1,000,000	1,000,000	521,975	431,325
Reserve for financing	95,000	95,000	-	-
Total Operating Expenses	<u>\$ 5,123,168</u>	<u>\$ 5,123,168</u>	<u>3,334,737</u>	<u>2,840,633</u>
Operating Income			1,887,099	2,569,682
Non-Operating Revenues - Interest Income			<u>14,400</u>	<u>43,721</u>
Change in net position			1,901,499	2,613,403
Net Position - Beginning			<u>(24,737)</u>	<u>(528,625)</u>
Net Position - Ending			<u>\$ 1,876,762</u>	<u>\$ 2,084,778</u>

City of White Plains, New York
Component Unit - Cable Television Fund
Schedule of Revenues, Expenditures and Changes in Fund Balance
Six Months Ended December 31,

	2021-2022 Adopted Budget	2021-2022 Revised Budget	2021-2022 Actual	2020-2021 Actual
Revenues:				
PEG grants	\$ 248,000	\$ 248,000	\$ 150,000	\$ 150,000
Franchise fees	352,500	352,500	242,545	250,808
Miscellaneous	1,000	1,000	1,165	905
Interest	<u>3,000</u>	<u>3,000</u>	<u>482</u>	<u>1,735</u>
Total Revenues	604,500	604,500	394,192	403,448
Other Financing Sources				
Appropriated fund balance	<u>161,810</u>	<u>161,810</u>	<u>-</u>	<u>-</u>
Total Revenues and Other Financing Sources	<u>\$ 766,310</u>	<u>\$ 766,310</u>	<u>394,192</u>	<u>403,448</u>
Expenditures:				
Personal services	\$ 319,161	\$ 216,305	126,672	151,160
Employee benefits	152,783	115,241	59,643	70,314
Materials and supplies	4,775	4,775	1,659	5,546
Direct costs	30,161	30,161	14,134	19,896
Equipment	34,500	34,500	5,127	58,051
Reserve for financing	<u>224,930</u>	<u>365,328</u>	<u>-</u>	<u>-</u>
Total Expenditures	<u>766,310</u>	<u>766,310</u>	<u>207,235</u>	<u>304,967</u>
Net change in fund balance			186,957	98,481
Fund Balance - Beginning			<u>533,195</u>	<u>533,195</u>
Fund Balance - Ending			<u>\$ 720,152</u>	<u>\$ 631,676</u>

City of White Plains, New York
Schedule of Cash Equivalent Investments, at Cost
December 31,

	<u>2021</u>	<u>2020</u>
Governmental Fund Types:		
General	\$ 75,422,234	\$ 54,100,931
Special Revenue	4,886,519	4,076,263
Debt Service	2,923,971	3,798,898
Capital Projects	(4,385,207)	(516,319)
Proprietary Fund Types		
Water	29,999,724	33,764,709
Sewer	8,551,381	9,214,272
Self Insurance	20,078,532	20,410,904
Fiduciary Fund Types	<u>3,245,180</u>	<u>2,205,855</u>
Total	<u>\$ 140,722,334</u>	<u>\$ 127,055,513</u>

Interest Earnings
Six Months Ended December 31,

	<u>2021</u>	<u>2020</u>
Governmental Fund Types:		
General	\$ 14,451	\$ 52,401
Special Revenue	548	1,788
Debt Service	1,330	5,608
Proprietary Fund Types:		
Water	6,395	19,057
Sewer	521	1,321
Self Insurance	14,400	43,721
Fiduciary Fund Types	<u>372</u>	<u>1,561</u>
Total	<u>\$ 38,017</u>	<u>\$ 125,457</u>

City of White Plains, New York
Schedule of Outstanding and Authorized Debt
December 31, 2021

