

**WHITE PLAINS PLANNING BOARD
MINUTES FOR THE MEETING OF APRIL 16, 2019**

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

MEMBERS ABSENT: John Durante

CB REPRESENTATIVE: None

COMMON COUNCIL: None

STAFF MEMBERS: Arthur Gutekunst, Senior Assistant Corporation Counsel
Linda Puoplo, Deputy Commissioner of Planning
Damon Amadio, Commissioner of Building
Luis Saiz, R.A., Plan Examiner - Building Department
Katie Crawford, Planner

NEXT MEETING OF THE BOARD

The May 21, 2019 meeting of the Planning Board was announced. This meeting will be held at 7:00 pm.

ADOPTION OF MINUTES

Minutes of the March 19, 2019 meeting were adopted.

SCHEDULE PUBLIC HEARINGS

(212-19) **39 Sammis Lane**; R1-12.5 Zoning District – **Site Plan Amendment**. Environmentally Sensitive Site.

Zachary Mazin, homeowner appeared before the Board to describe the site conditions. A patio was constructed at the back of the property without any of the required permits. The patio is located approximately 7' from the stream, which encroaches into the required 25' separation distance from a watercourse. Mr. Mazin explained that the home itself is located within the 25' separation distance and there is no way to have a back patio without significant encroachment.

Mr. Payne identified that he knows the applicant socially, but does not believe that the relationship will cloud his judgement.

Ms. Cabrera asked if other homes along the stream are similarly impacted. No, the other homes are located further away from the watercourse.

Ms. Russell noted that the patio is very large, and would like to hear staff and public comments on the matter.

Ms. Oliva made a site visit, and noted that the patio is very close to the stream and understands that there is very limited space in the backyard to place a patio. Ms. Oliva would like some sort of documentation to be placed in the building department file to let future owners know that structures should not be placed within the 25' separation distance.

Mr. Gruenfeld asked the homeowner if he knew that a patio needed a building permit prior to construction and if he knew that there were protections safeguarding environmentally sensitive features. Mr. Mazin claimed he was not aware. Mr. Gruenfeld asked if the patio could be relocated to behind the garage area to limit the impacts on the stream.

Mr. Ioris stated that a smaller patio with less encroachment would make it easier to approve, and does not want to set a precedent of allowing development in protected areas. Mr. Ioris requested that the Environmental Officer and Conservation Board review the site plan to determine what, if any, impact the patio is having on the stream.

Ms. Cabrera made a motion to schedule a public hearing for the May 21st meeting of the Board, Ms. Russell seconded; the motion carried unanimously.

(101-19) **60 South Broadway; CB-3 Zoning District – Subdivision Application.**

Neil Alexander, Attorney and Diego Villareale, Engineer appeared before the Board to present the proposed subdivision at 60 South Broadway. The subdivision is required to develop the project in phases. Phasing is required to obtain financing for the site plan approved this March.

Ms. Cabrera asked what the timeline will be. Phase I is expected to start in early 2020 and is estimated to take 3 years. Phase II is expected to begin immediately following the completion of Phase I and is estimated to take an additional 3 years.

Ms. Oliva asked why there is more parcel area in Phase I than II. The first Phase will need to construct a larger portion of the garage and open space to make the site fully functional during the development of Phase II. Ms. Oliva also asked how the gas moratorium is expected to impact the project. At this point it is still to be determined.

Mr. Gruenfeld asked if the garage will be built in phases too. Yes.

Mr. Gruenfeld made a motion to schedule a public hearing for the May 21st meeting of the Board, Ms. Cabrera seconded; the motion carried unanimously.

PUBLIC HEARINGS

(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.

Mike Gismondi, Architect, appeared before the Board. The project had received all building permits from the Village of Scarsdale, who failed to properly notify the City of White Plains. The City's Department of Public Works reviewed the soil and found it to be acceptable.

Mr. Ioris would like to ensure that there will be no further encroachment into the wetland area, as stated in the Conservation Board recommendations.

Ms. Oliva visited the site and found the portion located in White Plains to be extremely wet. Ms. Oliva also noted that the fill area did not look very good and asked if it will be restored. Landscaping is planned for the area.

Mr. Gruenfeld would like to include a document in the Building Department's file on the property indicating that there is an environmentally sensitive feature located on the property and how the wetland is to be treated.

No public comments were received.

