

**WHITE PLAINS PLANNING BOARD  
MINUTES FOR THE MEETING OF MARCH 21, 2023**

MEMBERS PRESENT: John Ioris, Anna Cabrera, John Kirkpatrick, Lauren Morris, Sarina Russell, and Vennela Yadhati

MEMBERS ABSENT: Lynn Oliva

CB REPRESENTATIVE: None

COMMON COUNCIL: None

STAFF MEMBERS: Eileen McClain, Planning Board Secretary  
Arthur Gutekunst, Senior Assistant Corporation Counsel

**NEXT MEETING OF THE BOARD** – The April 18, 2023 meeting was announced.

**ADOPTION OF FEBRUARY 21, 2022 MEETING MINUTES** - Adopted.

**SCHEDULE PUBLIC HEARINGS**

(100-23) **49 Rockledge Avenue**; R2-4 Zoning District – **Two Lot Subdivision and Site Plan**  
(210-23) **Application for a Single Family House**. Environmentally Sensitive Site.

Kory Salomone, Rob Aiello, and Jaqueline Cohen represented the applicant. They described the proposed subdivision - 14,548sf lot divided into two lots: one 9,137sf lot with the existing two family house, which will remain, and one 5,411sf, which will be developed with a new single family house. The garage will be removed. The rock wall on Rockledge will remain.

Mr. Kirkpatrick asked for a cut/fill analysis. Mr. Aiello said that it has not been done yet.

Mr. Gutekunst asked that the steep slope analysis be put on the site plan drawing.

Mr. Kirkpatrick made a motion to schedule the public hearing for April 18, 2023; Ms. Russell seconded the motion, and it carried unanimously.

**PUBLIC HEARINGS**

(260-22) **T-Mobile Northeast LLC** – 41 Barker Avenue; RM-0.4 Zoning District – **Special Permit for a New Public Utility Antenna Facility**.

Ms. Russell made a motion to re-open the public hearing; Mr. Kirkpatrick seconded the motion, and it carried unanimously.

Chairman Ioris stated that concerns about the health risks of cellular antennas, however valid, are not relevant for the Planning Board's consideration because the Federal Communications Act prohibits the Planning Board from basing its decision on the environmental or health effects of radio frequency emissions if the antennas comply with FCC rules. He noted that this application complies with the FCC rules; therefore, this Board's decision cannot be based on health or environmental concerns.

Angela Poccia, attorney representing the applicant, described the proposed project, noting the need for the installation as capacity relief. She stated that alternative locations were not viable, and that the Design Review Board had no objection to the proposal based on the revised design of the stealth enclosure.

Frances Pechulty, RF Engineer, said that using the Ritz Carlton roof, as suggested last month, would not provide offloading for the three sites that are at capacity. Mr. Kirkpatrick suggested the parking structure on Barker Avenue and North Broadway as an alternative. Ms. Pechulty said that the 41 Barker Avenue site was selected because it allowed for the offloading of three existing antenna installations, and while other locations might be suitable for offloading one existing installation, a second or third additional offloading site would be needed.

Ms. Russell asked whether the antennas would interfere with computer operations as suggested last month, and what can be done to allay the health concerns of neighbors. Ms. Pechulty explained that T-Mobile is licensed to operate within a specific bandwidth to avoid interference, so there will be no interference with computers. She added that the proposed installation is a very low power facility.

*Bendith Hayward*, said that the FCC regulations are based on a 1996 study of the health effects of antennas. She said that the public are guinea pigs for the technology, and a T-Mobile study on RF emissions made a finding that there is a risk of cancer and cognitive impairments, and recommended precautions for vulnerable populations that have exposure for 4 hours or more.

\_\_\_\_\_, *41 Barker Avenue*, said that the microwave power stations are more dangerous than the antennas.

\_\_\_\_\_, asked what are the height requirements for the installation so that other sites can be suggested. Ms. Pechulty said that height of the proposed installation is 120 feet but that height is not the determining factor; it is line of site to existing antennas. She said that three other locations were considered, but the property owners were unwilling to lease the space to T-Mobile.

*Sharon Hausworth, 41 Barker Avenue*, said that vulnerable residents occupy the building, and it has not been proven that antennas do not cause health problems.

\_\_\_\_\_, *154 Church Street*, said that radio waves may or may not cause cancer. The American Cancer Society says that there has not been enough research to confirm health impacts, so why not postpone a decision until the data is in.

*Katie* \_\_\_\_\_, said that residents will have constant exposure, so there are cancer and other health concerns. She said not to approve the application.

Mr. Ioris said that the Board is not unsympathetic to the public, but that Federal law dictates that the Planning Board cannot deny the application on the basis of health concerns.