	Issued	Issue Amount	Final Maturity	Interest Rate (%)	Principal Balance
Serial Bonds:					
General Fund:					
Public Improvements Series C	2008	250,000	05/15/33	6.250-6750	120,000
Public Improvements Series-Refunding 2004&2005	2012	6,860,145	02/15/29	1.750-5.00	3,014,708
Public Improvements Series	2012	8,799,055	06/15/27	2.00-3.00	4,144,109
Public Improvements Series	2013	2,383,150	06/15/28	2.250-3.00	5,199,812
Public Improvements Series-EFC	2013	10,775,259	05/01/33	2.630-4.6095	6,770,000
Public Improvements Series	2014	20,818,341	02/15/29	2.00-3.250	12,944,424
Public Improvements Series	2015	1,717,000	02/15/35	2.00-3.000	8,173,941
Public Improvements Series	2016	9,223,250	03/01/36	2.00-5.000	7,616,831
Public Improvements Series-Refunding 2006&2007	2016	5,892,018	04/01/27	2.00-5.000	2,941,971
Public Improvements Series A-Refunding 2007&2008	2017	21,770,000	05/15/22	2.00-3.000	13,050,000
Public Improvements Series B-Refunding 2008A	2017	1,776,715	01/15/28	3.00-4.00	1,237,356
Public Improvements Series C	2017	11,082,550	03/01/32	4.00	8,992,834
Public Improvements Series	2018	13,281,350	09/15/38	3.00-5.000	11,676,907
Public Improvements Series	2019	11,606,885	11/01/39	2.250-5.000	11,199,506
Public Improvements Series A	2020	4,394,047	08/01/40	2.00-5.000	4,394,047
Public Improvements Series B-Refunding 2010&2011	2020	8,219,797	09/15/29	5.00	6,355,102
Public Improvements Series B-Refunding 2010&2011 (JUDGEMENTS)	2020	3,461,057	09/15/29	5.00	2,580,635
Total General Fund					<u>110,412,183</u>
Library Fund:					
Public Improvements Series-Refunding 2004&2005	2012	2,216,408	02/15/29	1.750-5.00	837,944
Public Improvements Series	2012	906,000	06/15/27	2.00-3.00	426,701
Public Improvements Series	2013	162,000	06/15/28	2.250-3.00	87,944
Public Improvements Series	2014	1,263,000	02/15/29	2.00-3.250	785,307
Public Improvements Series C	2017	7,870,750	03/01/32	4.00	1,557,155
Public Improvements Series	2019	144,207	11/01/39	2.250-5.000	139,146
Public Improvements Series B-Refunding 2010&2011	2020	394,525	09/15/29	5.00	291,645
Total Library Fund					<u>4,125,842</u>
Water Fund:					
Public Improvements Series-Refunding 2004&2005	2012	2,013,447	02/15/29	1.750-5.00	722,348
Public Improvements Series	2012	2,043,000	06/15/27	2.00-3.00	962,192
Public Improvements Series	2013	151,500	06/15/28	2.250-3.00	82,244
Public Improvements Series	2014	252,500	02/15/29	2.00-3.250	157,001
Public Improvements Series	2015	1,717,000	02/15/35	2.00-3.000	12,201,059
Public Improvements Series	2016	2,800,750	03/01/36	2.00-5.000	2,312,942
Public Improvements Series-Refunding 2006&2007	2016	2,262,266	04/01/27	2.00-5.000	1,067,418
Public Improvements Series B-Refunding 2008A	2017	463,285	01/15/28	3.00-4.00	322,644
Public Improvements Series C	2017	992,350	03/01/32	4.00	805,234
Public Improvements Series	2018	8,484,000	09/15/38	3.00-5.000	7,459,099
Public Improvements Series	2019	21,237,185	11/01/39	2.250-5.000	20,491,803
Public Improvements Series A	2020	5,404,959	08/01/40	2.00-5.000	5,404,959
Public Improvements Series B-Refunding 2010&2011	2020	1,480,654	09/15/29	5.00	1,248,067
Total Water Fund					<u>53,237,010</u>
Sewer Fund:					
Public Improvements Series	2012	301,500	06/15/27	2.00-3.00	141,998
Public Improvements Series	2014	479,700	02/15/29	2.00-3.250	298,268
Public Improvements Series	2016	303,000	03/01/36	2.00-5.000	250,227
Public Improvements Series-Refunding 2006&2007	2016	280,716	04/01/27	2.00-5.000	180,611
Public Improvements Series C	2017	505,000	03/01/32	4.00	409,777
Public Improvements Series	2018	505,000	09/15/38	3.00-5.000	443,994
Public Improvements Series	2019	1,201,723	11/01/39	2.250-5.000	1,159,545
Public Improvements Series A	2020	845,994	08/01/40	2.00-5.000	845,994
Public Improvements Series B-Refunding 2010&2011	2020	1,493,967	09/15/29	5.00	149,551
Total Sewer Fund					<u>3,879,965</u>
Total Serial Bonds - All Funds					171,655,000
Energy Performance Contract Payable	2018	3,217,627	7/1/2028	2.75	2,191,953
Total Debt-All Funds					<u>\$ 173,846,953</u>

City of White Plains, New York
Summary of Authorized and Outstanding Debt

Fiscal Year Ended June 30	Serial Bonds	Bond Anticipation Notes	Energy Performance Contract	Authorized			Percent of Constitutional Debt Limit	
				Outstanding	Unissued	Authorized	Authorized	Outstanding
2001	\$ 38,254,098	\$ 3,991,000	-	\$ 42,245,098	\$ 25,050,000	\$ 67,295,098	23.31%	19.16%
2002	62,342,098	-	-	62,342,098	5,010,000	67,352,098	22.04%	16.34%
2003	62,637,700	-	-	62,637,700	2,250,000	64,887,700	18.92%	14.82%
2004	66,299,700	2,230,000	-	68,529,700	3,412,000	71,941,700	18.60%	14.62%
2005	67,783,700	4,735,500	-	72,519,200	4,290,000	76,809,200	17.50%	13.33%
2006	67,059,700	4,428,000	-	71,487,700	2,915,000	74,402,700	14.41%	11.04%
2007	71,551,500	2,049,375	-	73,600,875	24,950,000	98,550,875	15.07%	10.57%
2008	88,561,000	3,273,750	-	91,834,750	8,517,800	100,352,550	13.78%	12.37%
2009	82,815,000	9,530,200	-	92,345,200	9,849,225	102,194,425	15.61%	11.55%
2010	87,656,825	8,400,000	-	96,056,825	10,024,675	106,081,500	15.52%	11.57%
2011	82,188,000	18,099,650	-	100,287,650	15,420,125	115,707,775	16.81%	12.06%
2012	106,606,555	-	-	106,606,555	36,195,125	142,801,680	21.25%	13.10%
2013	110,542,555	-	-	110,542,555	37,468,075	148,010,630	23.54%	14.50%
2014	136,675,800	-	-	136,675,800	12,702,350	149,378,150	25.57%	20.04%
2015	154,452,742	-	-	154,452,742	17,665,250	172,117,992	31.01%	21.39%
2016	156,406,201	-	-	156,406,201	19,022,650	175,428,851	32.00%	21.57%
2017	160,170,901	-	-	160,170,901	11,999,400	172,170,301	30.88%	21.79%
2018	148,693,901	-	3,217,627	151,911,528	29,454,650	181,366,178	31.40%	19.26%
2019	158,955,351	-	2,934,160	161,889,511	43,093,750	204,983,261	35.49%	18.84%
2020	180,045,001	-	2,643,245	182,688,246	14,729,300	197,417,546	30.16%	18.47%
2021	175,285,000	-	2,344,454	177,629,454	19,174,200	196,803,654	30.07%	17.70%
Jul-2021	175,285,000	-	2,319,183	177,604,183	25,990,200	203,594,383	29.62%	15.36%
Aug-2021	175,285,000	-	2,293,853	177,578,853	25,990,200	203,569,053	29.62%	15.36%
Sep-2021	172,855,000	-	2,268,465	175,123,465	26,697,700	201,821,165	29.36%	15.00%
Oct-2021	172,855,000	-	2,243,020	175,098,020	26,697,700	201,795,720	29.36%	15.00%
Nov-2021	171,655,000	-	2,217,515	173,872,515	26,798,700	200,671,215	29.20%	14.83%
Dec-2021	171,655,000	-	2,191,953	173,846,953	27,556,200	201,403,153	29.30%	14.83%

