

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

CITY OF WHITE PLAINS  
URBAN RENEWAL AGENCY BOARD

-----X  
PUBLIC HEARING: Re: To Consider the  
Proposed Acquisition by Condemnation of  
Certain Real Property Located in the City  
of White Plains, Pursuant to Article 2 of  
the New York Eminent Domain Procedure Law

September 5, 2019 - 10:05 A.M.  
at  
City of White Plains  
Corporation Counsel  
255 Main Street  
White Plains, New York 10601

-----X

B E F O R E :

HONORABLE THOMAS M. ROACH, Chair  
NORMAN DICHIASA, Board Member  
JAMES GLATTHAAR, Board Member  
DANIEL MORIARTY, Board Member

ALSO PRESENT:  
JOHN CALLAHAN, ESQ., White Plains  
Corporation Counsel

CHRISTOPHER GOMEZ, Planning Director, City  
of White Plains  
SHAWN GRIFFIN, ESQ., Special Counsel,  
Harris, Beach PLLC

THE PUBLIC THE PRESS

PROCEEDINGS

1  
2 CHAIRMAN ROACH: I call the  
3 meeting of the Urban Renewal Agency  
4 to order at 10:05 a.m. We'll move to  
5 roll call.

6 MR. GOMEZ: Mr. Dichiasa.

7 MR. DICHIASA: Here.

8 MR. GOMEZ: Mr. Moriarity.

9 MR. MORIARTY: Here.

10 MR. GOMEZ: Mr. Glatthaar.

11 MR. GLATTHAAR: Here.

12 MR. GOMEZ: Chairman Roach.

13 CHAIRMAN ROACH: Here. The  
14 first item on our agenda is a public  
15 hearing to consider the proposed  
16 acquisition by condemnation of  
17 certain real property located in the  
18 City of White Plains, pursuant to  
19 Article 2 of the New York Eminent  
20 Domain Procedure Law. Is there a  
21 motion to open the public hearing.

22 MR. GLATTHAAR: So moved.

23 MR. MORIARTY: Second.

24 CHAIRMAN ROACH: All in favor?

25 (Chorus of ayes)

PROCEEDINGS

CHAIRMAN ROACH: Opposed?

(No response)

CHAIRMAN ROACH: The hearing is open. We are here today on the fifth day of September, 2019 at 10:00 a.m. at the Common Council Chambers located at 255 Main Street, in the City of White Plains, to open and conduct a public hearing concerning the proposed acquisition, as such term is defined under the New York Eminent Domain Procedure Law, hereinafter referred to as the EDPL, by the City of White Plains Urban Renewal Agency, or as otherwise referred to as the Agency, of certain real property, as such term is defined under the EDPL, comprising thirteen tax parcels and approximately 4.18 acres.

I would now like to introduce Shaw Griffin, special counsel to the White Plains Urban Renewal Agency, to outline procedures in connection with

PROCEEDINGS

1  
2 today's public hearing.

3 Mr. Griffin.

4 MR. GRIFFIN: Thank you very  
5 much. The public hearing is being  
6 conducted pursuant to the EDPL in  
7 order to inform the public and to  
8 review the public use to be served by  
9 the proposed acquisition of the  
10 parcels, the parcels will be in a  
11 moment, and the impact on the  
12 environment and neighboring  
13 residents.

14 In accordance with the EDPL,  
15 notice of this public hearing was  
16 duly published in the Journal News on  
17 August 23rd, 24th, 25th and 26th and  
18 27th, 2019 as required by the EDPL.  
19 Such notice is hereby submitted and  
20 entered into the record of this  
21 public hearing as Exhibit A. I'll  
22 hand this to the stenographer as  
23 Exhibit A.

24 (Exhibit A handed)

25 MR. GRIFFIN: Any person in

## PROCEEDINGS

1  
2 attendance at this public hearing  
3 will be given a reasonable  
4 opportunity to present oral or  
5 written statements and to submit  
6 other documents concerning the  
7 Agency's proposed acquisition of the  
8 parcels. If you would like an  
9 opportunity to speak at this public  
10 hearing or to submit a written  
11 statement or other documents, please  
12 sign in at the sign-in table.

13 There's a sign-in sheet that looks  
14 like this. If you have not done so  
15 and would like to speak, please sign  
16 in. Names will be called in the  
17 order in which they are signed in.

18 Persons unable to attend this  
19 public hearing, or persons in  
20 attendance, may submit to the Agency,  
21 after this public hearing, any  
22 written statements or other related  
23 documents regarding the Agency's  
24 proposed acquisition of the parcels.  
25 Any written statements and/or other

## PROCEEDINGS

1  
2 documents will become part of the  
3 public hearing record. However, they  
4 must be submitted to the City of  
5 White Plains Urban Renewal Agency,  
6 care of Chris Gomez, who sits to my  
7 left, Executive Director of the  
8 Agency, 70 Church Street, White  
9 Plains. Comments received after the  
10 close of business on Monday,  
11 September 16th, 2019 will not be  
12 considered. Between today and  
13 Monday, September 16th, you will have  
14 an opportunity to put in additional  
15 written comments.

