

**WHITE PLAINS PLANNING BOARD
MINUTES FOR THE MEETING OF JULY 18, 2023**

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

MEMBERS ABSENT: John Kirkpatrick

CB REPRESENTATIVE: None

COMMON COUNCIL: None

STAFF MEMBERS: Eileen McClain, Planning Board Secretary
Les Maron, Senior Assistant Corporation Counsel
Luis Saiz, R.A., Building Department

NEXT MEETING OF THE BOARD – September 19, 2023 – Announced

ADOPTION OF JULY 20, 2023 MEETING MINUTES – Adopted

SCHEDULE PUBLIC HEARINGS

(239-23) **101 Hillair Circle**; R1-30 Zoning District – **Site Plan Amendment for an In-ground Swimming Pool, Patio, and Driveway**. Environmentally Sensitive Site.

Shahin Badaly, P.E., described the project: 20' x 40' in-ground pool with staggered walls and patio terrace around it; 5,000sf of new impervious surface; new driveway to replace the existing driveway which was described as too narrow; driveway follows steep slopes in front yard; the rock outcropping will be removed from the site; construction was started and stopped by the Building Department.

Ms. Oliva made a motion to schedule the public hearing for September 19, 2023; Ms. Russell seconded the motion, and it carried unanimously.

PUBLIC HEARINGS

(211-23) **Dish Wireless** – 5 Barker Avenue (Residence Inn by Marriott); CB-4 (Core Business-4) – **Special Permit for a Public Utility Antenna Facility**.

The public hearing was re-opened.

Angela Poccia, attorney, reviewed the RF emissions report, and noted that DPW had no objection to approval of the Special Permit. Ms. Oliva noted that the independent consultant hired by the DPW found that the application complies with FCC standards.

Jeffrey Klein, 25 Rockledge Avenue, said that Mr. Gutekunst said that if the project complies with FCC regulations, the Planning Board has no basis for denial, but he believes the project does *not* in compliance. The Planning Board finds facts. Denial of the application will force the applicant to make it better. The emissions are 3,094% of the MPE. The independent consultant's report is inadequate because it includes no risk analysis and does not evaluate the accuracy of the applicant's RF report. Deny the application because no other sites were considered and no diligent search was done. Consider 440 Hamilton and the Omni Hotel buildings.

Stephanie Tocci, 25 Rockledge Avenue - made a PowerPoint presentation with: a recap of her statements made at the public hearing in June; the site is at a topographic low point, socio-economic inequity influences site selection, there was a lack of governmental response to her request for information about Planning board oversight and accountability; the project is designed for 9 antennas; equipment specifications for testing; hours of RF exposure; cumulative effects of RF exposure and impact on sick and disabled populations; public notice was not provided to renters; 48% of nearby residents are renters; public notice was only provided in English; no remote option was provided for the public hearing; the Avalon apartment building did not post notice of the public hearing; 48% of White Plains population is low-moderate income and cannot come to the public hearing; a Montana case held that the public is entitled to clean and healthful environment; NYS has the same entitlement; and it is part of the DPW mission statement.

Nancy Nakai – concerned about Dish Network. In December, Dish was required to pay substantial fines to the FCC for non-compliance; of 1293 complaints against Dish Wireless, only 22% have been resolved; Dish Wireless is non-responsive to complaints; who should the public call if they get sick; she worked for Motorola and noted that colocation makes other companies come to a site. Deny the application.

David Brotwell, Rockledge Avenue - The consultant report says necessary for the site to have warning signs. Unwelcome projects decrease property values, which will reduce property taxes.

Ms. Oliva said that the engineers report states clearly that the project complies with FCC requirements.

Ms. Poccia said that 70 Ferris Avenue and 50 Main Street were considered for the installation but the property owners were unwilling to lease space. She did not know if 440 Hamilton was approached. Dish engineers consider topography, building height, need, in site selection, but they also need a willing landlord. She noted that Dish has no plans for additional antennas at this site at this time.

Ms. Russell said that if the application is denied, the Board will be sued by the applicant, and if the Board does not act on the application, it will be deemed approved due to “shot clock” time limits.

Ms. Morris said that she is aware of the reports and the FCC regulations, but that she cannot ignore the neighbors’ concerns.

Ms. Yadhati said that accessibility to public hearings needs to be addressed at a different level of government. She noted that she is an engineer, and that she can’t vote on a feeling; she would need a basis for denial.

Stephanie Tocci, 25 Rockledge Avenue, said that the reports are unclear and that they are only as clear as the applicant wants them to be. She wants facts to support the conclusion presented to the City staff and Board. She urged the Board not to act out of fear of lawsuits. Federal, State, and local mandated are being ignored if the project is approved by the Board.