Summary of Outstanding Debt by Fund
December 31, 2021

	General Fund	Library Fund	Water Fund	Sewer Fund	Total
Serial Bonds	\$ 110,412,183	\$ 4,125,842	\$ 53,237,010	\$ 3,879,965	\$ 171,655,000
Energy Performance Contract	2,191,953	-	-	-	2,191,953
	<u>\$ 112,604,136</u>	<u>\$ 4,125,842</u>	<u>\$ 53,237,010</u>	<u>\$ 3,879,965</u>	<u>\$ 173,846,953</u>

Contingency and Tax Stabilization Fund Report

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

In accordance with Section 6-e(6) of the General Municipal Law, I hereby transmit to you a report of the receipts, disbursements and balance of the Contingency and Tax Stabilization Reserve Fund at December 31, 2021:

7/1/2021 Opening balance	\$ 9,753,931
7/31/2021 Sales tax receipts	421,172
8/31/2021 Sales tax receipts	393,702
9/30/2021 Sales tax receipts	512,196
10/31/2021 Sales tax receipts	430,032
11/30/2021 Sales tax receipts	430,332
12/31/2021 Sales tax receipts	<u>550,135</u>
12/31/2021 Ending balance	<u>\$ 12,491,500</u>

Respectfully submitted,

Sergio Sensi
Commissioner of Finance

Summary of Sales Tax Receipts

Month	2021-22			2020-21		
	Restricted	Unrestricted	Total	Restricted	Unrestricted	Total
July	\$ 421,172	\$ 3,790,549	\$ 4,211,721	\$ 350,530	\$ 3,154,771	\$ 3,505,301
August	393,702	3,543,321	3,937,023	365,028	3,285,256	3,650,284
September	512,196	4,609,764	5,121,960	319,582	2,876,235	3,195,817
October	430,032	3,870,292	4,300,324	394,342	3,549,080	3,943,422
November	430,332	3,872,984	4,303,316	379,631	3,416,681	3,796,312
December	<u>550,135</u>	<u>4,951,218</u>	<u>5,501,353</u>	<u>362,756</u>	<u>3,264,800</u>	<u>3,627,556</u>
Total	<u>\$ 2,737,569</u>	<u>\$ 24,638,128</u>	<u>\$ 27,375,697</u>	<u>\$ 2,171,869</u>	<u>\$ 19,546,823</u>	<u>\$ 21,718,692</u>

Glossary

Accrual Basis of Accounting – An accounting method where most transactions are recorded when they occur, regardless of when cash is received or disbursed. Items not practicably measurable until cash is received or disbursed are accounted for at that time in both commercial and governmental accounting, as may be items whose measurement would be approximately the same under either basis or which are immaterial.

Assigned Fund Balance – Amounts of fund balance that are constrained by the government's intent to be used for specific purposes, but are neither restricted nor committed, except for stabilization arrangements.

Capital Projects Funds – Capital projects funds are used to account for and report financial resources that are restricted, committed, or assigned to expenditure for capital outlays, including the acquisition or construction of capital facilities and other capital assets.

Cash Basis of Accounting – An accounting method where revenues and transfers in are not recorded in the accounts until cash is received and expenditures or expenses (as appropriate) and transfers out are recorded only when cash is disbursed.

Committed Fund Balance – Amounts of fund balance that can only be used for specific purposes pursuant to constraints imposed by formal action of the government's highest level of decision-making authority.

Debt Service Fund – Debt service funds are used to account for and report financial resources that are restricted, committed, or assigned to expenditure for principal and interest.

Enterprise Fund – Enterprise funds may be used to report any activity for which a fee is charged to external users for goods or services.

Fiduciary Fund – Fiduciary fund reporting focuses on net assets and changes in net assets. Fiduciary funds should be used to report assets held in a trustee or agency capacity for others and therefore cannot be used to support the government's own programs.

Fund – as used in fund accounting, a self-balancing set of accounts, segregated for specific purposes in accordance with laws and regulations or special restrictions and limitations.

Fund Accounting – an accounting system emphasizing accountability rather than profitability, used by non-profit organizations and governments.

General Fund – The general fund should be used to account for and report all financial resources not accounted for and reported in another fund.

Governmental Fund – Governmental fund reporting focuses primarily on the sources, uses and balances of current financial resources and often has a budgetary orientation. The governmental fund category includes the general fund, special revenue funds, capital projects funds, debt service funds and permanent funds.

Internal Service Fund – Internal service funds may be used to report any activity that provides goods or services to other funds, departments, or agencies of the primary government and its component units, or to other governments, on a cost-reimbursement basis.

Net Investment in Capital Assets – This component of net assets consists of capital assets, including restricted capital assets, net of accumulated depreciation and reduced by the outstanding balances of any bonds, mortgages, notes, or other borrowings that are attributable to the acquisition, construction, or improvement of those assets.

Modified Accrual Basis of Accounting – An accounting method where revenues are recognized in the accounting period in which they become available and measurable. Expenditures are recognized in the accounting period in which the fund liability is incurred, if measurable, except for unmatured interest on general long-term debt, which should be recognized when due.

Nonspendable Fund Balance – The nonspendable fund balance classification includes amounts that cannot be spent because they are either (a) not in spendable form or (b) legally or contractually required to be maintained intact.

Permanent Fund – Permanent funds should be used to account for and report resources that are restricted to the extent that only earnings, and not principal, may be used for purposes that support the reporting government's programs.

Proprietary Fund – Proprietary fund reporting focuses on the determination of operating income, changes in net assets (or cost recovery), financial position and cash flows. The proprietary fund category includes enterprise and internal service funds.

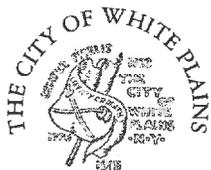
Restricted Fund Balance – Amounts of fund balance that are restricted to specific purposes. Fund balance should be reported as restricted when constraints placed on the use of resources are either: a) externally imposed by creditors (such as through debt covenants), grantors, contributors, or laws or regulations of other governments; or b) imposed by law through constitutional provisions or enabling legislation.