Ms. Oliva made a motion to close the hearing, Ms. Russell seconded; Ms. Russell made a motion to declare the Planning Board as Lead Agency in this Type I Action, Ms. Cabrera seconded; Ms. Cabrera made a motion to accept the environmental finding resolution with the minor edit correcting the street address and including the conditions proposed by the Conservation Board, Ms. Oliva seconded; Ms. Russell made a motion to approve the site plan amendment, Ms. Cabrera seconded; all motions carried unanimously.

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

Bill Null, Attorney and Diego Villareale, Engineer appeared before the Board to present the revised two lot subdivision at 120 Bloomingdale Road. The subdivision is necessary for ownership purposes.

No further Board comments were received.

No public comments were received.

Mr. Gruenfeld made a motion to close the hearing, Ms. Cabrera seconded; Ms. Russell made a motion to declare the Planning Board as Lead Agency for this Unlisted Action, Mr. Gruenfeld seconded; Ms. Russell made a motion to approve the environmental finding resolution with the minor edit removing the firm's name, Ms. Cabrera seconded; Ms. Russell made a motion approving the subdivision, Mr. Gruenfeld seconded; all motions carried unanimously.

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

Bill Null, Attorney appeared before the Board to present the two lot subdivision proposed at 55 Bank Street. The subdivision is necessary to reflect the recently approved site plan amendment slightly modifying the buildings dimensions. The details of the subdivision are still being worked out and Mr. Null has requested that the hearing be adjourned until the May meeting of the Board.

Garen Manvelian, a resident at 4 Martine Avenue appeared before the Board to voice his concern over the height of the second tower, because the views from the unit will be impacted. Mr. Null explained that the site plan itself had already been approved and that the dimensions of the building itself are not up for debate. The notice of the public hearing, dated April 3, that had been sent to residents in the area was not written clearly and was misleading to Mr. Manvelian. Mr. Null clarified the issue with the resident and explained that the subdivision is for ownership and financing purposes.

Ms. Cabrera made a motion to adjourn the hearing until the May 21st meeting of the Board, Mr. Gruenfeld seconded; the motion carried unanimously.

(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 site plan for the two family home proposed at 52-54 Battle Avenue. The lot is currently a vacant, non-conforming lot in the RM-2.5 Zoning District. The property has received two variances from the Zoning Board necessary to permit this development.

The property is surrounded by multi-family structures on each side. The planting proposed on the site were selected to provide year round diversity, withstand our climate, and are low maintenance.

Mr. Oliva and Ms. Cabrera noted that the design is beautiful and fits well with the character of the neighborhood.

Ms. Oliva what will happen with the tree exiting on the property. The tree will be replaced in kind.

Ms. Russell asked if street parking is permitted during the day. Yes, except between the hours of 10-11 AM to deter all day commuter parking.

No public comments were received.

Ms. Russell made a motion to close the hearing, Mr. Gruenfeld seconded; Ms. Russell made a motion to declare the Planning Board Lead Agency on this Type I Action, Mr. Gruenfeld seconded; Ms. Russell made a motion to accept the environmental findings, Ms. Cabrera seconded; Ms. Russel made a motion to approve the project, Ms. Cabrera seconded; all motions carried unanimously.

OTHER

(209-19) **Esplanade of WP - One Year Extension of Site Plan Approval – CC**

David Steinmetz, Attorney, appeared before the Board to request a one year extension of the approved site plan for 95 South Broadway/4 Lyon Place aka the Esplanade of White Plains.

Commissioner Amadio stated that it has been 2 years since the project's initial approval, the status of the project has remained inconsistent. The applicant has contemplated changing the project and selling the property.

Mr. Steinmetz noted that Commissioner Amadio is correct. Mr. Steinmetz also offered that there are economic constraints that are making the project difficult to build, and that the building's condition was not well known at the time of approval. Since approval, the owner has undergone stabilization efforts and scaffolding and a pedestrian bridge have been placed on the property to protect the public.

Mr. Ioris feels that there is no reason to not recommend extension because most of the major projects in the area have needed a few extensions before construction activities can commence.

Mr. Gruenfeld felt that the site plan should not be extended since this project is an adaptive reuse and has been an eyesore for the area and thus should move more quickly than other approved projects.

Ms. Russell feels that it is appropriate to recommend the extension because this project would be further along than any alternative.

Ms. Cabrera made a motion to send a letter to the Common Council with no objection to approving the one year site plan extension, Ms. Russell seconded, the motion carried with 5 yes and 1 no.

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

- (210-19) **Mount Hope AME Zion Church - 65 Lake St – One Year Extension of Special Permit and Site Plan Approval for a 6-story, 56 unit building, & church addition.** Common Council referral.