Mr. Gutekunst stated that the Planning Board can only consider aesthetic impact and the need for the facility, and that they cannot impose any additional requirements for a compliant application.

\_\_\_\_\_ asked if there is an actual need for the installation, and about the triangulation that resulted in the selected site. He suggested a garage instead of a residential building.

Ms. Morris said that the Board cannot “un-hear” the concerns of the public, and she asked if T-Mobile can find another location.

Ms. Poccia said that the “shot clock” ends on March 22, 2023, so the Board would need to vote at this meeting unless the applicant agrees to extend the clock, which they did not. She said that they are not ignoring the public concerns but the site was selected to fill a specific need. Ms. Pechulty said that T-Mobile investigated potential sites for months before selecting 41 Barker Avenue.

Mr. Kirkpatrick noted that the concerns and responses are circular, and he made a motion to close the public hearing; Ms. Cabrera seconded the motion, and it carried unanimously. Mr. Kirkpatrick made a motion to declare the Planning Board to be the Lead Agency for this Unlisted Action; adopt the environmental findings resolution, and approve the special use permit. Ms. Cabrera seconded the motion, and it carried unanimously.

(222-21) **135 Saxon Woods Road; R-12.5 Zoning District – Site Plan Amendment to legalize walls, driveway alterations, patio, and for a new bridge and deck expansion, and stormwater control features.** Environmentally Sensitive Site.

Mr. Kirkpatrick made a motion to re-open the public hearing; Ms. Russell seconded the motion, and it carried unanimously.

Christine Broda, R.A., played a video of the project proposal, and noted that the sewer line in the river will be recovered after work is completed. She noted that Scarsdale would likely act on the application at their meeting tomorrow night. She said that the rock walls are designed to stay in place except in a hurricane force storm, which could cause rocks to move.

Ms. Cabrera asked if there are other 45 degree walls along the stream. Ms. Broda said that the upstream walls are all 90 degree vertical walls. The timeline for construction is spring and early summer.

Ms. Yadhati asked about the longevity of the proposed walls. Ms. Broda responded that the 45 degree wall is preferred by engineers and hydrologists because it makes scouring less likely.

*Victor Sinansky, 131 Saxon Woods Road, made a PowerPoint presentation with three points: 1) proposed widening of river at Section 2-H3; 2) river slope; and 3) keeping cement and rocks on the applicant's site. He said that springtime is the worst time for the proposed construction due to environmental impacts on fish. He recommended November 15<sup>th</sup> through January 15<sup>th</sup>. He said that the County trunk line must be protected. The river was moved – he wants White Plains, Scarsdale and himself to agree on the centerline of the river. There are three versions of the hydrology report with different slopes – how was it calculated? The waterfall is new since Hurricane Ida. He pulls concrete out of the river, and he wants a long range plan for maintenance.*

Ms. Broda responded that Mr. Sinansky's comments about slope and velocity are only speculative because he has not been on the applicant's property. She said that the measurements were scientific, surveyed, and analyzed by a hydrologist who confirmed that the velocity of water will be slowed by the proposed project. The waterfall on Mr. Sinansky's property was not built by the applicant. No cement will be used in the construction of the sloped walls, but will be used in the vertical walls. The river has not moved except around the Westchester County sanitary sewer line manhole.

Mr. Kirkpatrick made a motion to adjourn the public hearing; Ms. Cabrera seconded the motion, and it carried unanimously.

- (203-22) **145 Saxon Woods Road; R-12.5 Zoning District – Site Plan Amendment for reconstruction of retaining walls and construction of a new footbridge over the Mamaroneck River.** Environmentally Sensitive Site.

Ms. Broda stated that the Scarsdale Planning Board approved the project at its February meeting, and she asked if the Board could approve this project.

The Board said that staff could begin reviewing the plans to expedite issuance of permits when the Board approves the plan, but they could not approve it without communications from the Department of Public Works and Environmental Officer.

#### **OTHER**

- (206-23) **Verizon Wireless – 78 North Broadway (Pace University) RM-1.5 Zoning District – Special Permit Amendment to Upgrade Cellular Antenna Facility.**

Michael Sheridan, attorney, described the proposed changes, all within the same stealth enclosure, so there will be no change to the appearance.

Ms. Russell made a motion to approve the proposed changes as an eligible facility with the conditions of the original approval and a condition that DPW find the RF Emission Report compliant. Mr. Kirkpatrick seconded the motion and it carried unanimously.

- (207-23) **Verizon Wireless – 70 Ferris Avenue (Madison House); RM-0.4 Zoning District – Special Permit Amendment to Upgrade Cellular Antenna Facility.**

Michael Sheridan, attorney, described the proposed changes, noting that there will be no new mounts, slightly smaller antennas, painted to match the other antennas, and equipment cabinet replacement.