Restricted net assets – Net assets should be reported as restricted when constraints placed on net asset use are either a) externally imposed by creditors (such as through debt covenants), grantors, contributors, or laws or regulations of other governments, or b) imposed by law through constitutional provisions or enabling legislation.

Special Revenue Fund – Special revenue funds are used to account for and report the proceeds of specific revenue sources that are restricted or committed to expenditure for specified purposes other than debt service or capital projects.

Stabilization Arrangement – An arrangement where a government formally sets aside amounts for use in emergency situations or when revenue shortages or budgetary imbalances arise. Stabilization amounts may be expended only when certain specific circumstances exist.

Unassigned Fund Balance – Unassigned fund balance is the residual classification for the general fund. This classification represents fund balance that has not been assigned to other funds and that has not been restricted, committed, or assigned to specific purposes within the general fund.



DEPARTMENT OF BUDGET

Municipal Building - 255 Main Street - White Plains, New York 10601
TEL: (914) 422-1365 - Fax: (914) 422-1440

Thomas M. Roach
Mayor

James Arnett
Budget Director

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

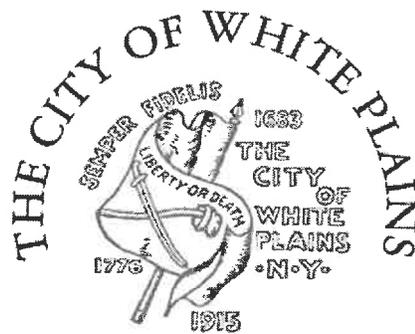
Submitted herewith is the Capital Improvement Program Status Report for the Quarter
ended December 31, 2021.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "James Arnett".

James Arnett
Budget Director

Dated: January 24, 2022



CAPITAL IMPROVEMENT PROGRAM STATUS REPORT

SIX MONTHS
ENDED DECEMBER 31, 2021

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INTRODUCTION

The purpose of this report is to provide the Mayor, the Common Council, the Capital Projects Board, City staff and the citizens of the City of White Plains, New York with an overview of the current status of the City's capital improvement efforts.

The report identifies projects that have been authorized by the Common Council and are in progress, and projects that have been approved by the Capital Projects Board and are in the review and design phase in preparation for Common Council authorization.

Financial summaries are also provided, which enable readers to gain insight into specific project financing as well as the overall mix of financing sources used to support the City's capital improvement program. The status of City indebtedness is provided as well.

OVERVIEW

Eleven new projects and two amended projects for fiscal year 2021-22 were authorized by the Common Council through December 31, 2021. These projects are presented on page 4 of this report and categorized as follows:

Description	Number of Projects		Total Cost
	New	Amended	
Rolling Stock	1	0	\$ 3,567,000
Information Technology	0	0	-
Buildings and Facilities	3	0	960,000
Streets	0	0	-
Storm Water Drains	0	0	-
Parking Facilities	1	0	757,500
Recreation and Parks Facilities	2	0	857,000
Water System	1	1	404,000
Sanitary Sewer System	1	0	909,000
Traffic System	0	0	-
Other Improvements	2	1	1,077,500
Total	11	2	\$ 8,532,000

As of December 31, 2021 there were 54 active projects with funding of \$76.0 million: \$11.2 million (14.8%) was financed from other cash sources (grants in aid and contributions); and \$64.8 million (85.2%) was financed by debt.

Twenty-seven projects are pending Common Council authorization as of December 31, 2021 in the following categories:

Information Technology	3	\$	450,000
Buildings	9		1,875,000
Streets	2		3,500,000
Storm Water Drains	2		950,000
Public Parking Facilities	3		700,000
Recreation and Parks Facilities	3		850,000
Water System	3		28,050,000
Sewer System	0		-
Traffic System	0		-
Other Projects	2		583,000
Total	27	\$	36,958,000

In the six months that ended December 31, 2021 the Common Council authorized the issuance of \$8,382,000 of debt. Total authorized indebtedness as of December 31, 2021 was \$201,403,153. Of this amount \$27,556,200 remains unissued.

SUMMARY REPORTS

PROJECT STATUS

**CITY OF WHITE PLAINS, NEW YORK
SUMMARY OF COMMON COUNCIL AUTHORIZATIONS
CAPITAL IMPROVEMENTS
DECEMBER 31, 2021**

DATE	PROJECT	NEW	AMENDED
07/06/21	C5578 Municipal Parking Structure Rehabilitation FY22	\$ 757,500	\$ -
07/06/21	C5579 Battle of White Plains Park Improvements	453,000	-
07/06/21	SW5580 Miscellaneous Sanitary Sewer Reconstruction FY 22	909,000	-
07/06/21	W5569 Water System SCADA/Cybersecurity Improvements	-	303,000
07/06/21	C5581 Rolling Stock Acquisition-Heavy Duty Vehicles FY22	3,567,000	-
07/06/21	C5565 Public Safety Radio Infrastructure Replacement	-	820,000
07/06/21	C5582 Public Safety-License Plate Readers	156,500	-
09/13/21	C5583 Renovations to City Facilities FY22	151,500	-
09/13/21	C5584 Renovations to Fire Facilities FY 21	51,000	-
09/13/21	C5585 Turnure Park Improvements	404,000	-
09/13/21	W5586 Hall Avenue Pump Station Generator	101,000	-
11/01/21	C5587 Police & Fire Electronic Device Replacement FY22	101,000	-
12/06/21	C5588 Heating Units City Garage 77 Brockway Place	757,500	-
		<u>\$ 7,409,000</u>	<u>\$ 1,123,000</u>
	NUMBER OF NEW PROJECTS	<u>11</u>	<u>2</u>

