

"THE BIRTHPLACE OF THE STATE OF NEW YORK"
OFFICE OF THE MAYOR

THOMAS M. ROACH
MAYOR

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TO THE HONORABLE MEMBERS OF THE COMMON COUNCIL

I am pleased to announce the appointment of the following as members to the Youth Board: Ana Hall-Willis for a term expiring on December 31, 2025; Sylvester Price for a term expiring on December 31, 2023, and Vincent Fields for a term expiring on December 31, 2025.

Sincerely,

Thomas M. Roach
Mayor

Dated: December 2, 2022



PLANNING DEPARTMENT

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THOMAS M. ROACH
MAYOR

CHRISTOPHER N. GOMEZ, AICP
COMMISSIONER

JUDITH MEZEY
DEPUTY COMMISSIONER

TO: THE HONORABLE MAYOR AND MEMBERS OF THE COMMON COUNCIL

**SUBJECT: 1133 WESTCHESTER AVENUE
SECTION 131.20, BLOCK 1, LOT 1.11
APPLICATION FOR MASTER PLAN AMENDMENT, SITE PLAN
AMENDMENT AND SPECIAL PERMIT APPROVAL**

By letter dated September 16, 2022, Janet J. Giris, on behalf of Voda Solar Resources, LLC (the “Applicant”), submitted an application to amend a Master Plan and Site Plan Approval that was granted by the Common Council on May 6, 2019 at 1133 Westchester Avenue. The property consists of approximately 70 acres and is located on the westerly side of Westchester Avenue eastbound, in the Planned Campus Development District (PCDD), which is an overlay to the Campus Office (C-O) Zoning District. In addition to the residential development, which is currently under construction and nearing completion, there is an existing 529,000 square foot, multi-tenant office complex with associated surface parking areas. The office complex area comprises approximately 55 acres.

The property is located in a Special “S” Zone and is considered an Environmentally Sensitive Site as it contains steep slopes in excess of 20%, rock outcroppings, and both federally and locally regulated wetland areas.

The proposed site plan amendment includes the installation of high energy producing solar parking canopies over existing, on-site surface parking lots. Pursuant to Section 4.4.21.12 of the Zoning Ordinance, the installation of a solar parking canopy with a nameplate generating capacity of 1,000 kilowatts or greater requires a special permit by the Common Council and is subject to an additional set of requirements outlined in Section 6.7.35.

I. PROJECT AMENDMENT SUMMARY

Applicant seeks to install approximately 229,450 square feet of solar parking canopies in three (3) separate parking areas within the site. In order to analyze the proposal for zoning compliance purposes the Planning Department has labeled each surface parking area, as follows:

- “Area 1”: 49,706 square feet (within the parking lot between the newly constructed “Halden” and the office building complex)
- “Area 2”: 48,439 square feet (adjacent to Maple Moor Golf Course)
- “Area 3”: 131,305 square feet (behind the office buildings, across from Dreier Lane)

The solar parking canopies will have a maximum height of approximately 23 feet, measured from the base of the support structure to the highest point of the solar panels when oriented at maximum tilt. A minimum vertical clearance height of 16 feet, 4 inches is provided, to allow for adequate vehicle parking, emergency access, and maneuverability. The project will generate approximately 4,117.94 kW DC and 3,375 kW AC in solar energy.

Pursuant to Section 4.4.21.11 of the Zoning Ordinance, and subject to the approval by the Building Commissioner, the Applicant also proposes to install solar panels on the roof of the existing office building.

Other than the proposed installation of solar parking canopies, the Master Plan and Site Plan, as approved, remain unchanged and in compliance with the Comprehensive Plan, the Special “S” Zone and Sections 5.9 and 7.5 of the Zoning Ordinance.

The Planning Department has reviewed the proposed amendment for compliance with the Comprehensive Plan, Section 4.4.21 “Solar Energy System”, Section 6.5 Special Permit Standards, and Section 6.7.35 “Solar Parking Canopy” with a nameplate generating capacity of 1,000 kilowatts or greater, and offers the following comments and recommendations for Common Council consideration:

II. COMPREHENSIVE PLAN CONSISTENCY

The proposed Master and Site Plan amendment and the special permit request are consistent with the goals set forth by the 1997 and 2006 Update to the Comprehensive Plan and the 2012 Amendment to the Comprehensive Plan. Specifically, the Plan recommended that the City support energy efficiency strategies including the use of renewable energy resources and smart growth principals.

Further, White Plains has established itself as a regional leader in developing and implementing clean energy projects and sustainability measures. In 2014, the Council adopted the New York State Unified Solar Permit, resulting in over 400 roof-mounted solar panels on commercial and residential structures citywide. Further, the Common Council has transformed eight (8) City-owned facilities to urban renewable energy production sites. With a maximum generating capacity

of 8.1 MW, these facilities produce enough clean energy to power more than 700 single-family homes each year.

To continue making the transition to renewable energy accessible, in August 2022 the Common Council adopted a series of amendments to the Zoning Ordinance pertaining to Solar Energy Regulations. These zoning amendments permit the installation of solar parking canopies city-wide, streamline the permitting process for smaller scale arrays, and establish comprehensive oversight for installations over 1 MW.

Accordingly, the Planning Department finds that the proposed solar parking canopies are consistent with the goals of the 2006 Comprehensive Plan.

III. ZONING COMPLIANCE

Special “S” Zone Requirements

The 1133 Westchester Avenue property is located in a Special “S” Zone that created an approximately 200 foot by 895 foot buffer area at the southwesterly side of the property, in between the southwesterly parking lot and the southwesterly property line, adjacent to Dreier Lane. This “buffer zone” is to be maintained in its “unused and in its natural state and no buildings, roads, or parking areas shall be constructed over this strip of land.” In addition, no building can be erected on any portion lying within 150 feet of the easterly side of the buffer zone, no parking can occur within 100 feet of the easterly side of the buffer zone, and no road can be built within 50 feet of the easterly side of the buffer zone. These restrictions run with the land and apply to all successors in title.

The Planning Department finds that the proposed Special Permit request to install solar parking canopies is consistent with this agreement as the canopies are accessory structures that will be located on existing surface parking areas that are not within the buffer zone. The canopies will be located approximately 320 feet from the nearest property line on Dreier Lane and approximately 110 feet away from the buffer zone.

Section 4.4.21 Solar Parking Canopies

In order to install solar parking canopies, the Applicant must comply with the following pertinent subsections of Section 4.4.21 “Solar Energy Systems” and Section 4.4.21.12 “Solar Parking Canopy”:

4.4.21.6 *Applications for a “solar energy system” shall include the nameplate generating capacity of the proposed system in kilowatts expressed in both alternating current (AC) and direct current (DC), the proposed number of “solar panels,” the total square*

footage of the installation, minimum vertical clearance, and maximum height of the “solar parking canopy.”

Applicant proposes a series of solar parking canopies with one point of interconnection located proposed to be located within the existing, central surface parking area (the area in between “The Halden” and the office buildings). The nameplate generating capacity is proposed to be approximately 4,117.94 kW DC and 3,375 kW AC in solar energy.

The total square footage of the installation is 229,450 square feet.

The minimum vertical clearance is approximately 16 feet.

The maximum height of the solar parking canopy, as defined by Section 4.4.21.12.5 is approximately 23 feet.

The Planning Department finds that the Applicant complies with this section.

4.4.21.7 *Applications for a “solar energy system” shall include the total area of disturbance for installation of all system components, including interconnection.*

The total area of disturbance is less than one (1) acre. The ground disturbance will be limited to installation of utility trenching, carport solar foundations, and the transformer pads.

4.4.21.8 *All “solar panels” shall have anti-reflective coating.*

Applicant shall comply with this section.

4.4.21.9 *A “solar energy system” may not be located within required “yards” in accordance with Section 5.3.*

The proposed solar parking canopies will not be located within required “yards”, in compliance with this Section. See Section 6.7.35.2 below for further discussion.

4.4.21.12 *“Solar Parking Canopy”:*

4.4.21.12.2 *Installation of a “solar parking canopy” with a nameplate generating capacity of 1,000 kilowatts or greater shall require special permit approval by the Common Council, subject to the requirements of this Section and Section 6.7.35.*

The Applicant proposes solar parking canopies with a nameplate generating capacity of approximately 4,117.94 kW DC and 3,375 kW AC in solar energy. See Section 6.7.35, below, for further discussion.

- 4.4.21.12.5 *The height of a “solar parking canopy” shall be measured from the base of the support structure to the highest point of the “solar panels” when oriented at maximum tilt.*

The Applicant complies with this section.

- 4.4.21.12.6 *Shall have a maximum height of 15 feet in Residence Districts, and a maximum height of 25 feet in Business or Industrial Districts as classified in Section 3.1.*

The Applicant has provided the measurements for the height of the solar canopies, in compliance with Section 4.4.21.12.5, above. Based on the Site Details Plan (CS 501), the maximum proposed height of the solar canopies is approximately 23 feet, in compliance with this section.

- 4.4.21.12.7 *Shall be located in a manner to reasonably avoid and/or minimize visibility from public streets and surrounding properties, while still providing adequate “solar access.”*

The solar canopies are proposed to be located over existing surface parking areas within the site and will be subject to the landscaping and screening requirements of Sections 6.7.35.3 and 6.7.35.5.2, discussed below.

- 4.4.21.12.8 *Shall require approval of Fire Safety Operation Guidelines to the satisfaction of the Commissioner of Public Safety.*

The Fire Safety Operations Guidelines will be reviewed to the satisfaction of the Commissioner of Public Safety.

- 4.4.21.13 *Exterior lighting shall be limited to that minimally required for safety and operational purposes and shall be reasonably shielded and downcast from abutting properties.*

Applicant shall supply a lighting plan that complies with this Section, as condition of approval.

- 4.4.21.14 *“Solar energy equipment” shall be sited such that any ambient noise produced complies with Section 3.4 - Noise Pollution of the Municipal Code.*

Applicant shall comply with this Section.

- 4.4.21.15 *“Solar energy equipment” shall not be located where there is potential for pedestrian or vehicular conflict, such as in parking medians, islands, or landscaped*

areas unless where deemed non-hazardous by the Deputy Commissioner of Parking Responsible for Transportation Engineering.

Subject to confirmation by the Commissioner of Parking and the City Transportation Engineer, the Applicant complies with this Section.

4.4.21.16 *All on-site utility lines related to a “solar energy system” shall be placed underground to the maximum extent practicable and as permitted by the serving utility.*

The Applicant shall comply with this Section.

4.4.21.17 *No signage or graphic content shall be displayed on the “solar energy system” or “solar energy equipment” other than the manufacturer’s name, equipment specification information, safety information, and 24-hour emergency contact information.*

The Applicant shall comply with this Section.

4.4.21.18 *Potential infringement to "solar access" related to "building" siting, orientation and landscaping, shall be considered by all approving agencies as a part of their review of any “solar energy system” application.*

The Applicant shall comply with this Section.

4.4.21.19 *If the “solar energy system” ceases to perform its originally intended function for more than 12 consecutive months, the property owner shall remove the collector, mount and associated equipment in compliance with all relevant environmental regulations and restore the site to existing conditions prior to installation of the “solar energy system” no later than 90 days after the end of the twelve-month period.*

The Applicant shall comply with this Section.

Section 5.9 Planned Campus Development District

Pursuant to Section 5.9 of the Zoning Ordinance, any application for a "Planned Campus Development," or an amendment thereto, shall be accompanied by a master plan for the entire development site. Because the PCDD is mapped over the entire 70-acre development site, the approved Master Plan must be amended to reflect the addition of the solar parking canopies and the PV solar modules (See CP100). No other elements of the approved Master Plan or Site Plan, including building design, unit count, affordable unit count, parking spaces, residential buffers, fencing, etc. have been changed since the May 6, 2019 approval. Moreover, the residential

development project continues to comply with the special set of regulations controlling "uses", "accessory uses", "height", "gross land coverage", bulk, and parking standards of the Planned Campus Development District. The proposed solar parking canopies will be located on existing surface parking lots. As such, no new impervious surfaces will be created and no environmentally sensitive features (steep slopes, wetlands or watercourses) will be affected.

Accordingly, the Applicant has revised the Master Plan to include the proposed solar parking canopies and the proposed rooftop PV solar modules.

Section 6.5 Special Permit Standards

6.5.1 *The location and size of the special permit "use," the nature and intensity of the operations involved in it or conducted in connection with it, the size of the site in relation to it, and the location of the site with respect to "streets" giving access to it are such that it will be in harmony with the appropriate and orderly development of the area in which it is located.*

The solar parking canopies will be located over existing surface parking areas on the site and comprise approximately 5.6 acres (10%) of the total 55 acre parcel that encompasses the office complex. No new impervious surfaces will be created. The parking areas are already accessible via an existing internal roadway system. The solar parking canopies will be screened in accordance with Section 6.7.35.3.

6.5.2 *The location, nature and "height" of "buildings," walls and fences and the nature and extent of existing or proposed plantings on the site are such that the special permit "use" will not hinder or discourage the appropriate development and "use" of adjacent land and "buildings."*

Solar parking canopies will be screened in accordance with Section 6.7.35.3. The maximum height of the solar parking canopies will be approximately 23 feet, which is less than the maximum permitted height of 25 feet.

6.5.3 *Operations in connection with any special permit "use" will not be more objectionable to nearby properties by reason of noise, traffic, fumes, vibration or other characteristics than would be the operations of permitted "uses" not requiring a special permit.*

Solar parking canopies are accessory uses that will not be more objectionable in terms of noise, traffic, or fumes than permitted uses, such as commercial buildings. Further, the Applicant must comply with Section 4.4.21.14 of the Zoning Ordinance and Section 3.4 of the Municipal Code to minimize noise.

- 6.5.4 *"Parking lots" will be of adequate size for the particular special permit "use," properly located and suitably screened from adjoining residential "uses," and the entrance and exit drives shall be laid out so as to achieve maximum convenience and safety.*

No changes to the existing surface parking areas are proposed. The solar parking canopies will be located entirely over existing surface parking areas.

- 6.5.5 *Violations. It shall be unlawful for any entity or person issued a special permit "use" to operate such "use" in violation of the terms and standards of Section 6.7, or to operate in a manner inconsistent with the conditions imposed or plans approved pursuant to Section 6 of this Ordinance.*

The Applicant shall comply with this section.

Section 6.7 Individual Standards and Requirements for Certain Special Permit "Uses"

- 6.7.35 *"Solar parking canopy" with a nameplate generating capacity of 1,000 kilowatts or greater:*

- 6.7.35.1 *Requires a minimum "lot area" of five acres.*

The site is approximately 55 acres, in compliance with this section.

- 6.7.35.2 *When installed at grade within the Campus Office (C-O), Planned Campus Development (PCD), Planned Residential Development (PRD), or Planned Senior Residential Development (PSRD) Zoning District, a "solar parking canopy" must be sited at least 175 feet from the front "lot line." The minimum distance to the side or rear "lot line" for accessory "structures" required by Section 5.3 shall apply, except for any property lines that are adjacent to a One or Two Family Zoning District, in which case an additional 50 feet must be provided. The Common Council may alter the required distance to any "lot line" for accessory "structures" to reduce the installation's overall impact to adjacent Residence Districts, if any, as classified in Section 3.1.*

The proposed solar parking canopies are setback over 200 feet from the front lot line that abuts the R1-5 Zoning District, in compliance with this section. The distance between the solar parking canopies and the side and rear lot lines all comply with the minimum requirements set forth in Section 5.3 and an additional 50 feet is provided where the property line is adjacent to the R1-12.5 zoning district, as follows:

Yards	Required Yards	Provided Yards
Area 1 Side Yard	100	100.0
Area 2 Side Yard	100	101.1
Area 2 Rear Yard	200 (150+50)	200.1
Area 3 Front Yard	175	200.2
Area 3 Side Yard	150 (100+50)	320.5
Area 3 Rear Yard	200 (150+50)	200.0

Accordingly, the Planning Department finds that the proposed solar parking canopies comply with this section.

6.7.35.3

Shall be screened through landscaping, grading, or other means so that the views of a "solar energy system" are minimized as reasonably practicable from public roadways and adjacent properties. A detailed landscape and screening plan must be approved by the Common Council pursuant to Section 4.4.19 - Landscaping, Screening, and Buffer Areas and Section 7.3.5.9 of the Zoning Ordinance. Use of native plantings that foster pollinator habitats as identified in the New York State Department of Environmental Conservation native species list, Westchester Community College Native Plant Center native species list, or New York State Pollinator Protection Plan is required.

Applicant shall deposit funds into an escrow account in an amount established by the Commissioner of Public Works for the city to retain an independent landscape architect, arborist, or ecologist to inspect the screen plantings biannually for a period of two (2) years following installation to identify any plant material that did not survive, appears unhealthy, and/or otherwise needs to be replaced to maintain compliance with the landscape and screening plan approved by the Common Council.

Based on review and recommendation by the city’s independent consultant, IQ Landscape Architects, the Applicant has provided an updated Planting Plan (LP 101), dated revised November 30, 2022, that includes a significant number and variety of new trees and shrubs located along the western and southern sides of the Area 3 parking area. Updates to the originally submitted planting plan include the establishment of a clearly defined 55,000 square foot maintenance boundary that will be monitored by an independent landscape architect for a period of two-years as required above. The maintenance boundary is approximately 40 feet from the curb of the south side of Area 3 parking lot and 50 feet from the west side curb of the lot.

Specific planting schedules for both Green Lane and Dreier Lane include native trees and shrubs, including Autumn Flame Red Maples, White Spruces, and Northern Bayberries among others. In an effort to provide additional variety and

pollinator support to the shade tree canopy, the originally proposed Pin Oak was eliminated in favor of Sourgum, and Blue Princess Holly was switched to Inkberry Holly to provide additional berry producing shrubs. Further, a continuous native pollinator meadow mix is now proposed throughout with native grasses and flowering perennials to support pollinator species.

During the public hearing the Applicant presented an illustrative planting plan along the northern property line of the Area 3 parking lot closest to Woodbrook Road which includes approximate screen planting locations to be determined based on existing tree canopy, line of site, and existing topography. Due to existing topography and rocky conditions along that northern property line, it is likely that evergreen screen plantings would not be located on the Applicant's property but rather in the rear yards of housing units fronting on Woodbrook Road. Such planting would be subject to each individual property owner's approval outside the scope of Common Council action on this instant special permit, master plan and site plan amendment application.

6.7.35.4 *Tree removal is subject to Municipal Code Chapter 7-5, Tree Preservation Guidelines.*

The Applicant shall comply with the Tree Preservation Guidelines.

6.7.35.5 *Applications for a "solar parking canopy" under this section shall include the following:*

6.7.35.5.1 *the name, address, and contact information of proposed or potential system installer and the owner and/or operator of the "solar energy system." Confirmation of the final system installer shall be submitted prior to the issuance of building permit;*

The Applicant complies with this section.

6.7.35.5.2 *renderings, and a line-of-sight profile analysis and digital view shed report illustrating the visual impact that the "solar energy system" may have on public roadways and adjacent properties;*

Renderings, a line-of-sight profile analysis and a digital view shed report illustrating the visual impact have been provided. The Applicant provided photos from 16 different locations throughout the site. Based on these site photos (FG01), the solar parking canopies will not be visible from the surrounding neighborhood during the summer and fall months due to the leafy canopy of the many surrounding trees.

6.7.35.5.3 *a preliminary equipment specification sheet that documents all proposed "solar panels" and significant components, including but not limited to the racking system details, mounting systems and inverters proposed to be installed. A final equipment specification sheet shall be submitted prior to the issuance of building permit;*

The Applicant has provided a Utility Plan (CU101-102), in compliance with this section.

6.7.35.5.4 *an electrical diagram showing the location of all "solar energy system" components, including "solar panels," inverters, interconnection, disconnects and utility meter;*

The Applicant has provided a Utility Plan (CU101-102), in compliance with this section.

6.7.35.5.5 *either a one- or three-line electrical diagram detailing the systems' layout, including "solar panels," "solar energy equipment," and electrical interconnection methods, with all National Electrical Code compliant disconnects and overcurrent devices;*

The Applicant shall include this in its Utility Plan (CU101-102), in compliance with this section.

6.7.35.5.6 *an operation and management plan, describing continuing photovoltaic maintenance, inspection schedules, and property upkeep for proposed landscaping screening, including specifications for mechanical and/or/chemical management plans;*

The Applicant has provided an operation and management plan.

6.7.35.5.7 *a decommissioning plan signed by the owner and/or operator of the "solar energy system" detailing the location of facilities to be removed or those to remain on the site; the estimated cost of removing the "solar energy system," including waste stream management detailing the materials proposed to be recycled and/or salvaged; and the estimated cost and schedule for decommissioning and restoration of the site to its condition at the time the application is made, including provisions for the protection of soil, disturbed areas, and environmental features during the decommissioning and restoration process to the satisfaction of the Common Council.*

The Applicant has provided a decommissioning plan.

- 6.7.35.6 *A "solar energy system" that has not produced electricity for a 12-month period, has been damaged and will not be repaired or replaced, or where the existing land lease ends must be removed at the expense of the owner and/or operator(s). The owner and/or operator shall notify the City when decommissioning begins.*

The Applicant shall comply with this section.

- 6.7.35.7 *If the owner or operator of the "solar energy system" changes, or the owner of the property changes, the special permit shall remain in effect, provided that the successor owner or operator assumes in writing all of the obligations of the special use permit, site plan approval and decommissioning plan. A new owner or operator of the "solar energy system" shall notify the Commissioner of Building of such change in ownership or operator within 30 days of the change.*

The Applicant shall comply with this section.

7.5 Site Plan Standards

All aspects of the Applicant's May 6, 2019 site plan approval remain the same with the exception of Section 7.5.3.7, which shall be amended as follows:

- 7.5.3.7 *Adequacy of "solar access" meeting at a minimum the requirements of Section 4.4.21.12.7 and 4.4.21.12.18 of this Ordinance.*

The Applicant complies with this section.

IV. CONCLUSION

Based on the foregoing analysis and review of the submitted application pursuant to Section 4.4.21 "Solar Energy System", Section 5.9 Planned Campus Development District, Section 6.5 Special Permit Standards, 6.7.35 "Solar Parking Canopy" with a nameplate generating capacity of 1,000 kilowatts or greater, and Section 7.5 Site Plan Standards, the Planning Department recommends that the Common Council grant the proposed Special Permit and amendment to both the Site Plan and Master Plan for the project, subject to the all conditions of the May 6, 2019 approval and the following new condition set forth below:

1. Applicant shall submit a final lighting plan indicating the number, location, placement and specifications of lighting fixtures, to the satisfaction of the Commissioner of Building and in conformance with Section 4.4.20 of the Zoning Ordinance.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Christopher N. Gomez". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Christopher N. Gomez, AICP
Commissioner of Planning

Dated: November 30, 2022

ENVIRONMENTAL FINDINGS RESOLUTION REGARDING AN AMENDMENT TO THE SITE PLAN AND MASTER PLAN FOR THE PLANNED CAMPUS DEVELOPMENT (PCD) AT 1133 WESTCHESTER AVENUE TO PERMIT THE INSTALLATION OF A SOLAR ENERGY SYSTEM.

WHEREAS, the application dated September 16, 2022, submitted on behalf of Voda Solar Resources, LLC (the "Applicant") and RPW Group Inc. (the "Owner"), to amend the Master Plan and Site Plan of the Planned Campus Development (PCD) at 1133 Westchester Avenue to permit the installation of a solar system, has been reviewed for compliance with the N.Y. State Environmental Quality Review (SEQR) regulations; and

WHEREAS, the property at 1133 Westchester Avenue is comprised of a total of 74.2 acres of land located on the southerly side of Westchester Avenue eastbound, in the Planned Campus Development District (PCDD), which is an overlay to the Campus Office (C-O) Zoning District; and

WHEREAS, the site is developed with a 529,000 square foot, four (4)-story multi-tenant office complex with associated surface parking lots. There is additional residential development being constructed on the site consisting of three, five-story buildings with 303 residential apartment units; and

WHEREAS, at its August 1, 2022 meeting, the Common Council amended Zoning Ordinance amendment to establish regulations pertaining to the installation of solar energy systems city-wide; and

WHEREAS, the property is classified as an Environmentally Sensitive Site pursuant to Chapter 3-5 of the City Code as it contains steep slopes in excess of 20%, rock outcroppings, and federally and locally regulated wetland areas; and

WHEREAS, the proposed project involves installation of a solar energy system with solar panels located over developed parking lot and building areas:

- A. Installation of approximately 229,450 square feet of solar parking canopies in three (3) separate parking areas within the site.
- Area 1: 49,706 square feet (within the parking lot between the newly constructed "Halden" and the office building complex)
 - Area 2: 48,439 square feet (adjacent to Maple Moor Golf Course)
 - Area 3: 131,305 square feet (behind the office buildings, across from Dreier Lane)

The solar parking canopies will have a maximum height of approximately 23 feet, measured from the base of the support structure to the highest point of the solar panels when oriented at maximum tilt. A minimum vertical clearance height of 16 feet, 4 inches is provided, to allow for adequate vehicle parking, emergency access, and maneuverability. The project will generate approximately 4,117.94 kW DC and 3,375 kW AC in solar energy.

- B. Installation of photovoltaic solar module panels on the roof of the existing office building; and

The Proposed Action involves the following approval actions:

1. Approval of an amendment to the previously approved Master Plan for the overall 74.2 acre Planned Campus Development District (PCDD), pursuant to Section 5.9.8 of the Zoning Ordinance.

2. Approval of an amendment to the previously approved Site Plan pursuant to Section 7.5.of the Zoning Ordinance for an environmentally sensitive site (Section 4.4.25.4.3 of the Zoning Ordinance).
3. Approval of a special permit regarding the Installation of a "solar parking canopy" with a nameplate generating capacity of 1,000 kilowatts or greater pursuant to Section 4.4.21.12.2 of the Zoning Ordinance; and

WHEREAS, the 1133 Westchester Avenue property is located in a Special "S" Zone with conditions regarding restricted access to the site solely from Westchester Avenue and established special rear yard setbacks along Dreier Lane. The Proposed Action conforms to those conditions and, therefore, does not involve or require an amendment to the Special "S" Zone; and

WHEREAS, the Applicant has submitted the following materials in support of the application ("Application Materials"):

1. Cover letter dated 9/16/22, prepared by DelBello Donnellan Weingarten Wise & Wiederkehr, LLP.
2. Department of Building Full Environmental Assessment Form, dated 9/15/22.
3. Department of Building Short Form Application, dated 9/15/22.
4. Drawings prepared by Langan Engineering, Environmental, Surveying, Landscape Architecture, and Geology, D.P.C. numbered, titled and dated as follows:

Dwgs. #	Title	Prepared By	Last Dated
CP100	Master Plan	Langan	8/3/2021
CS001	Cover Sheet	Langan	8/3/2021
CD101	Existing Conditions & Demolition Plan	Langan	8/3/2021
CS100	Overall Site Plan	Langan	8/3/2021
CS101	Site Plan (1 of 2)	Langan	8/3/2021
CS102	Site Plan (2 of 2)	Langan	8/3/2021
CU101	Utility Plan (1 of 2)	Langan	8/3/2021
CU102	Utility Plan (2 of 2)	Langan	8/3/2021
CE101	Soil Erosion & Sediment Control Plan (1 of 2)	Langan	8/3/2021
CE102	Soil Erosion & Sediment Control Plan (2 of 2)	Langan	8/3/2021
CS501	Details	Langan	8/3/2021
FG01	Site Photos	Langan	7/6/2021
FG02	Visual Impact Plan	Langan	8/26/2021
VB101	Partial Boundary Survey	Langan	6/24/2021
VT102	Partial Topographic Survey	Langan	6/24/2021
VT103	Partial Topographic Survey	Langan	6/24/2021; and

Conditions

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

- A. As per the communication of the Commissioner of Planning dated October 24, 2022:
 1. Applicant shall submit a final lighting plan indicating the number, location, placement and specifications of lighting fixtures, to the satisfaction of the Commissioner of Building and in

conformance with Section 4.4.20 of the Zoning Ordinance.

B. As per the communication of the Commissioner of Public Works, dated September 21, 2022

1. The solar canopy or related appurtenances shall not be located over water and sewer utility easements.
2. All construction under the Department of Public Works jurisdiction must be per the Department's standards regardless of what may be shown or omitted on the plan; and

SEQR Findings

WHEREAS, under the New York State Environmental Quality Review (SEQR) regulations, 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 Environmental Officer has recommended that the Common Council (a) designate itself to be the Lead Agency for the environmental review of the proposed action and (b) determine that the Proposed Action is a Type I Action under Section 4.4.25.4.1 of the White Plains Zoning Ordinance and SEQR regulations due to the environmentally sensitive features located on the premises; and (c) find that the Proposed Action, with inclusion of the conditions, will not have a significant effect on the environment; and

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

RESOLVED, that the Common Council hereby designees itself to be the 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 I Action under the White Plans Zoning Ordinance and SEQR regulations; and be it further

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

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

Consistency with the Comprehensive Plan

The proposed Master and Site Plan amendment and the special permit request are consistent with the goals set forth by the 1997 and 2006 Update to the Comprehensive Plan and the 2012 Amendment to the Comprehensive Plan. Specifically, the Plan recommended that the City support energy efficiency strategies including the use of renewable energy resources and smart growth principals.

Further, White Plains has established itself as a regional leader in developing and implementing clean energy projects and sustainability measures. In 2014, the Council adopted the New York State Unified Solar Permit, resulting in over 400 roof-mounted solar panels on commercial and residential structures citywide. Further, the Common Council has transformed eight (8) City-owned facilities to

urban renewable energy production sites. With a maximum generating capacity of 8.1 MW, these facilities produce enough clean energy to power more than 700 single-family homes each year.

To continue making the transition to renewable energy accessible, in August 2022 the Common Council adopted a series of amendments to the Zoning Ordinance pertaining to Solar Energy Regulations. These zoning amendments permit the installation of solar parking canopies city-wide, streamline the permitting process for smaller scale arrays, and establish comprehensive oversight for installations over 1 MW.

Conformance to Zoning Regulations

The project complies with the requirements of the Special “S” Zone, Section 4.4.21 of the Zoning Ordinance, Section 5.9 of the Zoning Ordinance and Section 7.5 of the Zoning Ordinance.

Special “S” Zone Requirements

The 1133 Westchester Avenue property is located in a Special “S” Zone that created an approximately 200 foot by 895 foot buffer area at the southwesterly side of the property, in between the southwesterly parking lot and the southwesterly property line, adjacent to Dreier Lane. This “buffer zone” is to be maintained in its “unused and in its natural state and no buildings, roads, or parking areas shall be constructed over this strip of land.” In addition, no building can be erected on any portion lying within 150 feet of the easterly side of the buffer zone, no parking can occur within 100 feet of the easterly side of the buffer zone, and no road can be built within 50 feet of the easterly side of the buffer zone. These restrictions run with the land and apply to all successors in title.

The Special Permit request to install solar parking canopies is consistent with this agreement as the canopies are accessory structures that will be located on existing surface parking areas that are not within the buffer zone. The canopies will be located approximately 320 feet from the nearest property line on Dreier Lane and approximately 110 feet away from the buffer zone.

Section 4.4.21 Solar Parking Canopies

In order to install solar parking canopies, the Applicant must comply with the following pertinent subsections of Section 4.4.21 “Solar Energy Systems” and Section 4.4.21.12 “Solar Parking Canopy”:

4.4.21.6 *Applications for a “solar energy system” shall include the nameplate generating capacity of the proposed system in kilowatts expressed in both alternating current (AC) and direct current (DC), the proposed number of “solar panels,” the total square footage of the installation, minimum vertical clearance, and maximum height of the “solar parking canopy.”*

Applicant proposes a series of solar parking canopies with one point of interconnection located proposed to be located within the existing, central surface parking area (the area in between “The Halden” and the office buildings). The nameplate generating capacity is proposed to be approximately 4,117.94 kW DC and 3,375 kW AC in solar energy.

The total square footage of the installation is 229,450 square feet.

The minimum vertical clearance is approximately 16 feet.

The maximum height of the solar parking canopy, as defined by Section 4.4.21.12.5 is approximately 23 feet.

The Planning Department finds that the Applicant complies with this section.

4.4.21.7 *Applications for a "solar energy system" shall include the total area of disturbance for installation of all system components, including interconnection.*

The total area of disturbance is less than one (1) acre. The ground disturbance will be limited to installation of utility trenching, carport solar foundations, and the transformer pads.

4.4.21.8 *All "solar panels" shall have anti-reflective coating.*

The Applicant shall comply with this section.

4.4.21.9 *A "solar energy system" may not be located within required "yards" in accordance with Section 5.3.*

The proposed solar parking canopies will not be located within required "yards", in compliance with this Section. See Section 6.7.35.2 below for further discussion.

4.4.21.12 *"Solar Parking Canopy":*

4.4.21.12.2 *Installation of a "solar parking canopy" with a nameplate generating capacity of 1,000 kilowatts or greater shall require special permit approval by the Common Council, subject to the requirements of this Section and Section 6.7.35.*

The Applicant proposes solar parking canopies with a nameplate generating capacity of approximately 4,117.94 kW DC and 3,375 kW AC in solar energy. See Section 6.7.35, below, for further discussion.

4.4.21.12.5 *The height of a "solar parking canopy" shall be measured from the base of the support structure to the highest point of the "solar panels" when oriented at maximum tilt.*

The Applicant complies with this section.

4.4.21.12.6 *Shall have a maximum height of 15 feet in Residence Districts, and a maximum height of 25 feet in Business or Industrial Districts as classified in Section 3.1.*

The Applicant has provided the measurements for the height of the solar canopies, in compliance with Section 4.4.21.12.5, above. Based on the Site Details Plan (CS 501), the maximum proposed height of the solar canopies is approximately 23 feet, in compliance with this section.

4.4.21.12.7 *Shall be located in a manner to reasonably avoid and/or minimize visibility from public streets and surrounding properties, while still providing adequate "solar access."*

The solar canopies are proposed to be located over existing surface parking areas within the site and will be subject to the landscaping and screening requirements of Sections 6.7.35.3 and 6.7.35.5.2, discussed below.

4.4.21.12.8 *Shall require approval of Fire Safety Operation Guidelines to the satisfaction of the Commissioner of Public Safety.*

The Fire Safety Operations Guidelines will be reviewed to the satisfaction of the Commissioner of Public Safety.

4.4.21.13 *Exterior lighting shall be limited to that minimally required for safety and operational purposes and shall be reasonably shielded and downcast from abutting properties.*

Applicant shall supply a lighting plan that complies with this Section, as condition of approval.

4.4.21.14 *"Solar energy equipment" shall be sited such that any ambient noise produced complies with Section 3.4 - Noise Pollution of the Municipal Code.*

Applicant shall comply with this Section.

4.4.21.15 *"Solar energy equipment" shall not be located where there is potential for pedestrian or vehicular conflict, such as in parking medians, islands, or landscaped areas unless where deemed non-hazardous by the Deputy Commissioner of Parking Responsible for Transportation Engineering.*

Subject to confirmation by the Commissioner of Parking and the City Transportation Engineer, the Applicant complies with this Section.

4.4.21.16 *All on-site utility lines related to a "solar energy system" shall be placed underground to the maximum extent practicable and as permitted by the serving utility.*

The Applicant shall comply with this Section.

4.4.21.17 *No signage or graphic content shall be displayed on the "solar energy system" or "solar energy equipment" other than the manufacturer's name, equipment specification information, safety information, and 24-hour emergency contact information.*

The Applicant shall comply with this Section.

- 4.4.21.18 *Potential infringement to "solar access" related to "building" siting, orientation and landscaping, shall be considered by all approving agencies as a part of their review of any "solar energy system" application.*

The Applicant shall comply with this Section.

- 4.4.21.19 *If the "solar energy system" ceases to perform its originally intended function for more than 12 consecutive months, the property owner shall remove the collector, mount and associated equipment in compliance with all relevant environmental regulations and restore the site to existing conditions prior to installation of the "solar energy system" no later than 90 days after the end of the twelve-month period.*

The Applicant shall comply with this Section.

Section 5.9 Planned Campus Development District

Pursuant to Section 5.9 of the Zoning Ordinance, any application for a "Planned Campus Development," or an amendment thereto, shall be accompanied by a master plan for the entire development site. Because the PCDD is mapped over the entire 70-acre development site, the approved Master Plan must be amended to reflect the addition of the solar parking canopies and the PV solar modules (See CP100). No other elements of the approved Master Plan or Site Plan, including building design, unit count, affordable unit count, parking spaces, residential buffers, fencing, etc. have been changed since the May 6, 2019 approval. Moreover, the residential development project continues to comply with the special set of regulations controlling "uses", "accessory uses", "height", "gross land coverage", bulk, and parking standards of the Planned Campus Development District. The proposed solar parking canopies will be located on existing surface parking lots. As such, no new impervious surfaces will be created and no environmentally sensitive features (steep slopes, wetlands or watercourses) will be affected.

Accordingly, the Applicant has revised the Master Plan to include the proposed solar parking canopies and the proposed rooftop PV solar modules.

Section 6.5 Special Permit Standards

- 6.5.1 *The location and size of the special permit "use," the nature and intensity of the operations involved in it or conducted in connection with it, the size of the site in relation to it, and the location of the site with respect to "streets" giving access to it are such that it will be in harmony with the appropriate and orderly development of the area in which it is located.*

The solar parking canopies will be located over existing surface parking areas on the site and comprise approximately 5.6 acres (10%) of the total 55 acre parcel that encompasses the office complex. No new impervious surfaces will be created. The parking areas are already accessible via an existing internal roadway system. The solar parking canopies will be screened in accordance with Section 6.7.35.3.

6.5.2 *The location, nature and "height" of "buildings," walls and fences and the nature and extent of existing or proposed plantings on the site are such that the special permit "use" will not hinder or discourage the appropriate development and "use" of adjacent land and "buildings."*

Solar parking canopies will be screened in accordance with Section 6.7.35.3. The maximum height of the solar parking canopies will be approximately 23 feet, which is less than the maximum permitted height of 25 feet.

6.5.3 *Operations in connection with any special permit "use" will not be more objectionable to nearby properties by reason of noise, traffic, fumes, vibration or other characteristics than would be the operations of permitted "uses" not requiring a special permit.*

Solar parking canopies are accessory uses that will not be more objectionable in terms of noise, traffic, or fumes than permitted uses, such as commercial buildings. Further, the Applicant must comply with Section 4.4.21.14 of the Zoning Ordinance and Section 3.4 of the Municipal Code to minimize noise.

6.5.4 *"Parking lots" will be of adequate size for the particular special permit "use," properly located and suitably screened from adjoining residential "uses," and the entrance and exit drives shall be laid out so as to achieve maximum convenience and safety.*

No changes to the existing surface parking areas are proposed. The solar parking canopies will be located entirely over existing surface parking areas.

6.5.5 *Violations. It shall be unlawful for any entity or person issued a special permit "use" to operate such "use" in violation of the terms and standards of Section 6.7, or to operate in a manner inconsistent with the conditions imposed or plans approved pursuant to Section 6 of this Ordinance.*

The Applicant shall comply with this section.

Section 6.7 Individual Standards and Requirements for Certain Special Permit "Uses"

6.7.35 *"Solar parking canopy" with a nameplate generating capacity of 1,000 kilowatts or greater:*

6.7.35.1 *Requires a minimum "lot area" of five acres.*

The site is approximately 55 acres, in compliance with this section.

6.7.35.2 *When installed at grade within the Campus Office (C-O), Planned Campus Development (PCD), Planned Residential Development (PRD), or Planned Senior Residential Development (PSRD) Zoning District, a "solar parking canopy" must be sited at least 175 feet from the front "lot line." The minimum distance to the side or rear "lot line" for*

accessory “structures” required by Section 5.3 shall apply, except for any property lines that are adjacent to a One or Two Family Zoning District, in which case an additional 50 feet must be provided. The Common Council may alter the required distance to any “lot line” for accessory “structures” to reduce the installation’s overall impact to adjacent Residence Districts, if any, as classified in Section 3.1.

The proposed solar parking canopies are setback over 200 feet from the front lot line that abuts the R1-5 Zoning District, in compliance with this section. The distance between the solar parking canopies and the side and rear lot lines all comply with the minimum requirements set forth in Section 5.3 and an additional 50 feet is provided where the property line is adjacent to the R1-12.5 zoning district, as follows:

Yards	Required Yards	Provided Yards
Area 1 Side Yard	100	100.0
Area 2 Side Yard	100	101.1
Area 2 Rear Yard	200 (150+50)	200.1
Area 3 Front Yard	175	200.2
Area 3 Side Yard	150 (100+50)	320.5
Area 3 Rear Yard	200 (150+50)	200.0

Accordingly, the Planning Department finds that the proposed solar parking canopies comply with this section.