Ms. Russell made a motion to approve the proposed changes as an eligible facility with the conditions of the original approval and a condition that DPW find the RF Emission Report compliant. Mr. Kirkpatrick seconded the motion and it carried unanimously.

- (208-23) **Mount Hope AME Zion Church – 65 Lake Street; B-3 Zoning District – One-year extension of site plan and special permit for construction of a building addition of 56 apartments.** – Environmentally Sensitive Site. Common Council referral.

Diana Cola, attorney, requested an extension of an approval granted in 2018, stating that delays are the result of increased financing costs, and noting that the applicant has sought funding from the County Housing Implementation Fund.

Ms. Russell made a motion to send a letter to the Common Council stating no objection to a one-year extension of the site plan and special permit approval; Ms. Cabrera seconded the motion, and it carried unanimously.

(209-23) **Restaurant 191** – 191 Mamaroneck Avenue; CB-1 Zoning District – **Special Use Permit for Outdoor Dining**. Common Council referral.

The applicant's architect explained that the former bank space would be divided into two restaurant spaces, and that the outdoor dining for Restaurant 191 would be across both spaces on the roof.

Mr. Kirkpatrick asked about screening, and the architect said that planters with LED lights would surround the dining area and a black rail would be installed.

Ms. Russell made a motion to send a letter to the Common Council stating no objection to approval of a special permit for outdoor dining; Ms. Cabrera seconded the motion, and it carried unanimously

The Planning Board's letter to the Common Council is attached hereto.

## **ADJOURNED**

(104-22) **Farrell Estates at Ridgeway Subdivision** – 336-400 Ridgeway, \_ Gedney Esplanade, 213-223 Bryant Avenue; R1-30 Residential Single-Family Zoning District – **106 Lot Subdivision**. Environmentally Sensitive Site.



## PLANNING BOARD

MUNICIPAL BUILDING · 70 CHURCH STREET · WHITE PLAINS, NEW YORK 10601

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EILEEN J. McCLAIN  
SECRETARY

March 22, 2023

TO THE HONORABLE MAYOR AND MEMBERS OF THE COMMON COUNCIL

SUBJECT: MOUNT HOPE AME ZION CHURCH – 65 LAKE STREET - ONE-YEAR EXTENSION OF SITE PLAN AND SPECIAL PERMIT FOR CONSTRUCTION OF A BUILDING ADDITION FOR 56 APARTMENTS

At its March 21, 2023 meeting, the Planning Board considered the application submitted by Mount Hope AME Zion Church for a one-year extension of the Site Plan and Special Permit approval that was granted by the Common Council on March 5, 2018, and extended on May 6, 2019, May 4, 2020, May 3, 2021, and April 4, 2022.

The project involves construction of a 4,352 square foot addition to the existing church for a 56-unit apartment building for senior citizens with household income of 60 percent of the area median income. The Special Permit is required because the addition brings the building height to six stories and 65 feet. The project also includes 72 parking spaces, with 47 designated for the church use and 25 designated for the residential use.

No changes are proposed to the approved project. The Planning Board has no objection to a one-year extension of the approval as requested.

Planning Board members voting in favor of a motion to send a letter to the Common Council stating no objection to the granting of a one-year extension of the Site Plan and Special Permit approval: J. Ioris, A. Cabrera, J. Kirkpatrick, L. Morris, S. Russell, and V. Yadhati (6); Opposed: None (0); Absent: L. Oliva (1).

Respectfully submitted,

**JOHN IORIS**

John Ioris, Chairman  
White Plains Planning Board



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March 22, 2023

TO THE HONORABLE MAYOR AND MEMBERS OF THE COMMON COUNCIL

SUBJECT: RESTAURANT 191 – 191 MAMARONECK AVENUE – SPECIAL USE PERMIT  
FOR OUTDOOR DINING

At its March 21, 2023 meeting, the Planning Board considered the application made by Mr. Paul Gjonaj for a Special Permit for Outdoor Dining at Restaurant 191 to be located on the roof of the building located at 191 Mamaroneck Avenue, and in a small area with two tables behind the building.

The Board supports outdoor dining downtown, and has no objection to approval of the Special Use Permit for Outdoor Dining for Restaurant 191.

Planning Board members voting in favor of sending a letter to the Common Council stating no objection to approval of the Special Use Permit for Outdoor Dining for Restaurant 191: J. Ioris, A. Cabrera, J. Kirkpatrick, L. Morris, S. Russell, and V. Yadhati (6); Opposed: None (0); Absent: L. Oliva (1).

Respectfully submitted,

**JOHN IORIS**

John Ioris, Chairman  
White Plains Planning Board