**CITY OF WHITE PLAINS, NEW YORK
SUMMARY STATUS REPORT
CAPITAL IMPROVEMENT PROGRAM
DECEMBER 31, 2021**

	Pending Common Council Authorization	Common Council Authorization (Active)
<u>INFORMATION TECHNOLOGY:</u>		
5553 Security Camera Integration and Expansion		X
Metropolitan Area Network Redundancy	X	
City-wide IT Infrastructure Replacement/Enhancement FY 21	X	
City-wide IT Infrastructure Replacement/Enhancement FY 22	X	
<u>BUILDINGS:</u>		
5457 City Hall Steam Pipe/Plumbing Repairs		X
5482 Library Interior Renovations First Floor		X
5501 Public Safety Building Bathrooms/Lockers Renovations		X
5510 Public Safety Building Exterior Renovations		X
5524 Library Interior Renovations Second Floor		X
5555 Community Buildings Rehabilitation		X
5556 Renovations to Fire Facilities FY 20		X
5572 Renovations to City Facilities FY 21		X
5583 Renovations to City Facilities FY 22		X
5584 Renovations to Fire Facilities FY22		X
5588 Heating Units - 77 Brockway Place		X
Renovations to Fire Facilities FY21	X	
City Hall Fire Alarm Replacement	X	
Public Safety Building Exterior Rehabilitation	X	
140 S. Kensico Roof Replacement/Exterior Brick	X	
140 S. Kensico Window & Ventilation Replacement	X	
Fire Station 2 Boiler Replacement	X	
Highway Garage Floor Membrane Replacement	X	
Library Building Exterior Rehabilitation Phase I	X	
City Garage Fire Alarm Rehabilitation	X	
<u>STREETS:</u>		
5503 White Plains Transit District Pedestrian and Bicycle Improvements		X
5514 Miscellaneous Street Reconstruction FY19		X
5541 Miscellaneous Street Reconstruction FY20		X
5562 Cemetery Road Bridge Crossing Rehabilitation		X
5577 Miscellaneous Street Reconstruction FY21		X
Reynal Road Reconstruction	X	
Miscellaneous Street Reconstruction FY22	X	
<u>STORM WATER DRAINS:</u>		
5551 Miscellaneous Storm Water Drains FY20		X
Miscellaneous Storm Water Drains FY21	X	
Miscellaneous Storm Water Drains FY22	X	
<u>PUBLIC PARKING FACILITIES:</u>		
5492 Municipal Parking Lot Rehabilitation FY 17		X
5550 Off-Street Multi-Space Meter Replacement		X
5561 Municipal Parking Structure Rehabilitation FY 20		X
5567 Municipal Parking Structure Rehabilitation FY 21		X
5578 Municipal Parking Structure Rehabilitation FY 22		X
Lex-Grove East & West Emergency Lighting	X	
Municipal Parking Lot Rehabilitation FY 21	X	
Municipal Parking Lot Rehabilitation FY 22	X	

**CITY OF WHITE PLAINS, NEW YORK
SUMMARY STATUS REPORT
CAPITAL IMPROVEMENT PROGRAM
DECEMBER 31, 2021**

	Pending Common Council Authorization	Common Council Authorization (Active)
<u>RECREATION AND PARKS FACILITIES:</u>		
5545 Druss Park Improvements		X
5559 Gillie Park Improvements		X
5571 Delfino Park Picnic Area Improvements		X
5579 Battle of White Plains Playground Replacement & Park Improvements		X
5585 Turnure Park Improvements		X
Gardella Park Pool Design	X	
Delfino Park Pavilion-Basketball Court Revision	X	
Renaissance Fountain Park Sidewalk & Plaza Improvements	X	
<u>WATER SYSTEM:</u>		
5396 Water Filtration Plant Design and Rehabilitation		X
5448 Fluoride Tank Replacement-Central Avenue Pump Station		X
5470 Species Management		X
5508 Replace/Reconstruct Miscellaneous Water Lines FY18		X
5532 4 MG Water Storage Tanks- Design/Construction		X
5533 24" Pressure Basin Replacement - Transmission Main		X
5569 Water System SCADA/Cybersecurity Improvements FY21-22		X
5574 Replace/Reconstruct Miscellaneous Water Lines FY21		X
5586 Hall Avenue PS Generator		X
Replace/Reconstruct Miscellaneous Water Lines FY22	X	
OSPS Dissolved Air Flotation Water Treatment Plant & Chemical System Upgrade	X	
OSPS Water Appurtenance Storage Building	X	
<u>SEWER SYSTEM:</u>		
5544 Miscellaneous Sanitary Sewer Reconstruction FY 20		X
5568 Miscellaneous Sanitary Sewer Reconstruction FY 21		X
5573 Winward Ave Sanitary Sewer Extension		X
5580 Miscellaneous Sanitary Sewer Reconstruction FY 22		X
<u>TRAFFIC SYSTEM:</u>		
5575 Local Controller Upgrades FY21		X
5576 Central Control System Replacement		X
<u>OTHER PROJECTS:</u>		
5521 Police and Fire Digital Scanning		X
5535 Brookfield Commons Improvements		X
5552 Electric Garbage Truck		X
5563 LED Lighting Improvements		X
5564 Kronos Telestaff		X
5565 Public Safety Radio Infrastructure Replacement		X
5570 Police and Fire Electronic Device Replacement FY21		X
5582 Major Crime Interception License Plate Readers		X
5587 Police and Fire Electronic Device Replacement FY22		X
Remediation of Fire Training Center	X	
Fire Station Access Control	X	
<u>ROLLING STOCK:</u>		
5566 Rolling Stock Acquisition-Heavy Duty Vehicles FY21		X
5581 Rolling Stock Acquisition-Heavy Duty Vehicles FY22		X
TOTAL PROJECT COUNTS	27	54