- 6.7.35.3 *Shall be screened through landscaping, grading, or other means so that the views of a "solar energy system" are minimized as reasonably practicable from public roadways and adjacent properties. A detailed landscape and screening plan must be approved by the Common Council pursuant to Section 4.4.19 - Landscaping, Screening, and Buffer Areas and Section 7.3.5.9 of the Zoning Ordinance. Use of native plantings that foster pollinator habitats as identified in the New York State Department of Environmental Conservation native species list, Westchester Community College Native Plant Center native species list, or New York State Pollinator Protection Plan is required.*

Applicant shall deposit funds into an escrow account in an amount established by the Commissioner of Public Works for the city to retain an independent landscape architect, arborist, or ecologist to inspect the screen plantings biannually for a period of two (2) years following installation to identify any plant material that did not survive, appears unhealthy, and/or otherwise needs to be replaced to maintain compliance with the landscape and screening plan approved by the Common Council.

The Applicant has provided a Planting Plan (LP 101) that shows a significant number and variety of new trees and shrubs located along the entire perimeter of the Area 3 parking area. The Planting Plan indicates three planting schedules, one for Green Lane, one for Dreier Lane and one for Woodbrook. These planting schedules include native trees and

shrubs, including autumn flame red maples, white spruces, and northern bayberries. These native plantings, as well as the other proposed evergreen and deciduous trees and plant species will provide ample buffer between the solar parking canopies and the surrounding residential neighborhood. According to the Plan, all planting along the Woodbrook border “is to be coordinated in conjunction with the adjacent neighbors, taking into account existing planting and topography.”

6.7.35.4 *Tree removal is subject to Municipal Code Chapter 7-5, Tree Preservation Guidelines.*

The Applicant shall comply with the Tree Preservation Guidelines.

6.7.35.5 *Applications for a “solar parking canopy” under this section shall include the following:*

6.7.35.5.1 *the name, address, and contact information of proposed or potential system installer and the owner and/or operator of the "solar energy system." Confirmation of the final system installer shall be submitted prior to the issuance of building permit;*

The Applicant complies with this section.

6.7.35.5.2 *renderings, and a line-of-sight profile analysis and digital view shed report illustrating the visual impact that the “solar energy system” may have on public roadways and adjacent properties;*

Renderings, a line-of-sight profile analysis and a digital view shed report illustrating the visual impact have been provided. The Applicant provided photos from 16 different locations throughout the site. Based on these site photos (FG01), the solar parking canopies will not be visible from the surrounding neighborhood during the summer and fall months due to the leafy canopy of the many surrounding trees.

6.7.35.5.3 *a preliminary equipment specification sheet that documents all proposed "solar panels" and significant components, including but not limited to the racking system details, mounting systems and inverters proposed to be installed. A final equipment specification sheet shall be submitted prior to the issuance of building permit;*

The Applicant has provided a Utility Plan (CU101-102), in compliance with this section.

6.7.35.5.4 *an electrical diagram showing the location of all “solar energy system” components, including “solar panels,” inverters, interconnection, disconnects and utility meter;*

The Applicant has provided a Utility Plan (CU101-102), in compliance with this section.

6.7.35.5.5 *either a one- or three-line electrical diagram detailing the systems' layout, including "solar panels," "solar energy equipment," and electrical interconnection methods, with all National Electrical Code compliant disconnects and overcurrent devices;*

The Applicant shall include this in its Utility Plan (CU101-102), in compliance with this section.

6.7.35.5.6 *an operation and management plan, describing continuing photovoltaic maintenance, inspection schedules, and property upkeep for proposed landscaping screening, including specifications for mechanical and/or/chemical management plans;*

The Applicant has provided an operation and management plan.

6.7.35.5.7 *a decommissioning plan signed by the owner and/or operator of the "solar energy system" detailing the location of facilities to be removed or those to remain on the site; the estimated cost of removing the "solar energy system," including waste stream management detailing the materials proposed to be recycled and/or salvaged; and the estimated cost and schedule for decommissioning and restoration of the site to its condition at the time the application is made, including provisions for the protection of soil, disturbed areas, and environmental features during the decommissioning and restoration process to the satisfaction of the Common Council.*

The Applicant has provided a decommissioning plan.

6.7.35.6 *A "solar energy system" that has not produced electricity for a 12-month period, has been damaged and will not be repaired or replaced, or where the existing land lease ends must be removed at the expense of the owner and/or operator(s). The owner and/or operator shall notify the City when decommissioning begins.*

The Applicant shall comply with this section.

6.7.35.7 *If the owner or operator of the "solar energy system" changes, or the owner of the property changes, the special permit shall remain in effect, provided that the successor owner or operator assumes in writing all of the obligations of the special use permit, site plan approval and decommissioning plan. A new owner or operator of the "solar energy system" shall notify the Commissioner of Building of such change in ownership or operator within 30 days of the change.*

The Applicant shall comply with this section.

7.5 Site Plan Standards

All aspects of the Applicant's May 6, 2019 site plan approval remain the same with the exception of Section 7.5.3.7, which shall be amended as follows:

7.5.3.7 *Adequacy of "solar access" meeting at a minimum the requirements of Section 4.4.21.12.7 and 4.4.21.12.18 of this Ordinance.*

The Applicant complies with this section.

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

A Stormwater Pollution Plan (SWPPP) was previously approved in conjunction with the Applicant's May 6, 2019 site plan approval. The installation of solar parking canopies over the existing impervious parking areas will not result in any significant changes in the site drainage pattern.

The project will be subject to the White Plains Construction Management Plan which outlines procedures to avoid construction related impacts.

This installation is located on developed areas and will not affect any of the site's environmentally sensitive features (steep slopes, wetlands or streams) located elsewhere on the site.

- (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.

Again, the proposed project involves the installation of solar panels over existing impervious surface areas consisting of the office building roof and large areas of at-grade parking.

The project will not impact the wooded buffer areas located around the perimeter of this campus office complex.

- (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.

This approximately 74.2 acre property was originally developed in the 1960's by IBM and contains an existing 529,000 square foot, four (4)-story multi-tenant office complex. There is additional residential development being constructed on the site consisting of three, five-story buildings with 303 residential apartment units. The ground foot print or site coverage for these buildings is approximately 4.4 acres. The surface parking lot office and residential uses provides approximately 2,253 spaces and covers approximately 19 acres of the site.

No changes to the existing surface parking areas are proposed. The solar parking canopies will be located entirely over existing surface parking areas

The project conforms to the Special Permit standards for solar parking canopies that serve to avoid potential impacts for the neighboring residential properties.

The proposed solar parking canopies are setback over 200 feet from the front lot line that abuts the R1-5 Zoning District, in compliance with this section. The distance between the solar parking canopies and the side and rear lot lines all comply with the minimum requirements set forth in Section 5.3 and an additional 50 feet is provided where the property line is adjacent to the R1-12.5 zoning district.

The Applicant has provided a Planting Plan (LP 101) that shows a significant number and variety of new trees and shrubs located along the entire perimeter of the Area 3 parking area. The Planting Plan indicates three planting schedules, one for Green Lane, one for Dreier Lane and one for Woodbrook. These planting schedules include native trees and shrubs, including autumn flame red maples, white spruces, and northern bayberries. These native plantings, as well as the other proposed

evergreen and deciduous trees and plant species will provide ample buffer between the solar parking canopies and the surrounding residential neighborhood. According to the Plan, all planting along the Woodbrook border “is to be coordinated in conjunction with the adjacent neighbors, taking into account existing planting and topography.”

Applicant shall deposit funds into an escrow account in an amount established by the Commissioner of Public Works for the city to retain an independent landscape architect, arborist, or ecologist to inspect the screen plantings biannually for a period of two (2) years following installation to identify any plant material that did not survive, appears unhealthy, and/or otherwise needs to be replaced to maintain compliance with the landscape and screening plan approved by the Common Council

All “solar panels” shall have anti-reflective coating to prevent reflection of sun light toward adjacent residential properties. .

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

The solar carport system would generate approximately (5) megawatts of solar energy and be one of the largest carport solar systems in the region.

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

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

- (g) The Proposed Action will not create a substantial change in the use, or intensity of use, of land or other natural resources or the area's capacity to support existing uses. It will not attract a significantly large number of people to the place, neighborhood or community.

- (h) The Proposed Action will not result in the creation of a material demand for other actions which would result in one of the above consequences.

- (I) The Proposed Action will not result in changes in two or more elements of the environment, no one of which has a significant effect on the environment, but which when taken together, result in a substantial adverse impact on the environment.

- (j) The Proposed Action does not represent change in two or more related actions that, when considered cumulatively, would result in substantial environmental impacts.

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

RESOLVED that, based on the foregoing findings, the Common Council reconfirms 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 APPLICATION
SUBMITTED ON BEHALF OF VODA SOLAR RESOURCES,
LLC SEEKING A SPECIAL PERMIT AND TO AMEND A
MASTER PLAN AND SITE PLAN APPROVAL FOR 1133
WESTCHESTER AVENUE**

WHEREAS, by letter dated September 16, 2022, Janet J. Giris of DelBello Donnellan Weingarten Wise & Wiederkehr LLP, on behalf of Voda Solar Resources, LLC (the “Applicant”), submitted an amended application for a special permit and to amend a Master Plan and Site Plan Approval that was granted for 1133 Westchester Avenue by the Common Council on May 6, 2019 (the “2019 Approved Plans”); and

WHEREAS, the property consists of approximately 70 acres and is located on the westerly side of Westchester Avenue eastbound, in the Planned Campus Development District (PCDD), which is an overlay to the Campus Office (C-O) Zoning District. In addition to the residential development, which is under construction as of this date, there is an existing 529,000 square foot, multi-tenant office complex with associated surface parking areas. The office complex area comprises approximately 55 acres; and

WHEREAS, the property is located in a Special “S” Zone and is considered an Environmentally Sensitive Site as it contains steep slopes in excess of 20%, rock outcroppings, and both federally and locally regulated wetland areas; and

WHEREAS, the proposed site plan amendment includes the installation of high energy producing solar parking canopies over existing, on-site surface parking lots. Pursuant to Section 4.4.21.12 of the Zoning Ordinance, the installation of a solar parking canopy with a nameplate generating capacity of 1,000 kilowatts or greater requires a special permit by the Common Council and is subject to an additional set of requirements outlined in Section 6.7.35 of the Zoning Ordinance; and

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

- A. Cover letter from Janet J. Giris of DelBello Donnellan Weingarten Wise & Wiederkehr LLP, dated 9/16/22;
- B. Completed Building Permit Application Short Form, dated 9/15/22;
- C. SEQRA Full Environmental Assessment Form, dated 9/15/22; and
- D. Plans prepared by Langan Engineering, last revision date 7/18/22;

(collectively, the "Application"); and

WHEREAS, the Applicant requests Common Council approval of an Amended Site Plan, pursuant to Section 7 of the Zoning Ordinance; and

WHEREAS, the Common Council, at the October 3, 2022 Council meeting, referred the Application to all necessary City departments, officers, agencies, boards, and commissions and to the Westchester County Planning Board for review, comments and recommendations in accordance with the Zoning Ordinance; and

WHEREAS, the Common Council, at the October 3, 2022 Council meeting, adopted a resolution scheduling a public hearing on the Application for November 7, 2022; and

WHEREAS, the Common Council, at the November 7, 2022 Council meeting, opened the duly noticed public hearing and adjourned said hearing until December 5, 2022; and

WHEREAS, the Common Council, at its December 5, 2022 meeting, opened the duly noticed public hearing on the Application, at which time representatives of the Applicant and the public were afforded the opportunity to speak for and against the Application, and then closed the public hearing; and

WHEREAS, the Common Council, at its December 5, 2022 meeting, received communications with respect to the Application from

1. Deputy Commissioner of Building, dated 9/19/22
2. Commissioner of Planning, dated 11/30/22
3. Commissioner of Public Works, dated 10/20/22
4. Commissioner of Public Safety, dated 10/17/22
5. Deputy Commissioner of Parking for Transportation Engineering, dated 10/19/22
6. Chair of the Planning Board, dated 10/19/22
7. Acting Chairman of the Traffic Commission, dated 10/21/22
8. Design Review Board, dated 10/17/22
9. Environmental Officer, dated 11/30/22
10. Commissioner of Parking, dated 10/24/22
11. Westchester County Planning Board, dated 10/21/21

WHEREAS, the Common Council has reviewed and considered the comments from the public, as well as from the various City departments, agencies, boards, commissions and officers, and the Westchester County Planning Board, and has reviewed the Application in light of the 1997 Comprehensive Plan and the 2006 Comprehensive Plan Update adopted July 11, 2006, and standards set forth in the Zoning Ordinance; and

WHEREAS, pursuant to the New York State Environmental Quality Review Act and its accompanying regulations ("SEQRA"), the Common Council, at its meeting of December 5, 2022, adopted a resolution that declared the Common Council to be Lead Agency for the environmental review of the Application, determined the proposed action to be a Type I Action under SEQR Regulations and found that the proposed action would not have a significant effect on the environment;

NOW, THEREFORE, be it

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

I. AMENDMENT TO 2019 PLANS SUMMARY

The Applicant seeks to install approximately 229,450 square feet of solar parking canopies in three (3) separate parking areas at the site. For zoning compliance purposes each surface parking area, as follows:

- “Area 1”: 49,706 square feet (within the parking lot between the newly constructed “Halden” and the office building complex)
- “Area 2”: 48,439 square feet (adjacent to Maple Moor Golf Course)
- “Area 3”: 131,305 square feet (behind the office buildings, across from Dreier Lane)

The solar parking canopies will have a maximum height of approximately 23 feet, measured from the base of the support structure to the highest point of the solar panels when oriented at maximum tilt. A minimum vertical clearance height of 16 feet, 4 inches is provided, to allow for adequate vehicle parking, emergency access, and maneuverability. The project will generate approximately 4,117.94 kW DC and 3,375 kW AC in solar energy.

Pursuant to Section 4.4.21.11 of the Zoning Ordinance, and subject to the approval by the Commissioner of Building, the Applicant also proposes to install solar panels on the roof of the existing office building.

Other than the proposed installation of solar parking canopies, the 2019 Plans remain unchanged and in compliance with the Comprehensive Plan, the Special “S” Zone and Sections 5.9 and 7.5 of the Zoning Ordinance.

II. COMPREHENSIVE PLAN CONSISTENCY

The proposed Master and Site Plan amendment and the Special Permit request are consistent with the goals set forth by the 1997 and 2006 Update to the Comprehensive Plan and the 2012 Amendment to the Comprehensive Plan. Specifically, the Plan recommended that the City support energy efficiency strategies including the use of renewable energy resources and smart growth principals.

Further, White Plains has established itself as a regional leader in developing and implementing clean energy projects and sustainability measures. In 2014, the Council adopted the New York State Unified Solar Permit, resulting in over 400 roof-mounted solar panels on commercial and residential structures citywide.

Further, the Common Council has transformed eight (8) City-owned facilities to urban renewable energy production sites. With a maximum generating capacity of 8.1 MW, these facilities produce enough clean energy to power more than 700 single-family homes each year.

To continue making the transition to renewable energy accessible, in August 2022 the Common Council adopted a series of amendments to the Zoning Ordinance pertaining to Solar Energy Regulations. These zoning amendments permit the installation of solar parking canopies city-wide, streamline the permitting process for smaller scale arrays, and establish comprehensive oversight for installations over 1 MW.

Accordingly, the Common Council finds that the proposed solar parking canopies are consistent with the goals of the 2006 Comprehensive Plan.

III. ZONING COMPLIANCE

Special “S” Zone Requirements

The 1133 Westchester Avenue property is located in a Special “S” Zone that created an approximately 200 foot by 895-foot buffer area at the southwesterly side of the property, in between the southwesterly parking lot and the southwesterly property line, adjacent to Dreier Lane. This “buffer zone” is to be maintained in its “unused and in its natural state and no buildings, roads, or parking areas shall be constructed over this strip of land.” In addition, no building can be erected on any portion lying within 150 feet of the easterly side of the buffer zone, no parking can occur within 100 feet of the easterly side of the buffer zone, and no road can be built within 50 feet of the easterly side of the buffer zone. These restrictions run with the land and apply to all successors in title.

The Common Council finds that the proposed Special Permit request to install solar parking canopies is consistent with this agreement as the canopies are accessory structures that will be located on existing surface parking areas that are not within the buffer zone. The canopies will be located approximately 320 feet from the nearest property line on Dreier Lane and approximately 110 feet away from the buffer zone.

Section 4.4.21 Solar Parking Canopies

In order to install solar parking canopies, the Applicant must comply with the following pertinent subsections of Section 4.4.21 "Solar Energy Systems" and Section 4.4.21.12 "Solar Parking Canopy":

4.4.21.6 *Applications for a "solar energy system" shall include the nameplate generating capacity of the proposed system in kilowatts expressed in both alternating current (AC) and direct current (DC), the proposed number of "solar panels," the total square footage of the installation, minimum vertical clearance, and maximum height of the "solar parking canopy."*

Applicant proposes a series of solar parking canopies with one point of interconnection located proposed to be located within the existing, central surface parking area (the area in between "The Halden" and the office buildings). The nameplate generating capacity is proposed to be approximately 4,117.94 kW DC and 3,375 kW AC in solar energy.

The total square footage of the installation is 229,450 square feet.

The minimum vertical clearance is approximately 16 feet.

The maximum height of the solar parking canopy, as defined by Section 4.4.21.12.5 is approximately 23 feet.

The Common Council finds that the Applicant complies with this section.

4.4.21.7 *Applications for a "solar energy system" shall include the total area of disturbance for installation of all system components, including interconnection.*

The total area of disturbance is less than one (1) acre. The ground disturbance will be limited to installation of utility trenching, carport solar foundations, and the transformer pads.

4.4.21.8 *All "solar panels" shall have anti-reflective coating.*

The Applicant's proposal complies with this section.

4.4.21.9 *A "solar energy system" may not be located within required "yards" in accordance with Section 5.3.*

The proposed solar parking canopies will not be located within required "yards", in compliance with this section. See Section 6.7.35.2 below for further discussion.

4.4.21.12 *"Solar Parking Canopy":*

- 4.4.21.12.2 *Installation of a "solar parking canopy" with a nameplate generating capacity of 1,000 kilowatts or greater shall require special permit approval by the Common Council, subject to the requirements of this Section and Section 6.7.35.*

The Applicant proposes solar parking canopies with a nameplate generating capacity of approximately 4,117.94 kW DC and 3,375 kW AC in solar energy. See Section 6.7.35, below, for further discussion.

- 4.4.21.12.5 *The height of a "solar parking canopy" shall be measured from the base of the support structure to the highest point of the "solar panels" when oriented at maximum tilt.*

The Applicant's proposal complies with this section.

- 4.4.21.12.6 *Shall have a maximum height of 15 feet in Residence Districts, and a maximum height of 25 feet in Business or Industrial Districts as classified in Section 3.1.*

The Applicant has provided the measurements for the height of the solar canopies, in compliance with Section 4.4.21.12.5, above. Based on the Site Details Plan (CS 501), the maximum proposed height of the solar canopies is approximately 23 feet, in compliance with this section.

- 4.4.21.12.7 *Shall be located in a manner to reasonably avoid and/or minimize visibility from public streets and surrounding properties, while still providing adequate "solar access."*

The solar canopies are proposed to be located over existing surface parking areas within the site and will be subject to the landscaping and screening requirements of Sections 6.7.35.3 and 6.7.35.5.2, discussed below.

4.4.21.12.8 *Shall require approval of Fire Safety Operation Guidelines to the satisfaction of the Commissioner of Public Safety.*

The Fire Safety Operations Guidelines will be subject to review by the Commissioner of Public Safety.

4.4.21.13 *Exterior lighting shall be limited to that minimally required for safety and operational purposes and shall be reasonably shielded and downcast from abutting properties.*

The Applicant shall provide a lighting plan to ensure compliance with this section.

4.4.21.14 *“Solar energy equipment” shall be sited such that any ambient noise produced complies with Section 3.4 - Noise Pollution of the Municipal Code.*

The Applicant’s proposal will comply with this section.

4.4.21.15 *“Solar energy equipment” shall not be located where there is potential for pedestrian or vehicular conflict, such as in parking medians, islands, or landscaped areas unless where deemed non-hazardous by the Deputy Commissioner of Parking Responsible for Transportation Engineering.*

Subject to confirmation by the Commissioner of Parking and the City Transportation Engineer, the Applicant’s proposal complies with this section.

4.4.21.16 *All on-site utility lines related to a “solar energy system” shall be placed underground to the maximum extent practicable and as permitted by the serving utility.*

The Applicant’s proposal complies with this section.

4.4.21.17 *No signage or graphic content shall be displayed on the “solar energy system” or “solar energy equipment” other than the manufacturer’s name, equipment specification information, safety information, and 24-hour emergency contact information.*

The Applicant’s proposal complies with this section.

4.4.21.18 *Potential infringement to "solar access" related to "building" siting, orientation and landscaping, shall be considered by all approving agencies as a part of their review of any "solar energy system" application.*

The Applicant's proposal complies with this section.

4.4.21.19 *If the "solar energy system" ceases to perform its originally intended function for more than 12 consecutive months, the property owner shall remove the collector, mount and associated equipment in compliance with all relevant environmental regulations and restore the site to existing conditions prior to installation of the "solar energy system" no later than 90 days after the end of the twelve-month period.*

The Applicant's proposal complies with this Section.

Section 5.9 Planned Campus Development District

Pursuant to Section 5.9 of the Zoning Ordinance, any application for a "Planned Campus Development," or an amendment thereto, shall be accompanied by a Master Plan for the entire development site. Because the Planned Campus Development District ("PCDD") is mapped over the entire 70-acre development site, the approved Master Plan must be amended to reflect the addition of the solar parking canopies and the PV solar modules. No other elements of the approved Master Plan or Site Plan, including building design, unit count, affordable unit count, parking spaces, residential buffers, fencing, etc. have been changed since the 2019 Plans. Moreover, the residential development project continues to comply with the special set of regulations controlling "uses", "accessory uses", "height", "gross land coverage", bulk, and parking standards of the PCDD. The proposed solar parking canopies will be located on existing surface parking lots. As such, no new impervious surfaces will be created and no environmentally sensitive features (steep slopes, wetlands or watercourses) will be affected.

Accordingly, the Applicant has filed the Application to amend the Master Plan to include the proposed solar parking canopies and the proposed rooftop PV solar modules.

Section 6.5 Special Permit Standards

- 6.5.1 *The location and size of the special permit "use," the nature and intensity of the operations involved in it or conducted in connection with it, the size of the site in relation to it, and the location of the site with respect to "streets" giving access to it are such that it will be in harmony with the appropriate and orderly development of the area in which it is located.*

The solar parking canopies will be located over existing surface parking areas on the site and comprise approximately 5.6 acres (10%) of the total 55-acre parcel that encompasses the office complex. No new impervious surfaces will be created. The parking areas are already accessible via an existing internal roadway system. The solar parking canopies will be screened in accordance with Section 6.7.35.3.

- 6.5.2 *The location, nature and "height" of "buildings," walls and fences and the nature and extent of existing or proposed plantings on the site are such that the special permit "use" will not hinder or discourage the appropriate development and "use" of adjacent land and "buildings."*

Solar parking canopies will be screened in accordance with Section 6.7.35.3. The maximum height of the solar parking canopies will be approximately 23 feet, which is less than the maximum permitted height of 25 feet.

- 6.5.3 *Operations in connection with any special permit "use" will not be more objectionable to nearby properties by reason of noise, traffic, fumes, vibration or other characteristics than would be the operations of permitted "uses" not requiring a special permit.*

Solar parking canopies are accessory uses that will not be more objectionable in terms of noise, traffic, or fumes than permitted uses, such as commercial buildings.

- 6.5.4 *"Parking lots" will be of adequate size for the particular special permit "use," properly located and suitably screened from adjoining residential "uses," and the entrance and exit drives shall be laid out so as to achieve maximum convenience and safety.*

No changes to the existing surface parking areas are proposed. The solar parking canopies will be located entirely over existing surface parking areas.

- 6.5.5 *Violations. It shall be unlawful for any entity or person issued a special permit "use" to operate such "use" in violation of the terms and standards of Section 6.7, or to operate in a manner inconsistent with the conditions imposed or plans approved pursuant to Section 6 of this Ordinance.*

The Applicant's proposal complies with this section.

Section 6.7 Individual Standards and Requirements for Certain Special Permit "Uses"

- 6.7.35 *"Solar parking canopy" with a nameplate generating capacity of 1,000 kilowatts or greater:*

- 6.7.35.1 *Requires a minimum "lot area" of five acres.*

The site is approximately 55 acres, in compliance with this section.

- 6.7.35.2 *When installed at grade within the Campus Office (C-O), Planned Campus Development (PCD), Planned Residential Development (PRD), or Planned Senior Residential Development (PSRD) Zoning District, a "solar parking canopy" must be sited at least 175 feet from the front "lot line." The minimum distance to the side or rear "lot line" for accessory "structures" required by Section 5.3 shall apply, except for any property lines that are adjacent to a One or Two Family Zoning District, in which case an additional 50 feet must be provided. The Common Council may alter the required distance to any "lot line" for accessory "structures" to reduce the installation's overall impact to adjacent Residence Districts, if any, as classified in Section 3.1.*

The proposed solar parking canopies are set back over 200 feet from the front lot line that abuts the R1-5 Zoning District, in compliance with this section. The distance between the solar parking canopies and the side and rear lot lines all comply with the minimum requirements set forth in Section 5.3 and an additional 50 feet is provided where the property line is adjacent to the R1-12.5 zoning district, as follows:

Yards	Required Yards	Provided Yards
Area 1 Side Yard	100	100.0
Area 2 Side Yard	100	101.1
Area 2 Rear Yard	200 (150+50)	200.1
Area 3 Front Yard	175	200.2
Area 3 Side Yard	150 (100+50)	320.5
Area 3 Rear Yard	200 (150+50)	200.0

Accordingly, the Common Council finds that the proposed solar parking canopies comply with this section.

6.7.35.3

Shall be screened through landscaping, grading, or other means so that the views of a "solar energy system" are minimized as reasonably practicable from public roadways and adjacent properties. A detailed landscape and screening plan must be approved by the Common Council pursuant to Section 4.4.19 - Landscaping, Screening, and Buffer Areas and Section 7.3.5.9 of the Zoning Ordinance. Use of native plantings that foster pollinator habitats as identified in the New York State Department of Environmental Conservation native species list, Westchester Community College Native Plant Center native species list, or New York State Pollinator Protection Plan is required.

Applicant shall deposit funds into an escrow account in an amount established by the Commissioner of Public Works for the City to retain an independent landscape architect, arborist, or ecologist to inspect the screen plantings biannually for a period of two (2) years following installation to identify any plant material that did not survive, appears unhealthy, and/or otherwise needs to be replaced to maintain compliance with the landscape and screening plan approved by the Common Council.

Based on review and recommendation by the City's independent consultant, IQ Landscape Architects, the Applicant has provided an updated Planting Plan (LP 101), dated revised November 30, 2022, that includes a significant number and variety of new trees and shrubs located along the western and southern sides of the Area 3 parking area. Updates to the originally submitted planting plan include the establishment of a clearly defined 55,000 square foot maintenance boundary that will be monitored by an independent landscape architect for a period of two-years

as required above. The maintenance boundary is approximately 40 feet from the curb of the south side of Area 3 parking lot and 50 feet from the west side curb of the lot.

Specific planting schedules for both Green Lane and Dreier Lane include native trees and shrubs, including Autumn Flame Red Maples, White Spruces and Northern Bayberries, among others. In an effort to provide additional variety and pollinator support to the shade tree canopy, the originally proposed Pin Oak was eliminated in favor of Sourgum, and Blue Princess Holly was switched to Inkberry Holly to provide additional berry producing shrubs. Further, a continuous native pollinator meadow mix is now proposed throughout with native grasses and flowering perennials to support pollinator species.

During the public hearing the Applicant presented an illustrative planting plan along the northern property line of the Area 3 parking lot closest to Woodbrook Road which includes approximate screen planting locations to be determined based on existing tree canopy, line of site, and existing topography. Due to existing topography and rocky conditions along that northern property line, it is likely that evergreen screen plantings would not be located on the Applicant's property but rather in the rear yards of housing units fronting on Woodbrook Road. Such planting would be subject to each individual property owner's approval outside the scope of Common Council action.

6.7.35.4 *Tree removal is subject to Municipal Code Chapter 7-5, Tree Preservation Guidelines.*

The Applicant's proposal complies with this section.

6.7.35.5 *Applications for a "solar parking canopy" under this section shall include the following:*

6.7.35.5.1 *the name, address, and contact information of proposed or potential system installer and the owner and/or operator of the "solar energy system." Confirmation of the final system installer shall be submitted prior to the issuance of building permit;*

The Applicant's proposal complies with this section.

- 6.7.35.5.2 *renderings, and a line-of-sight profile analysis and digital view shed report illustrating the visual impact that the “solar energy system” may have on public roadways and adjacent properties;*

Renderings, a line-of-sight profile analysis and a digital view shed report illustrating the visual impact have been provided. The Applicant provided photos from 16 different locations throughout the site. Based on these site photos (FG01), the solar parking canopies should not be visible from the surrounding neighborhood during the summer and fall months due to the leafy canopy of the many surrounding trees.

- 6.7.35.5.3 *a preliminary equipment specification sheet that documents all proposed "solar panels" and significant components, including but not limited to the racking system details, mounting systems and inverters proposed to be installed. A final equipment specification sheet shall be submitted prior to the issuance of building permit;*

The Applicant has provided a Utility Plan (CU101-102) in compliance with this section.

- 6.7.35.5.4 *an electrical diagram showing the location of all “solar energy system” components, including “solar panels,” inverters, interconnection, disconnects and utility meter;*

The Applicant has provided a Utility Plan (CU101-102) in compliance with this section.

- 6.7.35.5.5 *either a one- or three-line electrical diagram detailing the systems' layout, including "solar panels," "solar energy equipment," and electrical interconnection methods, with all National Electrical Code compliant disconnects and overcurrent devices;*

The Applicant has provided a Utility Plan (CU101-102) in compliance with this section.

- 6.7.35.5.6 *an operation and management plan, describing continuing photovoltaic maintenance, inspection schedules, and property*

upkeep for proposed landscaping screening, including specifications for mechanical and/or/chemical management plans;

The Applicant has provided an operation and management plan.

- 6.7.35.5.7 *a decommissioning plan signed by the owner and/or operator of the "solar energy system" detailing the location of facilities to be removed or those to remain on the site; the estimated cost of removing the "solar energy system," including waste stream management detailing the materials proposed to be recycled and/or salvaged; and the estimated cost and schedule for decommissioning and restoration of the site to its condition at the time the application is made, including provisions for the protection of soil, disturbed areas, and environmental features during the decommissioning and restoration process to the satisfaction of the Common Council.*

The Applicant has provided a decommissioning plan.

7.5 Site Plan Standards

All aspects of the 2019 Approved Plans remain the same with the exception of Section 7.5.3.7, which shall be amended as follows:

- 7.5.3.7 *Adequacy of "solar access" meeting at a minimum the requirements of Section 4.4.21.12.7 and 4.4.21.12.18 of this Ordinance.*

The Applicant's proposal complies with this section.

CONCLUSION

RESOLVED, that based upon the above Findings, the Common Council determines that the standards of Section 4.4.21 "Solar Energy System", Section 5.9 Planned Campus Development District, Section 6.5 Special Permit Standards, 6.7.35 "Solar Parking Canopy" and Section 7.5 Site Plan Standards, have been met and the Special Permit and amendments to both the Site Plan and Master Plan are hereby approved and granted; and

IT IS FURTHER RESOLVED, that said approval is granted subject to:

1. all conditions of the 2019 Approved Plans;
2. the following two new conditions:
 - A. Installation of landscaping and plantings shall conform to the following new approved drawings, dated November 30, 2022:
 - Langan Drawing No. LP501, Planting Details & Notes
 - Langan Drawing No. LP101, Planting Plan; and
 - B. Applicant shall submit a final lighting plan indicating the number, location, placement and specifications of lighting fixtures, such plan subject to approval by the Commissioner of Building in conformance with Section 4.4.20 of the Zoning Ordinance.



"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 COMMON COUNCIL OF THE CITY OF WHITE PLAINS

RE: Acceptance of \$100,000 DASNY Grant

The City has been awarded an additional \$100,000 State and Municipal Facilities Program (SAM) grant through the Dormitory Authority of the State of New York (DASNY) to fund the creation of a Battle Hill meadow along Route 119. 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 acceptance of the grant and execution of the funding agreement.

Thomas M. Roach, Mayor

Date: November 28, 2022

**AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF
WHITE PLAINS AUTHORIZING AN AGREEMENT TO ACCEPT A \$100,000
DASNY GRANT**

WHEREAS, the City of White Plains has been awarded an additional \$100,000 State and Municipal Facilities Program (SAM) grant through the Dormitory Authority of the State of New York (DASNY) to fund improvements to the open space area along Route 119; and

WHEREAS, the improvements will include creation of a Battle Hill meadow along Route 119; 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.



“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 COMMON COUNCIL OF THE CITY OF WHITE PLAINS
RE: Authorization to Proceed with Geothermal Assessment

In support of the City’s interest in reducing carbon emissions and energy usage of City buildings, the New York Power Authority has proposed to evaluate the potential for ground source heat pumps and other electrification strategies for City facilities, including engineering study services. The County of Westchester is also involved in the project, which will include County facilities. The outcome of the assessment will be a reasonable go/no go decision to further pursue this project. The cost to the City for the assessment will not exceed \$30,656.25.

I respectfully request that the Common Council approve an ordinance authorizing the acceptance of the NYPA proposal and execution of any necessary agreements.

Thomas M. Roach, Mayor

Date: November 29, 2022

**AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF
WHITE PLAINS AUTHORIZING AN AGREEMENT WITH THE NEW YORK
POWER AUTHORITY FOR A GEOTHERMAL ASSESSMENT**

WHEREAS, the City is interested in reducing carbon emissions and energy usage of City facilities and buildings; and

WHEREAS, the New York Power Authority (“NYPA”) has proposed to evaluate the potential for ground source heat pumps and other electrification strategies for City facilities, including engineering studies; and

WHEREAS, the evaluation will enable the City to determine if it is feasible to further pursue such projects.

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 NYPA and all required documents authorizing NYPA to proceed and perform the above described services at a cost not to exceed \$30,656.25

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

Section 3. This ordinance 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

STEFANIA A. MIGNONE
COMMISSIONER

UDOMLUG SIRIPHONLAI, P.E.
DEPUTY COMMISSIONER

CHRISTOPHER D. ROBESON
DEPUTY COMMISSIONER

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

On May 18, 2022, the property owners of 131 Mamaroneck Avenue and 9 Mitchell Place, LMV II MMP Holdings LP (owner,) paid the City of White Plains a one-time fee of \$167,860, in lieu of relining of 20 sanitary sewer manholes and two thousand (2,000) linear feet of existing sanitary mains in the vicinity of the project. (Reference condition #B(16)(b) of the Common Council Approval Resolution dated September 5, 2017.)

In order to use this fee for sewer upgrades, it is respectfully requested that the Mayor be authorized to direct the Budget Director to amend the 2022-2023 Sewer Fund as follows:

INCREASE REVENUES:

SW01-06274 Developers Contributions \$167,860

INCREASE APPROPRIATIONS:

SW01-8.206 Capital Outlay-Sanitary Sewers \$167,860

Respectfully submitted,


Stefania A Mignone
Commissioner of Public Works

Dated: November 30, 2022

AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF WHITE PLAINS AMENDING THE SEWER FUND AND AUTHORIZING THE ACCEPTANCE OF A FEE-IN-LIEU OF RELINING SEWER MANHOLES AND SEWER MAINS

WHEREAS, on September 5, 2017, the Common Council approved a site plan application for the development of property known as 131 Mamaroneck Avenue and 9 Mitchell Place (“Approval Resolution”) filed on behalf of Alliance Realty Partners (“Applicant”); and

WHEREAS, the Approval Resolution contained a condition, numbered B(16)(b), that required the relining of 20 sanitary sewer manholes and two thousand (2,000) linear feet of existing sanitary mains in the vicinity of the project; and

WHEREAS, in lieu of relining 20 sanitary sewer manholes and two thousand (2,000) linear feet of existing sanitary mains in the vicinity of the project, LMV II MMP Holdings LP, the current owner of the property, submitted a one-time fee of \$167,860 for such work to be performed by the City of White Plains; and

WHEREAS, the Commissioner of Public Works requests that the funds be accepted and that the sewer fund be amended.

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

Section 1. The Commissioner of Public Works is hereby authorized to accept the \$167,860 fee-in-lieu of relining 20 sanitary sewer manholes and two thousand (2,000) linear feet of

existing sanitary mains in the vicinity of the project as stated in condition B(16)(b) in the September 5, 2017 Approval Resolution, which condition shall be satisfied by said payment.

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

INCREASE REVENUES:

SW01-06274 Developers Contributions	<u>\$167,860</u>
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EXPENDITURES:

SW01-8.206 Capital Outlay-Sanitary Sewers	<u>\$167,860</u>
-------------------------------------------	------------------

Section 3. This ordinance 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

STEFANIA A. MIGNONE
COMMISSIONER

UDOMLUG SIRIPHONLAI, P.E.
DEPUTY COMMISSIONER

CHRISTOPHER D. ROBESON
DEPUTY COMMISSIONER

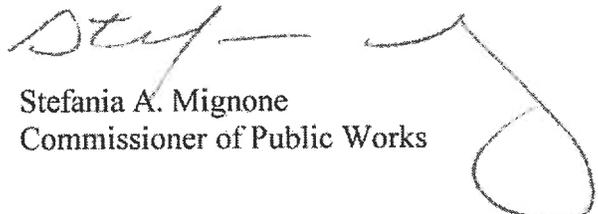
**TO THE HONORABLE MEMBERS OF THE COMMON COUNCIL OF THE CITY OF
WHITE PLAINS**

The Common Council approved a site plan on July 1, 2019 submitted by MG MAIN SPE, LLC ("the Applicant") subject to the Applicant obtaining a license agreement, approved by the Corporation Counsel, for the use of approximately 1,599 square feet of the City's right-of-way shown on the Right of Way Encroachment Plan, Fig. 1 prepared by Langan Engineering, dated May 21, 2019 ("the encroachment area"). The encroachment area is to be used for outdoor dining in connection with the adjacent restaurant and access to said restaurant.

The Department of Public Works has no objection to granting a license agreement for such use at that location since it will not interfere with the use of the right-of-way for all municipal purposes. The license fee for said agreement should be as follows: 1) a license fee of \$12,000 for the first year; 2) a license fee of \$24,000 for the second and third years of the license; and 3) in subsequent years, the license fee shall be increased by 5% every second year thereafter (i.e. the license fee for years four and five shall be \$25,200 for each year.) The license agreement shall contain such other terms and conditions as are deemed appropriate by the Corporation Counsel.

Submitted for your consideration is an ordinance which authorizes the Commissioner of Public Works to execute the aforementioned license agreement.

Respectfully submitted,


Stefania A. Mignone
Commissioner of Public Works

Dated: November 30, 2022

AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF WHITE PLAINS AUTHORIZING THE COMMISSIONER OF PUBLIC WORKS TO ENTER INTO A REVOCABLE LICENSE AGREEMENT WITH MG MAIN SPE, LLC TO PERMIT AN ENCROACHMENT IN THE CITY RIGHT-OF-WAY FOR OUTDOOR DINING AND ACCESS TO AN ADJACENT PROPERTY PURSUANT TO AN APPROVED SITE PLAN.

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

Section 1. In connection with an amended site plan with respect to several properties including 50 Main Street, the Common Council approved a site plan on July 1, 2019 submitted by MG MAIN SPE, LLC (“the Applicant”) subject to the Applicant obtaining a license agreement, approved by the Corporation Counsel, for the use of approximately 1,599 square feet of the City’s right-of-way shown on the Right of Way Encroachment Plan, Fig. 1 prepared by Langan Engineering, dated May 21, 2019 (“the encroachment area”). The City of White Plains hereby approves the use of the encroachment area for outdoor dining in connection with the adjacent restaurant and access to said restaurant.

§2. The Commissioner of Public Works is hereby authorized to enter into a revocable license agreement between MG MAIN SPE, LLC and the City of White Plains, to permit the the use of the encroachment area for outdoor dining in connection with the adjacent restaurant and access to said restaurant for a license fee as follows: 1) a license fee of \$12,000 for the first year; 2) a license fee of \$24,000 for the second and third years of the license; and 3) in subsequent years, the license fee shall be increased by 5% every second year thereafter (i.e. the license fee for years four and five shall be \$25,200 for each year). Permission shall also be given for MG MAIN SPE, LLC to apply for any permits needed to construct improvements in the encroachment area. Said agreement shall be in a form approved by the Corporation Counsel.

§3. This ordinance shall take effect immediately.

THOMAS M. ROACH
MAYOR



KEVIN P. LIVINGSTON
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: TICKET PROCESSING CONTRACT WITH IPS GROUP, INC.

The Department of Parking contract for parking violation equipment, software, processing and collection services with our present contractor expires on February 28, 2023. The Department of Parking issued a request for proposals (RFP) seeking a vendor to start on March 1, 2023. Four vendors submitted proposals that were evaluated by staff.

