



**COMMON COUNCIL  
AGENDA  
REGULAR STATED MEETING  
MARCH 4, 2019  
7:30 PM**

**PLEDGE TO THE FLAG:** Hon. Justin Brasch

**ROLL CALL:** City Clerk

**APPOINTMENTS:**

1. Communication from the Mayor in relation to the appointment of Richard Payne member of the Planning Board to a term which will expires on December 31, 2024. **F/S/A**

**LOCAL LAWS:**

2. Public Hearing in relation to a Local Law to amend Section 33 of Article III of the Charter of the City of White Plains in relation to ordinances and appropriation of money; franchises. **OPENED/CLOSED**
3. Introductory Local Law No. 1 for 2019. A Local Law to amend Section 33 of Article III of the Charter of the City of White Plains in relation to ordinances and appropriation of money; franchises. **ADOPTED 6 - 0.**  
**ABSENT: Mr. Martin**
4. Communication from Corporation Counsel in relation to a proposed amendment to the Municipal Code by amending Title IX, Sections 9-6-3 and 9-6-7 of the White Plains Municipal Code entitled, "Historic Preservation." **F/S**
5. Introductory Local Law No. 2 of 2019. A Local Law amending Title IX of the White Plains Municipal Code by amending Sections 9-6-3 and 9-6-7 of the White Plains Municipal Code entitled "Historic Preservation."  
**OFFERED ONLY**

6. Resolution of the Common Council of the City of White Plains scheduling a public hearing for April 1, 2019, in relation to Local Law Introductory No. 2 of 2019 entitled, "A Local Law amending Title IX of the White Plains Municipal Code by amending Section 9-6-3 and 9-6-7 of the White Plains Municipal Code entitled "Historic Preservation." **ADOPTED**

## **ADJOURNED**

### **PUBLIC HEARING:**

7. Public Hearing in relation to the petition submitted on behalf of WP Development NB, Inc., to amend the Zoning Ordinance to create a new Planned Residential Development Zoning District and amend the Zoning Map classification from RM-1.5 to Planned Residential Development, and the Draft Environmental Impact Statement. **OPENED/ADJOURNED TO APRIL 1, 2019**

### **PUBLIC HEARINGS:**

8. Public Hearings in relation to applications for site plan and special permit approvals submitted on behalf of the Windward School for a Special Permit for a "private elementary school" at 1275 Mamaroneck Avenue, White Plains, which is an environmentally sensitive site as defined by Chapter 3-5 of the White Plains Municipal Code. **OPENED CLOSED**
9. Public Hearings in relation to an application submitted on behalf of N.P. RPW Westchester JV LLC, for a Zoning Map Amendment and site plan approval to overlay the Planned Campus Development District (PCD) to be known as "The Flats" at 1133 Westchester Avenue, in order to develop a multi-family residential project consisting of three five story buildings, 303 rental units, grade parking, an outdoor swimming pool and fitness center. **OPENED/ ADJOURNED TO APRIL 1, 2019.**

## **FIRST READING**

### **ORDINANCES:**

10. Communication from Corporation Counsel in relation to the settlement of certain tax review proceedings. **F/S**
11. Ordinance authorizing the settlement of certain tax review proceedings. **ADOPTED 7 - 0 .**
12. Communication from Corporation Counsel in relation to the release of a restrictive covenant imposed upon property at 2 Hunting Ridge Road. **F/S**
13. Communications from Commissioner of Planning. **F/S**