SUMMARY REPORTS

FINANCIAL SUMMARIES

**CITY OF WHITE PLAINS, NEW YORK
SUMMARY STATUS REPORT - ACTIVE PROJECTS
CAPITAL IMPROVEMENT PROGRAM
DECEMBER 31, 2021**

PROJECT NUMBER	PROJECT TITLE	Expenditures		Unencumbered	
		Authorized Budget	Obligated To Date	Funds Available	Percentage Used
<u>INFORMATION TECHNOLOGY:</u>					
5553	Security Camera Integration-Expansion	\$ 90,000	\$ 21,987	\$ 68,014	24.43%
		90,000	21,987	68,014	24.43%
<u>BUILDINGS:</u>					
5457	City Hall Steam Pipe/Plumbing Repairs	606,000	411,069	194,931	67.83%
5482	Library Interior Renovations First Floor	2,410,000	2,403,239	6,761	99.72%
5501	Public Safety Building Bathrooms/Lockers Renovations	353,500	347,718	5,782	98.36%
5510	Public Safety Building Exterior Renovations	757,500	551,085	206,415	72.75%
5524	Library Interior Renovations Second Floor	500,000	479,647	20,353	95.93%
5555	Community Buildings Rehab	76,000	32,495	43,505	42.76%
5556	Renovation to Fire Facilities	101,000	83,722	17,278	82.89%
5572	Renovations to City Facilities FY 21	101,000	92,072	8,928	91.16%
5583	Renovations to City Facilities FY 22	151,500	700	150,800	0.46%
5584	Renovation to Fire Facilities FY22	51,000	700	50,300	1.37%
5588	Heating Units - 77 Brockway Place	757,500	698,200	59,300	92.17%
		5,865,000	5,100,646	764,354	86.97%
<u>STREETS:</u>					
5503	White Plains Transit District Pedestrian and Bicycle Improvements	1,630,000	1,614,095	15,905	99.02%
5514	Miscellaneous Street Reconstruction FY19	1,493,700	1,492,353	1,347	99.91%
5541	Miscellaneous Street Reconstruction FY20	875,834	874,518	1,316	99.85%
5562	Cemetery Road Bridge Replacement	703,500	154,517	548,983	21.96%
5577	Miscellaneous Street Reconstruction FY21	3,007,000	2,873,856	133,144	95.57%
		7,710,034	7,009,339	700,695	198.93%
<u>STORM WATER DRAINS:</u>					
5551	Miscellaneous Storm Water Drains FY20	505,000	113,560	391,440	22.49%
		505,000	113,560	391,440	22.49%
<u>PUBLIC PARKING FACILITIES:</u>					
5492	Municipal Parking Lot Rehabilitation FY 17	404,000	99,062	304,938	24.52%
5550	Off Street Multi-Space Meters	353,500	288,979	64,521	81.75%
5561	Municipal Parking Structure Rehabilitation FY20	505,000	500,922	4,078	99.19%
5567	Municipal Parking Structure Rehabilitation FY21	505,000	482,918	22,082	95.63%
5578	Municipal Parking Structure Rehabilitation FY22	757,500	465,708	291,792	61.48%
		2,525,000	1,837,589	687,411	72.78%
<u>RECREATION AND PARKS FACILITIES:</u>					
5545	Druss Park Improvements	525,200	479,763	45,438	91.35%
5559	Gillie Park Improvements	404,000	382,674	21,326	94.72%
5571	Delfino Park Improvements	170,000	160,907	9,094	94.65%
5579	Battle of White Plains Park Improvements	453,000	445,375	7,625	98.32%
5585	Turnure Park Improvements	404,000	108,729	295,271	26.91%
		1,956,200	1,577,448	378,752	80.64%
<u>WATER SYSTEM:</u>					
5396	Water Filtration Plant Design and Rehabilitation	2,272,500	2,261,241	11,259	99.50%
5448	Fluoride Tank Replacement-Central Avenue Pump Station	1,212,000	1,205,953	6,047	99.50%
5470	Species Management	489,850	286,079	203,771	58.40%
5508	Replace/Reconstruct Miscellaneous Water Lines FY18	2,777,500	2,764,070	13,430	99.52%
5532	4 MG Water Storage Tanks- Design/Construction	21,210,000	18,524,437	2,685,563	87.34%
5533	24" Pressure Basin Replacement	3,030,000	2,711,191	318,809	89.48%
5569	Water System Security Improvements	707,000	340,026	366,974	48.09%
5574	Replace/Reconstruct Miscellaneous Water Lines FY21	6,815,000	4,082,529	2,732,471	59.91%
5586	Hall Avenue PS Generator	101,000	92,703	8,297	91.79%
		38,614,850	32,268,229	6,346,621	83.56%

**CITY OF WHITE PLAINS, NEW YORK
SUMMARY STATUS REPORT - ACTIVE PROJECTS
CAPITAL IMPROVEMENT PROGRAM
DECEMBER 31, 2021**

PROJECT NUMBER	PROJECT TITLE	Authorized Budget	Expenditures Obligated To Date	Unencumbered Funds Available	Percentage Used
<u>TRAFFIC SYSTEM:</u>					
5575	Local Controller Upgrades FY21	71,000	894	70,106	1.26%
5576	Central Control System Upgrade	303,000	75,305	227,695	24.85%
		<u>374,000</u>	<u>76,199</u>	<u>297,801</u>	<u>20.37%</u>
<u>SEWER SYSTEM:</u>					
5544	Miscellaneous Sanitary Sewer Reconstruction FY 20	909,000	903,643	5,357	99.41%
5568	Miscellaneous Sanitary Sewer Reconstruction FY 21	909,000	901,368	7,632	99.16%
5573	Windward Avenue Sewer Extension	454,500	281,493	173,007	61.93%
5580	Miscellaneous Sanitary Sewer Reconstruction FY 22	909,000	3,967	905,033	0.44%
		<u>3,181,500</u>	<u>2,090,471</u>	<u>1,091,029</u>	<u>65.71%</u>
<u>OTHER PROJECTS:</u>					
5521	Police and Fire Digital Scanning	46,000	22,389	23,611	48.67%
5535	Brookfield Commons Improvements	4,400,000	4,237,211	162,789	96.30%
5552	Electric Garbage Truck	338,000	315,200	22,800	93.25%
5563	LED Lighting Improvements	1,216,300	1,205,729	10,571	99.13%
5564	Kronos Telestaff	86,000	65,389	20,611	76.03%
5565	Public Safety Radio Infrastructure Replacement	2,557,200	1,755,470	801,730	68.65%
5570	Police and Fire Electronic device replacement 21	101,000	100,326	674	99.33%
5582	Major Crime Interception License Plate Readers	156,500	145,795	10,705	93.16%
5587	Police and Fire Electronic Device Replacement FY22	101,000	1,071	99,929	1.06%
		<u>9,002,000</u>	<u>7,848,580</u>	<u>1,153,420</u>	<u>87.19%</u>
<u>ROLLING STOCK:</u>					
5566	Rolling Stock Acquisition-Heavy Duty Vehicles FY21	2,631,000	2,591,029	39,971	98.48%
5581	Rolling Stock Acquisition-Heavy Duty Vehicles FY22	3,567,000	2,808,721	758,279	78.74%
		<u>6,198,000</u>	<u>5,399,750</u>	<u>798,250</u>	<u>87.12%</u>
TOTAL PROJECTS FINANCIAL SUMMARY		<u>76,021,584</u>	<u>63,343,796</u>	<u>12,677,788</u>	<u>83.32%</u>