IPS Group, Inc. met the requirements of the RFP by providing a comprehensive array of software, equipment, supplies, wireless data plans, DMV inquiries, on-site service, training, and data entry services with the most favorable fees to the City and residents.

The proposed fee for these services is no more than \$1.45 per summons issued. This equates to approximately \$348,000 per year, depending upon the actual number of tickets issued and processed. This fee proposal represents a slight cost savings when compared to our current fee of \$1.55. The convenience fee for web and phone payments would increase from \$3.00 to \$3.50 per violation. The other proposals were for the same or higher costs.

Submitted for your consideration is an ordinance authorizing the City to enter into a three year agreement with two one year extensions, in a form approved by the Corporation Counsel, with IPS Group, Inc. for the provision of parking violation and collection services.

Respectfully submitted,

Kevin P. Livingston, Commissioner
CWP – Department of Parking

Dated: November 23, 2022

**AN ORDINANCE OF THE COMMON COUNCIL OF THE
CITY OF WHITE PLAINS TO AUTHORIZE AN
AGREEMENT WITH IPS GROUP, INC. IN CONNECTION
WITH THE PARKING VIOLATIONS SYSTEM**

WHEREAS, the City’s Department of Parking agreement for parking violation equipment, software, processing and collection services (“Parking Violations System”) with the present contractor expires on February 28, 2023; and

WHEREAS, the Department of Parking issued a request for proposals (“RFP”) seeking a new contractor to provide and maintain a Parking Violations System as of March 1, 2023; and

WHEREAS, four vendors submitted proposals that were evaluated by City staff and the IPS Group, Inc. submitted a proposal that best met the requirements of the RFP to provide a Parking Violations System that included a comprehensive array of software, equipment, supplies, wireless data plans, DMV inquiries, on-site service, training, and data entry services with the most favorable fees to the City and its residents.

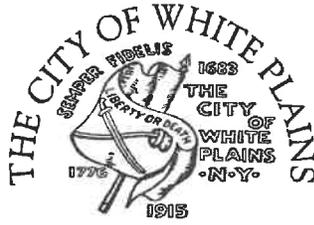
Now, therefore be it ordained by the Common Council as follows.

Section 1. The Mayor or his designee is authorized to execute an agreement and all other documents required to authorize IPS Group, Inc. to provide and maintain a Parking Violations System to be fully operational as of March 1, 2023. Such agreement may provide that

- A. The fee for these services shall be no more than \$1.45 per summons issued, which results in a fee of approximately \$348,000 per year, depending upon the actual number of tickets issued and processed;
- B. The convenience fee charged for web and phone payments shall be no more than \$3.50 per violation; and
- C. The agreement shall be for a period of three years and may be extended by the Commissioner of Parking upon the same terms and conditions for two one year periods.

Section 2. The aforementioned agreement 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.



JOHN G. CALLAHAN
CORPORATION COUNSEL

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

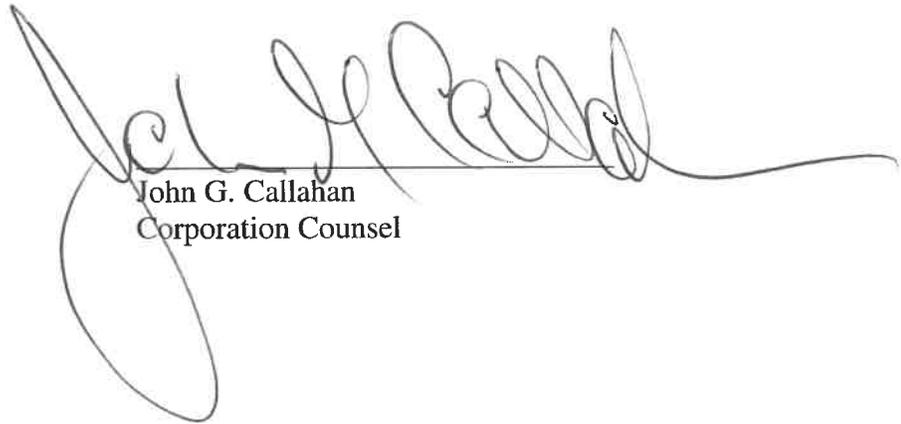
(914) 422-1241 Phone
(914) 422-1231 Fax

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

For more than twenty years, the Common Council has authorized the retention of the law firm The Roffe Group, P.C., which was dissolved and reformed as The Roffe Group of Robinson+Cole ("the firm"), to act as Special Counsel for legislative affairs for the City. Among the firm's responsibilities is 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.

On December 31, 2022 the term of the City's contract with the firm will expire. I recommend the firm's retention for another one year period for the annual fee of \$44,000, which includes expenses, and which will be paid on a quarterly basis, at the rate of \$11,000 per quarter.

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



John G. Callahan
Corporation Counsel

Dated: November 22, 2022

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<http://www.cityofwhiteplains.com>

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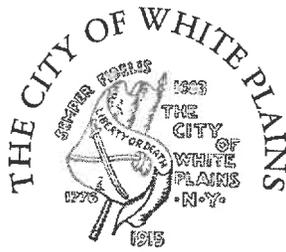
AN ORDINANCE AUTHORIZING THE CORPORATION COUNSEL TO ENTER INTO AN AGREEMENT RETAINING THE SERVICES OF THE LAW FIRM THE ROFFE GROUP OF ROBINSON+COLE, AS SPECIAL COUNSEL FOR THE PERIOD JANUARY 1, 2023 THROUGH DECEMBER 31, 2023.

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, 2023 and ending December 31, 2023, 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.



DEPARTMENT OF LAW

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

(914) 422-1241 • FAX (914) 422-1231

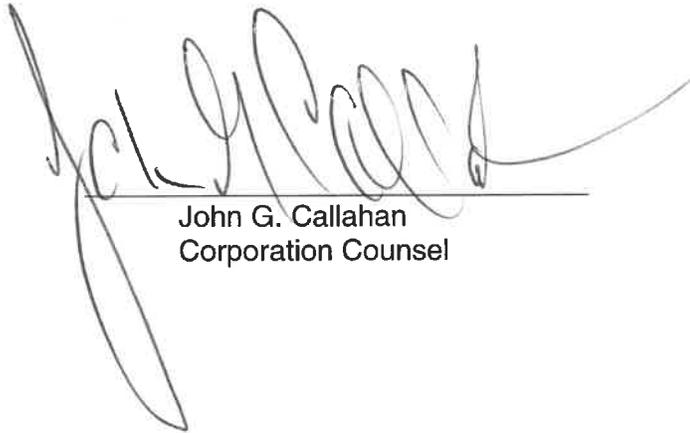
JOHN G. CALLAHAN

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 201-215 Ferris Avenue and 1 North Lexington 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: November 29, 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:

**Troop Realty Corp.
201-215 Ferris Avenue
SBL: 125.42-3-19**

<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>
2018/19	\$ 45,000	\$ 44,000	\$ 1,000	\$ 211.36
2019/20	\$ 45,000	\$ 44,000	\$ 1,000	\$ 217.07
2020/21	\$ 45,000	\$ 44,000	\$ 1,000	\$ 224.52
2021/22	\$ 45,000	\$ 45,000	\$ 0	\$ 0.00
2022/23	\$ 45,000	\$ 45,000	\$ 0	\$ 0.00

Total: \$ 652.95

**Gateway I Group
1 North Lexington Avenue
SBL: 125.74-3-1**

<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	\$ 3,261,250	\$ 3,261,250	\$ 0	\$ 0.00
2018/19	\$ 3,261,250	\$ 3,261,250	\$ 0	\$ 0.00
2019/20	\$ 3,261,250	\$ 3,000,000	\$ 261,250	\$ 56,709.54
2020/21	\$ 3,261,250	\$ 2,875,000	\$ 386,250	\$ 86,720.85
2021/22	\$ 3,261,250	\$ 2,725,000	\$ 536,250	\$ 123,455.48
2022/23	\$ 3,261,250	\$ 2,400,000	\$ 861,250	\$ 201,971.74

Total: \$ 468,857.61

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:

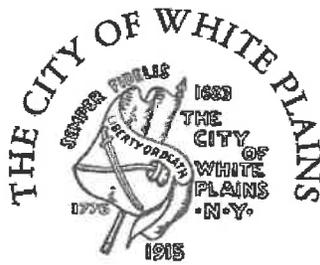
Section 1. The settlement of the aforesaid proceedings in the manner set forth above be and the same hereby is approved.

§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.



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 AN AGREEMENT WITH A4 MEDIA, LLC TO PLACE A FAIR HOUSING PUBLIC SERVICE ANNOUNCEMENT ON LOCAL CABLE TELEVISION STATIONS.

Submitted, herewith, for your review and approval, is an ordinance authorizing the Mayor or designee to enter into an agreement with A4 Media LLC to place a 30 second public service announcement (PSA) about fair housing rights on local cable television stations. The PSA is part of the Fair Street USA project, funded by a grant from the U.S. Department of Housing and Urban Development's Fair Housing Initiatives Program (FHIP) to support the implementation of Education and Outreach Initiatives.

Since January 2022, The City of White Plains has been implementing "Fair Street USA: Small houses designed to tell a big story" to enhance compliance with the Fair Housing Act and substantially equivalent State and local fair housing laws.

Fair Street USA combines a public education campaign with an interactive public art display that was launched on the White Plains Library Plaza, then moved into the library gallery for the month of July and later displayed as part of the Serious Fun Arts Festival in October.

As a culminating piece of the campaign, footage of the exhibit has been turned into a 30 second PSA that will run on local cable television stations.

Dated: November 21, 2022

Judith Mezey, Deputy Commissioner of Planning

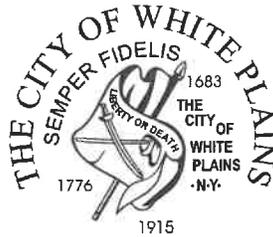
AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF WHITE PLAINS AUTHORIZING THE MAYOR, OR HIS DESIGNEE, TO ENTER INTO AN AGREEMENT WITH A4 MEDIA, LLC TO PLACE A FAIR HOUSING PUBLIC SERVICE ANNOUNCEMENT ON LOCAL CABLE TELEVISION STATIONS.

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

Section 1. The Mayor, or his designee, is hereby authorized to execute an agreement with A4 Media, LLC to place a Fair Housing Public Service Announcement on local cable television stations, which agreement provides for the indemnification of A4 Media.

Section 2. Said agreement shall be in a form approved by Corporation Counsel.

Section 3. This ordinance shall take effect immediately.



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 MEMBERS OF THE COMMON COUNCIL:

The Department of Public Safety has received a donation of \$7,500 from the Fenway Charitable Foundation. These funds will be used by the Fire Department to help purchase smoke detectors for Fire Prevention and used by the Police Department to help with incidental costs for the Auxiliary Police, the Citizen's Academy and police training.

Submitted for your approval is an ordinance authorizing the Mayor to accept this donation on behalf of the City of White Plains. It is also requested that the Mayor be authorized to direct the Budget Director to amend the 2022/2023 General Fund budget as follows:

Increase Revenues:

BA30 06275	Donation	\$6,300
B021 06275	Donation	\$1,200

Increase Expenditures:

BA30 3.011	Program Supplies	\$6,300
B021 3.011	Program Supplies	\$1,200

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

Respectfully,

David E. Chong
Commissioner of Public Safety

DEC:bn

Dated: November 1, 2022

**AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF
WHITE PLAINS AUTHORIZING THE MAYOR TO ACCEPT A DONATION
IN THE AMOUNT OF \$7,500 FROM THE FENWAY CHARITABLE
FOUNDATION**

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

Section 1. The Mayor is hereby authorized to accept a donation to the City of White Plains Department of Public Safety in the amount of \$7,500 to be used towards the purchase of smoke detectors for fire prevention and the incidental costs for the Auxiliary Police, the Citizen's Academy and police training.

Section 2. The Mayor is further authorized to direct the Budget Director to amend the Fiscal Year 2022/23 General Fund as follows:

Increase Revenue:

BA30-06275	Donation	\$6,300
B021-06275	Donation	<u>\$1,200</u>

Increase Expenditures:

BA30-3.011	Program Supplies	\$6,300
B021-3.011	Program Supplies	<u>\$1,200</u>
		<u>\$7,500</u>

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

Section 4. This ordinance shall take effect immediately.



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

DAVID E. CHONG
Commissioner
(914) 422-6350

THOMAS M. ROACH
Mayor
(914) 422-1200

JOHN W. ROLAND, JR.
Deputy Commissioner
(914) 422-6230

JOSEPH P. CASTELLI
Chief of Police
(914) 422-6210

DOUGLAS A. MCMATH
Fire Chief
(914) 422-6360

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

Dear Mayor and Council Members:

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

The city of White Plains will be conducting a New Year's Eve Spectacular event on Saturday, December 31, 2022 from 12:30 p.m. to 2:00 a.m. on Sunday, January 1, 2023, featuring music, entertainment and fireworks, on Mamaroneck Avenue from Main Street to Martine Avenue; Main Street from Dr. Martin Luther King, Jr. Boulevard to North Broadway; Dr. Martin Luther King, Jr. Boulevard from Quarropas Street to Main Street; Court Street from Martine Avenue to Main Street, and Martine Avenue from Mamaroneck Avenue to South Lexington Avenue. Over ten thousand people are expected to attend and participate in the event.

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

Respectfully,

David E. Chong, Commissioner

DEC:bn

Dated: November 17, 2022

AN ORDINANCE OF THE CITY OF WHITE PLAINS PROHIBITING LAUNCHING, LANDING AND OPERATING DRONES DURING THE NEW YEAR'S EVE SPECTACULAR EVENT TO BE HELD ON DECEMBER 31, 2022 TO JANUARY 1, 2023.

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

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

WHEREAS, there is a public safety concern that the use of drones over public streets during large public events may result in a drone accident that results in injury to bystanders or damage to personal property; and

WHEREAS, the City of White Plains will be conducting a New Year's Eve Spectacular event on Saturday, December 31, 2022 from 12:30 p.m. until Sunday January 1, 2023 at 2:00 a.m., featuring music, entertainment and fireworks; and

WHEREAS, over ten thousand people are expected to attend the New Year's Eve Spectacular event.

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

Section 1. Launching, landing and operating drones is prohibited during the New Year's Eve Spectacular event held on December 31, 2022 from 12:30 p.m. until Sunday January 1, 2023 at 2:00 a.m. on or above the following streets: Mamaroneck Avenue from Main Street to Martine Avenue; Main Street from Dr. Martin Luther King Jr. Boulevard to North Broadway; Dr. Martin Luther King Jr. Boulevard from Quarropas Street to Main Street; Court Street from Martine Avenue to Main Street; and Martine Avenue from Mamaroneck Avenue to South Lexington Avenue.

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

Section 3. This ordinance shall be referred to the "2023 New Year's Eve Drone Ordinance.

Section 4. This ordinance shall take effect immediately.



CITY OF WHITE PLAINS YOUTH BUREAU
OFFICE OF THE MAYOR
11 AMHERST PLACE - WHITE PLAINS, NEW YORK 10601
(914) 422-1378 - FAX (914) 422-6489

THOMAS M. ROACH
MAYOR

FRANK WILLIAMS, JR., Ph.D.
EXECUTIVE DIRECTOR

ELIZABETH ALMONTE, MBA
DEPUTY DIRECTOR

November 21, 2022

TO THE HONORABLE MAYOR AND MEMBERS OF THE COMMON COUNCIL:

The White Plains Youth Bureau would like to enter into a contract with Pahwa LLC to provide oversight and transition for the OASAS Prevention program and assistance to Deputy Director, Elizabeth Almonte (\$22,500) and to design the Living Wellness magazine (\$5,000) from the 2022 OASAS approved Budget. The contract period will be October 01, 2022 to December 31, 2022 and the total compensation for the performance of all such services shall not exceed Twenty-Seven Thousand Five Hundred dollars (\$27,500). I am requesting that the Mayor or his designee be authorized to enter into contract with Pahwa LLC to provide these services.

Respectfully submitted,

Frank Williams, Jr.
Director

**AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF
WHITE PLAINS AUTHORIZING THE YOUTH BUREAU TO ENTER INTO A
CONTRACT WITH PAHWA LLC TO PROVIDE CONSULTING SERVICES**

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

Section 1. The Youth Bureau is hereby authorized to enter into a contract with Pahwa LLC to provide consulting services to provide oversight and transition for the OASAS Prevention Program and the new Deputy Director (\$22,500) and to design the Living Wellness magazine (\$5,000), all to be paid for from the 2022 OASAS approved Budget.

Section 2. Such services shall be performed from October 1, 2022 to and including December 31, 2022. The total amount payable pursuant to the terms of such contract shall not exceed \$27,500.

Section 3. The Commissioner of Finance is hereby authorized to expend sufficient funds to pay for the above services from various grants within the Youth Development Grant Fund.

Section 4. This ordinance shall take effect as of October 1, 2022.

THOMAS M. ROACH
MAYOR



WHITE PLAINS YOUTH BUREAU

FRANK WILLIAMS, JR.
EXECUTIVE DIRECTOR

BHAVANA PAHWA, PhD
DEPUTY DIRECTOR

November 21, 2022

TO THE HONORABLE MAYOR AND MEMBERS OF THE COMMON COUNCIL:

The November 1st, 2021 Common Council enacted an ordinance accepting a grant of Seventy Thousand Four Hundred Seventy-Two (\$70,472) dollars from The Research Foundation for Mental Hygiene (RFMH) to provide Teen Intervene programming. Teen Intervene is designed as a comprehensive screening, intervention and referral to treatment model. Teen Intervene also provides education, support and guidance for teens and their parents. The grant period was from September 30, 2021 to September 29, 2022.

The Research Foundation for Mental Hygiene (RFMH) has extended the grant period to March 31, 2023 with an additional funding of Twenty-Six Thousand Twelve (\$26,012) dollars for a total funding of Ninety-Six Thousand Four Hundred Eighty-Four (\$96,484) dollars to continue the same service to the youth and parents of White Plains.

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 2022/23 Youth Development Fund as follows:

	Current Approved Budget	Additional Funds	Approved New Budget
<u>Increase Estimated Revenue:</u>			
RFMH - 02266 NYS OASAS	\$70,472	\$26,012	\$96,484
<u>Increase Appropriations:</u>			
RFMH - 4.910 Program Supplies	\$7,195		\$7,195
RFMH - 4.940 Contracted Services	\$56,870	\$23,647	\$80,517
RFMH - 4.979 Grnt. Indirect Cost	\$6,407	\$2,365	\$8,772
Total	\$70,472	\$26,012	\$96,484

Respectfully submitted,

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

Frank Williams, Jr.
Director Youth Bureau



AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF WHITE PLAINS AUTHORIZING THE CITY TO RECEIVE AN ADDITIONAL \$26,012 GRANT FROM THE RESEARCH FOUNDATION FOR MENTAL HYGIENE FOR THE YOUTH BUREAU'S TEEN INTERVENE PROGRAM.

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

WHEREAS, on November 1, 2021 the Common Council approved accepting a grant of \$70,472 from The Research Foundation for Mental Hygiene (RFMH) to provide Teen Intervene programming. Teen Intervene is designed as a comprehensive screening, intervention and referral to treatment model. Teen Intervene also provides education, support and guidance for teens and their parents. The grant period was from September 30, 2021 to September 29, 2022; and

WHEREAS, RFMH has extended the grant period to March 31, 2023 with an additional funding of \$26,012 dollars for a total funding of \$96,484 to continue the same service to the youth and parents of White Plains.

NOW THEREFORE

Section 1. The Mayor or his designee is hereby authorized to accept on behalf of the City a grant of \$26,012 from RFMH to support the Youth Bureau's Teen Intervene Program. The period of the grant is September 30, 2022 through March 31, 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:

		Current Approved Budget	Additional Funds	Approved New Budget
<u>Increase Estimated Revenue:</u>				
RFMH - 02266	NYS OASAS	<u>\$70,472</u>	<u>\$26,012</u>	<u>\$96,484</u>
<u>Increase Appropriations:</u>				
RFMH - 4.910	Program Supplies	\$7,195		\$7,195
RFMH - 4.940	Contracted Services	\$56,870	\$23,647	\$80,517
RFMH - 4.979	Grant Indirect Cost	<u>\$6,407</u>	<u>\$2,365</u>	<u>\$8,772</u>
Total		<u>\$70,472</u>	<u>\$26,012</u>	<u>\$96,484</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 September 30, 2022.

THOMAS M. ROACH
MAYOR



WAYNE D. BASS
COMMISSIONER

BETH BRICKER
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 MEMBERS OF THE COMMON COUNCIL OF THE CITY OF WHITE PLAINS:

DEAR MAYOR AND COMMON COUNCIL MEMBERS:

The White Plains Recreation & Parks has recently received a sponsorship donation of \$20,000 from the County of Westchester Industrial Development Agency to support the City's New Year's Eve Spectacular Ball Drop and Fireworks which will be held on December 31, 2022 in downtown White Plains.

Submitted for your approval is an ordinance authorizing the Mayor to accept this donation on behalf of the City of White Plains. It is also requested that the Mayor be authorized to direct the Budget Director to amend the 2022-2023 general fund budget as follows:

Increase Revenue

A007-06275	Contributions	\$20,000
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Increase Expenditures

A007-4.502	Special Events	\$20,000
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It is also requested that the Commissioner of Finance be authorized to receive and distribute the funds accordingly.

Respectfully,

Wayne Bass

Wayne Bass, Commissioner of Recreation & Parks

Dated: November 22, 2022

“THE BIRTHPLACE OF THE STATE OF NEW YORK”

<http://www.cityofwhiteplains.com>

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AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF WHITE PLAINS AUTHORIZING THE CITY TO RECEIVE A DONATION IN THE AMOUNT OF \$20,000 FROM THE COUNTY OF WESTCHESTER INDUSTRIAL DEVELOPMENT AGENCY TO SUPPORT THE CITY OF WHITE PLAINS NEW YEAR'S EVE SPECTACULAR BALL DROP AND FIREWORKS

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

Section 1. The Mayor is hereby authorized to receive a donation to the City of White Plains in the amount of \$20,000 to support the New Year's Eve Spectacular Ball Drop and Fireworks.

Section 2. The Mayor is further authorized to direct the Budget Director to amend the Fiscal Year 2022/23 General Fund as follows:

Increase Revenue:

A007-06275	Contribution	<u>\$ 20,000</u>
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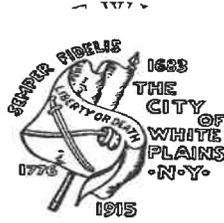
Increase Expenditures:

A007-4.502	Special Events	<u>\$ 20,000</u>
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Section 3. The Mayor is authorized to direct the Commissioner of Finance to receive and disburse these funds for their intended purpose.

Section 4. This ordinance shall take effect immediately.

THOMAS M. ROACH
MAYOR



WAYNE D. BASS
COMMISSIONER

BETH BRICKER
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 MEMBERS OF THE COMMON COUNCIL OF THE CITY OF WHITE PLAINS

Dear Mayor and Members of the Common Council:

The Department of Recreation and Parks (“Department”) wishes to enter into a license agreement with Tennis Innovators at Delfino Park LLC (Tennis Innovators) for the use of a room at the Ebersole Rink to place Fitness Equipment and offer fitness training as a part of their tennis training program. Tennis Innovators is in good standing with the City as they have a long-term license agreement as a Tennis operator at Delfino Park which began in January 2016.

Tennis Innovators will install and maintain the fitness equipment at no cost or expense to the Department or the City, and pay the City a monthly license fee of \$1500. Tennis Innovators is fully insured and will insure, hold harmless and indemnify the City of White Plains.

This agreement shall be for a period of one year, commencing payment on January 1, 2023 and terminating on December 31, 2023 and may be extended for two one year periods by the Commissioner of Recreation & Parks.

The license fee may be increased during any extension to cover any additional costs incurred by the City.

Transmitted herewith for your consideration is an ordinance authorizing the Mayor or his designee to sign such a license agreement with Tennis Innovators.

Respectfully submitted,

Wayne Bass

Wayne Bass
Commissioner, Recreation and Parks

Date: November 22, 2022

THE BIRTHPLACE OF THE STATE OF NEW YORK”

<http://www.cityofwhiteplains.com>

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**AN ORDINANCE AUTHORIZING A LICENSE AGREEMENT
WITH TENNIS INNOVATORS AT DELFINO PARK LLC TO PERMIT
THE USE OF A TRAINING ROOM AT THE EBERSOLE ICE RINK**

WHEREAS, in 2014 the Common Council authorized a long term lease with Tennis Innovators at Delfino Park LLC (“TI”) to construct, maintain and operate a tennis center and courts at DelFino Park; and

WHEREAS, TI has requested permission to use a room at the adjoining Ebersole Ice Rink for fitness training as part of their tennis training program.

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

Section 1. The Mayor or his designee is hereby authorized to execute a license agreement on behalf of the City pursuant to which:

1. TI may install and maintain fitness equipment and offer training at no cost or expense to the City in a room at the Ebersole Ice Rink, the location of such room to be determined by the Commissioner of Recreation and Parks.
2. The term of the license agreement will be one year, January 1, 2023 to and including December 31, 2023, and may be extended for two one year periods at the sole discretion of the Commissioner of Recreation & Parks.
3. TI will pay the City a license fee of \$1,500 per month in connection with the use of the room. The license fee may be increased during any extension year to cover any costs and expenses incurred by the City.
4. TI will insure and hold harmless and indemnify the City in connection with the use of the room.
- 5 The license agreement will be in a form approved by the Corporation Counsel.

Section 2. This ordinance shall take effect immediately.

THOMAS M. ROACH
MAYOR



WAYNE D. BASS
COMMISSIONER

BETH BRICKER
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 Members of the Common Council of the City of White Plains

Dear Mayor and Council Members:

Submitted herewith for your consideration is a resolution authorizing the Mayor to execute an agreement with Westchester County Department of Senior Programs and Hubbard's Cupboard LLC to provide daily lunch catering services for our Senior Center Nutrition Program.

The agreement will be for a period of one year commencing on January 1, 2023, and is included as part of overall contract agreement with Westchester County Department of Senior Programs and Services Title III-C funding.

Respectfully submitted,

Wayne Bass

Wayne D. Bass
Commissioner of Recreation and Parks

Dated: November 22, 2022

"THE BIRTHPLACE OF THE STATE OF NEW YORK"
<http://www.cityofwhiteplains.com>

AN ORDINANCE AUTHORIZING AN AGREEMENT WITH WESTCHESTER COUNTY AND HUBBARD'S CUPBOARD LLC TO PROVIDE DAILY LUNCH CATERING SERVICES FOR THE SENIOR CENTER NUTRITION PROGRAM

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

Section 1. The Mayor or his designee is hereby authorized to execute on behalf of the City an agreement with Westchester County and Hubbard's Cupboard LLC to provide daily lunch catering services for the Senior Center Nutrition Program. The term of the agreement is one year from January 1, 2023 to December 31, 2023. The agreement may include an option to renew, at the discretion of the Commissioner of Recreation and Parks, for two one year periods. The program is included as part of an overall agreement with the Westchester County Department of Senior Programs and Services Title III-C funding.

Section 2. The agreement may provide that the City shall hold harmless and indemnify the County from claims and liability in connection with the agreement. The agreement shall be in a form approved by the Corporation Counsel.

Section 3. 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

By letter dated November 9, 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 November 9, 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 three buildings containing 175 residential units and approximately 15,100 square feet of commercial space along with parking spaces at 70 Westchester Avenue, (also known as Section 126.61, Block 3, Lot 15.1) for the benefit of Saber-North White Plains, LLC ("the Applicant"), pursuant to an inducement resolution of the WCIDA dated March 24, 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

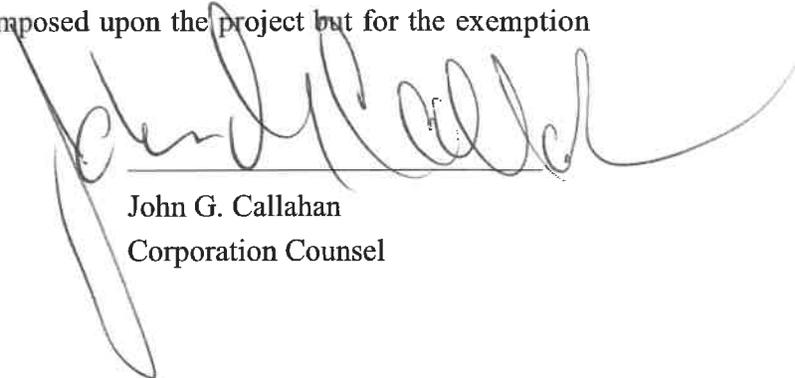
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as can be seen from the accompanying letter of Janet J. Giris, Esq of DelBello Donnellan, Weingarten Wise and Wiederkehr LLP, Applicant's attorney, dated November 18, 2022, authorized by the Applicant.

Accordingly, submitted for your consideration is a 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 in an amount 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 that would have been imposed upon the project but for the exemption granted by the WCIDA.



John G. Callahan
Corporation Counsel

Dated: November 28, 2022

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**

November 9, 2022

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

Re: Saber-North White Plains, LLC
70 Westchester Avenue
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 Saber-North White Plains, LLC a New York 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 70 Westchester Avenue, White Plains, New York (the "Project Property"); the lease, sublease, or installment sale of the Project Property back to Saber-North White Plains LLC (the "Company"); and the construction, improving, maintaining and equipping upon the Project Property of three buildings of 215,000 square feet of mixed-use development: (i) two buildings will consist of 52 multifamily housing units and 15,100 square feet of motor vehicle showroom, retail, and restaurant space and (ii) one building will consist of 123 multifamily housing units on 11 floors with eight floors of residential apartments atop three levels of parking (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 ("PILOT") agreement upon such terms and conditions as may be acceptable to the City of White Plains.

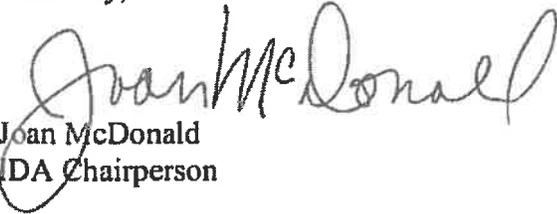
Joan McDonald, Chairperson

Attached as Schedule A, please find the proposed PILOT Schedule, subject to approval of the Common Council.

The Agency provided a Notice of Public Hearing on May 25, 2022, for the Public Hearing which was conducted June 15, 2022, at 2 p.m., local time at the Michaelian Office Building, 148 Martine Avenue, 9th Floor, White Plains, New York 10601.

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

SCHEDULE A

Project: Saber-North White Plains 70 Westchester Project
SBL: 126.61-3-15.1
Address: 70 Westchester Avenue, White Plains
Description: 175 Apartments, 215,000 sq. ft., 295 Parking Spaces, 15,100 sq. ft. Retail,
18 Storage Units

		CWP 12 Yr. PILOT Assessed Value
Year 1	2023	223,200
Year 2	2024	223,300
Year 3	2025	400,000
Year 4	2026	500,000
Year 5	2027	600,000
Year 6	2028	700,000
Year 7	2029	850,000
Year 8	2030	1,000,000
Year 9	2031	1,100,000
Year 10	2032	1,200,000
Year 11	2033	1,300,000
Year 14	2034	1,400,000

RESOLUTION OF NO OBJECTION TO WESTCHESTER COUNTY INDUSTRIAL DEVELOPMENT AGENCY'S ISSUANCE OF SALES TAX AND TAX EXEMPTIONS TO CONSTRUCT THREE BUILDINGS CONTAINING 175 RESIDENTIAL UNITS AND APPROXIMATELY 15,100 SQUARE FEET OF COMMERCIAL SPACE ALONG WITH PARKING SPACES AT 70 WESTCHESTER AVENUE FOR THE BENEFIT OF SABER-NORTH WHITE PLAINS, LLC.

WHEREAS, by letter dated November 9, 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 November 9, 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 three buildings containing 175 residential units and approximately 15,100 square feet of commercial space along with parking spaces at 70 Westchester Avenue, (also known as Section 126.61, Block 3, Lot 15.1) for the benefit of Saber-North White Plains, LLC ("the Applicant"), pursuant to an inducement resolution of the WCIDA dated March 24, 2022, 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 November 18, 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 twenty-eight (28) month period during construction: (1) \$275,000 within 6 months of the issuance of a building permit to construct the foundation; (2) \$350,000 within 15 months of the issuance of a building permit to construct the foundation; (3) \$325,000 within 24 months of the issuance of a building permit to construct the foundation; and (4) a final payment representing the balance of the total amount of City sales tax benefit received during the project less the amount of the prior payments, within 45 days after the Applicant files its final report with the WCIDA of the total amount of the sales tax benefit received during construction 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 March 24, 2022; 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 application 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 construction of three buildings containing 175 residential units and approximately 15,100 square feet of commercial space along with parking spaces at 70 Westchester Avenue, (also known as Section 126.61, Block 3, Lot 15.1) for the benefit of Saber-North White Plains, LLC, pursuant to an inducement resolution of the WCIDA dated March 24, 2022.

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 November 7, 2022, the Department of Building has reviewed a request for an extension of the Site Plan and Special Permit Approvals for a mixed-use project at 70 Westchester Avenue.

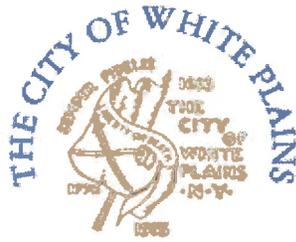
This department has no objection to this amendment being granted.

Respectfully Submitted,

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

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

Dated: November 22, 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 17, 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 October 11, 2022, an application submitted on behalf of Saber - North White Plains, LLC for a One year extension to the Site Plan approval for a mixed-use project. located at 70 Westchester Ave, 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 MEZEY
DEPUTY COMMISSIONER

TO: THE HONORABLE MAYOR AND MEMBERS OF THE COMMON COUNCIL

SUBJECT: SABER-NORTH WHITE PLAINS, LLC
70 WESTCHESTER AVENUE
APPLICATION FOR EXTENSION OF SITE PLAN AND SPECIAL PERMIT
APPROVAL

By letter dated October 6, 2022, Janet J. Giris, on behalf of Saber-North White Plains, LLC (the “Applicant”), submitted an application to the Common Council for an extension of Site Plan and Special Permit Approval that was originally granted on November 1, 2021 and expires on November 1, 2022. The proposed project involves a mixed use development consisting of three buildings containing a total of 175 dwelling units and approximately 15,000 square feet of motor vehicle sales, retail, restaurant space, and related parking. The proposed project is located on 79,533 square feet (1.83 acres) of land area, with approximately 42,914 square feet within the B-3 Zoning District and approximately 36,619 square feet within the RM-0.35 Zoning District. The site sits adjacent to the project known as “Adora Row,” which is currently being developed by Toll Brothers.

The Applicant proposes over 215,000 square feet of commercial and residential gross floor area (GFA) distributed among three buildings. Buildings one and three contain the entire residential component of the project (approximately 200,000 of GFA). The unit count and breakdown by building is as follows:

Unit Type	Building One	Building Three	Total
Studio	12	15	27
1BR	12	69	81
1BR+Den	12	7	19
2BR	16	32	48
Total Units	52	123	175

Building two is a separate, stand-alone, one-story commercial building (approximately 4,300 of GFA).

The parking for the project is to be provided in a three-level internal garage containing a total of 287 spaces. Substantial residential amenities are proposed, as well as landscaped walkways to improve the pedestrian connection from Franklin Avenue to Westchester Avenue, and a publicly accessible pocket park and dog park.

The Applicant received Common Council approval for the following items, pursuant to Section 5, Section 6 and Section 7 of the Zoning Ordinance:

1. Designation as a “development site”;
2. Site Plan Approval;
3. “Joint use” parking approval, pursuant to Section 8.5.3 of the Zoning Ordinance for a shared parking credit of 15%.
4. A Zoning Map Amendment to remove the 15-foot Special Building Setback along the lot frontage on Westchester Avenue.
5. Special Permit Approval to:
 - a. Permit motor vehicle sales or rental, including accessory “repair shops”, “service stations” or outdoor storage of motor vehicles in the B-3 Zoning District and reclaim jurisdiction from the Board of Standards and Appeals, pursuant to Section 6.2.3 of the Zoning Ordinance.;
 - b. Permit an increase in maximum number of stories from six (6) stories to eleven (11) stories, pursuant to footnote (n) of Section 5.3 Schedule of Dimensional Regulations: Residential in the RM-0.35 Zoning District;
 - c. Permit 19 of the 71 dwelling units permitted in the B-3 Zoning District to be constructed in the RM-0.35 District thereby increasing the number of dwelling units in the RM-0.35 District from 104 units permitted to 123 units proposed, for a total of 175 units, pursuant to footnote (v) of Section 5.3 Schedule of Dimensional Regulations: Residential.
 - d. Permit an increase in maximum building coverage on the portion of the Development Site in the RM-0.35 District from 60% to 69.9% pursuant to footnote (w) of Section 5.3 Schedule of Dimensional Regulations: Residential;
 - e. Permit an increase in height from four (4) stories and 50 feet to five (5) stories and 65 feet in the B-3 Zoning District, pursuant to footnote (x) of Section 5.3 Schedule of Dimensional Regulations: Non-residential.

Applicant is also required to provide affordable housing, in accordance with Section 9-7-3 Affordable Housing Requirements. Applicant selected the 12% set-aside option (21 units) and will provide eleven (11) affordable housing units for those qualifying at 80% of the Westchester County Area Median Income (AMI). Applicant has elected to buy-out of ten (10) required affordable units at the requisite per unit fee of 1.25 times the HUD Westchester County AMI for a family of four for the year in which the project receives its first residential Certificate of Occupancy (CO).

Applicant was given a partial credit of \$271,708 from the total recreation fee calculated as a pro-rata share of the additional parkland demand met by the proposed project per New York State Recreation Standards. The remaining \$263,792 fee shall be paid by the applicant in two equal installments; \$131,896 prior to the issuance of the first building permit and \$131,896 prior to issuance of the first residential 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.

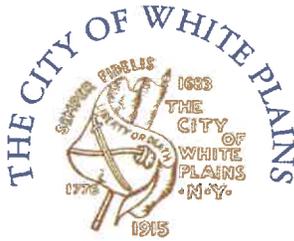
The project includes a brownfield cleanup in coordination with the New York State Department of Environmental Conservation. In addition to its environmental investigation, the Applicant is in the process of preparing design and construction documents. However, substantial completion of the project will not be attained prior to the expiration of the site plan approval.

As there have been no material changes to the application since the previous approval, the Planning Department has no objection to granting a one-year extension of site plan and special permit approval to November 1, 2023, subject to all conditions contained in the original approvals.

Respectfully submitted,



Christopher N. Gomez, AICP
Commissioner of Planning
Dated: November 21, 2022



ENVIRONMENTAL OFFICER

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

THOMAS M. ROACH

ROD JOHNSON

MAYOR

ENVIRONMENTAL OFFICER

November 28, 2022

TO THE HONORABLE MAYOR AND MEMBERS OF THE COMMON COUNCIL

**SUBJECT: SABER-NORTH WHITE PLAINS, LLC
70 WESTCHESTER AVENUE
EXTENSION OF SITE PLAN AND SPECIAL PERMIT APPROVALS AND ZONING MAP
AMENDMENT TO REMOVE A SPECIAL BUILDING SETBACK.**

The application dated October 6, 2022, submitted on behalf of Saber-North White Plains, LLC (the "Applicant") for an extension of Site Plan and Special Permit Approvals for a mixed-use development project at 70 Westchester Avenue (herein after referred to as the "Proposed Action") has been reviewed for compliance with the State Environmental Quality Review (SEQR) regulations.

On November 1, 2021, the Common Council completed an environmental review and granted Site Plan and Special Permit Approvals for a mixed use development ("2021 Approval").

Since the 2021 Approval, the Applicant has conducted environmental investigations regarding a brownfield cleanup in coordination with the New York State Department of Environmental Conservation and is in the process of preparing design and construction documents.

The proposed project is located on 79,533 square feet (1.83 acres) of land area, with approximately 42,914 square feet in the B-3 Zoning District and approximately 36,619 square feet in the RM-0.35 Zoning District.

The project involves a 215,000 sq. ft. mixed-use project that will consist of approximately 15,000 sq. ft. of motor vehicle sales/retail/restaurant space, 175 residential units and a garage with 297 joint-use parking spaces. The project is designed with three buildings. Buildings one and three would be connected and contain the entire residential component of the project (approximately 200,000 of GFA). Building two would be a separate, stand-alone, one-story commercial building (approximately 4,300 of GFA). The details of each building are as follows:

1. **BUILDING ONE:** a five- (5) story building located in the B-3 Zoning District, would abut Westchester Avenue and contain approximately 62,000 square feet of floor area (50,000 square feet of residential square footage over 11,000 square feet of ground floor commercial square footage) and 52 dwelling units. The commercial square footage in Building one would be used as motor vehicle sales and retail space.

