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CITY OF WHITE PLAINS  
DEPT OF BUILDING

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09/28/2018

BY HAND

Hon. Thomas M. Roach, Mayor, and  
Members of the Common Council  
City of White Plains  
255 Main Street  
White Plains, New York 10601

Re: 52 North Broadway, White Plains, New York (the "Premises" or the "Site")

Dear Mayor Roach and Members of the Common Council:

On behalf of WP Development NB LLC (the "Applicant"), we respectfully submit this letter in furtherance of our July 23, 2018 letter to the Council and to provide a further update.

**The September 23, 2018 Site Visit**

1. The September 23, 2018 visit by Councilwoman Lecuona, Councilman Krolian, Commissioner Gomez, and two residents of the Stewart/Ross neighborhood, Maria Gallagher and Olga Kalyvas for a tour of the existing buildings. On behalf of the Applicant, the following individuals also attended the Site Visit: Karl Mittermayr, Justin Winiarz and Alex Posada of George Comfort & Sons; Geoff Thompson, Thompson & Bender; Amy Crader and Peter Feroe of AKRF, Inc.
2. Following up on the Site Visit, we respectfully enclose a letter from Peter Feroe of AKRF, Inc. addressing questions raised during the two-hour Site Visit. Mr. Feroe's letter also provides the Council with the latest details of the proposed Site Plan, including the plans. (As you know, the revised plans reduce the height and density of the project, eliminate all truck activity from Ross Street, other than garbage pick-up by City of White Plains sanitation trucks, and preserve the western façade of the convent).
3. Previously, the Applicant had coordinated a Site Visit by members of the City's professional staff. Should other Council members have an interest in participating in such a tour, please let us know and we will find a mutually convenient date for it to proceed.

NOT APPLICABLE TO FILE ISSUE

CHAS GOMEZ

**The Status of the Review of Landfill**

4. As noted in the enclosed letter to Commissioner Amadio, dated September 12, 2018, the Applicant and New York State Department of Environmental Conservation ("DEC") have signed an Order on Consent setting forth a protocol and timetable to remedy certain conditions on the portion of the Site that contains a construction and demolition debris ("C&D") landfill (the "Landfill").



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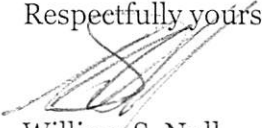
5. Consistent therewith, the investigations of the Landfill requested by DEC were performed last week under its supervision. Based thereon, it was determined that the fence posts installed by the prior ownership had not compromised the geomembrane liner. In addition, testing of exposed portions of the geomembrane liner confirmed the liner retained adequate tensile strength.
6. In accordance with the executed Order on Consent, the Applicant submitted a Landfill Repair Plan ("LRP") to DEC on September 26, 2018 for its review and comment. The LRP details the engineering approach to remedying certain conditions of the Landfill identified by DEC in the Order on Consent. Upon DEC approval of the LRP, the Applicant anticipates commencing the LRP repair work, immediately.
7. DEC has commented on the City's proposed subsurface sampling plan for the Landfill that was prepared by the City's independent consultant. It is the Applicant's expectation that the details of the City's consultant's plan should be finalized soon.
8. In cooperation with the City's review of the condition of the Landfill, the Applicant and the City's consultant have coordinated details of an access agreement allowing access to the Site. The City's consultant also has furnished the Applicant the necessary certificates of insurance, consistent with the terms of the access agreement. The access agreement will be executed upon DEC approval of the workplan, which is an exhibit to such agreement.

As noted, we consider it important to keep the Council apprised of the status of this matter and the Applicant intends to continue being transparent in that regard.

#### Conclusion

We respectfully submit that the information set forth herein should be made a part of the official record in this Application. Thank you for your consideration in this matter.

Respectfully yours,



William S. Null

WSN:yp; Enclosures

Cc: John G. Callahan, Esq., Chief-of-Staff and Corporation Counsel; **Damon Amadio, Commissioner of Building**; Christopher Gomez, Commissioner of Planning; Peter S. Duncan, Karl Mittermayr and Justin Winiarz; Anthony F. Veneziano, Jr., Esq. and Mark P. Miller, Esq.; Carl Ordemann & Michael Berger; Nina Peek, Amy Crader and Peter Feroe; Robert Aiello; Geoffrey Thompson; and Clifford L. Davis, Esq.