14. Deputy Commissioner of Parking **F/S**
15. Ordinance of the Common Council of the City of White Plains releasing a restrictive covenant in favor of the City of White Plains with respect to 2 Hunting Ridge Road. **ADOPTED 7 - 0**
16. Communication from Corporation Counsel in relation to an application made on behalf of Crown Atlantic Company LLC, for co-location by Gamma Purchasing, L.L.C., to install three antennas and related equipment located on property owned by the City of White Plains. **F/S**
17. Ordinance approving the application made on behalf of Crown Atlantic Company LLC (“Crown”) for co-location by Gamma Purchasing L.L.C., to install three antennas and related equipment at the existing communications facility of Crown located on certain real property owned by the City of White Plains, pursuant to Section 17 of a certain lease agreement, dated May 11, 1995, between the City of White Plains and New York SMSA Limited Partnership, as amended to date. **ADOPTED 7 7 - 0**
18. Communications from Chairman, Capital Projects Board, in relation to Capital Project No. C5537, entitled Library Building Exterior Rehabilitation. **F/S**
19. Communication from Environmental Officer. **F/S**
20. Environmental Findings Resolution **ADOPTED**
21. Ordinance of the Common Council of the City of White Plains to amend the Capital Projects Fund by establishing Capital Project No. C5537, entitled Library Building Exterior Rehabilitation. **ADOPTED 7 - 0**
22. Bond Ordinance dated March 4, 2019, authorizing the issuance of \$151,500 aggregate principal amount serial bonds of the City of White Plains, County of Westchester, State of New York, to finance the cost of the construction or reconstruction of City-owned buildings. **ADOPTED 7-0**
23. Communications from Chairman, Capital Projects Board, in relation to Capital Project No. C5536, entitled Renovations to Fire Facilities FY 19. **F/S**
24. Communication from Environmental Officer. **F/S**
25. Environmental Findings Resolution **ADOPTED**
26. Ordinance of the Common Council of the City of White Plains to amend the Capital Projects Fund by establishing Capital Project No. C5536, entitled Renovations to Fire Facilities FY 2019. **ADOPTED 7 - 0**

27. Bond Ordinance dated March 4, 2019, authorizing the issuance of \$202,000 aggregate principal amount serial bonds of the City of White Plains, County of Westchester, State of New York, to finance the cost of the construction or reconstruction of City-owned buildings. **ADOPTED 7-0**
28. Communications from Chairman, Capital Projects Board, in relation to Capital Project No. C5510, entitled Public Safety Building Exterior Rehabilitation. **F/S**
29. Communication from Environmental Officer. **F/S**
30. Environmental Findings Resolution **ADOPTED**
31. Ordinance of the Common Council of the City of White Plains to amend the Capital Projects Fund by amending Capital Project No. C5510, entitled Public Safety Building Exterior Rehabilitation. **ADOPTED 7 - 0**
32. Bond Ordinance dated March 4, 2019, authorizing the issuance of \$202,000 aggregate principal amount serial bonds of the City of White Plains, County of Westchester, State of New York, to finance the cost of the construction or reconstruction of City-owned buildings. **ADOPTED 7-0**
33. Communication from Commissioner of Public Works in relation to an agreement with Amanda's Lane, LLC, to provide the City with a twelve foot wide water main easement over a portion of 18 Harmon Street. **F/S**
34. Ordinance accepting a twelve foot wide water main easement tendered by Amanda's Lane, LLC, over a portion of 18 Harmon Street (also a part of Section 125.65, Block 6, Lot 6.11 on the Tax Assessment Maps of the City of White Plains). **ADOPTED 7 - 0**
35. Communication from Commissioner of Finance in relation to the acceptance of the 2019-2020 Budget for the White Plains Downtown Business Improvement District and authorizing the preparation of an assessment roll based thereon. **F/S**
36. Ordinance accepting the 2019-2020 Budget for the White Plains Downtown Business Improvement District and directing the preparation of an assessment roll based thereon. **ADOPTED 7 - 0**
37. Communication from Commissioner of Recreation and Parks in relation to a donation of dog play apparatus to be installed at the Bark Park. **F/S**
38. Ordinance of the Common Council of the City of White Plains authorizing the Mayor to accept on behalf of the City of White Plains, a donation of dog play apparatus to be installed at the Bark Park. **ADOPTED 7 - 0**