2. BUILDING THREE: an eleven-story building located in the RM-0.35 Zoning District, would abut Franklin Avenue and contain approximately 150,000 square feet of residential floor area and 123 dwelling units. The eight floors of residential apartments would sit atop three levels of parking.
3. BUILDING TWO: a separate, one-story, commercial building located on Westchester Avenue would contain approximately 4,300 square feet of commercial floor area to be used as restaurant and retail space.

The unit count and breakdown by building is as follows:

Unit Type	Building One	Building Three	Total
Studio	12	15	27
1BR	12	69	81
1BR+Den	12	7	19
2BR	16	32	48
Total Units	52	123	175

The parking for the project would be provided in a three-level internal garage containing a 178-space lower level that spans the length of Buildings one and three, a first-floor level containing 65 spaces in Building three and a mezzanine level containing 44 spaces in Building three for a total of 287 spaces.

The Proposed Action involves the following approval actions by the Common Council pursuant to Section 5, Section 6 and Section 7 of the Zoning Ordinance:

1. Designation of the subject property as a “development site” pursuant to with Section 6.7.27.3 and Footnote (w), Section 5.3, RM-0.35 District.
2. Site Plan Approval pursuant to Section 7.5 of the Zoning Ordinance.
3. “Joint use” parking approval, pursuant to Section 8.5.3 of the Zoning Ordinance.
4. Special Permit Approval as follows:

Special Permit for Automotive Uses

- a. In the B-3 Zoning District, permit motor vehicle sales or rental, including accessory “repair shops”, “service stations” or outdoor storage of motor vehicles in the B-3 Zoning District

Common Council reclaims jurisdiction from the Board of Appeals, pursuant to Section 6.2.3 of the Zoning Ordinance).

RM-0.35 Zoning District Dimensional Regulations

- b. In the RM-0.35 Zoning District, permit an increase in maximum number of stories from six (6) stories to eleven (11) stories, pursuant to footnote (n) of Section 5.3 Schedule of Dimensional Regulations: Residential (*the number of “stories” may be increased within the maximum “height” as measured in feet, with a “front yard” of not less than 20 feet*).

- c. In the RM-0.35 Zoning District, permit 19 of the 71 dwelling units permitted in the B-3 Zoning District to be constructed in the RM-0.35 District thereby increasing the number of dwelling units in the RM-0.35 District from 104 units permitted to 123 units proposed, for a total of 175 units, pursuant to footnote (v) of Section 5.3 Schedule of Dimensional Regulations: Residential (*For a designated “development site” located in two or more zoning districts that permit “multi-family dwellings”, the Common Council may, by special permit, allow the “dwelling units” to be built on any portion of the “development site” provided the total number of “dwelling units” does not exceed the number allowed in each district as determined under Section 5.3 of the Zoning Ordinance, and provided that all dimensional requirements of each district are met except for minimum “lot area per dwelling unit”*).
- d. In the RM-0.35 Zoning District, permit an increase in maximum building coverage on the portion of the Development Site in the RM-0.35 District from 60% to 69.9% pursuant to footnote (w) of Section 5.3 Schedule of Dimensional Regulations: Residential (*For a designated “development site” located in two or more districts, the maximum “building coverage” may be increased on issuance of a special permit by the Common Council in accordance with Section 6.7.27.3, as if the “development site” was a single “lot”*).

B-3 Zoning District Dimensional Regulations

- e. In the B-3 Zoning District, permit an increase in height from four (4) stories and 50 feet to five (5) stories and 65 feet, pursuant to footnote (x) of Section 5.3 Schedule of Dimensional Regulations: Non-residential (... *outside the Central Parking Area, on “lots” greater than 30,000 square feet in “area”, residential floors may exceed the stated height by one (1) story or 15 feet on issuance of a special permit by the Common Council....*).
5. A Zoning Map Amendment to remove the 15-foot Special Building Setback along the lot frontage on Westchester Avenue.
 6. In accordance with Section 9-7-3 Affordable Housing Requirements, the Applicant has selected the 12% set-aside option and will buy-out a portion of their 21-unit affordable housing obligation. Specifically, the Applicant will buy-out of 11 units at a per unit fee of 1.25 times the Westchester County AMI for a family of four for the year in which the first residential Certificate of Occupancy (CO) is issued (e.g. for the year 2021, the fee would be \$1,753,125) and provide the remaining ten (10) required affordable housing units for those qualifying at 80% of the Westchester County Median Income (AMI) as follows:

Unit Breakdown	Total Units	Affordable Units
Studio	27	1
1BR	100	6
2BR	48	3
Total	175	10

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. The buy-out fee must be paid to the Affordable Housing Assistance Fund (AHAF) in full upon issuance of the first residential (temporary or final) Certificate of Occupancy (CO) for the residential units by the Commissioner of Building. In the instance that the first temporary or final CO is issued for a portion of the 175 residential units, the payment may be made on a pro-rata basis as determined by the Commissioner of Planning as the administrative agent of the City's Affordable Housing Rental Program.

7. The Common Council approval of a fee-in-lieu of providing sufficient park and recreation facilities for the 175 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 \$263,972 to be paid by the applicant to the City and to be used exclusively for park, playground and other recreational purposes, including the acquisition of real property. Such fee includes a partial credit of \$271,708 calculated as a pro-rata share of the additional parkland demand (4,000 square feet) met by the proposed project per New York State Recreation Standards. The \$263,792 fee shall be paid by the applicant in two equal installments; \$131,896 prior to the issuance of the first building permit and \$131,896 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.
8. Joint use" parking approval, pursuant to Section 8.5.3 of the Zoning Ordinance to permit a reduction of spaces from 324 parking spaces (225 residential spaces, 32 motor vehicle spaces, eight (8) retail spaces and 59 restaurant spaces) normally required for separate residential and commercial uses, to permit 276 spaces joint use spaces.
9. Approval of the final Stormwater Pollution Plan (SWPPP,) in accordance with the current 'NYSDEC SPDES General Permit for Stormwater Discharges from Construction Activity.

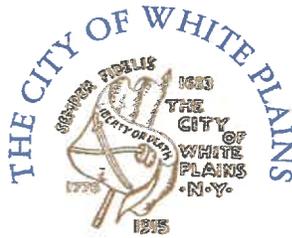
The Environmental Officer recommends that the Common Council (a) reconfirm itself to be the Lead Agency for the environmental review of the Proposed Action; (b) reconfirm that the Proposed Action, with less than 250 units connected to public utilities in a city having a population under 150,000, to be an Unlisted Action under SEQR regulations; (c) determine that the project has not changed and that there are no new circumstances that would affect the SEQR Findings adopted for the 2021 Approval; 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 conditions recommended by the City Departments and makes the necessary findings and determinations.

Respectfully submitted,



Rod Johnson
Environmental Officer



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

November 16, 2022

TO THE HONORABLE MAYOR AND MEMBERS OF THE COMMON COUNCIL

SUBJECT: 70 WESTCHESTER AVENUE – APPLICATION FOR A ONE YEAR
EXTENSION OF THE SITE PLAN APPROVAL AND FIVE SPECIAL PERMITS

At its November 15, 2022 meeting, the Planning Board considered the application made by Saber-North White Plains, LLC, for a one-year extension of the site plan approval granted by the Common Council on November 1, 2021. No changes are proposed to the approved plan and no changes have occurred in the surrounding area since the approval.

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

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

Respectfully submitted,

JOHN IORIS

John Ioris, Chairman
White Plains Planning Board



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

DAVID E. CHONG
Commissioner
(914) 422-6350

THOMAS M. ROACH
Mayor
(914) 422-1200

JOHN W. ROLAND, JR.
Deputy Commissioner
(914) 422-6230

JOSEPH P. CASTELLI
Chief of Police
(914) 422-6210

DOUGLAS A. MCMATH
Fire Chief
(914) 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.

Saber-North White Plains, LLC
Extension of the Site Plan & Special Permit Approvals
70 Westchester Avenue, White Plains

Respectfully,

David E. Chong
Commissioner

DEC:bn

Dated: November 15, 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

STEFANIA A. MIGNONE
COMMISSIONER

UDOMLUG SIRIPHONLAI, P.E.
DEPUTY COMMISSIONER

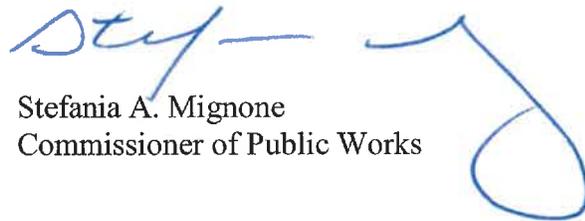
CHRISTOPHER D. ROBESON
DEPUTY COMMISSIONER

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

We have reviewed a petition, dated October 6, 2022, submitted by DelBello Donnellan Weingarten Wise & Wiederkehr, LLP, on behalf of Saber-North White Plains, LLC, (Applicant,) requesting an extension of the Special Permit and Site Plan Approval for the proposed mixed-use commercial/residential project located at 70 Westchester Avenue (SBL: 126.61-4-15.1).

We have no objection to the approval of this application for extension of the Special Permit and Site Plan Approval provided that all of the conditions and requirements set forth in the communication of the City's Commissioner of Public Works, dated October 20, 2021, and the November 1, 2021 Approval Resolution shall be complied with and be in full force and effect.

Respectfully submitted,



Stefania A. Mignone
Commissioner of Public Works

Dated: November 15, 2022

43

THOMAS M. ROACH
MAYOR



KEVIN P. LIVINGSTON
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 THOMAS M. ROACH AND MEMBERS OF THE
COMMON COUNCIL OF THE CITY OF WHITE PLAINS

The Parking Department/Traffic Division has reviewed the request from Delbello Donnelan et al. on behalf of Saber-North White Plains, LLC, for a Special Permit and Site Plan approval extension on 70 Westchester Avenue which was referred by the Common Council on November 7, 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: November 21, 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 November 16, 2022 reviewed a request from Delbello Donnellan Weingarten Wise & Wiederkehr, LLP, on behalf of Saber-North White Plains, LLC, for an extension to the Site Plan and Special Permit Approvals for the property located at 70 Westchester Avenue, as referred by the Common Council on November 7, 2022.

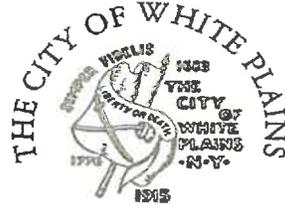
The Transportation Commission had no objections.



Thomas J. Soyk, PE, PTOE
Acting Chairman

Dated: November 21, 2022

THOMAS M. ROACH
MAYOR



KEVIN P. LIVINGSTON
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: Saber-North White Plains, LLC for an Extension of Site Plan & Special Permit Approvals for the Property Located at 70 Westchester Avenue, White Plains

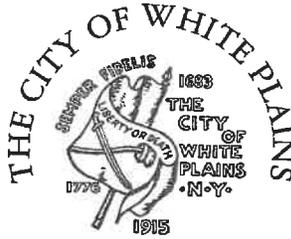
The Department of Parking has received and reviewed the above noted application for an Extension of Site Plan & Special Permit Approvals for 70 Westchester Avenue.

The Department of Parking has no objection to the approval of this application.

Respectfully submitted,

Kevin P. Livingston, Commissioner
CWP – Department of Parking

Dated: November 16, 2022



ENVIRONMENTAL OFFICER

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

THOMAS M. ROACH
MAYOR

ROD JOHNSON
ENVIRONMENTAL OFFICER

November 28, 2022

TO THE HONORABLE MAYOR AND MEMBERS OF THE COMMON COUNCIL

SUBJECT: SABER-NORTH WHITE PLAINS, LLC
70 WESTCHESTER AVENUE
EXTENSION OF SITE PLAN AND SPECIAL PERMIT APPROVALS AND ZONING MAP
AMENDMENT TO REMOVE A SPECIAL BUILDING SETBACK.

The application dated October 6, 2022, submitted on behalf of Saber-North White Plains, LLC (the "Applicant") for an extension of Site Plan and Special Permit Approvals for a mixed-use development project at 70 Westchester Avenue (herein after referred to as the "Proposed Action") has been reviewed for compliance with the State Environmental Quality Review (SEQR) regulations.

On November 1, 2021, the Common Council completed an environmental review and granted Site Plan and Special Permit Approvals for a mixed use development ("2021 Approval").

Since the 2021 Approval, the Applicant has conducted environmental investigations regarding a brownfield cleanup in coordination with the New York State Department of Environmental Conservation and is in the process of preparing design and construction documents.

The proposed project is located on 79,533 square feet (1.83 acres) of land area, with approximately 42,914 square feet in the B-3 Zoning District and approximately 36,619 square feet in the RM-0.35 Zoning District.

The project involves a 215,000 sq. ft. mixed-use project that will consist of approximately 15,000 sq. ft. of motor vehicle sales/retail/restaurant space, 175 residential units and a garage with 297 joint-use parking spaces. The project is designed with three buildings. Buildings one and three would be connected and contain the entire residential component of the project (approximately 200,000 of GFA). Building two would be a separate, stand-alone, one-story commercial building (approximately 4,300 of GFA). The details of each building are as follows:

1. **BUILDING ONE:** a five- (5) story building located in the B-3 Zoning District, would abut Westchester Avenue and contain approximately 62,000 square feet of floor area (50,000 square feet of residential square footage over 11,000 square feet of ground floor commercial square footage) and 52 dwelling units. The commercial square footage in Building one would be used as motor vehicle sales and retail space.

2. **BUILDING THREE:** an eleven-story building located in the RM-0.35 Zoning District, would abut Franklin Avenue and contain approximately 150,000 square feet of residential floor area and 123 dwelling units. The eight floors of residential apartments would sit atop three levels of parking.
3. **BUILDING TWO:** a separate, one-story, commercial building located on Westchester Avenue would contain approximately 4,300 square feet of commercial floor area to be used as restaurant and retail space.

The unit count and breakdown by building is as follows:

Unit Type	Building One	Building Three	Total
Studio	12	15	27
1BR	12	69	81
1BR+Den	12	7	19
2BR	16	32	48
Total Units	52	123	175

The parking for the project would be provided in a three-level internal garage containing a 178-space lower level that spans the length of Buildings one and three, a first-floor level containing 65 spaces in Building three and a mezzanine level containing 44 spaces in Building three for a total of 287 spaces.

The Proposed Action involves the following approval actions by the Common Council pursuant to Section 5, Section 6 and Section 7 of the Zoning Ordinance:

1. Designation of the subject property as a “development site” pursuant to with Section 6.7.27.3 and Footnote (w), Section 5.3, RM-0.35 District.
2. Site Plan Approval pursuant to Section 7.5 of the Zoning Ordinance.
3. “Joint use” parking approval, pursuant to Section 8.5.3 of the Zoning Ordinance.
4. Special Permit Approval as follows:

Special Permit for Automotive Uses

- a. In the B-3 Zoning District, permit motor vehicle sales or rental, including accessory “repair shops”, “service stations” or outdoor storage of motor vehicles in the B-3 Zoning District

Common Council reclaims jurisdiction from the Board of Appeals, pursuant to Section 6.2.3 of the Zoning Ordinance).

RM-0.35 Zoning District Dimensional Regulations

- b. In the RM-0.35 Zoning District, permit an increase in maximum number of stories from six (6) stories to eleven (11) stories, pursuant to footnote (n) of Section 5.3 Schedule of Dimensional Regulations: Residential (*the number of “stories” may be increased within the maximum “height” as measured in feet, with a “front yard” of not less than 20 feet*).

- c. In the RM-0.35 Zoning District, permit 19 of the 71 dwelling units permitted in the B-3 Zoning District to be constructed in the RM-0.35 District thereby increasing the number of dwelling units in the RM-0.35 District from 104 units permitted to 123 units proposed, for a total of 175 units, pursuant to footnote (v) of Section 5.3 Schedule of Dimensional Regulations: Residential (*For a designated “development site” located in two or more zoning districts that permit “multi-family dwellings”, the Common Council may, by special permit, allow the “dwelling units” to be built on any portion of the “development site” provided the total number of “dwelling units” does not exceed the number allowed in each district as determined under Section 5.3 of the Zoning Ordinance, and provided that all dimensional requirements of each district are met except for minimum “lot area per dwelling unit”*).
- d. In the RM-0.35 Zoning District, permit an increase in maximum building coverage on the portion of the Development Site in the RM-0.35 District from 60% to 69.9% pursuant to footnote (w) of Section 5.3 Schedule of Dimensional Regulations: Residential (*For a designated “development site” located in two or more districts, the maximum “building coverage” may be increased on issuance of a special permit by the Common Council in accordance with Section 6.7.27.3, as if the “development site” was a single “lot”*).

B-3 Zoning District Dimensional Regulations

- e. In the B-3 Zoning District, permit an increase in height from four (4) stories and 50 feet to five (5) stories and 65 feet, pursuant to footnote (x) of Section 5.3 Schedule of Dimensional Regulations: Non-residential (... *outside the Central Parking Area, on “lots” greater than 30,000 square feet in “area”, residential floors may exceed the stated height by one (1) story or 15 feet on issuance of a special permit by the Common Council....*).
5. A Zoning Map Amendment to remove the 15-foot Special Building Setback along the lot frontage on Westchester Avenue.
 6. In accordance with Section 9-7-3 Affordable Housing Requirements, the Applicant has selected the 12% set-aside option and will buy-out a portion of their 21-unit affordable housing obligation. Specifically, the Applicant will buy-out of 11 units at a per unit fee of 1.25 times the Westchester County AMI for a family of four for the year in which the first residential Certificate of Occupancy (CO) is issued (e.g. for the year 2021, the fee would be \$1,753,125) and provide the remaining ten (10) required affordable housing units for those qualifying at 80% of the Westchester County Median Income (AMI) as follows:

Unit Breakdown	Total Units	Affordable Units
Studio	27	1
1BR	100	6
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Total	175	10

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. The buy-out fee must be paid to the Affordable Housing Assistance Fund (AHAF) in full upon issuance of the first residential (temporary or final) Certificate of Occupancy (CO) for the residential units by the Commissioner of Building. In the instance that the first temporary or final CO is issued for a portion of the 175 residential units, the payment may be made on a pro-rata basis as determined by the Commissioner of Planning as the administrative agent of the City's Affordable Housing Rental Program.

7. The Common Council approval of a fee-in-lieu of providing sufficient park and recreation facilities for the 175 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 \$263,972 to be paid by the applicant to the City and to be used exclusively for park, playground and other recreational purposes, including the acquisition of real property. Such fee includes a partial credit of \$271,708 calculated as a pro-rata share of the additional parkland demand (4,000 square feet) met by the proposed project per New York State Recreation Standards. The \$263,792 fee shall be paid by the applicant in two equal installments; \$131,896 prior to the issuance of the first building permit and \$131,896 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.
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The Environmental Officer recommends that the Common Council (a) reconfirm itself to be the Lead Agency for the environmental review of the Proposed Action; (b) reconfirm that the Proposed Action, with less than 250 units connected to public utilities in a city having a population under 150,000, to be an Unlisted Action under SEQR regulations; (c) determine that the project has not changed and that there are no new circumstances that would affect the SEQR Findings adopted for the 2021 Approval; 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 conditions recommended by the City Departments and makes the necessary findings and determinations.

Respectfully submitted,



Rod Johnson
Environmental Officer

ENVIRONMENTAL FINDINGS RESOLUTION REGARDING AN EXTENSION OF SITE PLAN AND SPECIAL PERMIT APPROVALS FOR A MIXED USE DEVELOPMENT PROJECT AT 70 WESTCHESTER AVENUE ON BEHALF OF SABER-NORTH WHITE PLAINS, LLC.

WHEREAS, the application dated October 6, 2022, submitted on behalf of Saber-North White Plains, LLC (the “Applicant”) for an extension of Site Plan and Special Permit Approvals for a mixed use development project at 70 Westchester Avenue (herein after referred to as the “Proposed Action”) has been reviewed for compliance with the State Environmental Quality Review (SEQR) regulations; and

WHEREAS, on November 1, 2021, the Common Council completed an environmental review and granted Site Plan and Special Permit Approvals for a mixed use development (“2021 Approval”); and

WHEREAS, the Since the 2021 Approval, the Applicant has conducted environmental investigations regarding a brownfield cleanup in coordination with the New York State Department of Environmental Conservation and is in the process of preparing design and construction documents; and

WHEREAS, the proposed project is located on 79,533 square feet (1.83 acres) of land area, with approximately 42,914 square feet in the B-3 Zoning District and approximately 36,619 square feet in the RM-0.35 Zoning District; and

WHEREAS, the project involves a 215,000 sq. ft. mixed-use project that will consist of approximately 15,000 sq. ft. of motor vehicle sales/retail/restaurant space, 175 residential units and a garage with 297 joint-use parking spaces. The project is designed with three buildings. Buildings one and three would be connected and contain the entire residential component of the project (approximately 200,000 of GFA). Building two would be a separate, stand-alone, one-story commercial building (approximately 4,300 of GFA). The details of each building are as follows:

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The unit count and breakdown by building is as follows:

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WHEREAS, the parking for the project would be provided in a three-level internal garage containing a 178-space lower level that spans the length of Buildings one and three, a first-floor level containing 65 spaces in Building three and a mezzanine level containing 44 spaces in Building three for a total of 287 spaces; and

WHEREAS, the Proposed Action involves the following approval actions by the Common Council pursuant to Section 5, Section 6 and Section 7 of the Zoning Ordinance:

1. Designation of the subject property as a “development site” pursuant to with Section 6.7.27.3 and Footnote (w), Section 5.3, RM-0.35 District
2. Site Plan Approval pursuant to Section 7.5 of the Zoning Ordinance.
3. “Joint use” parking approval, pursuant to Section 8.5.3 of the Zoning Ordinance.
4. Special Permit Approval as follows:

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9. Approval of the final Stormwater Pollution Plan (SWPPP,) in accordance with the current ‘NYSDEC SPDES General Permit for Stormwater Discharges from Construction Activity; and

WHEREAS, the Applicant has previously submitted the following documents in support of the 2021 Approval (“Application Materials” or “Site Plan Documents“):

1. An application letter on behalf of Saber-North White Plains, LLC from Mark P. Weingarten, dated July 19, 2021.
2. Long form EAF, dated June 15, 2021.
3. Short Form Building Permit Application.
4. Contextual presentation, prepared by Design Development Architects.
5. Building Design presentation, prepared by Design Development Architects.
6. A Traffic Impact Study for a Proposed Mixed-Use Development at 70 Westchester Avenue prepared by Kimley-Horn Engineering and Landscape Architecture of New York, P.C., dated October 2021.
7. Site plan drawings prepared by Catizone Engineering P.C. (“Catizone”), Design Development Architects (“DDA”) and Kimley-Horn Engineering and Landscape Architecture of New York, P.C. (“Kimley-Horn”), numbered, titled and dated as follows:

<u>Drawing</u>	<u>Number</u>	<u>Title</u>	<u>Prepared By</u>	<u>Dated or Last Revised</u>
C-001	Cover Sheet		Catizone	7/9/2021
C-002	Notes		Catizone	7/9/2021
C-101	Existing Conditions		Catizone	7/9/2021
C-102	Demolition Plan		Catizone	7/9/2021
C-201	Layout Plan		Catizone	7/9/2021
C-202	Grading Plan		Catizone	7/9/2021
C-203	Utility Plan		Catizone	7/9/2021
C-204	Erosion & Sediment Control Plan		Catizone	7/9/2021
C-205	Traffic Plan		Catizone	7/9/2021

C-206.1	Landscape Plan (Ground Level)	Catizone	7/9/2021
C-206.2	Landscape Plan (Rooftop)	Catizone	7/9/2021
C_207	Photometric Plan	Catizone	7/9/2021
C-301	Profiles	Catizone	7/9/2021
C-501	Details	Catizone	7/9/2021
C-502	Details	Catizone	7/9/2021
C-503	City of White Plains Standard Notes	Catizone	7/9/2021
C-504	City of White Plains Standard Details	Catizone	7/9/2021
C-505	City of White Plains Standard Details	Catizone	7/9/2021
C-506	WCDPW and MUTCD Standard Details	Catizone	7/9/2021
TT-1	S U-35 Truck Turns	Kimley-Horn	7/9/2021
TT-2	EP-100 Truck Turns	Kimley-Horn	7/9/2021
TT-2	SU-35 Truck Sitings	Kimley-Horn	7/9/2021
A-0	Cover Sheet	DDA	7/9/2021
A-1	Survey	DDA	7/9/2021
A-2	Zoning: Diagram, Parking & Loading Data and Unit Matrix	DDA	7/9/2021
A-3	Gross Floor Area Chart	DDA	7/9/2021
A-4	Architectural Site Plan	DDA	7/9/2021
A-5	Lower Level – EL. 150'-0"	DDA	7/9/2021
A-6	1st Floor Plan – EL. 165'-0"	DDA	7/9/2021
A-7	Mezzanine Floor Plan – EL. 177'-0"	DDA	7/9/2021
A-8	2nd Floor Plan – EL. 187'-6"	DDA	7/9/2021
A-9	3rd Floor Plan – EL. 197'-8"	DDA	7/9/2021
A-10	4th & 5th Floor Plan – EL. 207'-10" – 218'-0"	DDA	7/9/2021
A-11	6th Floor Plan – EL. 228'-2"	DDA	7/9/2021
A-12	7th – 9th Typ. Floor Plan – EL. 238'-4" – 258'-8"	DDA	7/9/2021
A-13	Roof Plan – EL. 268'-10"	DDA	7/9/2021
A-14	Enlarged 1st Floor Plan – EL. 165'-0"	DDA	7/9/2021
A-15	Enlarged Mezzanine Floor Plan – EL. 177'-0"	DDA	7/9/2021
A-16	Enlarged 2nd Floor Plan – EL. 187'-6"	DDA	7/9/2021
A-17	Enlarged Roof Plan – EL. 268'-10"	DDA	7/9/2021
A-18	Unit Types	DDA	7/9/2021
A-19	Building Section A-A	DDA	7/9/2021
A-20	Building Sections B-B & C-C	DDA	7/9/2021
A-21	Massing	DDA	7/9/2021
A-22	Perspective Views	DDA	7/9/2021

8. Contextual presentation, prepared by Design Development Architects, dated 07.09.21.

9. Building Design presentation, prepared by Design Development Architects, dated 07.09.21.

Dwg. # Title

1. Cover Sheet Building Design Presentation
2. Site Context
3. Site Section Diagram
4. Plan Evolution Diagram
5. Site Plan
6. Building Massing
7. Renderings
8. View From Westchester Ave.
9. View Along Paulding Place
10. View Of Plaza

11. View From Franklin Ave. East
12. View From Windsor Terrace
13. View From Franklin Ave. West
14. Material Location
15. Facade Surface Area
16. Massing Comparison
17. Development Facts, Onsite Res. Amenities, Public Amenities, Project Budget; and

Conditions

WHEREAS, the Environmental Officer has recommended that the following conditions recommended by the various departments, boards and commissions, and included in the prior approval resolutions be adopted as part of the Proposed Action and are hereby considered to be 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 communication of the Commissioner of Planning dated October 20, 2021:

1. The Common Council designate the subject property as a “Development Site” pursuant to Section 2.2 of the Zoning Ordinance.
2. In accordance with Section 9-7-3 Affordable Housing Requirements, the Applicant has selected the 12% set-aside option and will buy-out a portion of their 21-unit affordable housing obligation. Specifically, the Applicant will buy-out of 11 units at a per unit fee of 1.25 times the Westchester County AMI for a family of four for the year in which the first residential Certificate of Occupancy (CO) is issued (e.g. for the year 2021, the fee would be \$1,753,125) and provide the remaining ten (10) required affordable housing units for those qualifying at 80% of the Westchester County Median Income (AMI) as follows:

Unit Breakdown	Total Units	Affordable Units
Studio	27	1
1BR	100	6
2BR	48	3
Total	175	10

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. The buy-out fee must be paid to the Affordable Housing Assistance Fund (AHAF) in full upon issuance of the first residential (temporary or final) Certificate of Occupancy (CO) for the residential units by the Commissioner of Building. In the instance that the first temporary or final CO is issued for a portion of the 175 residential units, the payment may be made on a pro-rata basis as determined by the Commissioner of Planning as the administrative agent of the City’s Affordable Housing Rental Program.

3. 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 312 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.

4. The Common Council assess a fee-in-lieu of providing sufficient park and recreation facilities for the 175 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 \$263,972 to be paid by the applicant to the City and to be used exclusively for park, playground and other recreational purposes, including the acquisition of real property. Such fee includes a partial credit of \$271,708 calculated as a pro-rata share of the additional parkland demand (4,000 square feet) met by the proposed project per New York State Recreation Standards. The \$263,792 fee shall be paid by the applicant in two equal installments; \$131,896 prior to the issuance of the first building permit and \$131,896 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.
5. The Applicant shall provide additional details pertaining to the fenced dog park, adjacent refuse area on Franklin Avenue, and the proposed pocket park, in accordance with Section 7.5.3.1 of the Zoning Ordinance.
6. The dog park shall be open to the public during reasonable hours of the day, generally from dawn to dusk consistent with official City of White Plains parks, and signed accordingly.
7. The Applicant shall provide a detailed Lighting Plan indicating the placement of lighting features around the site, along all pathways and rooftops which shall be subject to the approval of the Commissioner of Planning, the Commissioner of Building, and the Deputy Commissioner of Parking.
8. 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.
9. Site Plan Approval is subject to the elements presented in the Applicant's Building Design Presentation and Contextual Presentation, dated July 9, 2021 and pursuant to recommendations by the Design Review Board.
10. The Deputy Commissioner of Parking's approval of the proposed joint use parking plan pursuant to Section 8.5.3 of the Zoning Ordinance.
11. A Construction Management Plan is required for the development of the Proposed Project and a coordination plan for coordinating construction with other construction in the area, if any, including City projects which will be going on contemporaneously with this Project. The Construction Management Plan shall be subject to the approval of the Commissioners of Building, Public Safety, Public Works, Traffic, and Planning and the Environmental Officer.
12. A pre-construction meeting must be held with the applicant, the contractor, the Building Inspector, the Environmental Officer, and other staff, as needed, to review the construction plan and time-line, and to detail City requirements and applicant responsibilities during construction.

13. Prior to issuing a building permit, the Department of Building should ensure that the Applicant has provided documentation demonstrating the extent to which the project would meet LEED Certification Silver and New York State Energy Star standards.
- B. As per the communication of the Deputy Parking Commissioner, City Transportation Engineer dated August 18, 2021:
1. A final traffic impact study and shared parking analysis must be submitted for approval by City Transportation Engineer.
 2. Standard traffic signal plans must be provided which show signal phasing, proper audible button locations, pole installations and calculations for the changes at Paulding Street and Westchester Avenue as well as the proposed signal near Franklin Avenue and Westchester Avenue. The work for the signal near Franklin Avenue must be coordinated with the Collection Project and Westchester County.
 3. A loading dock management plan must be submitted for approval by City Transportation Engineer.
 4. A parking management plan must be submitted, which describes how parking will be provided for the retail components for approval by City Transportation Engineer.
- C. As per the communication of the Commissioner of Public Works, dated October 20, 2021:
1. As plans are finalized, amendments to the Stormwater Pollution Plan (SWPPP,) in accordance with the current 'NYSDEC SPDES General Permit for Stormwater Discharges from Construction Activity,' may be required.
 2. Applicant must provide a complete, certified, site-specific property survey with topographic information, signed and sealed by a Licensed NYS Land Surveyor.
 3. Applicant will be required to provide the City's Commissioner of Public Works with copies of documents pertaining to the application of the Brownfield Cleanup Program (BCP) filed in December, 2020 with the New York State Department of Environmental Conservation for this site (DEC site ID#C360209.) Copies of future documents, as BCP proceedings continue through completion, shall be provided to DPW.
 4. The City of White Plains' 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. Applicant must complete a flow analysis, including a six-week flow monitoring duration in the existing 8" diameter lined vitrified tile pipe (VTP) sewer main in the northeast side of Westchester Avenue. A written report, signed and sealed by the Engineer of Record (EOR,) for existing and post-development conditions, must be submitted to DPW for the Commissioner's review. Include supporting videos, and available pipe capacity calculations based on the half-full maximum allowed pipe flow, including upstream development flows.

After receiving these documents, DPW will perform a complete evaluation of the existing city sewer system, with respect to the proposed site changes, to determine if the applicant will be responsible for upgrading the existing pipe size and material or be required to provide sanitary infrastructure improvements (in the form of manhole lining, not to exceed a cost of \$200,000) within the Mamaroneck Valley Sanitary Sewer District, in which the project is located, to

reduce infiltration and inflow. This work is to be completed at the developer's expense.

Should the existing 8" diameter lined vitrified tile pipe (VTP) sewer main require an upgrade, as determined by the Commissioner of Public Works, design plans for the upgrade of approximately 375 lf of sanitary sewer must be provided to DPW for review and approval, and subsequently to be submitted to the Westchester County Department of Health for their final permit approval.

- B. The proposed sanitary sewer effluent from the site is estimated to be above 2,500 gallons per day (gpd.) Under New York State Department of Health (WCDOH) regulations, the repurposing of an existing building, or new structure, with a proposed sanitary sewer service flow above 2,500 gpd requires that the service line receive approval by the Westchester County Department of Health (WCDOH.) The Department of Public Works (D.P.W.) must receive a copy of each approval for each proposed sanitary sewer service line, once secured from the WCDOH.
 - C. Relocate the Westchester Avenue sanitary sewer service manhole to be shown entirely within the private property.
 - D. Applicant is responsible for replacing a portion (Approx. 125 feet) of the existing 10" cast iron pipe (CIP) water main in Westchester Avenue, as shown on plan sheet C203. Design plans must be provided by the applicant for final approval by the Department of Public Works, and subsequently, the Westchester County Department of Health. The developer shall undertake this upgrade to the municipal water distribution system at the applicant's expense.
 - E. All existing sanitary sewer and stormwater drain structures, where connections into the municipal system are being proposed, shall be inspected for capacity and structural integrity in order to determine that the structures can safely accept the proposed connections and the additional flows. An inspection report indicating the conditions of each structure, and the option to repair or replace if needed, must be provided to DPW for review and acceptance.
- 4. Applicant's Mechanical Electrical and Plumbing (MEP) Engineer of Record must provide design calculations documenting the required size of each of the water and sanitary sewer service lines, which must match those shown on the plans. This process entails coping with the mean daily flows of each respective system, but more importantly, the peak flows. The 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. Applicant shall include the sizing methodology to determine the total amount of potable water demand for domestic and fire use, and the sewage effluent flows as well as the storm water flows from the building, to confirm that the sizes of the water and sewer services are designed to meet current New York State Code requirements.
 - 6. Relocate the connection of the proposed site's stormwater outflow to the municipal system on the Westchester Avenue side. Note that any proposed drain pipe connecting the municipal stormwater system must be done at an existing or proposed drain manhole. The connection to an existing catch basin is not permitted.
 - 7. Prior to the submittal for a Building Department permit, verify all the existing underground utilities on the plans, including gas, electric, telephone, fiber optics, sanitary sewer, drain, and all water lines; include the number of conduits and/or number of ducts per bank when applicable. Applicant will be required to perform a test pit at each proposed drain and sanitary sewer service line crossing with the existing utilities in order to avoid possible interference. Results obtained from the test pit(s) must be approved by the applicant's engineer prior to the issuance of any permits by DPW. Provide approval, signed and sealed by the engineer, when applying for DPW permit(s).

8. The architect's plans indicate that the proposed below-grade parking floor, at elevation 150', is to be built at approximately 13' below the current site's average grade (163). The groundwater table elevation is labeled at 147.0'. The applicant must provide pre and post-construction topographical data, along with final plans, with information on below-grade construction. This information must include foundation depths and footing drainage system, if any, proposed for the foundations. Groundwater mitigation, both during construction and post-development, is of concern due to the site's current chemical contamination (as per BCP DEC Site ID#C360209) and the depth of the water table. The active pumping or a gravity transfer of groundwater into the City's storm drainage system is not permitted.
9. Applicant has applied to be accepted in the Brownfield Cleanup Program (BCP) and filed on December 2020 with the New York State Department of Environmental Conservation (DEC Site ID#C360209). Construction dewatering, along with soil disturbance and removal, must fully comply with the Remedial Action work Plan(RAWP) as approved by the NYSDEC.
10. Construction of all stormwater facilities must be under the supervision of the stormwater design Engineer of Record. 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. 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 respond. 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 and approved by the Corporation Counsel prior to issuing a Temporary Certificate of Occupancy (TCO.)
11. Backflow prevention devices must be installed on the fire and domestic water services. They are to 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 the room must be adequate to comply with the White Plains Department of Public Works and Westchester Department of Health requirements. The backflow preventer cannot be installed prior to final approval by WCDOH.
 - A. After the approved backflow prevention devise(s) have been installed and successfully tested, the applicant's Licensed Professional must certify that the installation is performed according to the WCDOH approved plans and a completed copy (per each installed device) of the department's Report on Test and Maintenance of Backflow Prevention Device Form (Form DOH-1013) must be provided to the City, as the water purveyor, before the issuance of a TCO by the Department of Building.
12. The architectural plans show a proposed pool to be installed on the second floor. Note that a separate approval will be required from DPW. The pool must comply with all the current requirements from the City of White Plains and the Westchester County Department of Health. When submitting for a permit, the applicant must include calculations showing the amount of pool water to be discharged to the municipal sewer system due to water treatment. Include the backflushing schedule and times of discharge.
13. Applicant will be required to provide a grease trap/interceptor within the property, sized to satisfy the flow rate of the proposed restaurant(s) at the site.
14. Applicant must provide a revised DPW Solid Waste Management Form. A private carter will be

required, based on the current layout, with trash compactors, trash, and recyclables (co-mingled and paper/cardboard.) The owner will need to provide a letter from the carting company indicating how the pickup will be accomplished.

15. Before submitting for a Building Department permit, plans must be revised to include the "Department of Public Works Construction Notes for Subdivisions and Developments" sheet.
16. The site plan must clearly indicate the area surrounding the property's proposed streetscape improvements where the boundary between the private and municipal property exists. The applicant must provide permanent markers within the sidewalk to demarcate public property from private property for the areas that the proposed public sidewalk cannot remain within the ROW.
17. Applicant's plans must show designated snow storage areas with adequate signage and indicate how the snow removal will be handled at the site. Note that plowing into or storage of snow on the City's right-of-way is not permitted.
18. All future revision submissions for the Building Department permit review phase, must indicate the location of community mailboxes that must be installed wholly within private property according to the US Postal Service specifications, and their required placement of the community mailboxes at each building. DPW will provide official addresses once final plans have been approved.
19. Upon completion of the proposed development, an as-built drawing, signed and sealed by the Engineer of Record, must be submitted detailing all utilities, including the drainage system as installed and all site drainage features (existing and proposed) before the issuance of a TCO.
20. Westchester Avenue (C.R. 71) is a Westchester County owned roadway. Thus, all work proposed within the ROW on this portion of the project is to be performed in accordance with Westchester County DPW (WCDPW) Standards. Provide WCDPW approved details in plans. In addition, WCDPW permits may be required.
21. Applicant is required to provide the necessary surety bond and applicable inspection fee (10.0% of surety) to the Department of Public Works for the work to be performed within the municipal right-of-way (ROW) for the necessary sewer and water improvements. Plans must include drainage, water, sanitary sewer main modifications, and streetscape improvements, along Westchester Avenue and Franklin Avenue.
22. All construction under the Department of Public Works jurisdiction must be in conformance with the Department's Standards, regardless of what may be shown or omitted on the plan.
23. 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:

1. The internal combustion engine-powered construction equipment used in the construction of the project shall be limited to late model (1998 and newer) so as to take advantage of the cleaner burning engines. Also, these off-road pieces of equipment will have better sound attenuation properties. Exceptions to this shall be subject to the approval of the Commissioner of Building upon a demonstration that it is not feasible or practicable to obtain the required equipment. Unless an exception is granted by the Commissioner of Building, no engines shall be used unless "critical" level exhaust silencers are fitted. This is the quietest of the three main categories and is consistent with what the City uses for its own fleet.
 2. All non-road vehicles over 50HP used with regard to this project shall utilize the best technology available for reducing the emission of pollutants, including, but not limited to, retrofitting such non-road vehicles with oxidation catalysts, particulate filters, and/or technology with comparable or better effectiveness. All construction equipment shall include PM2.5 emission controls. The City recognizes that there is a cost associated with PM2.5 emission controls, but the size, scope, and length of time necessary to construct each project warrants the additional cost on the part of each project developer to insure reduced emissions during the construction phase.
 3. All diesel powered non-road vehicles in use at this construction site shall be fueled only with ultra-low sulfur diesel having a sulfur content of no more than fifteen (15) parts per million. All fuel delivered for use at this construction site shall consist of said fuel.
 4. "Non-road vehicle" means a vehicle that is powered by non-road engine, fifty (50) horsepower and greater, which shall include, but not be limited to, excavators, backhoes, cranes, compressors, generators, bulldozers, and similar equipment.
 5. "Non-road engines" mean an internal combustion engine (including the fuel system) that is not used in a motor vehicle used solely for competition or that is not subject to standards promulgated under Section 7411 or Section 7521 of Title 42 of the United States Code (USC), except that this term shall apply to internal combustion engines used to power generators, compressors, or similar equipment used in any construction program or project.
- G. Prior to the issuance of any building or excavation permits, the applicant and its construction management team, including principal contractors, must meet together with representatives of the City'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. Applicant shall equip all construction equipment with "back up" sound attenuation devices.
- I. 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. 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 to the surrounding neighborhood.
- P. The applicant or any of its successor(s) or assign(s) shall be required to notify the Corporation Counsel of the City of White Plains in writing within thirty (30) days of any change in ownership, transfer of title, or any change in the corporate structure of same; and

WHEREAS the Environmental Officer has recommended that the Common Council (a) reconfirm itself to be the Lead Agency for the environmental review of the Proposed Action; (b) reconfirm that the Proposed Action, with less than 250 units connected to public utilities in a city having a population under 150,000, to be an Unlisted Action under SEQR regulations; (c) determine that the project has not changed and that there are no new circumstances that would affect the SEQR Findings adopted for the 2021 Approval; and (d) reconfirm that the Proposed Action, when compared to the SEQR criteria of environmental effect, will not have a significant effect on the environment; and

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

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

RESOLVED, that, based on the foregoing, the Common Council Common Council 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 determines that the project has not changed and that there are no new circumstances that would affect the SEQR Findings adopted for the 2021 Approval; and be it further

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

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

COMPREHENSIVE PLAN CONSISTENCY

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 recommends that the zoning along the northerly side of Westchester Avenue remain B-3 Intermediate Business District and calls for the protection of residential neighborhoods. The Plan further states that any commercial development along the Westchester Avenue frontage should have access from Westchester Avenue and not from neighboring streets such as Franklin Avenue or Amherst Place.