Leslie Bartfeld – The applicant did not adequately consider other sites; if there is an unwilling landlord, find another site.

Jeffrey Klein, 25 Rockledge Avenue – said that the independent consultant hired by DPW was not instructed to verify calculations; only to do a completeness checklist.

Miah Guttman, Westage Towers – The application should be denied because three alternative locations were not considered. It is the wrong location.

Glen Stahl, Westage Towers, asked about post-installation testing. He said 5-year intervals of testing is too infrequent.

Ms. Oliva made a motion to: close the public hearing; declare the Planning Board to be the Lead Agency for this unlisted action; adopt the Environmental Findings Resolution; and approve the proposed project. Ms. Russell seconded the motion, noting that she is voting yes because of (f) of the environmental findings. Ms. Cabrera and Yadhati, and Mr. Ioris voted in favor of the motion, and it carried. Ms. Morris voted against approval.

(231-23) **13 Elmwood Road; R1-12.5 Zoning District – Site Plan Amendment for Re-grading of Rear Yard. Environmentally Sensitive Site.**

The public hearing was opened.

Nicholas Shirriah, engineer, presented the proposal.

No public comments were made.

Ms. Russell made a motion to: close the public hearing; declare the Planning Board to be the Lead Agency for this Type I Action; adopt the Environmental Findings Resolution; and approve the proposed project. Ms. Cabrera seconded the motion, and it carried unanimously.

- (229-23) **1148 Mamaroneck Avenue – Site Plan Amendment for Installation of an In-ground Swimming Pool.** Environmentally Sensitive Site.

The public hearing was opened. No public comments were made.

The Board reviewed the environmental findings resolution conditions and determined that they should be addressed prior to approval.

This matter was adjourned.

OTHER

- (240-23) **20 Haarlem Avenue, 27 Holland Avenue and 7-11 Holland Avenue; LIM-2 - Site Plan Approval Extension.** Common Council referral.

Annie Klein, attorney, described the project and noted that construction will start when financing has been secured.

Ms. Cabrera made a motion to send a letter to the Common Council stating no objection to approval of a one-year extension; Ms. Oliva seconded the motion, and it carried. Ms. Russell recused herself from the vote.

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

- (241-23) **221-227 West Street; R1-12.5 Zoning District – One-year Extension of the Site Plan Approvals for Three Lots.** Environmentally Sensitive Sites

Angela Poccia, attorney, stated that construction delays are due to relocation of The Windward School to 1275 Mamaroneck Avenue and increased construction costs. Ms. Russell made a motion to approve a one-year extension; Ms. Cabrera seconded the motion and it carried unanimously.

The meeting adjourned at 8:35pm.

ADJOURNED

- (223-23) **56 Primrose Street – Site Plan Application for a New Driveway.** Environmentally Sensitive Site.

- (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.
- (232-23) **1024 Hall Avenue**; R1-5 Zoning District – **Site Plan Amendment for a Single Family House**. Environmentally Sensitive Site.
- (234-23) **154 Purdy Avenue**; R1-12.5 Zoning District – **Site Plan Amendment for a house Addition**. Environmentally Sensitive Site.



PLANNING BOARD

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August 22, 2023

TO THE HONORABLE MAYOR AND MEMBERS OF THE COMMON COUNCIL

SUBJECT: NW PLAINS VENTURE LLC - 20 HAARLEM AVENUE, 27 HOLLAND AVENUE,
AND 7-11 HOLLAND AVENUE – ONE-YEAR EXTENSION OF THE SITE PLAN
APPROVAL FOR A MIXED-USE DEVELOPMENT

At its August 15, 2023 meeting, the Planning Board considered the request for a one-year extension of the site plan approval granted by the Common Council on August 2, 2021 for a multi-family development consisting of two buildings with a total of 296 apartments, 381 parking spaces, 1,000 square feet of neighborhood retail space, and a 14,800 square foot park.

No changes are proposed to the approved plan, and no changes have occurred in the surrounding area. Therefore, the Planning Board has no objection to approval of the site plan extension.

Planning Board members voting in favor of a motion to send a letter to the Common Council stating no objection to approval of the one-year extension as requested: J. Ioris, A. Cabrera, L. Morris, L. Oliva, and V. Yadhati (5); Opposed: None (0); Absent: J. Kirkpatrick (1); Recused: S. Russell (1).

Respectfully submitted,

JOHN IORIS

John Ioris, Chairman

White Plains Planning Board