39. Communication from Deputy Director, Youth Bureau, in relation to a contract with Career Visions Institute, Ltd., to administer and teach the Saturday Academy Boys and Girls Groups. **F/S**
40. Ordinance of the Common Council of the City of White Plains, authorizing the Mayor, or his designee, to enter into a contract on behalf of the City, with Career Visions Institute, Ltd., to administer and teach the Saturday Academy Boys and Girls Groups the sexual risk avoidance education program curriculum. **ADOPTED 7 - 0**
41. Communication from Deputy Director, Youth Bureau, in relation to a contract award from Westchester Putnam Workforce Investment Board to provide Summer Employment Services to a minimum of thirty Youth ages 18 - 24. **F/S**
42. Ordinance of the Common Council of the City of White Plains authorizing the Mayor, or his designee (acting by and through the Youth Bureau), to enter into a contract with the County of Westchester (acting on behalf of the Westchester Putnam Workforce Investment Board), to receive \$5,000 in funding to provide private sector Summer Employment Services to youth 18 yo 24 years of age for the period April 1, 2019 to September 30, 2019. **ADOPTED 7 - 0**
43. Communication from Personnel Director in relation to a three year contract between the City and Enterprise Training Solutions to provide New York State mandated training for City employees on Anti-Sexual Harassment and Bullying/Violence in the Workplace Training. **F/S**
44. Ordinance of the Common Council of the City of White Plains authorizing 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. **ADOPTED 7 - 0**
45. Communication from Deputy Commissioner of Traffic in relation to amendments to the Traffic Ordinance at various locations around the City. **F/S**
46. Ordinance amending the Traffic Ordinance of the City of White Plains in relation to adding a "No Parking Zone" on the south side of Gene Place, and modifying a "Handicapped Parking Spaces - Streets (Non-Metered)" on the south of Oakley Avenue. **ADOPTED 7 - 0**

#### **RESOLUTIONS:**

47. Communication from Corporation Counsel in relation to the scheduling of a public hearing for April 1, 2019, in relation to a petition to amend the Zoning Ordinance submitted on behalf of 37 DeKalb Owner, LLC, to establish a new

Special Permit Use in the R2-2.5 District to permit the adaptive reuse of 37 DeKalb Avenue (a former nursing home) for 21 multifamily rental units. **F/S**

48. Communication from Planning Board **F/S**
49. Communication from the City Clerk. **FILE, SPREAD AND REFERRED TO LAW, BUILDING DEPT., PLANNING DEPT., PLANNING BOARD, PUBLIC SAFETY, PUBLIC WORKS, TRAFFIC DIVISION, TRANSPORTATION COMMISSION, PARKING DEPARTMENT, WESTCHESTER COUNTY PLANNING BOARD, AND ENVIRONMENTAL OFFICER.**
50. Resolution of the Common Council of the City of White Plains scheduling a public hearing for April 1, 2019, in relation to the petition submitted on behalf of 37 DeKalb Owner, LLC, to establish multi-family residential use as a Special Permit Use in the R2-2.5 One and Two Family Residential Zoning District. **ADOPTED**
51. Communication from Corporation Counsel in relation to authorization to commence legal proceedings against a tenant in the White Plains Education and Training Center. **F/S**
52. Resolution of the Common Council of the City of White Plains authorizing the commencement of legal proceedings against a tenant of the City. **ADOPTED**
53. Communication from Commissioner of Recreation and Parks in relation to a non-exclusive license agreement between the City and Bensidoun USA, Inc., for the purpose of operating the Farmer's Market and Winterfest Market on real property owned by the City. **F/S**
54. Resolution of the Common Council of the City of White Plains authorizing the Mayor or his designee to enter into a non-exclusive license agreement between the City of White Plains and Bensidoun USA, Inc., for the purpose of operating the Farmers Market and Winterfest Market on real property owned by the City. **ADOPTED**
55. Communication from the Mayor in relation to the Certification of a Home Rule Request seeking enactment of State Legislation to extend the Sunset Provision regarding the Local Sales Tax retained by the City of White Plains. **F/S**
56. Resolution authorizing the Certification of a Home Rule Request seeking enactment of State Legislation amending Section 1210 of the Tax Law to extend the Sunset Provision in relation to the Local Sales Tax retained by the City of White Plains (Assembly Bill No.A.5246) (Senate Bill No.S.2669). **ADOPTED**