Annie Klein, Attorney, appeared before the Board to request a one year extension of the approved site plan for 65 Lake Street. There have been no changes to the project and the 100% affordable housing project requires complicated project financing.

Mr. Gruenfeld stated that he has no objection to approval due to the complex nature of this project and its affordable component.

Ms. Payne offered that he knows the Reverend of the Church but it will not impact his decision on the extension.

Ms. Oliva made a motion to send a letter to the Common Council with no objection to approving the one year site plan extension, Mr. Gruenfeld seconded, the motion carried unanimously.

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

- (211-19) **The Collection - Westchester/Franklin – One year Extension of Special Permit and Site Plan Application for a proposed mixed use development.** Common Council referral.

Annie Klein, Attorney, appeared before the Board to request a one year extension of the approved site plan for The Collection. There have been no changes to the project. Since approval the applicant has been moving forward with negotiating easements with neighboring properties, removing a restrictive convenient with the nearby school, and negotiations with the City.

Mr. Gruenfeld stated that he does not see an issue recommending this extension since there has been tangible progress in the project.

Mr. Gruenfeld made a motion to send a letter to the Common Council with no objection to approving the one year site plan extension, Ms. Cabrera seconded, the motion carried unanimously.

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

(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, introduced the proposed public notice signage requirement. The required signage would be in addition to the existing noticing requirements which are:

- a single day publication in the Journal News
- mailing letters to owners within a 200' radius
- submit proof of mailing

Fillable templates have been created and will be available online for applicants to download and input the required information. Applicants can either print themselves or have them sent to a printer.

Mr. Payne stated that he has seen similar signs in other communities and feels that they are important because no one reads the paper anymore.

Ms. Cabrera agreed with Mr. Payne's statements.

Ms. Oliva restated her opinion that public notice signage is a neighborly thing to do and that it increases the City's transparency.

Ms. Russell feels that single family and two family homes should be exempt from the requirement to reduce burden on homeowners. She also feels that the length of time the signs are required to be posted is too long (10 days prior to the hearing).

Mr. Gruenfeld likes the idea of the signs and agrees with Ms. Russell that the smaller applications should be exempt from the requirement. Mr. Gruenfeld asked who would be responsible for sign removal if it became an issue. Commissioner Amadio stated that the signs would be treated as any other property maintenance violation and would be enforced by the Building Department.

Ms. Russell feels that this will take too much staff time away from other things.

Ms. Oliva asked if the signs will be waterproof. Yes, applicants would be asked to have the signs printed on material similar to that of a campaign poster.

Mr. Ioris agrees that posting signage is a neighborly act and that he does not like hearing residents say that they were unaware of applications. Mr. Ioris also stated that the requirement should apply to all applications - if the action is important enough to require a public hearing then the signage requirement should apply.

Ms. Oliva made a motion to send a letter to the Common Council stating that the Board has no objection to the adoption of the proposed amendment to the Zoning Ordinance to require the posting of signs on properties that are the subject of a public hearing, Ms. Cabrera seconded; the motion carried 5 yes and 1 no.

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

(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.

Katie Crawford, Planner, introduced the proposed zoning text amendment that replaces references to the current Affordable Housing requirements and replaces them with a reference to the Municipal Code where the new requirements will be placed following their adoption.

Ms. Oliva asked if any specifics of the policy had changed. No they are the same as what has been presented at the last Board meeting.

Mr. Ioris at the March meeting stated that he has issues with the buy out requirement, but had since work with the numbers and feels that it is set at an appropriate amount. Mr. Ioris also stated that the set aside requirements of 12% and 8%, in his opinion, may hinder development.

Deputy Commissioner Puoplo commented that all components of the policy have been crafted to work together and you cannot change one component without impacting the others. The final product is the best way to continue producing affordable housing units with limited impact of development, while also making necessary changes to the program from an administrative perspective.

Ms. Oliva asked if developers or other sectors had come out in opposition to the policy. No, none at this time.

Ms. Russell likes that the new policy will be expanded to all zoning districts. Ms. Russell also stated concern over affordable units being built but not being able to be filled. Deputy Commissioner Puoplo stated that the set aside and the AMI levels served have been selected to best suit the City's affordability needs and that there should not be a problem with filling these units.

Ms. Russell made a motion to send a letter to the Common Council stating that the Board has no objection to the adoption of the proposed amendment to the text of the Zoning Ordinance with respect to Affordable Housing, Ms. Cabrera seconded; the motion carried unanimously.