CITY OF WHITE PLAINS, NEW YORK
SUMMARY REPORT OF ACTIVE CAPITAL PROJECTS FINANCING
DECEMBER 31, 2021

<u>Source of Financing</u>	<u>Amount of Financing</u>	<u>Percent of Total</u>
Cash to Capital		
General Fund	\$ -	0.00%
Total Cash to Capital	<u>-</u>	<u>0.00%</u>
Other:		
Cable TV	-	0.00%
Community Development	320,000	0.42%
NYS CHIPS	2,318,233	3.05%
NYS DOT	1,211,320	1.59%
NYSERDA	-	0.00%
NYS Education Department	140,591	0.18%
NYS Pave NY and Extreme Weather	943,101	1.24%
Westchester County	4,400,000	5.79%
Library Foundation	400,000	0.53%
Contributions	1,519,009	2.00%
Total Other	<u>11,252,254</u>	<u>14.80%</u>
Debt Issued - Serial Bonds	<u>64,769,330</u>	<u>85.20%</u>
TOTAL ACTIVE PROJECTS FINANCING	<u><u>76,021,584</u></u>	<u><u>100.00%</u></u>

CITY OF WHITE PLAINS, NEW YORK
PROJECTS PENDING COMMON COUNCIL AUTHORIZATION
DECEMBER 31, 2021

	Planned Funding Source			Total Planned
	Debt	Cash	Other	Funding Amount
<u>INFORMATION TECHNOLOGY:</u>				
City-wide IT Infrastructure Replacement/Enhancement FY 21	\$ 250,000	-	-	\$ 250,000
City-wide IT Infrastructure Replacement/Enhancement FY 22	\$ 125,000	-	-	\$ 125,000
Metropolitan Area Network Redundancy	75,000	-	-	75,000
	450,000	-	-	450,000
<u>BUILDINGS:</u>				
Renovations to Fire Facilities FY21	50,000	-	-	50,000
City Hall Fire Alarm Replacement	175,000	-	-	175,000
Public Safety Building Exterior Rehabilitation	400,000	-	-	400,000
140 S. Kensico Roof Replacement/Exterior Brick	200,000	-	-	200,000
140 S. Kensico Window & Ventilation Replacement	350,000	-	-	350,000
Fire Station 2 Boiler Replacement	200,000	-	-	200,000
Highway Garage Floor Membrane Replacement	50,000	-	-	50,000
Library Building Exterior Rehabilitation Phase I	400,000	-	-	400,000
City Garage Fire Alarm Rehabilitation	50,000	-	-	50,000
	1,875,000	-	-	1,875,000
<u>STREETS:</u>				
Reynal Road Reconstruction	500,000	-	-	500,000
Miscellaneous Street Reconstruction FY22	2,015,666	-	984,334	3,000,000
	2,515,666	-	984,334	3,500,000
<u>STORM WATER DRAINS:</u>				
Miscellaneous Storm Water Drains FY21	450,000	-	-	450,000
Miscellaneous Storm Water Drains FY22	500,000	-	-	500,000
	950,000	-	-	950,000
<u>PUBLIC PARKING FACILITIES:</u>				
Lex-Grove East & West Emergency Lighting	100,000	-	-	100,000
Municipal Parking Lot Rehabilitation FY 21	400,000	-	-	400,000
Municipal Parking Lot Rehabilitation FY 22	200,000	-	-	200,000
	700,000	-	-	700,000
<u>RECREATION AND PARKS FACILITIES:</u>				
Gardella Park Pool design	-	-	150,000	150,000
Delfino Park Pavillion - Basketball Court Revision	-	-	500,000	500,000
Renaissance Fountain Park Sidewalk & Plaza Improvements	200,000	-	-	200,000
	200,000	-	650,000	850,000
<u>WATER SYSTEM:</u>				
Replace/Reconstruct Miscellaneous Water Lines FY22	2,900,000	-	-	2,900,000
OSPS Dissolved Air Flotation Water Treatment Plant & Chemical	25,000,000	-	-	25,000,000
OSPS Water Appurtenance Storage Building	150,000	-	-	150,000
	28,050,000	-	-	28,050,000
<u>OTHER PROJECTS:</u>				
Remediation of Fire Training Center	250,000	-	250,000	500,000
Fire Station Access Control	83,000	-	-	83,000
	333,000	-	250,000	583,000
TOTAL PENDING PROJECTS FINANCIAL SUMMARY	35,073,666	-	1,884,334	36,958,000