The proposed mixed-use development is consistent with other high-quality retail and residential developments in the vicinity, replaces several vacant, unproductive commercial storefronts, and provides an opportunity to connect residential neighborhoods located to the north of the site to shops and restaurants to the south. All vehicular access to the project is from Westchester Avenue.

AFFORDABLE HOUSING

Pursuant to Title IX, Chapter 9-7, Article 1 of the White Plains Municipal Code entitled Affordable Rental Housing Regulations, 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 buy-out a portion of their total 21-unit affordable housing obligation. The Applicant opts to buy-out 11 affordable units at the requisite per unit fee of 1.25 times the HUD Westchester County AMI for a household of four for the year in which the project receives its first residential Certificate of Occupancy (CO). By way of example, under the 2021 Westchester County HUD income guidelines, the current buy-out fee for 11 units would amount to \$1,753,125. The Applicant must also provide a total of ten (10) affordable housing units within the project for those qualifying at 80% of the Westchester County Median Income (AMI) as follows:

Unit Breakdown	Total Units	Affordable Units
Studio	27	1
1BR	100	6
2BR	48	3
Total	175	10

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.

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 development offers substantial residential amenities for its tenants, including a swimming pool, social deck area, clubroom, and fitness center, comprising over 23,000 square feet of privately accessible recreational space (12,112 square feet in Building one and 11,330 square feet in Building three). The proposed site plan also includes approximately 4,000 SF of *publicly accessible* open space including a 44-foot by 58-foot pocket park along the internal driveway system, a 150-foot by 10-foot dog park along the rear of Building 3 along Franklin Avenue, and a landscaped and lighted walkway with gathering places and urban street furniture connecting Franklin Avenue to Westchester Avenue. The proposed publicly accessible open space will help to offset the impact that the projected 312 new residents of the project would have on existing City park facilities. This additional burden has been analyzed in context with the projected future overall growth in City population, and evaluation of the City's present and anticipated future needs for park and recreation facilities.

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 175 unit mix proposed would result in a total fee-in-lieu payment to the City of \$535,500 to be used exclusively for park, playground and other recreational purposes, including the acquisition of real property.

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 a partial credit of \$271,708 be given to the Applicant calculated as a pro-rata share of the additional parkland demand met by the proposed project per New York State Recreation Standards. The remaining \$263,792 fee shall be paid by the applicant in two equal installments; \$131,896 prior to the issuance of the first building permit and \$131,896 prior to issuance of the first residential Temporary Certificate of Occupancy (TCO) by the Commissioner of Building. In the event that no Temporary Certificate of Occupancy is required, the second payment shall be made prior to issuance of a Certificate of Occupancy (CO) by the Commissioner of Building.

ZONING MAP AMENDMENT

The Applicant has requested a Zoning Map Amendment to the Official Zoning Map of the City of White Plains, adopted June 1, 1981, to remove the existing 15 foot special building setback (front yard) along the 198-foot lot frontage on Westchester Avenue

The Applicant proposes a five (5) foot building setback (front yard), in accordance with the dimensional regulations of the B-3 Zoning District and consistent with existing buildings along this stretch of Westchester Avenue.

The Departments of Traffic and Public Works have determined that this special building setback is not necessary for any future street widening improvements along Westchester Avenue and should be demapped.

ZONING COMPLIANCE

The development site does not contain environmentally sensitive features and is not located within a Special "S" District. Upon the approval of the Zoning Map Amendment and the granting of Special Permits, the project conforms to all dimensional standards of the Zoning Ordinance.

6.5 Special Permit Standards

6.5.1 The location and size of the special permit "use," the nature and intensity of the operations involved in it or conducted in connection with it, the size of the site in relation to it, and the location of the site with respect to "streets" giving access to it are such that it will be in harmony with the appropriate and orderly development of the area in which it is located.

In the RM-0.35 Zoning District, pursuant to footnote (w) of Section 5.3 Schedule of Dimensional Regulations: Residential, "building coverage" can be increased as if the "development site" was a single lot, upon issuance of a special permit by the Common Council. The requested increase in coverage, from 60% permitted to 69.9% proposed, is not significant when the total land area of the site is taken into account. The entire site is approximately 79,553 square feet. The development footprint comprises approximately 47,719 square feet, or a 58.7 percent coverage ratio. This is a reasonable coverage percent for a development site, given the maximum building coverages in the B-3 and RM-0.35 Zoning Districts are 80 percent and 60 percent, respectively.

In the RM-0.35 Zoning District, pursuant to footnote (v) of Section 5.3 Schedule of Dimensional Regulations: Residential, for a designated "development site" located in two or more zoning districts that permit "multi-family dwellings", the Common Council may, by special permit, allow the "dwelling units" to be built on any portion of the "development site" provided the total number of "dwelling units" does not exceed the number allowed in each district as determined under Section 5.3 of the Zoning Ordinance, and provided that all dimensional requirements of each district are met except for minimum "lot area per dwelling unit".

Applicant proposes to construct a mixed use development in a high density residential zoning district, and along an active commercial corridor that permits multi-family use. The design is consistent with other high-quality retail and residential developments in the vicinity, and replaces several vacant, unproductive commercial storefronts. The residential density will be distributed throughout the development site; however, it will be concentrated in Building three, abutting Franklin Avenue. Specifically, nineteen (19)

of the 71 dwelling units permitted in the B-3 Zoning District will be transferred to the RM-0.35 District. This reallocation of units is needed to take advantage of the additional height permitted, via special permit, in the RM-0.35 District, to accommodate the retail/restaurant/motor vehicle showroom square footage along Westchester Avenue in conformance with neighborhood land use patterns, and to enliven the Westchester Avenue frontage. The total number of dwelling units (175 units) does not exceed the cumulative number allowed in each district, pursuant to footnote (v) of the Zoning Ordinance and all dimensional requirements are met.

In the B-3 Zoning District, motor vehicle sales or rental, including accessory “repair shops”, “service stations” or outdoor storage of motor vehicles require a special permit from the Zoning Board of Appeals, pursuant to Section 6.2.3 of the Zoning Ordinance. Since this project requires multiple approvals from the Common Council, it is appropriate that the Common Council consider the special permit for the Applicant’s proposed motor vehicle showroom. It is noted that the proposed motor vehicle showroom is consistent with the existing showroom in terms of size and function, but will not contain service or repair facilities, and is not out of character with existing land use patterns along Westchester Avenue.

The project’s proposed location, scope and size will be in harmony with the appropriate and orderly development of the area.

6.5.2 *The location, nature and "height" of "buildings," walls and fences and the nature and extent of existing or proposed plantings on the site are such that the special permit "use" will not hinder or discourage the appropriate development and "use" of adjacent land and "buildings."*

Special permits are required for building heights and the number of stories, as follows:

In the B-3 Zoning District, pursuant to Section 5.3 Schedule of Dimensional Regulations: Non Residential, footnote (x), on lots greater than 30,000 square feet, the number of stories can be increased by one (1) and the height by 15 feet upon issuance of a special permit by the Common Council. The Applicant proposes a five (5) story, 65-foot building in the B-3 Zoning District (Building one), where four (4) stories and 50 feet are principally permitted. Building one would be situated directly across the street from The Westchester Mall and the B-6 Enclosed Mall Zoning District which permits heights of up to 90 feet; therefore a 65-foot building would not be conspicuous or discourage the appropriate development of adjacent land.

In the RM-0.35 Zoning District, pursuant to Section 5.3 Schedule of Dimensional Regulations: Residential, footnote (n), the number of stories may be increased within the maximum height, with a front yard of not less than 20 feet. The Applicant proposes an eleven (11) story, 113 foot and 10 inch building in the RM-0.35 Zoning District (Building three), where six (6) stories and 125 feet are permitted. Building three is proposed to be approximately 11 feet less than the permitted maximum height of 125 feet. In order to secure the 11-stories, the Applicant is providing the required 20 foot front yard setback for all eight (8) stories of residential units over the parking platform. Furthermore, Building three is located in the RM-0.35 Zoning District, the City’s highest

density multi-family district outside of the Central Parking Area. The proposed building abuts the RM-0.4 Multi-Family Zoning District, which also permits heights of up to 125 feet and 12 stories. In addition, there are several seven to eight-story residential buildings around the development site.

Accordingly, the Common Council finds the proposed buildings are appropriate heights and will not hinder or discourage the development of adjacent land.

- 6.5.3 *Operations in connection with any special permit "use" will not be more objectionable to nearby properties by reason of noise, traffic, fumes, vibration or other characteristics than would be the operations of permitted "uses" not requiring a special permit.*

Residential uses are permitted as-of-right in both the B-3 and RM-0.35 Zoning Districts. The number of dwelling units provided throughout the entire Development Site does not exceed the maximum allowable number of units, pursuant to the Zoning Ordinance. The motor vehicle showroom exists currently, will be for sales only, and will not contain a repair shop or service department.

Therefore, the Common Council finds that the project will not be more objectionable to nearby properties by reason of noise, traffic, fumes, etc.

- 6.5.4 *"Parking lots" will be of adequate size for the particular special permit "use," properly located and suitably screened from adjoining residential "uses," and the entrance and exit drives shall be laid out so as to achieve maximum convenience and safety.*

Pursuant to Section 8 of the Zoning Ordinance, the project requires a total of 324 parking spaces (225 residential spaces, 32 motor vehicle spaces, eight (8) retail spaces and 59 restaurant spaces) and one (1) loading space for the retail use. Pursuant to Section 8.5.3.1, the Applicant is seeking a Joint Use reduction of 15% or 48 spaces for the project, so the total parking requirement would be 276 spaces.

To accommodate parking for the development site, the Applicant proposes to construct a 287 space, three (3) level parking structure that would sit beneath Buildings one and three, as follows: 178-space lower level that spans the length of Buildings one and three, a first-floor level containing 65 spaces below Building three and a mezzanine level containing 44 spaces below Building three. The parking structure below Building three serves as a podium/base for the eight floors above and includes a rooftop swimming pool, roof plantings, and outdoor recreation areas. The parking structure would be accessed from the central driveway on Westchester Avenue.

Accordingly, the Common Council finds that the parking structure provides a sufficient number of parking spaces, subject to review by the Deputy Commissioner of Parking, and is adequately screened from adjoining residential uses.

7.5 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 Impact Study dated October 2021 which evaluated existing and future traffic conditions with and without the project at five key intersections surrounding the site. The Study concluded that the increase in traffic volumes would not have a significant adverse impact on traffic operating conditions at the studied intersections. Under the build conditions with the project traffic added, overall delays are projected to increase only by 2.3 seconds or less during peak hours. To accommodate future traffic growth, even without the proposed project, the traffic signal timings and offsets be adjusted to provide for a better progression along Westchester Avenue. Further, according to the Traffic Study, the project would improve the walkability of the community and significantly reduce traffic activity on Franklin Avenue.

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.*

The Applicant has proposed one main vehicular entrance and exit into and out of the site from Westchester Avenue. Vehicles turning into the site would proceed in a northerly direction, then head around a traffic circle and into the parking structure, which is located underneath Building three. Alternatively, vehicles can continue around the circle to a covered pedestrian drop off area, located underneath Building one. Vehicles exiting the site would continue around the circle and back out onto Westchester Avenue. There is an additional pedestrian drop off area alongside Building 2 as well. The traffic circle would include a landscaped feature and decorative pavers at its center.

Pedestrian entrances and walkways would be added throughout the site, as follows:

1. A new crosswalk across Franklin Avenue to the back of the site which includes a publicly accessible dog park;
2. A north-south, 15-foot wide landscaped and lighted walkway with gathering areas connecting Franklin Avenue to Westchester Avenue;
3. An entrance into the main lobby of the building adjacent to the vehicular drop off location;
4. An entrance into Building one off of the main driveway;
5. Three entrances into Building two, the retail/restaurant space, off of the main driveway; and
6. Three new crosswalks at strategic points across the vehicular access driveway and connecting to Westchester Avenue at Paulding Street.

Accordingly, the Common Council 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 324 parking spaces (225 residential spaces, 32 motor vehicle spaces, eight (8) retail spaces and 59 restaurant spaces) and one (1) loading space for the retail use. Pursuant to Section 8.5.3.1, the Applicant is seeking a Joint Use reduction of 15% or 48 spaces for the project, so the total parking requirement would be 276 spaces.

To accommodate parking for the development site, the Applicant proposes to construct a 287 space, three (3) level parking structure that would sit beneath Buildings one and three, as follows: 178-space lower level that spans the length of Buildings one and three, a first-floor level containing 65 spaces below Building three and a mezzanine level containing 44 spaces below Building three. The parking structure below Building three serves as a podium/base for the eight floors above and includes a rooftop swimming pool, roof plantings, and outdoor recreation areas. The parking structure would be accessed from the central driveway on Westchester Avenue. A central elevator for tenants is provided, as well as a freight elevator for the commercial uses.

According to the Applicant's parking analysis, the 287 proposed parking spaces would be sufficient to accommodate the peak parking demand, and the implementation of the parking management recommendations would optimize parking operations.

Accordingly, the Common Council 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.*

All parking is located within Buildings one and three and connected via an internal ramping system.

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

The project requires one (1) loading space to accommodate the 4,300 square foot retail component. Two retail loading spaces are provided at the western edge of the proposed

circular driveway. Delivery vehicles will enter the site from Westchester Avenue, proceed three-quarters of the way around the circular driveway and back into the loading area (See TT-1, TT-2 and TT-3). The trucks would exit back onto Westchester Avenue.

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.

All vehicular circulation would occur via Westchester Avenue only. Pedestrian entrances and walkways would be added throughout the site, as follows:

1. A new crosswalk across Franklin Avenue to the back of the site which includes a publicly accessible dog park;
2. A north-south, 15-foot wide landscaped and lighted walkway with gathering areas connecting Franklin Avenue to Westchester Avenue;
3. An entrance into the main lobby of the building adjacent to the vehicular drop off location;
4. An entrance into Building one off of the main driveway;
5. Three entrances into Building two, the retail/restaurant space, off of the main driveway; and
6. Three new crosswalks at strategic points across the vehicular access driveway and connecting to Westchester Avenue at Paulding Street.

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.

According to the Applicant's Landscape Plan (C206.1), a significant number of trees, shrubbery and ground cover are proposed around the entire development site. Of particular note, six (6) new Leyland Cypress trees are proposed along the westerly side of Building three, adjacent to the existing three-story residential building at 26 Franklin Avenue. A variety of deciduous trees and benches (8) are indicated along the newly created walkway extending from the easterly side of Building three, from Franklin Avenue all the way to Westchester Avenue. New street trees are also proposed along the Franklin Avenue frontage as well as the Westchester Avenue frontage. Ample landscaping is also indicated on the rooftops of both buildings.

Accordingly, the Common Council finds that the Landscape Plan is adequate.

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.*

Significant landscaping is proposed, as discussed in Section 7.5.2.9 above. All parking for the site would be located in a three-level parking structure, the lower level of which is below grade. A residential refuse area is located behind the commercial loading area, underneath Building one and not visible from the street. An additional refuse area would be situated adjacent to the dog park along Franklin Avenue in an enclosed area. Fencing is proposed for the dog park. All fencing must 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. However, for the past 50 years, the site has operated as an automotive dealership and repair facility. Contamination related to automotive repair has qualified it for the Brownfield Cleanup Program and is subject to the Brownfield Cleanup Agreement No. C360209-05-21 through the New York State Department of Environmental Conservation.

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

The Applicant has provided a Photometric Plan (C207) indicating lighting projection. However, the Applicant should provide an additional lighting plan that indicates the location of each proposed lighting element, both at the ground level and on the two rooftops, to the satisfaction of the Commissioners of Planning and Building and the Deputy Commissioner of Parking.

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 will provide an effective strategy for managing stormwater runoff.

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

Solar panels are not proposed at this time.

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

The proposed development will enhance the character and property values of the adjacent neighborhood. Currently, the site is occupied by vacant or underperforming commercial uses and is isolated from the rest of the City. The block functions as a transition zone between residential uses to the north and commercial uses to the south. The project provides an opportunity to connect Franklin Avenue neighborhood to Westchester Avenue, take advantage of and enhance this high visibility gateway into White Plains, and extend and improve access to public parks. It will feature a robust tenant amenity package, extensive rooftop plantings and seating, landscaped walkways with urban furniture, publicly accessible open space areas, and street level restaurants and retail space. The proposed fenestration and façade materials, along with new streetscape landscaping and pedestrian connections will enhance the character of the neighborhood and attract new residents to the area.

- (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.

Stormwater Management

A Storm Water Pollution Prevention Plan (SWPPP) has been approved and will be amended as the plans are further developed and refined. The applicant is required to obtain the NYS SWPPP General Permit, and provide proof to DPW, prior to issuance of a building permit. In addition, the owner must obtain a City of White Plains Department of Public Works (DPW) MS4 stormwater permit prior to the issuance of a Building Department permit.

Applicant has applied to be accepted in the Brownfield Cleanup Program (BCP) and filed on December 2020 with the New York State Department of Environmental Conservation (DEC Site ID#C360209). Construction dewatering, along with soil disturbance and removal, must fully comply with the Remedial Action work Plan (RAWP) as approved by the NYSDEC.

Municipal Water Supply and Sanitary Sewer Improvements.

The Department of Public Works has reviewed the project and has identified upgrades to the municipal

water distribution and sanitary sewer systems that will be required as conditions for the project site plan and special permit approvals. Design plans must be provided by the applicant for final approval by the Department of Public Works, and subsequently, the Westchester County Department of Health. These improvement shall be undertaken by the developer, at the applicant's expense, in order to provide adequate service to this development.

Solid Waste.

While the Proposed Project would result in increased demand for solid waste collection services, the residential, retail and restaurant uses included in the Proposed Project are not dissimilar from other existing uses in the nearby downtown. As a condition of the site plan approval, a final Solid Waste Management Plan will be submitted to the Department of Public Work for approval.

Traffic

A Traffic Impact Study has been prepared for the proposed mixed-use development at 70 Westchester Avenue and reviewed by the City Transportation Engineer. Based on the detailed analysis conducted for this study, increase in traffic volumes associated with the proposed Project will not have a significant adverse impact on traffic operating conditions at the study intersections. The analyses indicate that, under future No-Build conditions (without the proposed Project), delays are anticipated to increase significantly when compared to Existing conditions. Under Build conditions, with the Project traffic added, overall delays are projected to increase by only 2.3 seconds or less during the peak hours. To accommodate future traffic growth, even without the proposed Project, it is recommended that the traffic signal timings and offsets be adjusted to provide for a better progression along Westchester Avenue.

Based on the parking analysis reviewed by the City Transportation Engineer, the 297 parking spaces provided will be sufficient to accommodate the peak parking demand. Implementation of the parking management recommendations of this report, if needed, will optimize parking operations to ensure the success of the Project.

The Applicant has requested a Zoning Map Amendment to the Official Zoning Map of the City of White Plains, adopted June 1, 1981, to remove the existing 15-foot special building setback (front yard) along the 198-foot lot frontage on Westchester Avenue. The Departments of Traffic and Public Works have determined that this special building setback is not necessary for any future street widening improvements along Westchester Avenue and should be demapped.

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 currently includes a car dealership with surface parking.

The project includes a five- (5) story residential building and a one-story, commercial building located

the B-3 Zoning District on Westchester Avenue and an eleven-story residential building located in the RM-0.35 Zoning District, along Franklin Avenue.

This proposed project is similar to “The Collection” mixed-use project, now under construction, located on the adjunct property at 80-106 Westchester Avenue which includes a four (4) story, 65-foot building in the B-3 Zoning District on Westchester Avenue and an eleven (11) story, 125 foot building in the RM-0.35 Zoning District along Franklin Avenue.

The Development Site on the Franklin Avenue side abuts the RM-0.4 Multi-Family Zoning District, which permits heights of up to 125 feet and 12 stories. There are several seven- to eight-story residential buildings around the development site. Therefore, the proposed building will not hinder or discourage the appropriate development of adjacent land.

The Applicant has proposed a design that reflects the commercial character or uses along Westchester Avenue uses and the multifamily residential neighborhood along Franklin Avenue.

The landscape plan provides street trees and foundation plantings along Franklin Avenue.

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

The type and quantity of energy demand for the Proposed Project is not significant in the context of the City of White Plains as a regional employment, retail, residential and governmental center. The existing providers have the capacity to support the proposed project.

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

The project includes improvements to enhance safety for pedestrians crossing Westchester Avenue at Paulding Street including the pedestrian signal improvements as well as the proposed signal near Franklin Avenue and Westchester Avenue. The work for the signal near Franklin Avenue must be coordinated with the Collection Project and Westchester County.

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

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

RESOLVED that, based on the foregoing findings, the Common Council 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 APPLICATION SUBMITTED ON BEHALF OF SABER –
NORTH WHITE PLAINS, LLC FOR AN EXTENSION OF AN APPROVED SITE
PLAN AND SPECIAL PERMIT TO CONSTRUCT A PROJECT AT 70
WESTCHESTER AVENUE

WHEREAS, on November 1, 2021 the Common Council approved a resolution granting site plan and special permit approval to Saber–North White Plains, LLC (the “Applicant”) for a mixed use development project consisting of three buildings containing a total of 175 dwelling units and approximately 15,000 square feet of motor vehicle sales, retail, restaurant space and related parking (“Site Plan Approval”). The project is located at 70 Westchester Avenue (Section 126.61, Block 4, Lot 15.1) on 79,533 square feet (1.83 acres) of land area, with approximately 42,914 square feet in the B-3 Zoning District and approximately 36,619 square feet in the RM-0.35 Zoning District; and

WHEREAS, by letter dated October 6, 2022, Janet J. Giris of DelBello Donnellan Weingarten Wise & Weiderkehr, LLP, on behalf of the Applicant, requested a one year extension of the Site Plan Approval; and

WHEREAS, the Applicant has represented that there has been no material change in circumstances since the granting of the Site Plan Approval that would affect the basis for the approval of an extension thereof; and

WHEREAS, the request for the extension of the Site Plan Approval was referred by the Common Council at its November 7, 2022 meeting to the Commissioner of Building, Design Review Board, Commissioner of Planning, Planning Board, Commissioner of Public Safety, Commissioner of Public Works, City Transportation

Engineer, Transportation Commission, Commissioner of Parking, and the Environmental Officer for review, comments and recommendations; and

WHEREAS, the Common Council has received, reviewed and considered the reports from the

- Commissioner of Building, dated November 22, 2022;
- Chairman of the Design Review Board, dated October 17, 2022;
- Commissioner of Planning, dated November 21, 2022;
- Chairman of the Planning Board, dated November 16, 2022;
- Commissioner of Public Safety, dated November 15, 2022;
- Commissioner of Public Works, dated November 15, 2022;
- City Transportation Engineer, dated November 21, 2022;
- Acting Chairman of the Transportation Commission, dated November 21, 2022;
- Commissioner of Parking, dated November 16, 2022; and
- Environmental Officer, dated November 28, 2022; and

in relation to the request for a one year extension of the Site Plan Approval; and

WHEREAS, in connection with this instant application, the Common Council, at its December 5, 2022 meeting, adopted an environmental findings resolution, which re-confirmed the Common Council as Lead Agency for the environmental review of this application to extend approval of the Site Plan Approval for one year pursuant to the New York State Environmental Quality Review Act and its accompanying regulations ("SEQRA"); re-confirmed that the Proposed Action is an Unlisted Action; found no relevant changes in circumstances related to the project that would require an

amendment to the November 1, 2021 approval; re-confirmed the SEQRA findings adopted on November 1, 2021; and reconfirmed that the Proposed Action will not have a significant effect on the environment.

NOW THEREFORE, BE IT RESOLVED, that the Common Council hereby approves an extension of the Site Plan Approval until November 1, 2023, subject to and conditioned upon the Applicant's compliance with all of the requirements and the 10 conditions set forth and contained in the Common Council's November 1, 2021 resolution which granted Site Plan 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 November 7, 2022, the Department of Building has reviewed a request for a second amendment to the Site Plan Approval associated with a proposed project at 200 Hamilton Avenue. This request has been submitted by DelBello Donnellan et.al on behalf of W.P. Mall Realty, LLC, Hamilton Green I Partners, LLC and S-WD/WP LLC, collectively known as the Applicant, and is associated with the redevelopment of the property into a mixed-use complex known as "Hamilton Green."

The proposed project includes four (4) residential buildings with a total of 860 dwelling units, a multilevel garage which will house 956 parking spaces, approximately 85,000 square feet of retail and restaurant space, approximately 27,000 square feet of flexible office space and both public and private open space.

This department has no objection to this amendment being granted.

Respectfully Submitted,

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

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

DATED: November 22, 2022

"THE BIRTHPLACE OF THE STATE OF NEW YORK"

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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

November 22, 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 November 21, 2022, an application submitted on behalf of W.P Mall Realty, LLC ,Hamilton Green1 Partners, LLC & S- WD/WP, LLC for a second amendment to the Site Plan approval and for amended conceptual development plan approval for the property located at 200 Hamilton Ave, White Plains, NY.

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

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: HAMILTON GREEN
200 HAMILTON AVENUE
APPLICATION FOR APPROVAL OF AMENDED CONCEPTUAL
DEVELOPMENT PLAN AND AMENDED SITE PLAN**

By letter dated October 31, 2022, Janet J. Giris, on behalf of W.P. Mall Realty, LLC, Hamilton Green I Partners, LLC, and SWD/WP LLC (collectively, the "Applicant"), submitted an application to the Common Council requesting an amendment to an existing Conceptual Development Plan and site plan approval for the project known as "Hamilton Green," which involves the redevelopment of property located at 200 Hamilton Avenue (the "Project Site").

I. APPROVED PROJECT

The Common Council approved the current site plan and Conceptual Development Plan on December 6, 2021. The current Site Plan approval (the "Approved Project") is valid through December 6, 2022 and includes the following:

- 860 dwelling units with the taller towers located on Hamilton Avenue as required by the TD-1 Zoning.
- 956 parking spaces located below grade.
- Garage access provided on Hamilton Avenue and Barker Avenue, with an additional driveway on Hamilton Avenue as a dedicated truck exit to minimize potential conflict with other vehicles.
- Two curbside pull-out standing zones on Dr. Martin Luther King Jr., Boulevard and Cottage Place to facilitate drop off and potential deliveries.
- Wider access stair to the Hamilton Green Plaza at Hamilton Avenue, making the open space more accessible and inviting to the public.
- The "Via" from Cottage Place to the Green is open to the sky and no longer a tunnel.
- The total building coverage above 150 feet high (towers) is 14% improving visual sightlines

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through the site.

- Public open space at Hamilton Green comprising 45,746 square feet.
- Private open space for residents comprising 23,633 square feet.
- Total open space on the site represents 57% of the site.

II. 2022 MODIFIED PROJECT

The Applicant has made minor modifications to the Approved Project and the corresponding Conceptual Development Plan. These modifications pertain to the project phasing and the layout of the parking structure. All other aspects of the Approved Project remain unchanged.

To reflect the adjusted phasing and new garage layout, the following drawings have been revised:

Drawing Number	Title	Prepared By	Dated or Last Revised
SPL100.00	Landscape Site Materials and Furnishing Plan	Eric Rains Landscape Architecture	10/31/2022
SPA2-158.00	EL. +158' Plan	Lessard Design	10/31/2022
SPA2-168.00	EL. +168' Plan	Lessard Design	10/31/2022
SPA2-178.00	EL. +178' Plan	Lessard Design	10/31/2022
SPA2-188.00	EL. +188' Plan	Lessard Design	10/31/2022
SPA3-114.00	Phasing Rendering	Lessard Design	10/31/2022
SPA3-115.00 ELIMINATED	Phase 1 Rendering 1		
SPA3-116.00 ELIMINATED	Phase 1 Rendering 2		
SPA3-117.00 ELIMINATED	Phase 1 Rendering 3		
W-1	WB-50 Movements	Kimley Horn	9/13/2021
W-2	WB-50 Movements	Kimley Horn	9/13/2021
W-3	WB-50 Movements	Kimley Horn	9/13/2021
S-1	SU-30 Movements	Kimley Horn	9/13/2021
S-2	SU-30 Movements	Kimley Horn	9/13/2021
S-3	SU-30 Movements	Kimley Horn	9/13/2021
C-601	Drainage and Utility Plan (Phasing Note added)	AKRF	11/8/2021

The 2022 Modified Project, like the 2021 Approved Project, is proposed to be constructed in two phases. The charts below indicate the changes being made to the phasing structure:

PHASE I		
2021 Approved Project	2022 Modified Project	Outcome
240 Hamilton Avenue 280 feet; 326 units (29 affordable)	240 Hamilton Avenue ("Unit 1") 280 feet; 326 units (29 affordable)	NO CHANGE
7 Cottage Place	7 Cottage Place ("Unit 1")	NO CHANGE

PHASE I		
2021 Approved Project	2022 Modified Project	Outcome
150 feet; 144 units (13 affordable)	150 feet; 144 units (13 affordable)	
Brownfield Cleanup	Brownfield Cleanup	NO CHANGE
Full construction of a 962-space underground parking structure for both phases of the project.	Construction of a 497-space underground parking structure to accommodate all required residential and commercial parking for Phase I and the buildout of a parking area one level below the Loading Area, which will serve Phase II.	MINOR CHANGE
Full construction of the Loading Area	Full construction of the Loading Area	NO CHANGE
All utilities	All utilities required to serve the Phase I (Unit 1) buildings	MINOR CHANGE
Construction of all Public Spaces	Construction of all Public Spaces	NO CHANGE
Construction of all ground floor non-residential space (inclusive of storefronts at grade along Barker Avenue, Martin Luther King Jr. Blvd. and Hamilton Avenue under the future Phase II Towers)	Construction of all Phase I proposed non-residential space (office, retail, craft market food hall). Replace Phase II storefronts with approximately 39,580 square feet of additional, publicly accessible open space, at grade, which is to remain until the commencement of Phase 2 construction.	MINOR CHANGE

PHASE TWO		
2021 Approved Project	2022 Modified Project	Outcome
220 Hamilton Avenue 280 feet; 260 units (24 affordable)	220 Hamilton Avenue (“Unit 2”) 280 feet; 260 units (24 affordable)	NO CHANGE
20 Barker Avenue 150 feet; 130 units (12 affordable)	20 Barker Avenue (“Unit 2”) 150 feet; 130 units (12 affordable)	NO CHANGE
Remaining Brownfield Cleanup	Remaining Brownfield Cleanup	NO CHANGE
n/a	Construction and completion of the underground parking structure for the remaining 2 buildings, to include the balance of required parking spaces.	MINOR CHANGE
n/a	All utilities required to serve Phase II (Unit 2) buildings	MINOR CHANGE

III. ZONING COMPLIANCE

The Planning Department has reviewed the Modified Project for conformance to Section 5.10 and Section 7.5 of the Zoning Ordinance and finds that the comments and recommendations are generally the same as those offered for the previously Approved Project. The following exceptions are noted below and have been revised to reflect the updated plan.

5.10 “Transit Development District (TD-1)”

5.10.1.2.7 If a TD-1 development is proposed to be constructed in phases, then the completion of any such public amenities, including but not limited to sidewalks and streetscape features, should be phased in a manner proportional to the number of dwelling units or nonresidential floor area to be occupied during any given phase of such development.

The Modified Project is proposed to be built in two phases. Phase I includes construction of all parking required to accommodate the uses of Phase I (residential, office and retail). Phase I also includes the completion of the loading area, all utility improvements that serve Phase I (AKRF Drainage and Utility Plan – Sheet C-601), and the construction of the public open space area. The main difference between the two plans is that with the Modified Project, the Applicant will replace the previously approved temporary storefronts on the Phase Two portion of the site fronting Martin Luther King Jr. Blvd. with approximately 39,580 square feet of additional publicly accessible, at-grade open space. This open space will remain until such time that Phase 2 commences.

The Planning Department finds that the revised phasing in the Modified Project complies with this section.

7.5 Site Plan Standards

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.

Applicant proposes four, below-grade parking levels, as follows:

- “Garage Level 1” (at elevation +188’) will contain a total of approximately 77 spaces, and will be constructed as a part of Phase One (Lessard Design – SPA2-188).
- “Garage Level 2” (at elevation +178’) will contain a total of approximately 305 spaces, of which 181 spaces will be constructed as a part of Phase One. The centrally located loading bays for both phases are also located on this level (Lessard Design – SPA2-178).
- “Garage Level 3” (at elevation +168’) will contain a total of approximately 419 spaces, of which approximately 239 spaces will be constructed as a part of Phase One (Lessard Design – SPA2-168).
- “Garage Level 4” (at elevation +158’) will contain approximately 258 spaces and will be fully built out after the completion of Phase 2 (Lessard Design – SPA2-158).

It should be noted that during the Phase I construction, Garage Levels 3 and 4, directly below the loading bay area on Level 2, will be constructed, but not utilized as parking until the

completion of Phase II (Lessard Design – SPA2-158 and SPA2-168).

The Modified Project does not affect the outcome of the Parking Study that was completed during the environmental review for the Approved Project, in particular because the number of residential units and proposed commercial square footage remains the same. This parking analysis utilized a “Shared Parking” methodology, in accordance with Section 8.5.3 Joint Use of Spaces.

Based on the parking analysis and upon confirmation by the City's Deputy Commissioner of Parking, the Modified Project contains sufficient on-site parking spaces to support the Phase One construction and the full build-out of the development and, therefore, meets the requirements of Section 8 of the Zoning Ordinance.

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.*

Applicant is providing six (6) full loading bays where only four (4) are required. The Modified Project maintains a loading entrance on Barker Avenue and exit on Hamilton Avenue to improve the flow of trucks through the site and reduce potential for conflict with other vehicles. The loading area is located internally underneath the new buildings, and serves the entire Hamilton Green facility. It will be fully constructed during Phase One.

Applicant submitted an updated Loading Dock Management Plan (Kimley Horn – WB-50 Movements, Sheets W-1, W-2 and W-3; SU-30 Movements, Sheets S-1, S-2 and S-3) for the Modified Project which, upon confirmation by the City's Deputy Commissioner of Parking, meets the requirements of Section 8 of the Zoning Ordinance.

IV. AFFORDABLE HOUSING

The Applicant remains obligated to meeting the City's affordable housing requirement, in accordance with Section 9-7-3 Affordable Housing Requirements. The Applicant selected the 12% set-aside option (103 units) and will provide 78 affordable housing units for those qualifying at 80% of the Westchester County Area Median Income (AMI). The Applicant has elected to buy out of 25 affordable dwelling units at the requisite per unit fee of 1.25 times the HUD Westchester County AMI for a family of four for the year in which the project receives its first residential Certificate of Occupancy (CO) (by way of example, the total buyout fee would amount to \$4,331,250 based on the 2022 Westchester County AMI).

The buy-out fee must be paid to the Affordable Housing Assistance Fund (AHAF) on a pro-rata basis consistent with project phasing and upon issuance of the first residential (temporary or final) Certificate of Occupancy (CO) by the Commissioner of Building for each building or Phase as determined by the Commissioner of Planning as the administrative agent of the City's Affordable Rental Housing Program. The ARHP Affordable Units must remain affordable in perpetuity, for the life of the project.

The Planning Department notes that the applicant may opt to alter the means in which the project meets the provisions of City Code Section 9-7 Affordable Housing Requirements (e.g. selection of 8% set-aside for those at 50%/60% of Westchester County AMI and/or opting not to buy out of any required units) prior to the issuance of first building permit without requiring amendment to the approved site plan.

V. OPEN SPACE AND PARKLAND

The Approved Project provides a total of a total of 93,576 square feet of open space, including the 45,746 square foot publicly accessible Hamilton Green Plaza, 24,197 square feet of public open space at street level, and 23,633 square feet of private open space. The proposed open space areas remain the same for the Modified Project. In addition, approximately 39,580 square feet of additional publicly accessible, *at-grade* open space will be included along Martin Luther King Jr. Blvd. until such time that Phase II commences (Sheet SPL-100 Landscape Site Materials and Furnishing Plan).

This significant amount of publicly accessible open space provided continues to offset the impact that the projected 2,013 new residents of the project would have on existing City park facilities. The impact of these additional residents has been analyzed in context with the projected future overall growth in City population, and evaluation of the City's present and anticipated future needs for park and recreation facilities previously presented by the Planning Department regarding the reservation of parkland on all multi-family site plans or payment of money-in-lieu thereof.

VI. CONCLUSION

Based on the foregoing analysis, the Planning Department finds that the proposed Modified Project continues to comply with Sections 5.10 Transit Development District (TD-1) and 7.5 Site Plan Standards of the City Zoning Ordinance, the Comprehensive Plan, the Affordable Housing Rental Regulations and the reservation of parkland requirements. Accordingly, the Planning Department recommends that the Common Council approve the amended Conceptual Development Plan and amended site plan for the Modified Project, subject to the following conditions:

1. The Common Council make the requisite finding pursuant to New York State General City Law § 27-a, that the 45,746 square foot publicly accessible Hamilton Green Plaza and 24,197 square feet of public open space at street level provides adequate land for park and recreation facilities based on the project's anticipated generation of 2,013 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 previously presented by the Planning Department in analyzing the reservation of parkland on all multi-family site plans or payment of money-in-lieu thereof.
2. "Hamilton Green Plaza" and all other components of the publicly accessible open space depicted on the Modified Project site plan, including the interim publicly accessible, at-grade open space area along Martin Luther King Jr. Blvd. (Lessard Design – Sheet SPA3-114.00), shall be open to

the public during reasonable hours of day in accordance with the hours of operation of the City of White Plains public park facilities. At a minimum all publicly accessible space shall be open from dawn to dusk.

3. Pursuant to City Code Section 9-7-3 Affordable Housing Requirements, the Applicant has selected the 12% set-aside option (103 units) and will provide 78 affordable housing units for those qualifying at 80% of the Westchester County Area Median Income (AMI) *and* has opted to buy out 25 affordable housing units at a per unit fee of 1.25 times the Westchester County AMI for a family of four for the year in which the first residential Temporary or Final Certificate of Occupancy is issued (e.g. for the year 2022, the fee would be \$4,331,250).

The buy-out fee must be paid to the Affordable Housing Assistance Fund (AHAF) on a pro-rata basis consistent with project phasing and upon issuance of the first residential (temporary or final) Certificate of Occupancy (CO) by the Commissioner of Building for each building or Phase as determined by the Commissioner of Planning as the administrative agent of the City's Affordable Rental Housing Program. The ARHP Affordable Units must remain affordable in perpetuity, for the life of the project.

The applicant may opt to alter the means in which the project meets the provisions of City Code Section 9-7 Affordable Housing Requirements (e.g. selection of 8% set-aside for those at 50%/60% of Westchester County AMI and/or opting not to buy out of any required units) prior to the issuance of first building permit without requiring amendment to the approved site plan.

4. Phase I of the development will include construction of 470 units of housing in 240 Hamilton Avenue and 7 Cottage Place, brownfield cleanup of the site, construction of the parking required for Phase I (residential and commercial), loading and utility improvements, and construction of all public open space.
5. The land area that is to be used for Phase II shall be converted into approximately 39,580 square feet of publicly accessible, at-grade open space. This open space will remain until such time that Phase II commences.
6. Consistent with Landscape Site Planting Schedule Sheet SPL 300 and Landscape Planting Area Enlargements Sheet SPL 310, both dated amended November 12, 2021 and Sheet SPL 100 Landscape Site Materials and Furnishing Plan, dated amended October 21, 2022; 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.
7. Eliminate the following sheet: SPA3-113 Phasing Site Plan Overall (Phase I) and replace with a revised Sheet indicating the revised Overall Phasing Plan.

