

**WHITE PLAINS PLANNING BOARD  
MINUTES FOR THE MEETING OF MARCH 19, 2019**

MEMBERS PRESENT: John Ioris, Leonard Gruenfeld, Anna Cabrera, Lynn Oliva, Sarina Russell, John Durante and Rich Payne

MEMBERS ABSENT: None

CB REPRESENTATIVE: None

COMMON COUNCIL: None

STAFF MEMBERS: Arthur Gutekunst, Senior Assistant Corporation Counsel  
Christopher Gomez, AICP, Commissioner of Planning  
Luis Saiz, R.A., Plan Examiner - Building Department  
Eileen McClain, Secretary  
Katie Crawford, Planner

**NEXT MEETING OF THE BOARD**

The April 16, 2019 meeting of the Planning Board was announced. This meeting will be held at 7:00 pm.

**ADOPTION OF MINUTES**

Minutes of the February 19, 2019 meeting were adopted.

**SCHEDULE PUBLIC HEARINGS**

(208-19) **52-54 Battle Avenue**; RM-2.5 (Residential Multi-Family) Zoning District – **Site plan application for a two-family house**. Environmentally Sensitive Site.

Adrienne DeVita, Architect, appeared before the Board to present the proposed site plan for a two-family home located at 52-54 Battle Avenue. The ZBA has already granted the necessary variances.

The property is currently vacant and has significant steep slopes. The property fronts on both Battle Avenue and Chatterton Parkway. The home has been designed in context with the neighboring properties in regard to height.

Ms. Russell asked how the cars will be able to back into the garage. There is a back-in area along Chatterton Parkway.

A public hearing was scheduled for the April meeting of the Board.

(100-19) **The Continuum** - 55 Bank Street; CB-4 (Core Business – 4) Zoning District - **Two Lot Subdivision**.

Lucia Ciocchia, Attorney, appeared before the Board to present the revised two lot subdivision to the property located at 55 Bank Street. The revised subdivision is necessary to accommodate the recently approved site plan amendment to the South Tower of residential development known as The Continuum.

A public hearing was scheduled for the April meeting of the Board.

## **PUBLIC HEARINGS**

(100-18) **120 Bloomingdale Road; B-1 (Restricted Business) Zoning District – Two Lot Subdivision.**

Lucia Ciocchia, Attorney, appeared before the Board to present the modified two lot subdivision at 120 Bloomingdale Road. The proposed lot line will ensure that the proposed parkland will be on the same parcel as the residential development that will own and maintain the area.

A representative of the International Brotherhood of Electrical Workers (IBEW) and neighbor to the development, asked the applicant if there had been attempts to reach the building trade or the Westchester County IDA. Diego Villareale, the project's engineer offered that the applicant plans to do so in the future but that step is premature at this time.

Ms. Russell made a motion to adjourn the hearing, Mr. Oliva seconded; the motion carried unanimously.

(214-18) **20 Rolling Ridge Road; R1-20 Zoning District – Site Plan Amendment for a Swimming Pool.** Environmentally Sensitive Site.

Anthony Zaino, Landscape Architect, appeared before the Board to report that the ZBA had granted an area variance to allow encroachment into the required separation distance between the existing residence and the proposed pool.

Ms. Oliva asked if the plan being presented was the same plan as before and the same plan that the ZBA reviewed. Yes, the plan has not changed.

No public comments were received.

Mr. Gruenfeld made a motion to close the hearing, Mr. Oliva seconded; Ms. Russell made a motion to declare the Planning Board Lead Agency on this Type I Action, Ms. Cabrera seconded; Ms. Russell made a motion to approve the environmental findings with the correction of a typo, Mr. Durante seconded; Mr. Gruenfeld made a motion to approve the site plan, Ms. Russell seconded, all motions carried unanimously.

## **OTHER**

(203-19) **40 Chatterton Parkway; RM-2.5 Zoning District – One Year Extension of Site Plan Approval for a 6 Unit Building – Environmentally Sensitive Site.**

Peter Rossi appeared before the Board to request a one year extension to the approved site plan at 40 Chatterton Parkway.

Mr. Durante expressed that he has a small business relationship with the applicant however there is no conflict with this application.

The structure located on the property has been demolished and no changes to the plan have been made. The applicant hopes to begin construction activities soon.

Ms. Russell made a motion to grant the one year site plan extension, Mr. Gruenfeld seconded; the motion carried unanimously.

(204-19) **108 North Kensico; RM-1.5T – One Year Extension of the Site Plan Approval for a 16-unit multi-family development.** Environmentally Sensitive Site.