**CITY OF WHITE PLAINS, NEW YORK
SUMMARY OF DEBT AUTHORIZATION
DECEMBER 31, 2021**

PROJECT	Date of CC Auth.	Tax Supported	Self Liquidating	Total
C5578 Municipal Parking Structure Rehabilitation FY22	07/06/21	\$ 757,500	\$ -	\$ 757,500
C5579 Battle of White Plains Park Improvements	07/06/21	303,000	-	303,000
SW5580 Miscellaneous Sanitary Sewer Reconstruction FY 22	07/06/21	-	909,000	909,000
W5569 Water System SCADA/Cybersecurity Improvements	07/06/21	-	303,000	303,000
C5581 Rolling Stock Acquisition-Heavy Duty Vehicles FY22	07/06/21	3,567,000	-	3,567,000
C5565 Public Safety Radio Infrastructure Replacement	07/06/21	820,000	-	820,000
C5582 Public Safety-License Plate Readers	07/06/21	156,500	-	156,500
C5583 Renovations to City Facilities FY22	09/13/21	151,500	-	151,500
C5584 Renovations to Fire Facilities FY 22	09/13/21	51,000	-	51,000
C5585 Turnure Park Improvements	09/13/21	404,000	-	404,000
W5586 Hall Avenue Pump Station Generator	09/13/21	-	101,000	101,000
C5587 Police & Fire Electronic Device Replacement FY22	11/01/21	101,000	-	101,000
C5588 Heating Units City Garage 77 Brockway Place	12/06/21	757,500	-	757,500
		<u>\$ 7,069,000</u>	<u>\$ 1,313,000</u>	<u>\$ 8,382,000</u>

CITY OF WHITE PLAINS, NEW YORK
SUMMARY OF AUTHORIZED AND OUTSTANDING DEBT
DECEMBER 31, 2021

FISCAL YEAR	SERIAL BOND	BOND	ENERGY	TOTAL	PERCENTAGE AUTHORIZED		TOTAL
		ANTICIPATION NOTES	PERFORMANCE CONTRACT		DEBT LIMIT EXHAUSTED	BUT UNISSUED	
1996-1997	\$ 52,235,000	\$ 2,335,000	\$ -	\$ 54,570,000	22.43%	\$ 6,480,000	\$ 61,050,000
1997-1998	49,432,700	2,415,000	-	51,847,700	20.26%	3,020,000	54,867,700
1998-1999	44,829,098	1,592,000	-	46,421,098	19.25%	5,385,000	51,806,098
1999-2000	41,749,098	2,654,000	-	44,403,098	17.98%	5,635,000	50,038,098
2000-2001	38,254,098	3,991,000	-	42,245,098	23.31%	25,050,000	67,295,098
2001-2002	62,342,098	-	-	62,342,098	22.04%	5,010,000	67,352,098
2002-2003	62,637,700	-	-	62,637,700	18.92%	2,250,000	64,887,700
2003-2004	66,299,700	2,230,000	-	68,529,700	18.60%	3,412,000	71,941,700
2004-2005	67,783,700	4,735,500	-	72,519,200	17.50%	4,290,000	76,809,200
2005-2006	67,059,700	4,428,000	-	71,487,700	14.41%	2,915,000	74,402,700
2006-2007	71,551,500	2,049,375	-	73,600,875	15.07%	24,950,000	98,550,875
2007-2008	88,561,000	3,273,750	-	91,834,750	13.78%	8,517,800	100,352,550
2008-2009	82,815,000	9,530,200	-	92,345,200	15.61%	9,849,225	102,194,425
2009-2010	87,656,825	8,400,000	-	96,056,825	15.52%	10,024,675	106,081,500
2010-2011	82,188,000	18,099,650	-	100,287,650	16.81%	15,420,125	115,707,775
2011-2012	106,606,555	-	-	106,606,555	21.25%	36,195,125	142,801,680
2012-2013	110,542,555	-	-	110,542,555	23.54%	37,468,075	148,010,630
2013-2014	136,675,800	-	-	136,675,800	25.57%	12,702,350	149,378,150
2014-2015	154,452,742	-	-	154,452,742	31.01%	17,665,250	172,117,992
2015-2016	156,406,201	-	-	156,406,201	32.00%	19,022,650	175,428,851
2016-2017	160,170,901	-	-	160,170,901	30.88%	11,999,400	172,170,301
2017-2018	148,693,901	-	3,217,627	151,911,528	31.40%	29,454,650	181,366,178
2018-2019	158,955,351	-	2,934,160	161,889,511	35.49%	43,093,750	204,983,261
2019-2020	180,045,001	-	2,643,245	182,688,246	30.16%	14,729,300	197,417,546
July	180,045,000	-	2,618,658	182,663,658	30.20%	14,981,800	197,645,458
August	188,510,000	-	2,594,015	191,104,015	29.75%	3,644,000	194,748,015
September	186,010,000	-	2,569,315	188,579,315	30.05%	8,098,200	196,677,515
October	186,010,000	-	2,544,559	188,554,559	30.43%	10,598,700	199,153,259
November	186,010,000	-	2,519,745	188,529,745	30.42%	10,598,700	199,128,445
December	186,010,000	-	2,494,875	188,504,875	30.43%	10,699,700	199,204,575
January	185,785,001	-	2,469,949	188,254,950	30.40%	10,699,700	198,954,650
February	182,220,001	-	2,444,964	184,664,965	29.85%	10,699,700	195,364,665
March	180,740,001	-	2,419,923	183,159,924	29.62%	10,699,700	193,859,624
April	179,750,001	-	2,394,824	182,144,825	30.65%	18,444,200	200,589,025
May	176,845,001	-	2,369,668	179,214,669	30.20%	18,444,200	197,658,869
June	175,285,000	-	2,344,454	177,629,454	30.07%	19,174,200	196,803,654
July	175,285,000	-	2,319,183	177,604,183	29.62%	25,990,200	203,594,383
August	175,285,000	-	2,293,853	177,578,853	29.62%	25,990,200	203,569,053
September	172,855,000	-	2,268,465	175,123,465	29.36%	26,697,700	201,821,165
October	172,855,000	-	2,243,020	175,098,020	29.36%	26,697,700	201,795,720
November	171,655,000	-	2,217,515	173,872,515	29.20%	26,798,700	200,671,215
December	171,655,000	-	2,191,953	173,846,953	29.30%	27,556,200	201,403,153