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

Ms. Oliva made a motion to close the meeting; Ms. Cabrera seconded, and the motion carried unanimously. The meeting adjourned just after 9:00 pm.



PLANNING BOARD

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

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CHRISTOPHER N. GOMEZ, AICP
COMMISSIONER OF PLANNING

LINDA K. PUOPLO
DEPUTY COMMISSIONER

EILEEN J. McCLAIN
SECRETARY

April 24, 2019

TO THE HONORABLE MAYOR AND MEMBERS OF THE COMMON COUNCIL

SUBJECT: ESPLANADE OF WHITE PLAINS – ONE YEAR EXTENSION OF SITE PLAN APPROVAL

At its April 16, 2019 meeting, the Planning Board reviewed the application for a one year extension site plan approval, which was granted by the Common Council on April 4, 2016.

No changes are proposed to the approved plan and no zoning changes have been made to the surrounding area. Therefore, the Planning Board has no objection to the one year extension, as requested.

Planning Board members voting in favor of the motion to find no objection to the one year extension were: J. Ioris, L. Oliva, S. Russell, A. Cabrera, and R. Payne (5); Opposed: L. Gruenfeld (1); Absent: J. Durante (1).

Respectfully submitted,

JOHN IORIS

John Ioris, Chairman

White Plains Planning Board



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April 24, 2019

TO THE HONORABLE MAYOR AND MEMBERS OF THE COMMON COUNCIL

SUBJECT: MOUNT HOPE AME ZION CHURCH – ONE YEAR EXTENSION OF
SPECIAL PERMIT AND SITE PLAN APPROVAL

At its April 16, 2019 meeting, the Planning Board reviewed the application for a one year extension of special permit and site plan approval for a 6-story, 56 unit building, and church addition, which was originally approved by the Common Council on March 5, 2018.

No changes are proposed to the approved plan. Therefore, the Planning Board has no objection to the one year extension, as requested.

Planning Board members voting in favor of the motion to find no objection to the one year extension were: J. Ioris, L. Oliva, S. Russell, A. Cabrera, L. Gruenfeld, and R. Payne (6); Opposed: None (0); Absent: J. Durante (1).

Respectfully submitted,

JOHN IORIS
John Ioris, Chairman
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April 24, 2019

TO THE HONORABLE MAYOR AND MEMBERS OF THE COMMON COUNCIL

SUBJECT: 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

At its April 16, 2019 meeting, the Planning Board reviewed the proposed amendment to the Zoning Ordinance with respect to public notice requirements. The Board generally felt that such signs are common in other communities and that they increase public awareness, which increases transparency. The Board noted that people rely less on printed newspapers for information, so adding property signs as a public notice requirement will increase awareness.

Although there was discussion about exempting one- and two-family homes from the posting requirement, the Board voted to recommend approval of the amendment to the Zoning Ordinance as proposed.

Planning Board members voting in favor of the motion to recommend approval of the proposed amendment to the Zoning Ordinance: J. Ioris, L. Gruenfeld, L. Oliva, A. Cabrera, and R. Payne (5); Opposed: S. Russell (1); Absent: J. Durante (1).

Respectfully submitted,

JOHN IORIS

John Ioris, Chairman

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EILEEN J. McCLAIN
SECRETARY

April 24, 2019

TO THE HONORABLE MAYOR AND MEMBERS OF THE COMMON COUNCIL

SUBJECT: 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

At its April 16, 2019 meeting, the Planning Board reviewed the proposed amendment to the Zoning Ordinance with respect to replacing references to the current affordable housing requirements with a reference to Chapter 9-7 of the Municipal Code where the new requirements will be placed following their adoption.

The Board expressed concerns related to the regulations, such as whether the proposed increased requirement would hinder development and whether there will be enough tenants to fill the affordable units, but overall felt that changes to the regulations are positive.

Regarding the proposed amendment to the Zoning Ordinance to make the Affordable Rental Housing Program regulations uniform by reference to the Municipal Code, the Board had no objection.

Planning Board members voting in favor of the motion to find no objection to the proposed amendment to the Zoning Ordinance with respect to references to affordable housing requirements: J. Ioris, L. Gruenfeld, L. Oliva, A. Cabrera, R. Payne, and S. Russell (6); Opposed: None (0); Absent: J. Durante (1).

Respectfully submitted,

JOHN IORIS

John Ioris, Chairman

White Plains Planning Board