57. Communication from Corporation Counsel in relation to Westchester County Industrial Development Agency's issuance of sales tax and tax exemptions to construct 127 residential units at 97-111 and 100-114 Hale Avenue, on behalf of Hale WP Owner, LLC, by a straight lease of the property. **F/S**
58. Resolution of no objection to Westchester County Industrial Development Agency's issuance of sales tax and tax exemptions to construct 127 residential units at 97-111 and 100-114 Hale Avenue, on behalf of Hale WP Owner, LLC, by a straight lease of the property. **ADOPTED**

**ITEMS 59 - 69 F/S**

59. Communication from Commissioner of Building in relation to an amended site plan and special permit application submitted on behalf of Lennar Multifamily Communities and Maple and Broadway Holding for the development of 60 South Broadway for a mixture of multi-family residential units and retail space.

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| 60. | <u>Communications</u> from | Design Review Board                   |
| 61. |                            | Commissioner of Planning              |
| 62. |                            | Planning Board                        |
| 63. |                            | Commissioner of Public Safety         |
| 64. |                            | Commissioner of Public Works          |
| 65. |                            | Deputy Commissioner, Traffic Division |
| 66. |                            | Transportation Commission             |
| 67. |                            | Commissioner of Parking               |
| 68. |                            | Westchester County Planning Board     |
| 69. |                            | Environmental Officer                 |

70. Environmental Findings Resolution **ADOPTED 6 - 1. NAY MRS. LECUONA**

71. Resolution of the Common Council of the City of White Plains approving the application submitted on behalf of LMC/Lennar Multifamily Communities, LLC, acting through Maple and Broadway Holdings, LLC, the owner of the premises located at 60 South Broadway, for an amended site plan approval for the proposed redevelopment of 60 South Broadway, originally adopted by resolution of the Common Council on February 1, 2016, and extended by resolutions adopted November 7, 2016, and March 5, 2018 further with the payment by the applicants of fee-in-lieu in the amount of \$1,319,883 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. **ADOPTED 6 - 0 NAY MRS. LECUONA.**

**ITEMS FOR REFERRAL:**

72. Communication from Commissioner of Planning in relation to amending the Zoning Ordinance Definition of "Recreation Facilities" to include "Electronic Games," Lazer Tag, Esports, and Virtual Reality Games/Rides; and allow

Commercial Indoor "Recreation Facilities" as a Permitted Principal Use in the B-6 Zoning District. **FILE, SPREAD AND REFERRED TO LAW, PLANNING BOARD AND ENVIRONMENTAL OFFICER.**

73. Communication from Commissioner of Planning in relation amending the Zoning Ordinance in relation to amending Section 10.4.4, Notice of Hearing Before the Board, and Section 12.7, Notice of Hearing, to require posting of signage noticing a public hearing on a subject property. **FILE, SPREAD AND REFERRED TO LAW, PLANNING BOARD AND ENVIRONMENTAL OFFICER.**
  
74. Communication from Commissioner of Planning in relation to the adoption of the new Affordable Housing Rental Program (ARHP) Regulations as Chapter 9-7 of the Municipal Code and amending certain sections of the Zoning Ordinance regarding Affordable Housing. **FILE/ SPREAD AND REFERRED TO LAW, PLANNING BOARD AND ENVIRONMENTAL OFFICER.**
  
75. Communication from Budget Director transmitting the Capital Improvement Status Report for the period ending December 31, 2018. **F/S AND FILE ATTACHMENT.**