8. Eliminate entirely the following existing site plan approval condition: *Until Phase II commences construction, Applicant must erect a temporary 10-foot (minimum) perimeter screen wall to screen the Phase II podium rooftops from Hamilton Green Plaza and install a green roof on the slabs as depicted on Phasing Site Plan Overall (Phase I) Sheet SPA3-113 and Phasing Rendering Sheet SPA3-114 both dated amended November 22, 2021 and as approved by the Commissioners of Planning and Building.*
9. Eliminate entirely the following existing site plan approval condition: *In the event that Phase II construction does not commence by June 6, 2025 (42 months from the effective date of this approval), Applicant must make provisions to make the Phase II podium rooftops publicly accessible as an extension of Hamilton Green Plaza until which time Phase II commences construction. Such access plan, including detail regarding means of ingress/egress, handicap access, safety railings, structural capacity sufficient to accommodate anticipated loading, landscaping, and seating must be approved by the Commissioners of Planning and Building.*
10. The site plan approval for the components of Phase II contained herein shall expire 24 months from the issuance of the first Certificate of Occupancy (Temporary or Final) for Phase I by the Commissioner of Building.
11. The joint use parking plan must be approved by Deputy Commissioner of Parking pursuant to Section 8.5.3 of the Zoning Ordinance.
12. Pursuant to Section 9-10-41(c) of the White Plains Sign Ordinance, a detailed signage plan must be submitted for approval by the Common Council. Specific signs for commercial spaces will be subject to review by the Design Review Board.
13. The final approved site plan must include the following information to the satisfaction of the Commissioners of Planning and Building:
 - Labeling of specific bicycle amenities such as lockers, changing rooms, bike repair/workshop area etc. as required in the TD-1 District (Section 5.10.1.1.6).
 - Additional details and locations of planned street furniture, such as seating and tables.
 - Additional detail regarding proposed private rooftop terrace amenities, such as swimming pools, courts, outdoor grill areas etc.
14. Additional detail regarding proposed indoor amenity space, such as a fitness center, theater, on-site pet care, or shared office space.
15. 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.

16. 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.
17. 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,

A handwritten signature in black ink, appearing to read "Chris N. Gomez", with a stylized flourish at the end.

Christopher N. Gomez, AICP
Commissioner of Planning

Dated: November 21, 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

November 16, 2022

TO THE HONORABLE MAYOR AND MEMBERS OF THE COMMON COUNCIL

SUBJECT: HAMILTON GREEN – 200 HAMILTON AVENUE– APPLICATION FOR A SECOND AMENDMENT TO THE SITE PLAN APPROVAL AND FOR AMENDED CONCEPTUAL DEVELOPMENT PLAN

At its November 15, 2022 meeting, the Planning Board considered the application made by W.P. Mall Realty, LLC, Hamilton Green I Partners, LLC, and S-WD/WP, LLC, for a second amendment to the site plan approval and an amendment to the conceptual development plan for a mixed-use development at 200 Hamilton Avenue, known as the Hamilton Green project.

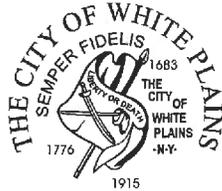
The requested amendment is related to the obligations of project phasing with respect to parking and loading spaces. The site plan approval requires construction of all underground parking and loading during Phase I of development. The applicant now proposes to phase construction of underground parking and loading such that only that needed for Phase I be constructed during Phase I, with the area of Phase II improved with almost an acre of publicly accessible, at grade open space. No other changes are proposed to the approved plan.

The Planning Board has no objection to the requested amendments to the site plan approval and conceptual development plan.

Planning Board members voting in favor of sending a letter to the Common Council stating no objection to amendments to the site plan approval and conceptual development plan: J. Ioris, A. Cabrera, L. Morris, L. Oliva, S. Russell, and V. Yedhati (6); Opposed: None (0); Absent: J. Kirkpatrick (1).

Respectfully submitted,

JOHN IORIS
John Ioris, Chairman
White Plains Planning Board



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

DAVID E. CHONG
Commissioner
(914) 422-6350

THOMAS M. ROACH
Mayor
(914) 422-1200

JOHN W. ROLAND, JR.
Deputy Commissioner
(914) 422-6230

JOSEPH P. CASTELLI
Chief of Police
(914) 422-6210

DOUGLAS A. MCMATH
Fire Chief
(914) 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.

200 Hamilton Green
Request for Second Amendment to
Site Plan Approval

Respectfully,

David E. Chong
Commissioner

DEC:bn

Dated: November 15, 2022



DEPARTMENT OF PUBLIC WORKS

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THOMAS M. ROACH
MAYOR

STEFANIA A. MIGNONE
COMMISSIONER

UDOMLUG SIRIPHONLAI, P.E.
DEPUTY COMMISSIONER

CHRISTOPHER D. ROBESON
DEPUTY COMMISSIONER

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

In response to referral documents received on October 31, 2022, the Department of Public Works (DPW) has reviewed materials submitted by DelBello Donnellan Weingarten Wise & Wiederkehr, LLP., on behalf of W.P. Mall Realty, LLC, Hamilton Green I Partners, LLC, and S-WD/WP LLC (Applicant) requesting Amended Site Plan Approval for the previously approved (September 4, 2018) project, known as Hamilton Green, for the proposed redevelopment of the property located at 200 Hamilton Avenue (SBL: 125.67-5-1..1 and 125.67-5-1..2).

This submittal includes the following documents:

- Cover letter dated 10/31/2022, addressed to the Mayor and Members of the Common Council, prepared by DelBello Donnellan Weingarten Wise & Wiederkehr, LLP;
- Department of Building Short Form Application, dated 10/28/2022;
- Department of Building Short Environmental Assessment Form Part 1 – Project Information, dated 10/28/2022;
- Plan Set, including sheet C-601.00 Drainage and Utility Plan by AKRF Inc., dated 11/8/2021; sheet SPL-100.00 Landscape Plan by Eric Rains Landscape Architecture, revised 10/31/2022; architectural plan sheets SPA2-158.00, SPA2-168.00, SPA2-178.00, SPA2-188.00, SPA3-114.00 and SPA3-117.00 by Lessard Design Inc. P.C., revised 10/31/2022; and sheets W-1 through W-3, S-1 through S-3 by Kimley-Horn Engineering and Landscape Architecture of New York, P.C.

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

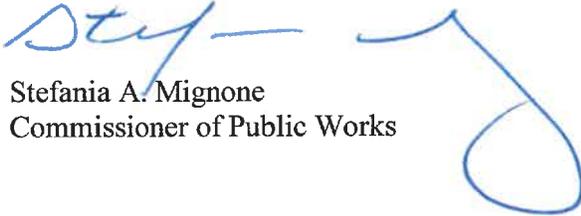
The Department of Public Works' comments, provided during reviews of previous Site Plan Approvals, extensions, or Amended Site Plan Approvals, shall remain in effect except for the following updated and additional comments:

1. Comment #6 (12/6/21) is revised as follows: The latest plans indicate that "City Standard" sidewalks are to be installed as part of the proposed streetscape surrounding the site. Prior to the submittal of a Building Department permit, the plans must be revised to include the applicable City's DPW Standard Details for Promenade Sidewalk. The installation of Granite Unit Pavers within the City's right-of-way (ROW.) as shown on plan sheet SPL-100.00 Landscape Plan, revised 10/31/2022, is not permitted.

2. Comment #11 (12/6/21) is revised as follows: For the area surrounding the property's proposed streetscape improvements, the site plan must clearly identify the boundary line between the private and municipal property. Applicant must install permanent markers within the sidewalk to demarcate public property from private property for the areas where the proposed public sidewalk cannot remain within the ROW.
3. Since the site is part of a Brownfield Cleanup Program (BCP) New York State Department Of Environmental Conservation (NYSDEC) Site ID#C360221, dewatering, soil disturbance, and removal must comply with the approved plan as prepared by the site's Environmental Engineer and all NYSDEC requirements. Provide DPW with approved documentation for dewatering pumping limits and include any potential impacts with downstream sewer main capacity due to the additional flow from dewatering.

With the understanding that our previous comments noted in the Approval Resolution adopted by the City's Common Council on 4/6/2020, and those provided with the Amended Site Plan Approval adopted on December 6, 2021, remain in effect; and along with those revised and new ones noted above, are addressed prior to the issuance of any Building Department permit, the Department of Public Works has no objection to the approval of the proposed Amended Site Plan.

Respectfully submitted,



Stefania A. Mignone
Commissioner of Public Works

Dated: November 15, 2022

THOMAS M. ROACH
MAYOR



KEVIN P. LIVINGSTON
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

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

The Parking Department/Traffic Division has reviewed the request from Delbello Donnelan et al. on behalf of White Plains Mall Realty, LLC, Hamilton Green I Partners, LLC and S-WD/WP LLC for a second amendment to the Site Plan approval on 200 Hamilton Avenue (Hamilton Green) which was referred by the Common Council on November 7, 2022.

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

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

Dated: November 21, 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 November 16, 2022 reviewed a request from Delbello Donnellan Weingarten Wise & Wiederkehr, LLP, on behalf of W.P. Mall Realty, LLC, Hamilton Green I Partners, LLC and S-WD/WP LLC, collectively known as the applicant for a second amendment to the Site Plan Approval associated with a proposed project at 200 Hamilton Avenue, as referred by the Common Council on November 7, 2022.

The Transportation Commission had no objections.

Thomas J. Soyk, PE, PTOE
Acting Chairman

Dated: November 21, 2022

THOMAS M. ROACH
MAYOR



KEVIN P. LIVINGSTON
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: WP Mall Realty, LLC, Hamilton Green I Partners, LLC and S-WD/WP LLC
Amended Site Plan Approval 200 Hamilton Avenue, White Plains**

The Department of Parking has received and reviewed the above noted application for an Amended Site Plan Approval at 200 Hamilton Avenue.

The Department of Parking has no objection to the approval of this application.

Respectfully submitted,

Kevin P. Livingston, Commissioner
CWP – Department of Parking

Dated: November 16, 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

November 21, 2022

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 22-015 – Hamilton Green, 200 Hamilton Avenue
Site Plan Amendment**

Dear Ms. Iannetta:

The Westchester County Planning Board has received site plans (revised October 31, 2022) concerning a proposed site plan amendment for the Hamilton Green development, which was previously approved for the former White Plains Mall site that is currently undergoing demolition in preparation for this development. The amendments involve modifications to the construction phasing which affect the construction of the parking and loading areas.

The County Planning Board was active in its review of this application prior to its last approval in 2021. We have reviewed the site plan amendments 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 find the proposed changes to be a matter for local determination in accordance with your community's planning and zoning policies.

We remind the City that Hamilton Avenue (NYS Route 119) is a County road. Approval for this work from the Westchester County Department of Public Works and Transportation (WCDPWT) under Section 239 F of the General Municipal Law is required, and must be obtained before construction begins. Pertinent drainage, utility, erosion control and curb cut details need to be provided at the time of Section 239 F submittal. Driveways must also be designed in accordance with current County, State and AASHTO standards.

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

Respectfully,
WESTCHESTER COUNTY PLANNING BOARD

By: 
Norma V. Drummond
Commissioner

NVD/MV

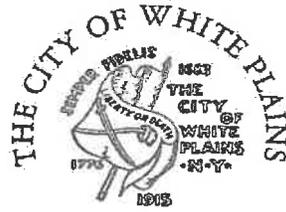
cc: Michael Dispenza, Contract Administrator, County Department of Public Works and Transportation
Kevin Roseman, Traffic Engineer, County Department of Public Works and Transportation

432 Michaelian Office Building
148 Martine Avenue
White Plains, New York 10601

Telephone: (914) 995-4400

Website: westchestergov.com

THOMAS M. ROACH
MAYOR



KEVIN P. LIVINGSTON
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 from Delbello Donnelan et al. on behalf of White Plains Mall Realty, LLC, Hamilton Green I Partners, LLC and S-WD/WP LLC for a second amendment to the Site Plan approval on 200 Hamilton Avenue (Hamilton Green) which was referred by the Common Council on November 7, 2022.

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

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

Dated: November 21, 2022



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

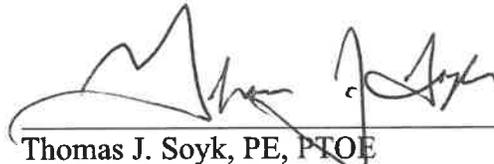
THOMAS M. ROACH
MAYOR

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

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

The Transportation Commission, at its meeting held on November 16, 2022 reviewed a request from Delbello Donnellan Weingarten Wise & Wiederkehr, LLP, on behalf of W.P. Mall Realty, LLC, Hamilton Green I Partners, LLC and S-WD/WP LLC, collectively known as the applicant for a second amendment to the Site Plan Approval associated with a proposed project at 200 Hamilton Avenue, as referred by the Common Council on November 7, 2022.

The Transportation Commission had no objections.



Thomas J. Soyk, PE, PTOE
Acting Chairman

Dated: November 21, 2022

THOMAS M. ROACH
MAYOR



KEVIN P. LIVINGSTON
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: WP Mall Realty, LLC, Hamilton Green I Partners, LLC and S-WD/WP LLC
Amended Site Plan Approval 200 Hamilton Avenue, White Plains**

The Department of Parking has received and reviewed the above noted application for an Amended Site Plan Approval at 200 Hamilton Avenue.

The Department of Parking has no objection to the approval of this application.

Respectfully submitted,

Kevin P. Livingston, Commissioner
CWP – Department of Parking

Dated: November 16, 2022

George Latimer
County Executive

November 21, 2022

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 22-015 – Hamilton Green, 200 Hamilton Avenue
Site Plan Amendment**

Dear Ms. Iannetta:

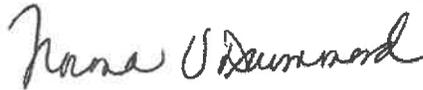
The Westchester County Planning Board has received site plans (revised October 31, 2022) concerning a proposed site plan amendment for the Hamilton Green development, which was previously approved for the former White Plains Mall site that is currently undergoing demolition in preparation for this development. The amendments involve modifications to the construction phasing which affect the construction of the parking and loading areas.

The County Planning Board was active in its review of this application prior to its last approval in 2021. We have reviewed the site plan amendments 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 find the proposed changes to be a matter for local determination in accordance with your community's planning and zoning policies.

We remind the City that Hamilton Avenue (NYS Route 119) is a County road. Approval for this work from the Westchester County Department of Public Works and Transportation (WCDPWT) under Section 239 F of the General Municipal Law is required, and must be obtained before construction begins. Pertinent drainage, utility, erosion control and curb cut details need to be provided at the time of Section 239 F submittal. Driveways must also be designed in accordance with current County, State and AASHTO standards.

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

Respectfully,
WESTCHESTER COUNTY PLANNING BOARD

By: 
Norma V. Drummond
Commissioner

NVD/MV

cc: Michael Dispenza, Contract Administrator, County Department of Public Works and Transportation
Kevin Roseman, Traffic Engineer, County Department of Public Works and Transportation



ENVIRONMENTAL OFFICER

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

THOMAS M. ROACH
MAYOR

ROD JOHNSON
ENVIRONMENTAL OFFICER

November 28, 2022

TO THE HONORABLE MAYOR AND MEMBERS OF THE COMMON COUNCIL

SUBJECT: W.P. MALL REALTY, LLC
200 HAMILTON AVENUE
APPROVAL OF AMENDED CONCEPTUAL DEVELOPMENT PLAN AND AMENDED
SITE PLAN

The application dated October 31, 2022, submitted on behalf of W.P. Mall Realty, LLC, Hamilton Green I Partners, LLC, and SWD/WP LLC (the "Applicant"), requesting an amendment to an existing Conceptual Development Plan ("2022 Modified Project") and site plan approval for the project known as "Hamilton Green," which involves the redevelopment of property located at 200 Hamilton Avenue (the "Project Site") has been reviewed for compliance with the State Environmental Quality Review (SEQR) regulations.

Previous Project Approvals

On July 2, 2018, the Common Council adopted environmental findings and approved rezoning the property at 200 Hamilton Avenue from B-2 District to TD-1 District, which included a Conceptual Development Plan (CDP) for the development of the site.

On September 4, 2018, the Common Council granted site plan approval for development of the project site in conformance with the approved CDP, which approval later expired on September 4, 2019 without renewal.

On April 6, 2020, the Common Council again approved the Hamilton Green site plan to expire on October 6, 2021 (herein after referred to as the "2020 Approval").

On December 6, 2021, the Common Council approved the extension of site plan approval and an amendment to the approved Conceptual Development Plan.

Approved Project

The Common Council approved the current site plan and Conceptual Development Plan on December 6, 2021. The current Site Plan approval (the "Approved Project") is valid through December 6, 2022 and includes the following:

- 860 dwelling units with the taller towers located on Hamilton Avenue as required by the TD-1

Zoning.

- 956 parking spaces located below grade.
- Garage access provided on Hamilton Avenue and Barker Avenue, with an additional driveway on Hamilton Avenue as a dedicated truck exit to minimize potential conflict with other vehicles.
- Two curbside pull-out standing zones on Dr. Martin Luther King Jr., Boulevard and Cottage Place to facilitate drop off and potential deliveries.
- Wider access stair to the Hamilton Green Plaza at Hamilton Avenue, making the open space more accessible and inviting to the public.
- The "Via" from Cottage Place to the Green is open to the sky and no longer a tunnel.
- The total building coverage above 150 feet high (towers) is 14% improving visual sightlines through the site.
- Public open space at Hamilton Green comprising 45,746 square feet.
- Private open space for residents comprising 23,633 square feet.
- Total open space on the site represents 57% of the site.

Proposed Action - 2022 Modified Project

The Applicant has made minor modifications to the Approved Project and the corresponding Conceptual Development Plan. These modifications pertain to the project phasing and the layout of the parking structure. All other aspects of the Approved Project remain unchanged.

The 2022 Modified Project, like the 2021 Approved Project, is proposed to be constructed in two phases. The charts below indicate the changes being made to the phasing structure:

PHASE I		
2021 Approved Project	2022 Modified Project	Outcome
240 Hamilton Avenue 280 feet; 326 units (29 affordable)	240 Hamilton Avenue ("Unit 1") 280 feet; 326 units (29 affordable)	NO CHANGE
7 Cottage Place 150 feet; 144 units (13 affordable)	7 Cottage Place ("Unit 1") 150 feet; 144 units (13 affordable)	NO CHANGE
Brownfield Cleanup	Brownfield Cleanup	NO CHANGE
Full construction of a 962-space underground parking structure for both phases of the project.	Construction of a 497-space underground parking structure to accommodate all required residential and commercial parking for Phase I and the buildout of a parking area one level below the Loading Area, which will serve Phase II.	MINOR CHANGE
Full construction of the Loading Area	Full construction of the Loading Area	NO CHANGE
All utilities	All utilities required to serve the Phase I (Unit 1) buildings	MINOR CHANGE
Construction of all Public Spaces	Construction of all Public Spaces	NO CHANGE
Construction of all ground floor	Construction of all Phase I proposed	MINOR

PHASE I		
2021 Approved Project	2022 Modified Project	Outcome
non-residential space (inclusive of storefronts at grade along Barker Avenue, Martin Luther King Jr. Blvd. and Hamilton Avenue under the future Phase II Towers)	non-residential space (office, retail, craft market food hall). Replace Phase II storefronts with approximately 39,580 square feet of additional, publicly accessible open space, at grade, which is to remain until the commencement of Phase 2 construction.	CHANGE

PHASE TWO		
2021 Approved Project	2022 Modified Project	Outcome
220 Hamilton Avenue 280 feet; 260 units (24 affordable)	220 Hamilton Avenue (“Unit 2”) 280 feet; 260 units (24 affordable)	NO CHANGE
20 Barker Avenue 150 feet; 130 units (12 affordable)	20 Barker Avenue (“Unit 2”) 150 feet; 130 units (12 affordable)	NO CHANGE
Remaining Brownfield Cleanup	Remaining Brownfield Cleanup	NO CHANGE
n/a	Construction and completion of the underground parking structure for the remaining 2 buildings, to include the balance of required parking spaces.	MINOR CHANGE
n/a	All utilities required to serve Phase II (Unit 2) buildings	MINOR CHANGE

The Proposed action includes the following approval actions by the Common Council:

- Approval of an amendment to the approved Site Plan pursuant Sections 5.10 Transit Development District (TD-1) and 7.5 Site Plan Standards of the City Zoning Ordinance.
- Approval of an amendment to the approved Conceptual Development Plan pursuant to Section 5.10 Transit Development District (TD-1) of the City Zoning Ordinance.
- “Joint use” parking approval, pursuant to Section 8.5.3 of the Zoning Ordinance to permit a reduction of spaces from 1,195 parking spaces normally required for separate residential and commercial uses, to permit 956 joint use spaces
- Approval pursuant to the White Plains Affordable Rental Housing Program establish a 10% affordable component for families earning 80% of the Westchester County Area Median Income, for a total of 86 affordable units as follows:
- Approval of a Stormwater Pollution Prevention Plan (SWPPP) (White Plains Department of Public Works);

- Approval of connections to municipal sanitary sewer and water service lines (White Plains Department of Public Works and Westchester County Department of Health);
- Approval of roadway modifications, if any, to Hamilton Avenue, NYS Route 119 and County Road 52 (Westchester County Department of Transportation);
- Other necessary approvals related to the Conceptual Development Plan, including but not limited to, amendments to the Traffic Ordinance, capital projects, building permits and related permits such as water and sewer connections, signage approvals, etc.

This environmental review for the current Proposed Action accepts the environmental findings for the approved development adopted by the Common Council on April 6, 2020, and December 6, 2021, which, by reference, are included herein, and specifically addresses the potential impacts of the Proposed Action.

The Environmental Officer recommends that the conditions adopted with the 2020 and 2021 Approval Resolutions be included as part of the Proposed Action and are hereby considered to be a part of the Proposed Action for purposes of the environmental review and site plan approval.

The Environmental Officer recommends that the Common Council (a) reconfirm itself to serve as the Lead Agency for the environmental review of the Proposed Action; (b) reconfirm the Proposed Action to be a Type 1 Action under SEQR regulations since it involves parking for 1,000 vehicles, construction of 250 or more new residential units and over 100,000 square feet of nonresidential floor area in a city of less than 150,000 population; (c) determine that the Findings Statement regarding the petition to rezone the property to TD-1, and the accompanying Conceptual Development Plan are applicable to this current Proposed Action; (d) determine that proposed site plans substantially conform to the Conceptual Development Plan described in the FEIS and Environmental Findings Statement and that there are no potential substantial adverse impacts not previously addressed in the DEIS, FEIS, or the Environmental Findings Statement; and (f) find that the Proposed Action, when compared to the SEQR criteria of environmental effect, will not have a significant effect on the environment.

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

Respectfully submitted,



Rod Johnson
Environmental Officer

ENVIRONMENTAL FINDINGS RESOLUTION REGARDING AN AMENDMENT TO THE CONCEPTUAL DEVELOPMENT PLAN AND SITE PLAN APPROVAL FOR THE PROJECT KNOWN AS "HAMILTON GREEN," REGARDING REDEVELOPMENT OF PROPERTY LOCATED AT 200 HAMILTON AVENUE.

WHEREAS, the application dated October 31, 2022, submitted on behalf of W.P. Mall Realty, LLC, Hamilton Green I Partners, LLC, and SWD/WP LLC (the "Applicant"), requesting an amendment to an existing Conceptual Development Plan and site plan approval for the project known as "Hamilton Green," which involves the redevelopment of property located at 200 Hamilton Avenue (the "Project Site") has been reviewed for compliance with the State Environmental Quality Review (SEQR) regulations; and

Previous Project Approvals

WHEREAS, on July 2, 2018, the Common Council adopted environmental findings and approved rezoning the property at 200 Hamilton Avenue from B-2 District to TD-1 District, which included a Conceptual Development Plan (CDP) for the development of the site; and

WHEREAS, on September 4, 2018, the Common Council granted site plan approval for development of the project site in conformance with the approved CDP, which approval later expired on September 4, 2019 without renewal; and

WHEREAS, on April 6, 2020, the Common Council again approved the Hamilton Green site plan to expire on October 6, 2021; and

WHEREAS, on December 6, 2021, the Common Council approved an extension of site plan approval and an amendment to the approved Conceptual Development Plan; and

Approved Project

WHEREAS, the current site plan and Conceptual Development Plan includes the following:

- 860 dwelling units with the taller towers located on Hamilton Avenue as required by the TD-1 Zoning.
- 956 parking spaces located below grade.
- Garage access provided on Hamilton Avenue and Barker Avenue, with an additional driveway on Hamilton Avenue as a dedicated truck exit to minimize potential conflict with other vehicles.
- Two curbside pull-out standing zones on Dr. Martin Luther King Jr., Boulevard and Cottage Place to facilitate drop off and potential deliveries.
- Wider access stair to the Hamilton Green Plaza at Hamilton Avenue, making the open space more accessible and inviting to the public.
- The "Via" from Cottage Place to the Green is open to the sky and no longer a tunnel.
- The total building coverage above 150 feet high (towers) is 14% improving visual sightlines through the site.
- Public open space at Hamilton Green comprising 45,746 square feet.
- Private open space for residents comprising 23,633 square feet.
- Total open space on the site represents 57% of the site; and

Proposed Action - 2022 Modified Project

WHEREAS, the Applicant has made minor modifications to the Approved Project and the corresponding Conceptual Development Plan. These modifications pertain to the project phasing and the layout of the parking structure. All other aspects of the Approved Project remain unchanged; and

WHEREAS, the 2022 Modified Project, like the 2021 Approved Project, is proposed to be constructed in two phases. The charts below indicate the changes being made to the phasing structure:

PHASE I		
2021 Approved Project	2022 Modified Project	Outcome
240 Hamilton Avenue 280 feet; 326 units (29 affordable)	240 Hamilton Avenue (“Unit 1”) 280 feet; 326 units (29 affordable)	NO CHANGE
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Full construction of a 962-space underground parking structure for both phases of the project.	Construction of a 497-space underground parking structure to accommodate all required residential and commercial parking for Phase I and the buildout of a parking area one level below the Loading Area, which will serve Phase II.	MINOR CHANGE
Full construction of the Loading Area	Full construction of the Loading Area	NO CHANGE
All utilities	All utilities required to serve the Phase I (Unit 1) buildings	MINOR CHANGE
Construction of all Public Spaces	Construction of all Public Spaces	NO CHANGE
Construction of all ground floor non-residential space (inclusive of storefronts at grade along Barker Avenue, Martin Luther King Jr. Blvd. and Hamilton Avenue under the future Phase II Towers)	Construction of all Phase I proposed non-residential space (office, retail, craft market food hall). Replace Phase II storefronts with approximately 39,580 square feet of additional, publicly accessible open space, at grade, which is to remain until the commencement of Phase 2 construction.	MINOR CHANGE

PHASE TWO		
2021 Approved Project	2022 Modified Project	Outcome
220 Hamilton Avenue 280 feet; 260 units (24 affordable)	220 Hamilton Avenue (“Unit 2”) 280 feet; 260 units (24 affordable)	NO CHANGE
20 Barker Avenue 150 feet; 130 units (12 affordable)	20 Barker Avenue (“Unit 2”) 150 feet; 130 units (12 affordable)	NO CHANGE
Remaining Brownfield Cleanup	Remaining Brownfield Cleanup	NO CHANGE
n/a	Construction and completion of the underground parking structure for the remaining 2 buildings, to include the balance of required parking spaces.	MINOR CHANGE
n/a	All utilities required to serve Phase II (Unit 2) buildings	MINOR CHANGE

; and

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

- Approval of an amendment to the approved Site Plan pursuant Sections 5.10 Transit Development District (TD-1) and 7.5 Site Plan Standards of the City Zoning Ordinance.
- Approval of an amendment to the approved Conceptual Development Plan pursuant to Section 5.10 Transit

Development District (TD-1) of the City Zoning Ordinance.

- “Joint use” parking approval, pursuant to Section 8.5.3 of the Zoning Ordinance to permit a reduction of spaces from 1,195 parking spaces normally required for separate residential and commercial uses, to permit 956 joint use spaces
- Approval pursuant to the White Plains Affordable Rental Housing Program establish a 10% affordable component for families earning 80% of the Westchester County Area Median Income, for a total of 86 affordable units as follows:
- Approval of a Stormwater Pollution Prevention Plan (SWPPP) (White Plains Department of Public Works);
- Approval of connections to municipal sanitary sewer and water service lines (White Plains Department of Public Works and Westchester County Department of Health);
- Approval of roadway modifications, if any, to Hamilton Avenue, NYS Route 119 and County Road 52 (Westchester County Department of Transportation);
- Other necessary approvals related to the Conceptual Development Plan, including but not limited to, amendments to the Traffic Ordinance, capital projects, building permits and related permits such as water and sewer connections, signage approvals, etc ; and

WHEREAS, the Environmental Officer has recommended that the conditions adopted with the 2020 and 2021 Approval Resolutions be included as part of the Proposed Action and are hereby considered to be a part of the Proposed Action for purposes of the environmental review and site plan approval; and

WHEREAS, based on the recommendations of the various City Departments, Boards and agencies, the Environmental Officer has recommended that additional conditions be included as part of the Proposed Action and are hereby considered to be a part of the Proposed Action for purposes of the environmental review and site plan approval; and

WHEREAS, this environmental review for the current Proposed Action is based on the environmental findings for the approved development adopted by the Common Council on April 6, 2020 and December 6, 2021 which, by reference, are included herein; and

WHEREAS, the Applicant has submitted the following documents in support of the Proposed Action and current Application for an extension of site plan approval and proposed modified site plan (“Application Materials” or “Site Plan Documents“):

1. Cover letter prepared by DelBello Donnellan Weingarten Wise & Wiederkehr, LLP, dated 10/31/2022.
2. Department of Building Short Form Application, dated 10/28/2022.
3. Department of Building Short Environmental Assessment Form Part 1 – Project Information, dated 10/28/2022.
4. Amended CDP and site plan drawings prepared by Eric Rains Landscape Architecture, Lessard Design, Kimley-Horn Engineering and Landscape Architecture of New York, P.C (“Kimley-Horn”) and AKRF consisting of the following sheets:

<u>Drawing #</u>	<u>Title</u>	<u>Prepared By</u>	<u>Dated or Revised</u>
SPL100.00	Landscape Site Materials and Furnishing Plan	Eric Rains Landscape Architecture	10/31/2022
SPA2-158.00	EL. +158’ Plan	Lessard Design	10/31/2022
SPA2-168.00	EL. +168’ Plan	Lessard Design	10/31/2022

SPA2-178.00	EL. +178' Plan	Lessard Design	10/31/2022
SPA2-188.00	EL. +188' Plan	Lessard Design	10/31/2022
SPA3-114.00	Phasing Rendering	Lessard Design	10/31/2022
SPA3-115.00	Phase 1 Rendering 1	This draining has been eliminated	
SPA3-116.00	Phase 1 Rendering 2	This draining has been eliminated	
SPA3-117.00	Phase 1 Rendering 3	This draining has been eliminated	
W-1	WB-50 Movements	Kimley Horn	9/13/2021
W-2	WB-50 Movements	Kimley Horn	9/13/2021
W-3	WB-50 Movements	Kimley Horn	9/13/2021
S-1	SU-30 Movements	Kimley Horn	9/13/2021
S-2	SU-30 Movements	Kimley Horn	9/13/2021
S-3	SU-30 Movements	Kimley Horn	9/13/2021
C-601	Drainage and Utility Plan (Phasing Note added); and	AKRF	11/8/2021

WHEREAS, the Applicant has previously submitted the following documents in support of the 2021 Approval (“2021 Application Materials” or “2021 Site Plan Documents“):

1. Letter dated September 19, 2021, requesting a one (1) year extension of the site plan Approval granted April 6, 2021, for a period of one (1) year, through and including October 6, 2022, from Mr. Mark Weingarten, Delbello Donnellan Weingarten Wise & Wiederkehr, LLP.
2. A letter dated September 15, 2021, requesting amendments to the Site Plan and CDP granted April 6, 2021, from Mr. Mark Weingarten, Delbello Donnellan Weingarten Wise & Wiederkehr, LLP.
3. A Short Form Building Permit Application;
4. a Full Environmental Assessment Form with Technical Memorandum dated September 14, 2021
5. A "Loading Dock Management Plan" prepared by Kimley-Horn Engineering and Landscape Architecture of New York, P.C., dated September 14, 2021;
6. A Trip Generation Analysis prepared by Kimley-Horn Engineering and Landscape Architecture of New York, P.C., dated September 14, 2021;
7. Stormwater Pollution Prevention Plan (SWPPP), last revised 9/15/2021, as prepared by AKRF, Inc.;
8. Amended CDP and site plan drawings prepared by Hill West Architects or Kimley-Horn Engineering and Landscape Architecture of New York, P.C ("Kimley-Horn") consisting of the following sheets:

Drwg #:	Title	Prepared by	Date
SPAI -00.00	Site Plan	Hill West	9/15/2021
SPA2-158.00	EL. + 158' Plan	Hill West	9/15/2021
SPA2-168.00	EL. + 168' Plan	Hill West	9/15/2021
SPA2-178.00	EL. +178 ' Plan	Hill West	9/15/2021
SPA2-188.00	EL. +188 ' Plan	Hill West	9/15/2021
SPA2-201.00	EL. +201' Plan	Hill West	9/15/2021
SPA2-221.00	EL. +221' Plan	Hill West	9/15/2021
SPA2-233.00	EL. +233' Typical Mid-Rise Plan	Hill West	9/15/2021
SPA2-293.00	EL. +293 ' Typical High-Rise Plan	Hill West	9/15/2021
SPA2-483.00	EL. +483' Roof and Bulkhead Plan	Hill West	9/15/2021
SPA3- 100.00	Hamilton Ave Overall Elevation	Hill West	9/15/2021
SPA3-101.00	MLK Blvd Overall Elevation	Hill West	9/15/2021

SPA3-102.00	Barker Ave Overall Elevation	Hill West	9/15/2021
SPA3-103.00	Cottage Pl Overall Elevation	Hill West	9/15/2021
SPA3-104.00	Hamilton Green towards Hamilton Ave Overall Elevation	Hill West	9/15/2021
SPA3-105.00	Hamilton Green towards MLK Blvd Overall Elevation	Hill West	9/15/2021
SPA3-106.00	Hamilton Green towards Barker Ave Overall Elevation	Hill West	9/15/2021
SPA3-107.00	Hamilton Green towards Cottage Pl Overall Elevation	Hill West	9/15/2021
SPA3-108.00	Perspective Views 1	Hill West	9/15/2021
SPA3-109.00	Perspective Views 2	Hill West	9/15/2021
SPA3-110.00	Phasing Site Plan	Hill West	9/15/2021
SPA3-111.00	Phasing Renderings 1	Hill West	9/15/2021
SPA3-112.00	Phasing Renderings 2	Hill West	9/15/2021
SPA3-113.00	Hamilton Ave Signage	Hill West	9/15/2021
SPA3-114.00	MLK Blvd Signage	Hill West	9/15/2021
SPA3-115.00	Barker Ave Signage	Hill West	9/15/2021
SPA3-116.00	Cottage Pl Signage	Hill West	9/15/2021
SPA3-117.00	Hamilton Green towards Hamilton Ave Signage	Hill West	9/15/2021
SPA3-118.00	Hamilton Green towards MLK Blvd Signage	Hill West	9/15/2021
SPA3-119.00	Hamilton Green towards Barker Ave Signage	Hill West	9/15/2021
SPA3-120.00	Hamilton Green towards Cottage Pl Signage	Hill West	9/15/2021
SPA4-100.00	Building Section 1	Hill West	9/15/2021
SPA4-101.00	Building Section 2 & 4	Hill West	9/15/2021
SPA4-102.00	Building Section 3	Hill West	9/15/2021
W-1	WB-50 Movements	Kimley-Horn	9/13/2021
W-2	WB-50 Movements	Kimley-Horn	9/13/2021
W-3	WB-50 Movements	Kimley-Horn	9/13/2021
S-1	SU-30 Movements	Kimley-Horn	9/13/2021
S-2	SU-30 Movements	Kimley-Horn	9/13/2021
S-3	SU-30 Movements	Kimley-Horn	9/13/2021
--- Survey & Topographic Mapping of Property prepared by Insite Engineering Surveying & Landscape Architecture, P.C.			6/14/2018
29553 Condominium Map prepared for Hamilton Green, Line & Grade Surveyors D.P.C.; and			8/24/2021

Prior Conditions to remain in effect.

WHEREAS, Environmental Officer has recommended that following conditions included in the previous Site Plan Approvals, extensions, or Amended Site Plan Approvals and last listed in the December 6, 2021 Approval Resolution remain in effect except as modified by the following current recommendation from City Departments:

- A. As per the communication from the Commissioner of Planning dated December 1, 2021:
 1. The Common Council make the requisite finding pursuant to New York State General City Law § 27-a, that the 45,746 square foot publicly accessible Hamilton Green Plaza and 24,197 square feet of public open space at street level provides adequate land for park and recreation facilities based on the project’s anticipated generation of 2,013 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 previously presented by the Planning Department in analyzing the reservation of parkland on all multi-family site plans or payment of money-in-lieu thereof.
 2. “Hamilton Green Plaza” and all other components of the publicly accessible open space depicted on the Modified Project site plan shall be open to the public during reasonable hours of day in

accordance with the hours of operation of the City of White Plains public park facilities. At a minimum, the publicly accessible space shall be open from dawn to dusk.

3. Pursuant to Section 9-7-3 of the Affordable Housing Regulations, Applicant has selected the 12% set-aside option serving those at 80% of the Westchester County Area Median Income *and* will buy-out a portion of the total 103-unit affordable housing obligation. Specifically, the Applicant will buy-out of 25 units at a per unit fee of 1.25 times the Westchester County AMI for a family of four for the year 2020 in which the site plan approval was granted. The total buy-out fee for the 25 units amounts to \$3,759,375 and must be paid to the Affordable Housing Assistance Fund (AHAF) upon issuance of the first Temporary or Final Certificate of Occupancy (CO) for the residential units by the Commissioner of Building. The payment for the affordable units will be made on a pro-rata basis consistent with project phasing relative to the issuance of the first Temporary or Final Certificate of Occupancy (CO).

The remaining 78 affordable units must be provided within the development and distributed among the four buildings as follows:

	Total Units	On-Site Affordable Units (80% AMI)	Studio	1BR	2BR	3BR	Buy-out
Phase I							
240 Hamilton	326	29	6	11	11	1	9
7 Cottage	144	13	3	6	4	0	5
Phase II							
220 Hamilton	260	24	6	11	7	0	7
20 Barker	130	12	3	5	4	0	4
Total	860	78	18	33	26	1	25

The dedicated ARHP Affordable Units must remain affordable in perpetuity, for the life of the project.

4. Consistent with Landscape Site Planting Schedule Sheet SPL 300 and Landscape Planting Area Enlargements Sheet SPL 310, both dated amended November 12, 2021; 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.
5. The joint use parking plan must be approved by Deputy Commissioner of Parking pursuant to Section 8.5.3 of the Zoning Ordinance.
6. Pursuant to Section 9-10-41(c) of the White Plains Sign Ordinance, a detailed signage plan must be submitted for approval by the Common Council. Specific signs for commercial spaces will be subject to review by the Design Review Board.
7. The final approved site plan must include the following information to the satisfaction of the Commissioners of Planning and Building:
 - Labeling of specific bicycle amenities such as lockers, changing rooms, bike repair/workshop area etc. as required in the TD-1 District (Section 5.10.1.1.6).

- Additional details and locations of planned street furniture, such as seating and tables.
- Additional detail regarding proposed private rooftop terrace amenities, such as swimming pools, courts, outdoor grill areas etc.
- Additional detail regarding proposed indoor amenity space, such as a fitness center, theater, on-site pet care, or shared office space.

8. A Construction Management Plan is required for the development of the Proposed Project and a coordination plan for coordinating construction with other construction in the area, if any, including City projects which will be going on contemporaneously with this Project. The Plan shall include strict controls on all aspects of the construction, including construction related impacts on adjacent properties and properties within the construction impact area, such as, but not limited to, hours of operation of construction vehicles and construction work on the site, hours of deliveries to the site, location of deliveries, requirements for loading/unloading and storage of materials on the Project site, length of time travel lanes can be encumbered, sidewalk closings or pedestrian diversions to ensure the safety of the pedestrians, controls on "fugitive dust" and the impact of run-off from the site on the City storm drain system, such as from the wash down of delivery vehicles departing the site (all such vehicles must be cleaned on pads located on the site and all drainage must have proper filtration of the wash-down water), noise, pest control, street cleaning, site security, scheduling of periodic meetings with nearby residents and City staff to coordinate project construction and keep residents advised. The Construction Management Plan shall be subject to the approval of the Commissioners of Building, Public Safety, Public Works, Traffic, and Planning and the Environmental Officer.
9. 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.
10. 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 communication from the Deputy Commissioner of Parking for Transportation Engineering dated October 20, 2021:

1. The exit driveways from the parking areas and loading dock must have a stop line and stop sign before the sidewalk that crosses the driveway as should major internal intersecting points. A sign and marking plan must be submitted for approval prior to issuing of construction permits. This plan should also show the location of entry and exit gates with proper queuing space.
2. The four residential towers should each have a separate drop off/ pick up zone, two on MLK Boulevard and two on Cottage Place.
3. A parking management plan which defines the shared parking operation between residential and retail must be submitted. It is recommended that retail parking be confined to the top level as much as possible. Parking spaces along the main internal access road should not be used for transient parking.