Anthony Crecco appeared before the Board to request a one year extension for the approved site plan at 108 North Kensico.

No changes to the plan have been made.

Mr. Gruenfeld asked when construction would begin. The applicant hopes to begin soon.

Mr. Gruenfeld made a motion to grant the one year site plan extension, Ms. Russell seconded; the motion carried unanimously.

(205-19) **Proposed Amendment to the Zoning Ordinance Definition of “Recreation Facilities”** to include “Electronic Games,” Laser Tag, Esports, and Virtual Reality Games/Rides; and allow Commercial Indoor “Recreation Facilities” as a Permitted Principal Use in the B-6 Zoning District. Common Council referral.

Eileen McClain, Senior Planner, made a presentation to the Board for the proposed amendment to the Zoning Ordinance definition of "Recreation Facilities". The City is proposing to eliminate certain text from the existing definition that is regulated by other parts of the Zoning text and to include activities such as “Electronic Games,” Laser Tag, Esports, and Virtual Reality Games/Rides in the "Recreation Facilities" definition. Additionally, the City wishes to expand this use to the B-6 (Enclosed Mall) Zoning District. Ms. McClain also suggested that the Board consider the applicability of the amendment to the B-1 (Restricted Business) Zoning District.

Ms. Russell feels that this action is appropriate and will bring the City into the modern era. Additionally she feels that this is a need in White Plains that residents are going elsewhere to participate in. Allowing these uses will keep spending in White Plains.

Ms. Oliva recalled that when this definition was first introduced to the Ordinance that there was significant opposition. Has there been any opposition from the public or what has changed that makes this more palatable now? There has not been pushback at this time, however the Public Hearing before the Common Council is the opportunity for the public to voice their opinions. Also, the nature of gaming has changed overtime and is now more widely accepted than it was before.

Mr. Gruenfeld asked if this proposed change was in response to an issue that arose at the Galleria Mall earlier this year. In part yes, but we also wish to bring these uses to White Plains.

Ms. Cabrera asked if this new definition would allow a use such as an arcade. Yes, it would. Ms. Cabrera feels that this is a good fit for our malls.

Mr. Durante expressed support for the amendment and remarked that these facilities are typically very nice.

Mr. Ioris also expressed support for the amendment and sees it as a benefit to our malls.

Ms. Oliva cautioned against expanding the definition to the B-1 District for fear that it would clash with existing office uses in the district. The remaining Board members support including the B-1 District as well. They feel that it should be at the discretion of the landlord to determine if uses would be incompatible.

Ms. Russell made a motion in favor of sending a letter to the Common Council stating its finding that the proposed amendment is appropriate as to form, recommending the scheduling of a public hearing on the proposed amendment, and recommending approval of both the proposed zoning amendment with the additional recommendation that the Common Council consider permitting the use in the B-1 zoning district, Mr. Durante seconded; the motion carried unanimously.

(206-19) **Proposed Amendment to the Zoning Ordinance** in relation to amending Section 10.4.4, Notice of Hearing Before the Board, and Section 12.7, Notice of Hearing, **to require posting of signage noticing a public hearing on a subject property.** Common Council referral.

Katie Crawford, Planner, made a presentation to the Board presenting the proposed amendment to the zoning ordinance to amend Section 10.4.4 and Section 12.7; both sections deal with noticing public hearings.

The amendments will require projects requiring a public hearing place proper signage on the subject property no less than 10 days prior to the hearing. One sign is required for every 500 feet of frontage, corner lots must have one sign per frontage, no more than 2 signs per property. The signs must be placed 20' from the property line. The signs will be 2' x 3', made of sturdy, weather proof materials, and will have a white background with black text. The applicant will be responsible for maintaining the sign's visibility and legibility while it is posted. The sign must be revised if the project must go before more than on board. The sign must be removed 5 days following the final decision by the approving body.

Ms. Oliva feels that the City should do this, every other community does this, and that the act is a neighborly thing to do. Ms. Cabrera added that it would be a good way of letting people in the area know what's going on.

Ms. Russell asked if this would be in place of the public notice in the paper. No, this would be in addition to. Ms. Russell feels that this extra step will be too much of a burden on property owners and could potentially delay projects in the case that signs did not meet the specifications. She also feels that there would be a potential for vandalism of the signs, especially with the requirement that they be placed within 20' of the road.

Commissioner Gomez clarified that the sign specifications could be updated by the Planning and Building Department if issues arose. The departments are currently exploring ways to provide uniform signs to applicants.

Mr. Ioris feels that the improper signage should not be reason to delay a hearing.