C. As per the communication from the Transportation Commission dated October 20, 2021:

1. The Transportation Commission recommended that a signage plan for the parking garage be provided. Since minimal parking exists at the street level the cars should be directed to the appropriate area (residential or retail parking spaces) as they enter the structure to avoid congestion and unnecessary circulation.
- D. As per the communication of the Commissioner of Public Works regarding a one-year extension to the Site Plan dated October 18, 2021:
1. The previous comments noted in the Approval Resolution, adopted by the City's Common Council on 4/6/2020, remain in effect and are addressed before the issuance of any Building Department permit.
- E. As per the additional communication of the Commissioner of Public Works, dated October 18, 2021:
1. The owner must obtain a City of White Plains Department of Public Works (DPW) MS4 storm-water permit before 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
- F. As per the communication of the Commissioner of Public Works, dated October 18, 2021:
1. The Department of Public Works (DPW) previous comments, noted in the Approval Resolution adopted by the City's Common Council on April 6, 2020 and December 6, 2021, shall remain in effect except for the following updated, and additional comments.
 2. Comment #1 (9/4/18 and 4/16/20) is revised as follows: Applicant's Stormwater Pollution Plan (SWPPP) has been updated to reflect the current 'NYSDEC SPDES General Permit for Stormwater Discharges from Construction Activity Permit No. GP-0-20-001'. As the plans are further developed, amendments to the SWPPP, per the current General Permit, will be required:
 - A. The update SWPPP report shall include text that the site is part of a Brownfield Cleanup Program (BCP,) filed with the New York State Department of Environmental Conservation (NYSDEC) (NYSDEC Site Code ID#C360177.) Cleanup of the site must strictly adhere to all the requirements of the NYSDEC. Dewatering, along with soil disturbance and removal, must comply with the approved plan that is prepared by the site's Environmental Engineer.
 - B. After DPW approves the SWPPP, the City will complete and sign the original copy of the NYSDEC MS4 SWPPP Acceptance Form, which the applicant must include when filing the NOI NYSDEC form. Provide an original copy of the form for DPW final execution.
 - C. Upon submitting a permit with the NYSDEC, a copy of the final documents must be provided to DPW, including all applicable forms signed by the corresponding parties, as required by the DEC.
 3. Comment #2 (9/4/18 and 4/16/20) has been satisfied.
 4. Comment #3 (4/16/20) has been satisfied.
 5. Comment #4 (9/4/18) is revised: Backflow prevention devices must be installed on the fire and domestic water services. They are to be located in a utility room that must also accommodate a master water meter. The application for the backflow device installations must be prepared by a Licensed New York State Professional Engineer and submitted to the Department of Public Works for review and subsequent final approval by the Westchester County Department of Health. The floor drain for the room must be adequate to comply with the White Plains Department of Public Works and

Westchester County Department of Health (WCDOH) requirements. The backflow preventer cannot be installed before final approval by WCDOH.

- A. After the approved backflow prevention device(s) have been installed and successfully tested, the applicant's Licensed Professional must certify that the installation is 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, before the issuance of a temporary certificate of occupancy (TCO) by the Department of Building.
6. Comment #10 (9/4/18) is revised as follows: The latest plans indicate that "city standard" sidewalks are to be installed as part of the proposed streetscape surrounding the site prior to the submittal for a Building Department permit. The plans must be revised to include the current applicable City of White Plains DPW Standard Details for the promenade sidewalk.
7. The architect's latest plans indicate that the proposed below grade lowest parking floor, at elevation 158', is to be built at approximately 37' below the site's average grade elevation of 195'. The groundwater table elevation, as documented in soil reports by AKRF (8/2017) and GZA Geoenvironmental of NY (10/2015 and 11/2015), included in the SWPPP report, ranges in depth from 10.1' to 23.0'. Therefore, on average, the proposed lowest parking floor elevation (158') not including slab and footing depths, will be installed approximately 20' below the groundwater table. Applicant must provide DPW with additional information on below-grade construction, including foundation depths and footing drainage system, if any is proposed. Note that the active pumping or a gravity transfer of groundwater into the City's storm drainage system is not permitted.
8. Applicant will be required to provide the City's Commissioner of Public Works with copies of documents pertaining to the application of the Brownfield Cleanup Program (BCP) as filed with the New York State Department of Environmental Conservation (NYS DEC) for this site (DEC Site ID#C360177.) Copies of all future documents, as BCP proceedings continue through completion, shall be provided to DPW.
9. The City's Commissioner of Public Works must certify to the Westchester County Department of Health (WCDOH,) as the agent for the New York State Department of Health, the adequacy of the municipal water and sewer system and services for the proposed building.
 - A. Proposed improvements to the existing 16" water main in Hamilton Avenue; the 8" water main in Cottage Place; and the 12" sanitary sewer main in Martin Luther King Boulevard, as shown on plan sheet C-601.00 of these latest plans, are conceptual depictions. Once formal design plans are submitted, DPW will be able to perform a detailed review. Design plans must then be provided by the applicant for final approval by the DPW, and subsequently, the WCDOH. Applicant shall undertake this upgrade to the municipal water distribution system at their expense.
10. Plans must provide details of signs to be used in the designated snow storage area(s). Note that plowing into, or storage of snow on, the city's right-of-way is not permitted.
11. The site plan must indicate the boundary between the private and municipal property exists as well as the area surrounding the property's proposed streetscape improvements. Applicant must provide permanent markers within the sidewalk to demarcate public property from private property for areas where the proposed public sidewalk cannot remain within the ROW.
12. The location of the relocated hydrant on the Martin Luther King Boulevard side of the project is shown adjacent to the proposed drop-off zone. DPW recommends that an alternate location be considered in order to avoid the hydrant creating interference with vehicular ingress and egress paths.

13. Applicant must provide a revised DPW Solid Waste Management Plan form. A private carter will be required based on the current layout with trash compactors, trash, and recyclables (co-mingled and paper/cardboard). Owner will need to provide a letter from the carting company indicating how the pickup will be executed.
14. Applicant shall be required to provide the necessary surety bond, and applicable inspection fee (10.0% of surety,) to the Department of Public Works for the work to be performed within the municipal right-of-way (ROW) for the necessary sewer and water improvements. Plans must include drainage, water, and sanitary sewer main modifications and streetscape improvements along Hamilton Avenue, Martin Luther King Boulevard, Barker Avenue and Cottage Place.
15. All proposed utility vaults (Con-Edison, Verizon, etc.) must be located within the applicant's property.
16. All construction under the jurisdiction of the Department of Public Works must be in compliance with the Department's Standards, regardless of what may be shown or omitted on the plan; and .

WHEREAS, Environmental Officer has recommended that following additional conditions be included the approval resolution:

A. As per the communication from the Commissioner of Planning dated November 21, 2022:

1. The Common Council make the requisite finding pursuant to New York State General City Law § 27-a, that the 45,746 square foot publicly accessible Hamilton Green Plaza and 24,197 square feet of public open space at street level provides adequate land for park and recreation facilities based on the project's anticipated generation of 2,013 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 previously presented by the Planning Department in analyzing the reservation of parkland on all multi-family site plans or payment of money-in-lieu thereof.
2. "Hamilton Green Plaza" and all other components of the publicly accessible open space depicted on the Modified Project site plan, including the interim publicly accessible, at-grade open space area along Martin Luther King Jr. Blvd. (Lessard Design – Sheet SPA3-114.00), shall be open to the public during reasonable hours of day in accordance with the hours of operation of the City of White Plains public park facilities. At a minimum all publicly accessible space shall be open from dawn to dusk.
3. Pursuant to City Code Section 9-7-3 Affordable Housing Requirements, the Applicant has selected the 12% set-aside option (103 units) and will provide 78 affordable housing units for those qualifying at 80% of the Westchester County Area Median Income (AMI) *and* has opted to buy out 25 affordable housing units at a per unit fee of 1.25 times the Westchester County AMI for a family of four for the year in which the first residential Temporary or Final Certificate of Occupancy is issued (e.g. for the year 2022, the fee would be \$4,331,250).

The buy-out fee must be paid to the Affordable Housing Assistance Fund (AHAF) on a pro-rata basis consistent with project phasing and upon issuance of the first residential (temporary or final) Certificate of Occupancy (CO) by the Commissioner of Building for each building or Phase as determined by the Commissioner of Planning as the administrative agent of the City's Affordable Rental Housing Program. The ARHP Affordable Units must remain affordable in perpetuity, for the life of the project.

The applicant may opt to alter the means in which the project meets the provisions of City Code Section 9-7 Affordable Housing Requirements (e.g. selection of 8% set-aside for those at 50%/60% of Westchester County AMI and/or opting not to buy out of any required units) prior to the issuance

of first building permit without requiring amendment to the approved site plan.

4. Phase I of the development will include construction of 470 units of housing in 240 Hamilton Avenue and 7 Cottage Place, brownfield cleanup of the site, construction of the parking required for Phase I (residential and commercial), loading and utility improvements, and construction of all public open space.
5. The land area that is to be used for Phase II shall be converted into approximately 39,580 square feet of publicly accessible, at-grade open space. This open space will remain until such time that Phase II commences.
6. Consistent with Landscape Site Planting Schedule Sheet SPL 300 and Landscape Planting Area Enlargements Sheet SPL 310, both dated amended November 12, 2021 and Sheet SPL 100 Landscape Site Materials and Furnishing Plan, dated amended October 21, 2022; 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.
7. Eliminate the following sheet: SPA3-113 Phasing Site Plan Overall (Phase I) and replace with a revised Sheet indicating the revised Overall Phasing Plan.
8. Eliminate entirely the following existing site plan approval condition: *Until Phase II commences construction, Applicant must erect a temporary 10-foot (minimum) perimeter screen wall to screen the Phase II podium rooftops from Hamilton Green Plaza and install a green roof on the slabs as depicted on Phasing Site Plan Overall (Phase I) Sheet SPA3-113 and Phasing Rendering Sheet SPA3-114 both dated amended November 22, 2021 and as approved by the Commissioners of Planning and Building.*
9. Eliminate entirely the following existing site plan approval condition: *In the event that Phase II construction does not commence by June 6, 2025 (42 months from the effective date of this approval), Applicant must make provisions to make the Phase II podium rooftops publicly accessible as an extension of Hamilton Green Plaza until which time Phase II commences construction. Such access plan, including detail regarding means of ingress/egress, handicap access, safety railings, structural capacity sufficient to accommodate anticipated loading, landscaping, and seating must be approved by the Commissioners of Planning and Building.*
10. The site plan approval for the components of Phase II contained herein shall expire 24 months from the issuance of the first Certificate of Occupancy (Temporary or Final) for Phase I by the Commissioner of Building.
11. The joint use parking plan must be approved by Deputy Commissioner of Parking pursuant to Section 8.5.3 of the Zoning Ordinance.
12. Pursuant to Section 9-10-41(c) of the White Plains Sign Ordinance, a detailed signage plan must be submitted for approval by the Common Council. Specific signs for commercial spaces will be subject to review by the Design Review Board.
13. The final approved site plan must include the following information to the satisfaction of the Commissioners of Planning and Building:
 - Labeling of specific bicycle amenities such as lockers, changing rooms, bike repair/workshop area etc. as required in the TD-1 District (Section 5.10.1.1.6).
 - Additional details and locations of planned street furniture, such as seating and tables.

- Additional detail regarding proposed private rooftop terrace amenities, such as swimming pools, courts, outdoor grill areas etc.

14. Additional detail regarding proposed indoor amenity space, such as a fitness center, theater, on-site pet care, or shared office space.
15. 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.
16. 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.
17. 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 communication from the Commissioner of Public Works dated November 15, 2022, the previous conditions in the Approval Resolutions adopted September 4, 2018, and April 6, 2020 and December 6, 2021, remain in effect with the following additional conditions:

1. Comment #6 (12/6/21) is revised as follows: The latest plans indicate that “City Standard” sidewalks are to be installed as part of the proposed streetscape surrounding the site. Prior to the submittal of a Building Department permit, the plans must be revised to include the applicable City’s DPW Standard Details for Promenade Sidewalk. The installation of Granite Unit Pavers within the City’s right-of-way (ROW.) as shown on plan sheet SPL-100.00 Landscape Plan, revised 10/31/2022, is not permitted.
2. Comment #11 (12/6/21) is revised as follows: For the area surrounding the property’s proposed streetscape improvements, the site plan must clearly identify the boundary line between the private and municipal property. Applicant must install permanent markers within the sidewalk to demarcate public property from private property for the areas where the proposed public sidewalk cannot remain within the ROW.
3. Since the site is part of a Brownfield Cleanup Program (BCP) New York State Department of Environmental Conservation (NYSDEC) Site ID#C360221, dewatering, soil disturbance, and removal must comply with the approved plan as prepared by the site’s Environmental Engineer and all NYSDEC requirements. Provide DPW with approved documentation for dewatering pumping limits and include any potential impacts with downstream sewer main capacity due to the additional flow from dewatering; and

SEQR Findings

WHEREAS, the Environmental Officer has recommended that the Common Council (a) reconfirm itself to serve as the Lead Agency for the environmental review of the Proposed Action; (b) reconfirm that the Proposed Action to be a Type 1 Action under SEQR regulations (c) reconfirm and determine that the Findings Statement regarding the petition to rezone the property to TD-1, and the accompanying Conceptual Development Plan are applicable to this site plan application; (d) determine that proposed site plans substantially conform to the Conceptual Development Plan described in the FEIS and Environmental Findings Statement and that there are no potential substantial adverse impacts not previously addressed in the DEIS, FEIS, or the Environmental Findings Statement; and (e) find 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, Conditions, the DEIS, FEIS and Environmental Findings Statement, 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 reconfirms itself as Lead Agency for the Environmental review of the Proposed Action; and be it further

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

RESOLVED, that, based on the foregoing findings, the Common Council determines that proposed site plans substantially conform to the Conceptual Development Plan described in the FEIS and Findings Statement and that there are no potential substantial adverse impacts not previously addressed in the DEIS, FEIS, or the Findings Statement; and be it further

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

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

Zoning Compliance

The Modified Project complies with Section 5.10 and Section 7.5 of the Zoning Ordinance.

“Transit Development District (TD-1)”

5.10.1.2.7 If a TD-1 development is proposed to be constructed in phases, then the completion of any such public amenities, including but not limited to sidewalks and streetscape features, should be phased in a manner proportional to the number of dwelling units or nonresidential floor area to be occupied during any given phase of such development.

The Modified Project is proposed to be built in two phases. Phase I includes construction of all parking required to accommodate the uses of Phase I (residential, office and retail). Phase I also includes the completion of the loading area, all utility improvements that serve Phase I (AKRF Drainage and Utility Plan – Sheet C-601), and the construction of the public open space area. The main difference between the two plans is that with the Modified Project, the Applicant will replace the previously approved temporary storefronts on the Phase Two portion of the site fronting Martin Luther King Jr. Blvd. with approximately 39,580 square feet of additional publicly accessible, at-grade open space. This open space will remain until such time that Phase 2 commences.

7.5 Site Plan Standards

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.

Applicant proposes four, below-grade parking levels, as follows:

- “Garage Level 1” (at elevation +188’) will contain a total of approximately 77 spaces, and will be constructed as a part of Phase One (Lessard Design – SPA2-188).
- “Garage Level 2” (at elevation +178’) will contain a total of approximately 305 spaces, of which 181 spaces will be constructed as a part of Phase One. The centrally located loading bays for both phases are also located on this level (Lessard Design – SPA2-178).
- “Garage Level 3” (at elevation +168’) will contain a total of approximately 419 spaces, of which approximately 239 spaces will be constructed as a part of Phase One (Lessard Design – SPA2-168).
- “Garage Level 4” (at elevation +158’) will contain approximately 258 spaces and will be fully built out after the completion of Phase 2 (Lessard Design – SPA2-158).

It should be noted that during the Phase I construction, Garage Levels 3 and 4, directly below the loading bay area on Level 2, will be constructed, but not utilized as parking until the completion of Phase II (Lessard Design – SPA2-158 and SPA2-168).

The Modified Project does not affect the outcome of the Parking Study that was completed during the environmental review for the Approved Project, in particular because the number of residential units and proposed commercial square footage remains the same. This parking analysis utilized a “Shared Parking” methodology, in accordance with Section 8.5.3 Joint Use of Spaces.

Based on the parking analysis and upon confirmation by the City’s Deputy Commissioner of Parking, the Modified Project contains sufficient on-site parking spaces to support the Phase One construction and the full build-out of the development and, therefore, meets the requirements of Section 8 of the Zoning Ordinance.

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.

Applicant is providing six (6) full loading bays where only four (4) are required. The Modified Project maintains a loading entrance on Barker Avenue and exit on Hamilton Avenue to improve the flow of trucks through the site and reduce potential for conflict with other vehicles. The loading area is located internally underneath the new buildings, and serves the entire Hamilton Green facility. It will be fully constructed during Phase One.

Applicant submitted an updated Loading Dock Management Plan (Kimley Horn – WB-50 Movements, Sheets W-1, W-2 and W-3; SU-30 Movements, Sheets S-1, S-2 and S-3) for the Modified Project which, upon confirmation by the City’s Deputy Commissioner of Parking, meets the requirements of Section 8 of the Zoning Ordinance.

Affordable Housing

The Applicant remains obligated to meeting the City’s affordable housing requirement, in accordance with Section 9-7-3 Affordable Housing Requirements. The Applicant selected the 12% set-aside option (103 units) and will provide 78 affordable housing units for those qualifying at 80% of the Westchester County

Area Median Income (AMI). The Applicant has elected to buy out of 25 affordable dwelling units at the requisite per unit fee of 1.25 times the HUD Westchester County AMI for a family of four for the year in which the project receives its first residential Certificate of Occupancy (CO) (by way of example, the total buyout fee would amount to \$4,331,250 based on the 2022 Westchester County AMI).

The buy-out fee must be paid to the Affordable Housing Assistance Fund (AHAF) on a pro-rata basis consistent with project phasing and upon issuance of the first residential (temporary or final) Certificate of Occupancy (CO) by the Commissioner of Building for each building or Phase as determined by the Commissioner of Planning as the administrative agent of the City's Affordable Rental Housing Program. The ARHP Affordable Units must remain affordable in perpetuity, for the life of the project.

The applicant may opt to alter the means in which the project meets the provisions of City Code Section 9-7 Affordable Housing Requirements (e.g. selection of 8% set-aside for those at 50%/60% of Westchester County AMI and/or opting not to buy out of any required units) prior to the issuance of first building permit without requiring amendment to the approved site plan.

Open Space And Parkland

The Approved Project provides a total of a total of 93,576 square feet of open space, including the 45,746 square foot publicly accessible Hamilton Green Plaza, 24,197 square feet of public open space at street level, and 23,633 square feet of private open space. The proposed open space areas remain the same for the Modified Project. In addition, approximately 39,580 square feet of additional publicly accessible, at-grade open space will be included along Martin Luther King Jr. Blvd. until such time that Phase II commences (Sheet SPL-100 Landscape Site Materials and Furnishing Plan).

This significant amount of publicly accessible open space provided continues to offset the impact that the projected 2,013 new residents of the project would have on existing City park facilities.

- (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.

Sanitary sewer and Water Supply

The changes to the Project would not affect the anticipated water use or sewer generation. As such, the Proposed Action would implement the same water and sanitary sewer improvements as required by the Findings Statement and site plan approval. As previously required, the necessary improvements will be undertaken by the Applicant at the Applicant's expense. Final project design will be subject to approval and additional studies as determined by DPW.

Stormwater Management

As described in the DEIS and FEIS, runoff quality and quantity from Hamilton Green would meet or improve existing conditions. Through the implementation of a section of green roof, on-site improvements associated with Hamilton Green would produce no increase in impervious area. Open space area, which would include green roofs and landscape features, is an integral part of the design of Hamilton Green. A minimum of 10,600 SF of green roof, designed in accordance with the specifications of Chapter 5 of the New York State Stormwater Management Design Manual (SMDM), would be included as part of Hamilton Green which would enable Hamilton Green to be considered a full redevelopment project with no net increase in impervious area. The on-

site improvements for Hamilton Green would therefore decrease impervious surface area and no on-site detention would be required. Stormwater treatment units (i.e. hydrodynamic separators) would be included to meet water quality treatment requirements. As previously required, final project design will be subject to approval and additional studies as determined by DPW.

Solid Waste.

The Applicant has submitted a Department of Public Works. (DPW) Solid Waste Management Plan, dated 6/14/18, While the Proposed Project would result in increased demand for solid waste collection services, the residential, retail and restaurant uses included in the Proposed Project are not dissimilar from other existing uses in the nearby downtown. The final Solid Waste Management Plan is subject to approval by the DPW.

Traffic

The Proposed Action would slightly increase the amount of office space and decrease the amount of restaurant/retail space from the previously approved project. As detailed in the traffic impact assessment prepared by Kimley Horn, this minor change in building program would generate less traffic in the busiest hour (weekday PM) than was analyzed in the DEIS. In the AM peak hour, Project trip generation would be nearly identical previously approved project. In the Saturday peak hour, Project trip generation would also be less than the previously approved project.

Construction Management Protocol

The Applicant has submitted an Erosion and Sediment Control Plan with the site plan application.

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.

Hazardous Materials Remediation.

As disclosed in the DEIS and FEIS, a Phase I Environmental Site Assessment (ESA), dated May 2017, identified the potential for subsurface contamination to exist in some areas of the Site. A Phase II investigation was prepared to further assess the Recognized Environmental Conditions (RECs) and other environmental concerns identified during in the Phase I ESA. The Phase II scope included the advancement of nine soil borings, installation of two temporary wells, installation of five sub-slab/soil vapor points, and the collection of soil, soil vapor, and groundwater samples for field-screening and laboratory analysis. In addition, six existing groundwater monitoring wells, previously installed at the Site by others, were sampled for laboratory analysis. The Phase II investigation found evidence of contamination on the Project Site and recommended that a Remedial Action Work Plan (RAWP) will be prepared for addressing the historic petroleum release in accordance with NYSDEC requirements. Following the FEIS, the Applicant enrolled the Property in the NYSDEC Brownfield Cleanup Program (BCP). The Proposed Action would be developed and remediation would be conducted in accordance with the BCP requirements.

Air Quality

The DEIS and FEIS assessed the potential for stationary and mobile source air quality impacts resulting from Hamilton Green. Stationary sources include gas-fired heating, ventilation and air conditioning (HVAC), and hot water systems, such as those anticipated to be used by Hamilton Green. A stationary source screening analysis was conducted to evaluate potential future pollutant concentrations with the proposed HVAC and hot water systems. The screening analysis determined that Hamilton Green is not anticipated to result in significant adverse

air quality impacts from HVAC or hot water systems (stationary sources). Therefore, the Common Council finds that the Proposed Action would not result in any significant adverse air quality impacts from stationary sources.

Mobile sources include vehicle emissions, such as project-generated traffic. The analysis mobile source air quality impacts determined that traffic generated by Hamilton Green is not anticipated to result in an exceedance of NYSDOT's screening criteria for mobile source air quality impacts.

Noise

The DEIS and FEIS included an assessment of noise associated with Hamilton Green due to vehicular (traffic) and stationary (HVAC equipment) sources. The assessment determined that predicted noise levels associated with Hamilton Green would not exceed NYSDEC's threshold for significant noise level increases, and the maximum noise level associated with Hamilton Green would not exceed the threshold established by the City of White Plains Noise Ordinance. Hamilton Green's mechanical equipment is being designed to comply with the White Plains Noise Control Law.

- (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 original Hamilton Green project was the subject of extensive visual impact assessment. The proposed amendments would retain the overall design intent, maximum height, and layout of the approved project. Since the overall height of the towers are substantially similar to what was analyzed in the DEIS and FEIS, the conclusions remain valid. Therefore, Modified Project is not anticipated to result in significant adverse visual impacts.

The Proposed Action would be consistent with land use and public policy documents of the City of White Plains, and is not anticipated to result in any adverse effects on land use, zoning, or public policy. The Proposed Action would not introduce any new land uses that do not exist within the study area under existing conditions, and would retain the mixed-use, multi-family, and commercial land use character of the surrounding neighborhood.

The Hamilton Green project will contribute to the growth of the City of White Plains economy and support the City of White Plains' initiatives set forth in its Transit District Strategic Plan for a strong and vibrant mix of transportation, commercial, and residential uses within the White Plains Downtown Core. Hamilton Green has been designed to exemplify the qualities prioritized by the City of White Plains Strategic Plan—it would be a dense, mixed-used community with varied architecture proximate to public transportation.

The DEIS and FEIS analyzed the potential visual impacts of Hamilton Green from public view points identified in the adopted Scoping Document. The refinements to the Hamilton Green CDP and proposed site plans, served to improve the visual connection between the street and the elevated open space within Hamilton Green, and would provide a visual and physical break in the building length along Hamilton Avenue. In addition, the proposed residential towers have been oriented to maximize the sunlight within the elevated open space.

The proposed development permitted by the TD-1 Zoning District, and as specified in the CDP and site plan documents, is similar to and consistent to other nearby uses and buildings in the nearby downtown area such as the Ritz-Carlton Hotel/ Condominium, 460 Hamilton Avenue and 123 Main Street. The Proposed Action and the Hamilton Green CDP are not anticipated to result in significant adverse visual or shadow impacts in context to

the development in the immediate downtown area.

The landscape plan provides substantially more trees in the street right-of-way than currently present.

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

The Proposed Action is anticipated to increase demand on public utilities, including energy and telecommunications. Electricity and natural gas service to the Site would be provided by Consolidated Edison of New York (Con Ed). A project of this size is not anticipated to result in any significant adverse impacts to energy delivery or generation systems. However, new transformer vaults and conduits would be required to provide electric service to the Site. Gas service would be provided to the Site by tying in to an existing gas service line that runs adjacent to the Site in the vicinity of Cottage Place and Hamilton Avenue. All utility lines serving Hamilton Green would be buried.

The type and quantity of energy demand for the Proposed Project is not significant in the context of the City of White Plains as a regional employment, retail, residential and governmental center. The existing providers have the capacity to support the proposed project.

- (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.

The Proposed Action does represent a change of use from the existing 2-story, approximately 170,000 sq. ft. retail shopping mall and approximately 360 parking spaces. Proposed Project is not significant in the context of the City of White Plains as a regional employment, retail, residential and governmental center.

The project site, located in the downtown area is served by municipal service, and public and private utilities.

- (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.

The DEIS and FEIS assessed the potential impacts of the Hamilton Green project on community facilities and services. Community facilities and services include police protection services, fire protection services, emergency medical services (EMS), schools, open space and recreation facilities, and solid waste and/or recycling services. The Common Council finds that based on the analysis contained in the DEIS and FEIS, no significant adverse impacts to community service providers are anticipated.

The Conceptual Development Plan analyzed in the FEIS includes 860 units, which are anticipated to generate approximately 68 public school age children. The maximum build out analyzed in the DEIS was 900 units, which, based on the composition of the units, resulted in 132 students. However, as presented in the DEIS, the White Plains Public School (WPPS) District has sufficient capacity to accommodate the larger student population and thus the lesser number, as well. Therefore, no significant adverse impacts to the WPPS are anticipated.

- (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, based on the foregoing reasons, that the Common Council finds that the Proposed Action when compared against the SEQR criteria of environmental effect 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 APPLICATION SUBMITTED ON BEHALF OF W.P. MALL REALTY, LLC, HAMILTON GREEN I PARTNERS, LLC, AND SWD/WP LLC FOR A SECOND AMENDMENT TO THE CONCEPTUAL DEVELOPMENT PLAN AND SITE PLAN FOR A MIXED-USE PROJECT ON PROPERTY LOCATED AT 200 HAMILTON AVENUE AND KNOWN AS HAMILTON GREEN.

WHEREAS, the Common Council of the City of White Plains ("Common Council"), at its meeting held on November 7, 2022, received a communication from the Commissioner of Building, dated November 3, 2022 forwarding an application submitted by Janet Giris of DelBello Donnellan Weingarten Wise & Wiederkehr, LLP on behalf of W.P. Mall Realty, LLC ("Applicant") seeking an amendment to the approved conceptual development plan ("CDP") and site plan for a project known as "Hamilton Green" located at 200 Hamilton Avenue (the "Project Site"); and

WHEREAS, the Project Site is designated on the Official Tax Map of the City of White Plains as Section 125.67, Block 5, Lot 1..1 and 125.67-5-1..2; and

WHEREAS, on April 6, 2020, the Common Council, after adopting environmental findings, approved a site plan application ("Site Plan") submitted on behalf of W.P. Mall Realty, LLC and SWD 3 LLC by William S. Null of Cuddy & Feder, LLP for the proposed redevelopment of the Project Site as a mixed-use project consisting of two 280 foot towers, two 150 foot towers that will have approximately eight hundred and sixty (860) residential units, including 78 affordable dwelling units on-site (representing a reduction from the required 103 units though buy-out); residential amenities, approximately 85,400 square feet of retail and restaurant space, including a "Craft Food Market Hall," and approximately 27,000 square feet of office space; a four story parking garage containing 956 parking spaces; and approximately 55,000 square feet of open space ("Original Application"); and

WHEREAS, the Original Application was approved on April 6, 2020 for a period of eighteen months, which approval was set to expire on October 6, 2021 (“Original Approval”); and

WHEREAS, the Common Council at its meeting held on October 4, 2021, received an application requesting to extend and amend the CDP and Site Plan as follows:

- reallocate the 860 dwelling units among the four buildings differently, but the taller towers will remain on Hamilton Avenue as required by the TD-1 Zoning.
- All 956 parking spaces would be located below grade, instead of four levels above grade. This change results in a more visually appealing condition and lowers the grade of the Hamilton Green open space (the "Green") by two feet, making it more visible and accessible from the four surrounding sidewalks.
- Garage access would be provided on Hamilton Avenue and Barker Avenue, with an additional driveway on Hamilton Avenue as a dedicated truck exit to minimize potential conflict with other vehicles.
- Two curbside pull-out standing zones would be added to Dr. Martin Luther King Jr., Boulevard and Cottage Place to facilitate drop off and potential deliveries.
- Wider access stairs to the Hamilton Green Plaza would be provided at Hamilton Avenue, making the open space more accessible and inviting to the public.
- The "Via" from Cottage Place to the Green would be open to the sky instead of being a tunnel making the Green more visible and inviting from Cottage Place.
- The total building coverage above 150' high (towers) would significantly decrease from 36% to 14% improving visual sightlines through the Project Site.
- Residential floor area would increase 12%.

- Office floor area would increase by 11%.
 - Retail/Restaurant/Food Market floor area would decrease by 35%.
 - Open space at street level would increase by 27%.
 - Public open space at Hamilton Green would increase by 14%, to 45,746 square feet.
 - Private open space for residents would increase from 5,000 square feet to 23,633 square feet.
 - Total open space on the site would increase from 39% of the site to 57% of the site;
- and

WHEREAS, on December 6, 2021, after adopting environmental findings, the Common Council approved the extension and amendment to the CDP and Site Plan (“2021 Approval” or “Approved Project”); and

WHEREAS, the 2021 Approval contained 32 conditions; and

WHEREAS, by letter dated October 31, 2022, the Applicant requested a second amendment to the CDP and Site Plan , which modifications pertain to the project phasing and the layout of the parking structure with all other aspects of the Approved Project remaining unchanged; and

WHEREAS, the Applicant submitted the following additional and revised drawings pertaining to the proposed modifications (“Modified Project”):

<u>Drawing Number</u>	<u>Title</u>	<u>Prepared By</u>	<u>Dated/Last Revised</u>
SPL100.00	Landscape Site Materials and Furnishing Plan	Eric Rains Landscape Architecture	10/31/2022
SPA2-158.00	EL. +158' Plan	Lessard Design	10/31/2022
SPA2-168.00	EL. +168' Plan	Lessard Design	10/31/2022
SPA2-178.00	EL. +178' Plan	Lessard Design	10/31/2022

SPA2-188.00	EL. +188' Plan	Lessard Design	10/31/2022
SPA3-114.00	Phasing Rendering	Lessard Design	10/31/2022
SPA3-115.00	Phase 1 Rendering 1	ELIMINATED	
SPA3-116.00	Phase 1 Rendering 2	ELIMINATED	
SPA3-117.00	Phase 1 Rendering 3	ELIMINATED	
W-1	WB-50 Movements	Kimley Horn	9/13/2021
W-2	WB-50 Movements	Kimley Horn	9/13/2021
W-3	WB-50 Movements	Kimley Horn	9/13/2021
S-1	SU-30 Movements	Kimley Horn	9/13/2021
S-2	SU-30 Movements	Kimley Horn	9/13/2021
S-3	SU-30 Movements	Kimley Horn	9/13/2021
C-601	Drainage and Utility Plan (Phasing Note added)	AKRF	11/8/2021

WHEREAS, the proposed modifications with respect to the Modified Project phasing

are as follows:

PHASE I		
2021 Approved Project	2022 Modified Project	Outcome
240 Hamilton Avenue 280 feet; 326 units (29 affordable)	240 Hamilton Avenue (“Unit 1”) 280 feet; 326 units (29 affordable)	NO CHANGE
7 Cottage Place 150 feet; 144 units (13 affordable)	7 Cottage Place (“Unit 1”) 150 feet; 144 units (13 affordable)	NO CHANGE
Brownfield Cleanup	Brownfield Cleanup	NO CHANGE
Full construction of a 962-space underground parking structure for both phases of the project.	Construction of a 497-space underground parking structure to accommodate all required residential and commercial parking for Phase I and the buildout of a parking area one level below the Loading Area, which will serve Phase II.	MINOR CHANGE
Full construction of the Loading Area	Full construction of the Loading Area	NO CHANGE
All utilities	All utilities required to serve the Phase I (Unit 1) buildings	MINOR CHANGE
Construction of all Public Spaces	Construction of all Public Spaces	NO

PHASE I		
2021 Approved Project	2022 Modified Project	Outcome
		CHANGE
Construction of all ground floor non-residential space (inclusive of storefronts at grade along Barker Avenue, Martin Luther King Jr. Blvd. and Hamilton Avenue under the future Phase II Towers)	Construction of all Phase I proposed non-residential space (office, retail, craft market food hall). Replace Phase II storefronts with approximately 39,580 square feet of additional, publicly accessible open space, at grade, which is to remain until the commencement of Phase 2 construction.	MINOR CHANGE

PHASE TWO		
2021 Approved Project	2022 Modified Project	Outcome
220 Hamilton Avenue 280 feet; 260 units (24 affordable)	220 Hamilton Avenue ("Unit 2") 280 feet; 260 units (24 affordable)	NO CHANGE
20 Barker Avenue 150 feet; 130 units (12 affordable)	20 Barker Avenue ("Unit 2") 150 feet; 130 units (12 affordable)	NO CHANGE
Remaining Brownfield Cleanup	Remaining Brownfield Cleanup	NO CHANGE
n/a	Construction and completion of the underground parking structure for the remaining 2 buildings, to include the balance of required parking spaces.	MINOR CHANGE
n/a	All utilities required to serve Phase II (Unit 2) buildings	MINOR CHANGE

WHEREAS, the Applicant is not proposing any change to the provision of affordable housing and remains obligated to meeting the City's affordable housing requirement in accordance with Section 9-7-3 Affordable Housing Requirements. The Applicant selected the 12% set-aside option (103 units) and will provide 78 affordable housing units for those qualifying at 80% of the Westchester County Area Median Income (AMI). The Applicant has elected to buy out of 25 affordable dwelling units at the requisite per unit fee of 1.25 times the HUD Westchester County

AMI for a family of four for the year in which the project receives its first residential Certificate of Occupancy (CO) (by way of example, the total buyout fee would amount to \$4,331,250 based on the 2022 Westchester County AMI); and

WHEREAS, the Applicant is not modifying the proposed 93,576 square feet of open space, which includes the 45,746 square foot publicly accessible Hamilton Green Plaza, the 24,197 square feet of public open space at street level, and the 23,633 square feet of private open space; and

WHEREAS, the request for the Modified Project was referred by the Common Council at its November 7, 2022 meeting to the Departments of Law, Building, Planning, Public Safety, Public Works, Parking, the Planning Board, the Design Review Board, the Transportation Commission, Environmental Officer and the Westchester County Planning Board for review, comments and recommendations; and

WHEREAS, the Common Council, at a meeting held on December 5, 2022, in relation to the request for the Modified Project, received communications from the Commissioner of Building, dated November 22, 2022; the Commissioner of Planning, dated November 21, 2022; the Commissioner of Public Works, dated November 15, 2022; the Commissioner of Public Safety, dated November 15, 2022; the Commissioner of Parking, dated November 16, 2022; the Deputy Commissioner of Parking for Transportation Engineering, dated November 21, 2022; the Chair of the Planning Board, dated November 16, 2022; the Acting Chair of the Transportation Commission, dated November 21, 2022; the Design Review Board, dated November 22, 2022; the Environmental Officer, dated November 29, 2022; and the Westchester County Planning Board, dated November 21, 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 Modified Project application with consideration of the 1997 Comprehensive Plan and the update to the Comprehensive Plan adopted July 11, 2006 ("Comprehensive Plan"), the 2016 Transit District Strategic Plan ("Strategic Plan") and the standards set forth in the Zoning Ordinance, including but not limited to Sections 4, 5, 7, and 8; and

WHEREAS, at its meeting of December 5, 2022, the Common Council (a) reconfirmed itself to serve as the Lead Agency for the environmental review of the Proposed Action; (b) reconfirmed that the Proposed Action to be a Type 1 Action under SEQR regulations (c) reconfirmed and determined that the Findings Statement regarding the petition to rezone the property to TD-1, and the accompanying Conceptual Development Plan are applicable to this site plan application; (d) determined that proposed site plan substantially conforms to the CDP described in the FEIS and Environmental Findings Statement and that there are no potential substantial adverse impacts not previously addressed in the DEIS, FEIS, or the Environmental Findings Statement; and (e) found that the Proposed Action, when compared to the SEQR criteria of environmental effect, will not have a significant effect on the environment; now, therefore be it

RESOLVED, that the following findings are hereby adopted in accordance with the Zoning Ordinance of the City of White Plains:

5.10 "Transit Development District (TD-1)"

5.10.1.2.7 If a TD-1 development is proposed to be constructed in phases, then the completion of any such public amenities, including but not limited to sidewalks and streetscape features, should

be phased in a manner proportional to the number of dwelling units or nonresidential floor area to be occupied during any given phase of such development.

The Modified Project is proposed to be built in two phases. Phase I includes construction of all parking required to accommodate the uses of Phase I (residential, office and retail). Phase I also includes the completion of the loading area, all utility improvements that serve Phase I (AKRF Drainage and Utility Plan - Sheet C-601), and the construction of the public open space area. The main difference between the two plans is that with the Modified Project, the Applicant will replace the previously approved temporary storefronts on the Phase Two portion of the site fronting Martin Luther King Jr. Blvd. with approximately 39,580 square feet of additional publicly accessible, at-grade open space. This open space will remain until such time that Phase 2 commences. The proposed revised phasing in the Modified Project complies with this section.

7.5 Site Plan Standards

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.

Applicant proposes four, below-grade parking levels, as follows:

- "Garage Level 1" (at elevation +188') will contain a total of approximately 77 spaces, and will be constructed as a part of Phase One (Lessard Design - SPA2-188).
- "Garage Level 2" (at elevation +178') will contain a total of approximately 305 spaces, of which 181 spaces will be constructed as a part of Phase One. The centrally located loading bays for both phases are also located on this level (Lessard Design - SPA2-178).

- "Garage Level 3" (at elevation +168') will contain a total of approximately 419 spaces, of which approximately 239 spaces will be constructed as a part of Phase One (Lessard Design - SPA2-168).
- "Garage Level 4" (at elevation +158') will contain approximately 258 spaces and will be fully built out after the completion of Phase 2 (Lessard Design - SPA2-158).

During the Phase I construction, Garage Levels 3 and 4, directly below the loading bay area on Level 2, will be constructed, but not utilized as parking until the completion of Phase II (Lessard Design - SPA2-158 and SPA2-168).

The Modified Project does not affect the outcome of the Parking Study that was completed during the environmental review for the Approved Project, in particular because the number of residential units and proposed commercial square footage remains the same. This parking analysis utilized a "Shared Parking" methodology, in accordance with Section 8.5.3 Joint Use of Spaces.