Mr. Durante asked why additional notice would be necessary if properties within 500' of the subject property are already being noticed. The issue is typically with noticing co-ops; current requirements only send the notice to the co-op board and it is at their discretion if the notice gets passed along to individual units. Mr. Durante also suggested that the signs be placed closer to the lot line and that the requirement only apply to larger projects, or only projects going before the Common Council, or only commercial projects.

Mr. Gruenfeld added that if residents want to be informed there are other mechanisms to do this - sign up for City emails, check the website, read the paper, etc. There also may be challenges with sign enforcement, removal, etc. - this will add an additional burden for City staff.

Ms. Oliva made a motion in favor of sending a letter to the Common Council stating its finding that the proposed amendment is appropriate as to form, recommending the scheduling of a public hearing on the proposed amendment, but would like to review the amendment further at the next meeting of the Board, Ms. Cabrera seconded; the motion carried with 6 yes and 1 no.

(207-19) **Adoption of the new Affordable Housing Rental Program (ARHP) Regulations** as Chapter 9-7 of the Municipal Code and amending certain sections of the Zoning Ordinance regarding Affordable Housing. Common Council referral.

Planning Commissioner Gomez made a presentation to the Board presenting the proposed amendment to the zoning ordinance to amend certain sections pertaining to the City's Affordable Rental Housing Program (ARHP). The action before the Board is to amend the Zoning text to remove reference to the old program and to include text that references the new section of the City Code that will include affordable housing.

The goal of the revised policy is to increase the number of affordable units produced without hindering development in the City. The ARHP currently has 164 units in the program; with recently approved developments and projects currently being proposed that number could increase by 200%.

The current program serves households making 60% to 100% of the Area Median Income (AMI) for Westchester County. It is proposed that the new policy serve households at 50% to 80% AMI. Other changes include the percent of units required to be set aside - the current program requires a 10% set aside for households making 80% AMI, with approval by the Common Council this could be a 6% set aside for households at 60% AMI. The new program will allow developers to choose between a 12% set aside for households at 80% AMI or an 8% set aside for households at 60% AMI with some units designated for households at 50% AMI.

The new program also establishes a buy out option for developers. This would allow a certain percentage of the required affordable units to be bought out in lieu of providing those units. These funds would go into an Affordable Housing Trust Fund (AHTF) that will used to provide affordable housing using other mechanisms.

Mr. Ioris asked if there is an asset limit for households. Yes, assets are capped at 100% AMI for the size of the households, excluding retirement funds and college savings accounts.

Ms. Oliva asked if there will still be a resident preference component of the new policy. Currently there is not a preference included, however, the Planning Department is researching ways that this could be included without violating Fair Housing Laws.

Ms. Russell asked what happens to residents when they no longer qualify. There are cases where households will move from one income level to the next (from 60% AMI to 80% AMI) if there is a unit in the next income level available we move them up. If they are no longer eligible for the program they are required to leave the apartment within a set period of time. Households are recertified annually to determine their eligibility for the program.

Mr. Ioris asked if the 12% set aside would be a deterrent to development. Following analysis by the Planning Department, it depends on project specifics such as the scale of the project.

Ms. Oliva asked how much is currently in the AHTF and how this fund will be used. \$90,000; the Planning Department is currently researching ways that these funds can go back into the community. Ms. Oliva asked if developers are choosing the buy out option in other communities. It depends on the size of the project, location, local economics, etc.

Mr. Durante feels that the set aside requirement is too high and that the burden should not be placed on the developers since they are the ones taking the risk. If there is a community need for affordable housing that burden should be taken on by the tax payers. Mr. Durante added that we should be providing additional incentives to developers if we are making this a requirement and that it is unfair to the developer if we are unable to fill their units.

Mr. Durante suggested that the set aside should only apply to projects with 30 units or more to defray costs. He added that the buy out fee should also be lower for these smaller projects.

Ms. Russell made a motion in favor of sending a letter to the Common Council stating its finding that the proposed amendment is appropriate as to form, recommending the scheduling of a public hearing on the proposed amendment, but would like to review the amendment further at the next meeting of the Board, Mr. Durante seconded; the motion carried unanimously.

Ms. Oliva made a motion to close the meeting; Ms. Russell seconded, and the motion carried unanimously. The meeting adjourned just before 9:30 pm.

#### **ADJOURNED – NO DISCUSSION AT THE MEETING**

(245-18) **91 Palmer Avenue**; R1-5 (Residential Single Family) Zoning District 241 Rock Creek Road, Scarsdale, NY – **Site Plan Amendment for Grading in Wetlands and Buffer**. Environmentally Sensitive Site.