Based on the parking analysis and upon confirmation by the City's Deputy Commissioner of Parking, the Modified Project contains sufficient on-site parking spaces to support the Phase One construction and the full build-out of the development and, therefore, meets the requirements of Section 8 of the Zoning Ordinance.

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.

Applicant is providing six (6) full loading bays where only four (4) are required. The Modified Project maintains a loading entrance on Barker Avenue and exit on Hamilton Avenue to improve the flow of trucks through the site and reduce potential for conflict with other vehicles. The

loading area is located internally underneath the new buildings, and serves the entire Hamilton Green facility. It will be fully constructed during Phase One.

Applicant submitted an updated Loading Dock Management Plan (Kimley Horn - WB-50 Movements, Sheets W-1, W-2 and W-3; SU-30 Movements, Sheets S-1, S-2 and S-3) for the Modified Project which, upon confirmation by the City's Deputy Commissioner of Parking, meets the requirements of Section 8 of the Zoning Ordinance.

NOW, THEREFORE, be it further

RESOLVED, that based upon the above Findings, the Common Council determines that the standards of Sections 4, 5, 7, and 8 of the Zoning Ordinance have been satisfied and approval of the Modified Project be and hereby is granted, subject to the conditions in the Original Approval, 2021 Approval, and the following:

A. As per the communication from the Commissioner of Planning, dated November 21, 2022:

1. "Hamilton Green Plaza" and all other components of the publicly accessible open space depicted on the Modified Project site plan, including the interim publicly accessible, at-grade open space area along Martin Luther King Jr. Blvd. (Lessard Design - Sheet SPA3-114.00), shall be open to the public during reasonable hours of day in accordance with the hours of operation of the City of White Plains public park facilities. At a minimum all publicly accessible space shall be open from dawn to dusk.

2. Pursuant to City Code Section 9-7-3 Affordable Housing Requirements, the Applicant has selected the 12% set-aside option (103 units) and will provide 78 affordable housing units for those qualifying at 80% of the Westchester County Area Median Income (AMI) and has opted to buy out 25 affordable housing units at a per unit fee of 1.25 times the Westchester County AMI for a family of four for the year in which the first residential Temporary or Final Certificate of Occupancy is issued (e.g. for the year 2022, the fee would be \$4,331,250).

The buy-out fee must be paid to the Affordable Housing Assistance Fund (AHAF) on a pro-rata basis consistent with project phasing and upon issuance of the first residential (temporary or final) Certificate of Occupancy (CO) by the Commissioner of Building for each building or Phase as determined by the Commissioner of Planning as the administrative agent of the City's Affordable Rental Housing Program. The ARHP Affordable Units must remain affordable in perpetuity, for the life of the project.

The Applicant may opt to alter the means in which the project meets the provisions of City Code Section 9-7 Affordable Housing Requirements (e.g. selection of 8% set-aside for those at 50%/60% of Westchester County AMI and/or opting not to buy out of any required units) prior to the issuance of first building permit without requiring amendment to the approved site plan.

3. Phase I of the development will include construction of 470 units of housing in 240 Hamilton Avenue and 7 Cottage Place, brownfield cleanup of the site, construction of the

parking required for Phase I (residential and commercial), loading and utility improvements, and construction of all public open space.

4. The land area that is to be used for Phase II shall be converted into approximately 39,580 square feet of publicly accessible at-grade open space. This open space must remain until such time that Phase II construction commences.

5. Consistent with Landscape Site Planting Schedule Sheet SPL 300 and Landscape Planting Area Enlargements Sheet SPL 310, both dated November 12, 2021 and Sheet SPL 100 Landscape Site Materials and Furnishing Plan, dated October 21, 2022, 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. Applicant must replace Sheet: SPA3-113 Phasing Site Plan Overall (Phase I) with a revised Sheet indicating the revised Overall Phasing Plan.

7. The following existing site plan approval condition in the 2021 Approval is hereby eliminated: "Until Phase II commences construction, Applicant must erect a temporary 10-foot (minimum) perimeter screen wall to screen the Phase II podium rooftops from Hamilton Green Plaza and install a green roof on the slabs as depicted on Phasing Site Plan

Overall (Phase I) Sheet SPA3-113 and Phasing Rendering Sheet SPA3-114 both dated November 22, 2021 and as approved by the Commissioners of Planning and Building.”

8. The following existing site plan approval condition in the 2021 Approval is hereby eliminated: “In the event that Phase II construction does not commence by June 6, 2025 (42 months from the effective date of this approval), Applicant must make provisions to make the Phase II podium rooftops publicly accessible as an extension of Hamilton Green Plaza until which time Phase II commences construction. Such access plan, including detail regarding means of ingress/egress, handicap access, safety railings, structural capacity sufficient to accommodate anticipated loading, landscaping, and seating must be approved by the Commissioners of Planning and Building.”

9. The site plan approval for the components of Phase II contained herein shall expire 24 months from the issuance of the first Certificate of Occupancy (Temporary or Final) for Phase I by the Commissioner of Building.

10. The joint use parking plan must be approved by Deputy Commissioner of Parking pursuant to Section 8.5.3 of the Zoning Ordinance.

11. Pursuant to Section 9-10-41(c) of the White Plains Sign Ordinance, a detailed signage plan must be submitted for approval by the Common Council. Specific signs for commercial spaces will be subject to review by the Design Review Board.

12. The final approved site plan must include the following information to the satisfaction of the Commissioners of Planning and Building prior to the issuance of a building permit:

- A. Labeling of specific bicycle amenities such as lockers, changing rooms, bike repair/workshop area etc. as required in the TD-1 District (Section 5.10.1.1.6).
- B. Additional details and locations of planned street furniture, such as seating and tables.
- C. Additional detail regarding proposed private rooftop terrace amenities, such as swimming pools, courts, outdoor grill areas etc.

13. Additional detail regarding proposed indoor amenity space, such as a fitness center, theater, on-site pet care, or shared office space must be provided to the satisfaction of the Commissioners of Planning and Building prior to the issuance of a building permit.

14. Applicant must submit a Construction Management Plan for the development of the Proposed Project and have an approved 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 prior to issuance of a building permit.

15. 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.

16. Prior to issuing a building permit, the Applicant must provide documentation demonstrating the extent to which the project would meet LEED Certification Silver and New York State Energy Star standards to the satisfaction of the Building Commissioner prior to the issuance of a building permit.

B. As per the communication from the Commissioner of Public Works, dated November 15, 2022, the previous conditions in the Approval Resolutions adopted September 4, 2018, and April 6, 2020 and December 6, 2021, remain in effect with the following additional conditions:

1. Comment #6 (12/6/21) is revised as follows: The latest plans indicate that "City Standard" sidewalks are to be installed as part of the proposed streetscape surrounding the site. Prior to the submittal of a Building Department permit, the plans must be revised to include the applicable City's DPW Standard Details for Promenade Sidewalk. The installation of Granite Unit Pavers within the City's right-of-way (ROW.) as shown on plan sheet SPL-100.00 Landscape Plan, revised 10/31/2022, is not permitted.

2. Comment #11 (12/6/21) is revised as follows: For the area surrounding the property's proposed streetscape improvements, the site plan must clearly identify the boundary line between the private and municipal property. Applicant must install permanent markers within the sidewalk to demarcate public property from private property for the areas where the proposed public sidewalk cannot remain within the ROW.

3. Since the site is part of a Brownfield Cleanup Program (BCP) New York State Department of Environmental Conservation (NYSDEC) Site ID#C360221, dewatering, soil

disturbance, and removal must comply with the approved plan as prepared by the site's Environmental Engineer and all NYSDEC requirements. Provide City DPW with approved documentation for dewatering pumping limits and include any potential impacts with downstream sewer main capacity due to the additional flow from dewatering

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

On March 3, 2014, the Common Council adopted the New York State Unified Solar Building Permit Application for use in Building Departments. This application was adopted to promote document consistency throughout the state as well as reduce permit processing time associated small scale residential and commercial solar installations.

New York State has since updated the Unified Solar Permit, increasing the eligible installations from under 12 kW in size to under 25 kW in size.

The Building Department respectfully submits the attached resolution for consideration and anticipated adoption.

Respectfully Submitted,

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

Dated: November 23, 2022

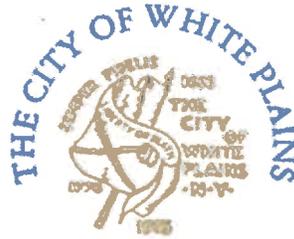
RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF WHITE PLAINS
AUTHORIZING THE COMMISSIONER OF BUILDING TO ADOPT AND UPDATE, AS
NECESSARY, THE NEW YORK STATE UNIFIED SOLAR PERMIT APPLICATION

WHEREAS, The City of White Plains proposes to promote a streamlined application process for small-scale photovoltaic system installations that are under 25 kW in size; and

WHEREAS, the updated New York State Unified Solar Permit application form is being utilized by various building departments throughout New York State and its adoption and use in White Plains will improve processing of applications for small-scale photovoltaic systems.

NOW THEREFORE, BE IT RESOLVED, that the City of White Plains Common Council authorizes the Commissioner of Building to adopt the updated New York State Unified Solar Permit application form and to further update such form, as necessary, for the installation of small scale photovoltaic systems that are under 25 kW in size.

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 Approval for a proposed three-level parking structure at 1111-1129 Westchester Avenue.

As you probably are aware, New York Presbyterian Hospital purchased the property from Westpark Associates NY LLC in March of 2022 and is repositioning the site to provide outpatient medical services. The new parking garage was proposed by the previous owner to support increased tenant parking requirements and will now serve a similar purpose for the hospital. It should be noted that a solar voltaic system is planned on the roof of the garage.

A letter petition, dated November 14, 2022, prepared by McCullough, Goldberger and Staudt, LLP on behalf of New York-Presbyterian Hospital has been submitted requesting a one year extension to the Site Plan Approval that was originally granted by the Common Council on February 5, 2018.

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

Respectfully Submitted,

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

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

Dated: November 22, 2022

Documents Submitted: Letter prepared by Mr. Seth Mandelbaum dated November 14, 2022

McCULLOUGH, GOLDBERGER & STAUDT, LLP

Attorneys at Law

1311 Mamaroneck Ave., Suite 340, White Plains, NY 10605

TEL (914) 949-6400 FAX (914) 949-2510

mcculloughgoldberger.com

November 14, 2022

SETH M. MANDELBAUM

Managing Partner

smandelbaum@mgslawyers.com

RECEIVED

NOV 14 2022

CITY OF WHITE PLAINS
DEPT OF BUILDING

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

Re: New York and Presbyterian Hospital
1111-1129 Westchester Avenue

Dear Hon. Mayor Roach & Members of the Common Council:

This firm represents New York and Presbyterian Hospital (the "Applicant"), the owner of the above-referenced property (the "Property"). The Applicant purchased the Property from Westpark Associates NY LLC in March 2022. As you know, the Property was formerly office space most recently used by PepsiCo, Inc.

As you may recall, WestPark Associates previously proposed a three-level parking structure with a solar array above the top level, a new guard booth and security gates to improve security on site, and 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 Common Council subsequently granted one-year extensions to complete substantial construction, until February 5, 2023.

In order to commence construction of the parking garage the Applicant recently filed construction documents, contractor management plans and a building permit application with the White Plains Building Department. These documents are under review and the permit has not yet been issued as of this date. As a result, substantial construction of the parking garage and other improvements will not be completed by February 5, 2023. In light of the foregoing, on behalf of the Applicant, we respectfully request an additional one-year extension of the time to complete substantial construction, until February 5, 2024.

A check for the required extension fee is being hand-delivered to the Building Commissioner's office. Kindly place this matter on the December 5, 2022 Common Council agenda for consideration and referral out to the relevant City departments and boards. If you have any questions, please do not hesitate to contact our office. Thank you for your consideration.

Very truly yours,



Seth M. Mandelbaum

SMM:tsr

cc: New York and Presbyterian Hospital

McCULLOUGH, GOLDBERGER & STAUDT, LLP'

Attorneys at Law

1311 Mamaroneck Ave., Suite 340, White Plains, NY 10605

TEL (914) 949-6400 FAX (914) 949-2510

mcculloughgoldberger.com

November 14, 2022

SETH M. MANDELBAUM

Managing Partner

smandelbaum@mgslawyers.com

Mr. Damon Amadio, P.E., Commissioner, Department of Building
City of White Plains
70 Church Street
White Plains, NY 10601

RECEIVED

NOV 14 2022

CITY OF WHITE PLAINS
DEPT OF BUILDING

Re: New York and Presbyterian Hospital
1111-1129 Westchester Avenue

Dear Damon:

As you know, our firm represents New York and Presbyterian Hospital (the "Applicant"), the owner of 1111-1129 Westchester Avenue (the "Property"). Enclosed please find one (1) copy of our request to the White Plains Common Council for a one-year extension of the Council's Site Plan approval for the Property, together with a check for the required fee of \$4,425.00 (see enclosed invoice).

Kindly process this request to the Council so it be placed on the Council's December 5, 2022 agenda. Twenty (20) copies and a USB drive containing our request have also been delivered to the City Clerk's Office. Please do not hesitate to reach out to this office with any questions. Thank you for your assistance with this matter.

Very truly yours,



Seth M. Mandelbaum

SMM:tsr

cc: New York and Presbyterian Hospital



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

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

Submitted herewith is the audited Annual Comprehensive Financial Report as of and for the fiscal year ended June 30, 2022.

Sergio Sensi
Commissioner of Finance

Dated: November 20, 2022

"THE BIRTHPLACE OF THE STATE OF NEW YORK"

<http://www.cityofwhiteplains.com>

66



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 three months ended September 30, 2022.

Sergio Sensi
Commissioner of Finance

Dated: November 16, 2022



CITY OF WHITE PLAINS, NEW YORK
INTERIM FINANCIAL REPORT
THREE MONTHS ENDED SEPTEMBER 30, 2022

PREPARED BY
DEPARTMENT OF FINANCE
November 16, 2022

MAYOR

THOMAS M. ROACH

COMMON COUNCIL MEMBERS

JUSTIN C. BRASCH, PRESIDENT

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

November 16, 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 three months ended September 30, 2022 with comparative totals for the same period in 2021. This report is divided into three 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 three months of fiscal year 2022-2023, the City recognized 51.5% of its revenues and other financing sources, and expended 24.4% of its appropriations and other financing uses, resulting in a net increase in fund balance of \$52.6 million. Comparatively the results for the first three months of the prior fiscal year, the City had recognized 51% of its revenues and other financing sources and expended 22.4% of its appropriations and other financing uses, resulting in a net increase in fund balance of \$53.1 million.

Total General Fund revenues and other financing sources for the first quarter of fiscal year 2022-2023 were \$100.0 million, an increase of \$5 million (5.3%) over the same period in fiscal year 2021-2022.

Property taxes and related items increased \$1.9 million (2.9%) primarily due to the adopted 2022-2023 property tax rate increase of 1.86%.

Sales and use taxes increased \$1,133,135 (8.54%). Sales tax revenues of \$1.4 million restricted to the tax stabilization account brought the total amount in that account to \$11.6 million. Increases were seen in Intergovernmental revenues (\$142,147), Utility gross receipts (\$68,841), Charges for services (\$1,105,294), Fines and forfeitures (\$234,787), miscellaneous revenue (\$462,653) and Interest earnings (\$140,250). Interest earnings continue to increase due to higher interest rates. Completing the revenue picture, Licenses and permits were down \$182,748 (14%).

Total General Fund expenditures and other financing uses were \$47.4 million, an increase of \$5.5 million (13.2%) over the same period of fiscal year 2021-2022.

Personal services increase \$3.2 million (19.7%), and employee benefits increased \$986,137 (8.5%). Employee benefits were up primarily due to a \$1.5 million increase in employee health insurance expense.

Material and supplies increased \$511,261 (27.1%), direct costs increased \$11,523 and equipment increased \$511,373.

Per the adopted 2022-2023 budget, transfers were made to other funds: \$11,500 to Special Revenue Fund, \$1.3 million to the Library Fund, \$3.5 million to the Debt Service Fund and \$70,000 to Capital Projects 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 \$1.3 million for the first quarter of fiscal year 2022-2023, representing an increase of \$41,892 (3.3%) over the same period of the prior fiscal year. Operating transfers in from the General Fund increased \$37,987 (3%) and other revenues were up \$3,905. Operating funds are transferred from the General Fund to the Library Fund on an as-needed basis.

Total expenditures and other financing uses were \$1.4 million, an increase of \$39,711 (2.9%) over the same period in the prior fiscal year. Increases in personal services of \$32,805, materials and supplies of \$47,405 and Equipment of \$1,412 were offset by decreases in employee benefits \$20,584 and direct costs of \$19,314.

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 \$3.6 million were offset by operating expenses of \$4.8 million and net non-operating expenses of \$466,287, resulting in a decrease in net position of \$1.7 million for the first quarter of fiscal year 2022-2023. The intra-year timing of revenues and expenses is not indicative of how the fund will perform by year end.

For the first quarter of fiscal year 2022-2023, decrease in metered water sales of \$80,612 and was offset by a slight increase in miscellaneous revenues of \$66 accounted for the \$80,546 (2.2%) decrease in total operating revenues.

Total operating expenses of \$4.8 million were \$235,660 (8.9%) more than the first quarter of fiscal year 2020-21. Increases in personal services (\$63,758), employee benefits (\$2,192), direct costs (\$172,913), equipment (\$27,742) and capital outlay (\$9,524) were offset by decreases in material and supplies (\$5,663) and depreciation (\$34,806).

Net non-operating expenses increased \$10,544 reflecting a increase of \$32,344 in interest income and an increase in interest expense of \$42,888.

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 \$548,717 were offset by operating expenses of \$1,469,795 and net non-operating expenses of \$41,896, resulting in a decrease in net position of \$962,974 for the first quarter of fiscal year 2022-2023. The intra-year timing of revenues and expenses is not indicative of how the fund will perform by year end.

Operating revenues from sewer rents were \$546,267 for the first quarter of fiscal year 2022-2023, which is a decrease of \$13,763 (2.5%) from 2021-2022.

Total operating expenses were \$163,722 more than the first quarter of fiscal year 2021-2022. There were increases in personal services (\$14,331), employee benefits (\$543), material and supplies (\$10,717), direct costs (\$127,547), capital outlay (\$5,587) and depreciation (\$4,997).

Net non-operating expense increased \$8,539, reflecting an increase in interest expense of \$10,402 and an increase in interest income of \$1,863.

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 quarter of fiscal year 2022-2023, representing a \$72,311 (1.4%) increase over the first quarter of fiscal year 2021-2022. 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 \$1.6 million were \$141,762 (10%) more than the prior fiscal year, with increases in employee benefits (\$215), unemployment benefits (\$6,662), direct costs (\$132,701), workers compensation claims (\$7,230) and were offset by a decrease in general liability claims (\$5,046).

Net income for the first quarter was \$3.7 million, a \$31,219 decrease over the same period of the prior fiscal year. Year-to-date net income 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 \$91,694 for the first quarter of fiscal year 2022-2023, representing a \$2,177 (2.4%) increase over the first quarter of fiscal year 2021-2022. Total expenditures of \$92,068 were \$10,509 (10.2%) less than the prior fiscal year. Net loss for the first quarter was \$374 compared to a net loss of \$13,060 for the first quarter 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
 September 30,

	<u>2022</u>	<u>2021</u>
Assets		
Cash and cash equivalents	\$ 64,867,625	\$ 78,516,036
Investments	48,979,975	8,079,463
Taxes receivable	131,415,851	131,042,064
Accounts receivable	459,340	374,299
Deposits	6,591	8,383
Due from other governments	57,106	287,594
Due from other funds	4,617,647	7,020,468
Inventory of supplies, at cost	1,172,900	1,081,237
Total Assets	<u>\$ 251,577,035</u>	<u>\$ 226,409,544</u>
Liabilities and Fund Balance		
Liabilities:		
Accounts payable	\$ 1,739,319	\$ 345,784
Retainage payable	4,167	5,271
Accrued liabilities	367,220	441,185
Deposits	3,117,580	2,242,166
Due to other governments	124,011,202	122,795,334
Deferred revenue	1,601,390	1,762,476
Total Liabilities	<u>130,840,878</u>	<u>127,592,216</u>
Fund Balance:		
Non-spendable	5,693,544	1,155,473
Restricted - tax stabilization	5,338,613	4,829,481
Committed	174,125	176,353
Assigned	26,752,603	19,676,129
Unassigned	82,777,272	72,979,892
Total Fund Balance	<u>120,736,157</u>	<u>98,817,328</u>
Total Liabilities and Fund Balance	<u>\$ 251,577,035</u>	<u>\$ 226,409,544</u>

City of White Plains, New York
General Fund
Schedule of Revenues, Expenditures and Changes in Fund Balance
Three Months Ended September 30,

	2022-2023 Adopted Budget	2022-2023 Revised Budget	2022-2023 Actual	2021-2022 Actual
Revenues:				
Property taxes and items:				
Property taxes and PILOTS	\$ 69,377,594	\$ 69,377,594	\$ 68,468,727	\$ 66,616,193
Interest and penalties	445,000	445,000	170,109	92,546
Allowance for uncollectibles	<u>(22,000)</u>	<u>(22,000)</u>	-	-
Total property taxes and items	69,800,594	69,800,594	68,638,836	66,708,739
Sales and use tax - restricted	4,500,000	4,500,000	1,440,384	1,327,070
Sales and use tax - unrestricted	40,500,000	40,500,000	12,963,455	11,943,634
Room occupancy tax	850,000	850,000	-	-
Utility gross receipts tax	1,182,000	1,182,000	336,177	267,336
Mortgage tax	2,000,000	2,000,000	-	-
Intergovernmental	5,833,350	5,833,350	195,810	53,663
Charges for services	22,489,841	22,489,841	10,431,653	9,326,359
Licenses and permits	10,264,943	10,264,943	2,372,924	2,555,672
Fines and forfeitures	9,657,711	9,657,711	2,525,745	2,290,958
Interest	36,500	36,500	147,194	6,944
Miscellaneous	<u>5,780,991</u>	<u>5,780,991</u>	<u>996,810</u>	<u>534,157</u>
Total Revenues	172,895,930	172,895,930	100,048,988	95,014,532
Other Financing Sources-				
Appropriated fund balance	<u>17,122,528</u>	<u>21,249,789</u>	-	-
Total Revenues and				
Other Financing Sources	<u>\$ 190,018,458</u>	<u>\$ 194,145,719</u>	<u>100,048,988</u>	<u>95,014,532</u>
Expenditures:				
Personal services	\$ 82,288,193	\$ 80,130,456	19,516,122	16,300,936
Employee benefits	54,312,559	53,054,759	12,540,282	11,554,145
Materials and supplies	10,167,713	10,801,600	2,397,122	1,885,861
Direct costs	17,049,134	19,000,252	7,570,401	7,558,878
Equipment	1,268,416	2,561,087	548,997	37,624
Reserve for financing	<u>5,106,351</u>	<u>8,700,680</u>	-	-
Total Expenditures	170,192,366	174,248,834	42,572,924	37,337,444
Other Financing Uses:				
Transfers to Special Revenue	11,500	11,500	11,500	22,500
Transfers to Library Fund	6,742,674	6,743,467	1,310,912	1,272,925
Transfers to Debt Service Fund	13,071,918	13,071,918	3,462,629	3,251,150
Transfers to Capital Projects Fund	-	70,000	70,000	-
Total Other Financing Uses	<u>19,826,092</u>	<u>19,896,885</u>	<u>4,855,041</u>	<u>4,546,575</u>
Total Expenditures and				
Other Financing Uses	<u>\$ 190,018,458</u>	<u>\$ 194,145,719</u>	<u>47,427,965</u>	<u>41,884,019</u>
Net change in fund balance			52,621,023	53,130,513
Fund Balance - Beginning			68,115,134	45,686,815
Fund Balance - Ending			<u>\$ 120,736,157</u>	<u>\$ 98,817,328</u>

City of White Plains, New York
Library Fund
Schedule of Revenues, Expenditures and Changes in Fund Balance
Three Months Ended September 30,

	2022-2023 Adopted Budget	2022-2023 Revised Budget	2022-2023 Actual	2021-2022 Actual
Revenues:				
Intergovernmental	\$ 17,457	\$ 17,457	\$ 16,761	\$ 15,712
Miscellaneous	4,000	4,000	4,462	1,606
Total Revenues	<u>21,457</u>	<u>21,457</u>	<u>21,223</u>	<u>17,318</u>
Other Financing Sources				
Transfer in from General Fund	6,742,674	6,742,674	1,310,912	1,272,925
Appropriated fund balance	40,000	40,000	-	-
Total Other Financing Sources	<u>6,782,674</u>	<u>6,782,674</u>	<u>1,310,912</u>	<u>1,272,925</u>
Total Revenues and Other Financing Sources	<u>\$ 6,804,131</u>	<u>\$ 6,804,131</u>	<u>1,332,135</u>	<u>1,290,243</u>
Expenditures:				
Personal services	\$ 3,112,823	\$ 2,912,768	672,669	639,864
Employee benefits	1,603,423	1,511,495	346,750	367,334
Materials and supplies	941,216	941,216	184,513	137,108
Direct costs	421,362	421,362	115,990	135,304
Equipment	20,750	20,750	1,412	-
Reserve for financing	10,000	301,983	-	-
Total Expenditures	<u>6,109,574</u>	<u>6,109,574</u>	<u>1,321,334</u>	<u>1,279,610</u>
Other Financing Uses - Transfer out to Debt Service Fund	<u>694,557</u>	<u>694,557</u>	<u>110,912</u>	<u>112,925</u>
Total Expenditures and Other Financing Uses	<u>\$ 6,804,131</u>	<u>\$ 6,804,131</u>	<u>1,432,246</u>	<u>1,392,535</u>
Net change in fund balance			(100,111)	(102,292)
Fund Balance - Beginning			<u>253,448</u>	<u>134,880</u>
Fund Balance - Ending			<u>\$ 153,337</u>	<u>\$ 32,588</u>

City of White Plains, New York
Water Fund
Schedule of Revenues, Expenses and Changes in Net Position
Three Months Ended September 30,

	2022-2023 Adopted Budget	2022-2023 Revised Budget	2022-2023 Actual	2021-2022 Actual
Operating Revenues:				
Metered water sales	\$ 17,806,500	\$ 17,806,500	\$ 3,512,704	\$ 3,593,316
Intergovernmental	125,465	125,465	40,000	40,000
Miscellaneous	36,000	36,000	3,566	3,500
Total Operating Revenues	<u>17,967,965</u>	<u>17,967,965</u>	<u>3,556,270</u>	<u>3,636,816</u>
Other Financing Sources				
Appropriated fund balance	856,937	1,468,709	-	-
Total Other Financing Sources	<u>856,937</u>	<u>1,468,709</u>	<u>-</u>	<u>-</u>
Total Revenues and Other Financing Sources	<u>18,824,902</u>	<u>19,436,674</u>	<u>3,556,270</u>	<u>3,636,816</u>
Operating Expenses:				
Personal services	2,391,409	2,264,963	563,815	500,057
Employee benefits	1,374,319	1,321,482	308,214	306,022
Materials and supplies	7,627,054	7,664,450	1,657,592	1,663,255
Direct costs	2,132,071	2,155,424	1,787,295	1,614,382
Equipment	440,685	442,824	37,691	9,949
Depreciation	1,788,185	1,788,185	447,046	481,852
Capital Outlay	900,000	1,448,609	21,485	11,961
Reserve for financing	208,414	387,972	-	-
Total Operating Expenses	<u>16,862,137</u>	<u>17,473,909</u>	<u>4,823,138</u>	<u>4,587,478</u>
Operating Income (Loss)	<u>1,962,765</u>	<u>1,962,765</u>	<u>(1,266,868)</u>	<u>(950,662)</u>
Non-Operating Revenues (Expenses):				
Interest income	15,000	15,000	34,653	2,309
Interest expense	<u>(1,977,765)</u>	<u>(1,977,765)</u>	<u>(500,940)</u>	<u>(458,052)</u>
Total Non-Operating Expenses	<u>(1,962,765)</u>	<u>(1,962,765)</u>	<u>(466,287)</u>	<u>(455,743)</u>
Change in net position	-	-	(1,733,155)	(1,406,405)
Net Position - Beginning	<u>-</u>	<u>-</u>	<u>39,745,131</u>	<u>38,386,815</u>
Net Position - Ending	<u>\$ -</u>	<u>\$ -</u>	<u>\$ 38,011,976</u>	<u>\$ 36,980,410</u>

City of White Plains, New York
Sewer Rent Fund
Schedule of Revenues, Expenses and Changes in Net Position
Three Months Ended September 30,

	2022-2023 Adopted Budget	2022-2023 Revised Budget	2022-2023 Actual	2021-2022 Actual
Operating Revenues:				
Sewer rents	\$ 3,168,000	\$ 3,168,000	\$ 546,267	\$ 560,030
Intergovernmental	225,000	225,000	-	-
Miscellaneous	250	250	2,450	-
Total Operating Revenues	3,393,250	3,393,250	548,717	560,030
Other Financing Sources				
Appropriated fund balance	623,802	1,606,946	-	-
Total Revenues and Other Financing Sources	4,017,052	5,000,196	548,717	560,030
Operating Expenses:				
Personal services	530,946	535,228	125,007	110,676
Employee benefits	361,997	344,774	82,573	82,030
Materials and supplies	207,659	232,162	30,709	19,992
Direct costs	1,055,974	1,068,176	979,531	851,984
Equipment	84,500	84,500	-	-
Depreciation	973,625	973,625	243,406	238,409
Capital outlay	525,000	1,471,439	8,569	2,982
Reserve for financing	105,000	117,941	-	-
Total Operating Expenses	3,844,701	4,827,845	1,469,795	1,306,073
Operating Income (Loss)	172,351	172,351	(921,078)	(746,043)
Non-Operating Expenses:				
Interest income	2,000	2,000	2,086	223
Interest expense	(174,351)	(174,351)	(43,982)	(33,580)
Total Non-Operating Expenses	(172,351)	(172,351)	(41,896)	(33,357)
Change in net position	-	-	(962,974)	(779,400)
Net Position - Beginning	-	-	9,442,212	9,012,625
Net Position - Ending	\$ -	\$ -	\$ 8,479,238	\$ 8,233,225

City of White Plains, New York
Self Insurance Fund
Schedule of Revenues, Expenses and Changes in Net Position
Three Months Ended September 30,

	2022-2023 Adopted Budget	2022-2023 Revised Budget	2022-2023 Actual	2021-2022 Actual
Operating Revenues:				
Charges for services	\$ 5,217,144	\$ 5,217,144	\$ 5,217,143	\$ 5,123,167
Miscellaneous	-	-	9,600	31,265
Total Operating Revenues	<u>\$ 5,217,144</u>	<u>\$ 5,217,144</u>	<u>5,226,743</u>	<u>5,154,432</u>
Operating Expenses:				
Personal services	\$ 18,000	\$ 18,000	-	-
Employee benefits	19,492	19,492	3,587	3,372
Unemployment benefits	70,122	70,122	6,662	-
Workers Compensation	2,120,047	2,120,047	11,200	3,970
Materials and supplies	100	100	-	-
Direct costs	1,689,547	1,689,547	1,533,655	1,400,954
General liability insurance	1,299,836	1,299,836	-	5,046
Reserve for financing	-	-	-	-
Total Operating Expenses	<u>\$ 5,217,144</u>	<u>\$ 5,217,144</u>	<u>1,555,104</u>	<u>1,413,342</u>
Operating Income			3,671,639	3,741,090
Non-Operating Revenues - Interest Income			<u>45,361</u>	<u>7,129</u>
Change in net position			3,717,000	3,748,219
Net Position - Beginning			<u>1,610,455</u>	<u>(24,737)</u>
Net Position - Ending			<u>\$ 5,327,455</u>	<u>\$ 3,723,482</u>

City of White Plains, New York
Component Unit - Cable Television Fund
Schedule of Revenues, Expenditures and Changes in Fund Balance
Three Months Ended September 30,

	2022-2023 Adopted Budget	2022-2023 Revised Budget	2022-2023 Actual	2021-2022 Actual
Revenues:				
PEG grants	\$ 248,000	\$ 248,000	\$ -	\$ -
Franchise fees	302,500	302,500	89,006	88,125
Miscellaneous	1,500	1,500	275	1,165
Interest	<u>800</u>	<u>800</u>	<u>2,413</u>	<u>227</u>
Total Revenues	552,800	552,800	91,694	89,517
Other Financing Sources				
Appropriated fund balance	<u>100,000</u>	<u>100,000</u>	<u>-</u>	<u>-</u>
Total Revenues and Other Financing Sources	<u>\$ 652,800</u>	<u>\$ 652,800</u>	<u>91,694</u>	<u>89,517</u>
Expenditures:				
Personal services	\$ 230,106	\$ 230,106	56,834	65,296
Employee benefits	117,888	117,888	27,119	26,627
Materials and supplies	4,500	4,500	427	760
Direct costs	34,023	34,023	7,411	5,020
Equipment	23,700	23,700	277	4,874
Reserve for financing	<u>242,583</u>	<u>242,583</u>	<u>-</u>	<u>-</u>
Total Expenditures	<u>652,800</u>	<u>652,800</u>	<u>92,068</u>	<u>102,577</u>
Net change in fund balance			(374)	(13,060)
Fund Balance - Beginning			<u>790,092</u>	<u>533,195</u>
Fund Balance - Ending			<u>\$ 789,718</u>	<u>\$ 520,135</u>

City of White Plains, New York
Schedule of Cash Equivalent Investments, at Cost
September 30,

	<u>2022</u>	<u>2021</u>
Governmental Fund Types:		
General	\$ 113,847,600	\$ 86,595,499
Special Revenue	7,273,950	3,803,900
Debt Service	2,671,933	2,923,298
Capital Projects	2,556,220	152,346
Proprietary Fund Types		
Water	33,913,185	31,259,386
Sewer	9,406,134	8,502,043
Self Insurance	24,690,303	22,048,186
Fiduciary Fund Types	<u>4,565,954</u>	<u>801,569</u>
Total	<u>\$ 198,925,279</u>	<u>\$ 156,086,227</u>

Interest Earnings
Three Months Ended September 30,

	<u>2022</u>	<u>2021</u>
Governmental Fund Types:		
General	\$ 147,194	\$ 6,944
Special Revenue	4,099	232
Debt Service	4,884	657
Proprietary Fund Types:		
Water	34,653	2,309
Sewer	2,086	223
Self Insurance	45,361	7,129
Fiduciary Fund Types	<u>1,310</u>	<u>185</u>
Total	<u>\$ 239,587</u>	<u>\$ 17,679</u>

City of White Plains, New York
Schedule of Outstanding and Authorized Debt
September 30, 2022

	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	110,000
Public Improvements Series-EFC	2013	10,775,259	05/01/33	2.630-4.6095	6,255,000
Public Improvements Series	2014	20,818,341	02/15/29	2.00-3.250	11,493,480
Public Improvements Series	2015	1,717,000	02/15/35	2.00-3.000	7,692,531
Public Improvements Series	2016	9,223,250	03/01/36	2.00-5.000	7,190,348
Public Improvements Series-Refunding 2006&2007	2016	5,892,018	04/01/27	2.00-5.000	2,506,046
Public Improvements Series A-Refunding 2007&2008	2017	21,770,000	05/15/22	2.00-3.000	10,605,000
Public Improvements Series B-Refunding 2008A	2017	1,776,715	01/15/28	3.00-4.00	1,058,891
Public Improvements Series C	2017	11,082,550	03/01/32	4.00	8,270,504
Public Improvements Series	2018	13,281,350	09/15/38	3.00-5.000	11,122,283
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	4,235,127
Public Improvements Series B-Refunding 2010&2011	2020	8,219,797	09/15/29	5.00	5,397,072
Public Improvements Series B-Refunding 2010&2011 (JUDGEMENTS)	2020	3,461,057	09/15/29	5.00	2,137,260
Public Improvements Series A	2022	13,223,314	02/15/42	4.00-5.000	13,223,314
Public Improvements Series B-Refunding Rfd 2012,2012 & 2013	2022	10,249,755	02/15/28	5.00%	9,548,886
Total General Fund					<u>112,045,248</u>
Library Fund:					
Public Improvements Series	2014	1,263,000	02/15/29	2.00-3.250	697,282
Public Improvements Series C	2017	1,919,000	03/01/32	4.00	1,432,079
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	240,046
Public Improvements Series A	2022	175,457	02/15/42	4.00-5.000	175,457
Public Improvements Series B-Refunding Rfd 2012,2012 & 2013	2022	1,068,340	02/15/28	5.00%	998,674
Total Library Fund					<u>3,682,684</u>
Water Fund:					
Public Improvements Series	2014	252,500	02/15/29	2.00-3.250	139,403
Public Improvements Series	2015	1,717,000	02/15/35	2.00-3.000	11,482,469
Public Improvements Series	2016	2,800,750	03/01/36	2.00-5.000	2,183,436
Public Improvements Series-Refunding 2006&2007	2016	2,262,266	04/01/27	2.00-5.000	910,105
Public Improvements Series B-Refunding 2008A	2017	463,285	01/15/28	3.00-4.00	276,109
Public Improvements Series C	2017	992,350	03/01/32	4.00	740,555
Public Improvements Series	2018	8,484,000	09/15/38	3.00-5.000	7,104,812
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	5,209,476
Public Improvements Series B-Refunding 2010&2011	2020	1,480,654	09/15/29	5.00	1,118,852
Public Improvements Series A	2022	13,223,314	02/15/42	4.00-5.000	7,024,738
Public Improvements Series B-Refunding Rfd 2012,2012 & 2013	2022	1,469,665	02/15/28	5.00%	1,313,220
Total Water Fund					<u>57,994,978</u>
Sewer Fund:					
Public Improvements Series	2014	479,700	02/15/29	2.00-3.250	264,835
Public Improvements Series	2016	303,000	03/01/36	2.00-5.000	236,216
Public Improvements Series-Refunding 2006&2007	2016	280,716	04/01/27	2.00-5.000	153,849
Public Improvements Series C	2017	505,000	03/01/32	4.00	376,862
Public Improvements Series	2018	505,000	09/15/38	3.00-5.000	422,905
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	815,397
Public Improvements Series B-Refunding 2010&2011	2020	132,240	09/15/29	5.00	126,770
Public Improvements Series A	2022	1,256,491	02/15/42	4.00-5.000	1,256,491
Public Improvements Series B-Refunding Rfd 2012,2012 & 2013	2022	132,240	02/15/28	5.00%	109,220
Total Sewer Fund					<u>4,922,090</u>
Total Serial Bonds - All Funds					178,645,000
Energy Performance Contract Payable	2018	3,217,627	7/1/2028	2.75	1,959,237
Total Debt-All Funds					<u>\$ 180,604,237</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%	17.46%
2021	175,285,000	-	2,344,454	177,629,454	19,174,200	196,803,654	28.63%	15.36%
2022	181,565,000	-	2,037,342	183,602,342	5,646,872	189,249,214	26.44%	15.08%
Jul-2022	181,565,000	-	2,011,367	183,576,367	11,358,372	194,934,739	27.23%	15.08%
Aug-2022	181,180,000	-	1,985,332	183,165,332	12,267,372	195,432,704	27.30%	15.03%
Sep-2022	178,645,000	-	1,959,237	180,604,237	12,267,372	192,871,609	26.95%	14.67%

Summary of Outstanding Debt by Fund
September 30, 2022

	General Fund	Library Fund	Water Fund	Sewer Fund	Total
Serial Bonds	\$ 112,045,248	\$ 3,682,684	\$ 57,994,978	\$ 4,922,090	\$ 178,645,000
Energy Performance Contract	1,959,237	-	-	-	1,959,237
	<u>\$ 114,004,485</u>	<u>\$ 3,682,684</u>	<u>\$ 57,994,978</u>	<u>\$ 4,922,090</u>	<u>\$ 180,604,237</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 September 30, 2022:

7/1/2022 Opening balance	\$ 10,168,094
7/31/2022 Sales tax receipts	431,272
8/31/2022 Sales tax receipts	437,212
9/30/2022 Sales tax receipts	<u>571,899</u>
9/30/2022 Ending balance	<u>\$ 11,608,477</u>

Respectfully submitted,



Sergio Sensi
Commissioner of Finance

Summary of Sales Tax Receipts

Month	2022-23			2021-22		
	Restricted	Unrestricted	Total	Restricted	Unrestricted	Total
July	\$ 431,272	\$ 3,881,452	\$ 4,312,724	\$ 421,172	\$ 3,790,549	\$ 4,211,721
August	437,212	3,934,909	4,372,121	393,702	3,543,321	3,937,023
September	571,899	5,147,094	5,718,993	512,196	4,609,764	5,121,960
Total	<u>\$ 1,440,383</u>	<u>\$ 12,963,455</u>	<u>\$ 14,403,838</u>	<u>\$ 1,327,070</u>	<u>\$ 11,943,634</u>	<u>\$ 13,270,704</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.