16 The hearing is not a question  
17 and answer session. It is, instead,  
18 an opportunity to present comments  
19 and/or objections to the Agency  
20 regarding the proposed acquisition of  
21 the parcels so that such comments or  
22 objections may be considered by the  
23 Agency when it makes its  
24 determinations and findings as  
25 required by the EDPL.

## PROCEEDINGS

1  
2 A record of this hearing is  
3 being made, including written  
4 statements submitted. When  
5 available, copies of such record will  
6 be available to the public for  
7 examination without cost during  
8 normal business hours at the Agency's  
9 office in 70 Church Street, White  
10 Plains. And will also be available  
11 at the White Plains City Clerk's  
12 office and the Westchester County  
13 Clerk's office. And copies of such  
14 records will be reproduced upon  
15 written request to the Agency and  
16 payment of the cost thereof. Written  
17 requests for such record should be  
18 addressed to the attention of Mr.  
19 Christopher N. Gomez, Executive  
20 Director of Urban Renewal Agency, 70  
21 Church Street.

22 A map of the location and  
23 description of the parcels is also  
24 available for viewing in this room,  
25 and copies are available for you to

PROCEEDINGS

1  
2 take out at the sign-in table. We  
3 have large placards of the map, and  
4 there are paper versions at the table  
5 too.

6 I will now allow a  
7 representative of the Agency to  
8 continue with the public hearing.

9 MR. GOMEZ: Thank you. Good  
10 morning. My name is Christopher  
11 Gomez. I'm the Executive Director of  
12 the Urban Renewal Agency and the  
13 Planning Commissioner for the City of  
14 White Plains.

15 The Agency duly published this  
16 EDPL notice to consider acquisition  
17 by condemnation of approximately 4.18  
18 acres of real property consisting of  
19 thirteen separate tax parcels,  
20 located at:

21 223-225 Dr. Martin Luther King  
22 Jr. Boulevard, being the approximate  
23 1.52 acre southern portion  
24 identifiable by section, block and  
25 lot number 125.83-7-1;

## PROCEEDINGS

1  
2 1-3 East Post Road, being  
3 approximately 0.12 acres,  
4 identifiable by SBL 130.27-10-1;

5 2-4 East Post Road, being  
6 approximately 0.12 acres,  
7 identifiable by SBL 130.27-2-10;

8 60 East Post Road, being  
9 approximately 0.37 acres,  
10 identifiable by SBL 130.27-2-2;

11 42 East Post Road, being  
12 approximately 0.24 acres,  
13 identifiable by SBL 130.27-2-3;

14 34 East Post Road, being  
15 approximately 0.26 acres,  
16 identifiable by SBL 130.27-2-4;

17 26 through 28 East Post Road,  
18 being approximately 0.20 acres,  
19 identifiable by SBL 130.27-2-5;

20 22-24 East Post Road, being  
21 approximately 0.16 acres,  
22 identifiable by SBL 130.27-2-6;

23 18-20 East Post Road, being  
24 approximately 0.15 acres, being  
25 identifiable by SBL 130.28-2-7;

## PROCEEDINGS

1  
2           14-16 East Post Road, being  
3 approximately 0.20 acres, being  
4 identifiable by SBL 130-2-8;

5           12 East Post Road, being  
6 approximately 0.15 acres,  
7 identifiable by SBL 130.27-2-9;

8           184-188 South Lexington Avenue,  
9 being approximately 0.17 acres,  
10 identifiable by SBL 130.27-8-2;

11           And, finally, 190-192 South  
12 Lexington Avenue, being approximately  
13 0.52 acres, identifiable by SBL  
14 130.27-8-3.

15           Collectively those parcels I  
16 just mentioned, referred to as the  
17 parcels as I continue, in order to  
18 facilitate the productive use of such  
19 underutilized parcels through  
20 municipal and/or commercial economic  
21 development parcels -- projects,  
22 rather, in connection with the public  
23 purposes of advancing the general  
24 prosperity and economic welfare of  
25 the residents of the City of White

## PROCEEDINGS

1  
2 Plains by returning the underutilized  
3 parcels to productive use, thereby  
4 promoting employment and increasing  
5 the property tax base within the City  
6 of White Plains and/or for any other  
7 public purpose consistent with the  
8 goals, strategies, and objectives of  
9 the City's Comprehensive Plan,  
10 adopted September 8th, 1997, last  
11 updated August 12, 2012, the Post  
12 Road/South Lexington Urban Renewal  
13 Plan for the Post Road/South  
14 Lexington Urban Renewal Project No.  
15 12, known as WPUR-12, the East Post  
16 Road urban Renewal Project, WPUR-9,  
17 and/or any other applicable plan  
18 and/or urban renewal plan, each of  
19 which are incorporated into this  
20 record by reference.

21 The parcels are located between  
22 two critical city institutions, the  
23 White Plains Hospital, which is the  
24 largest employer in the city, and the  
25 White Plains Housing Authority's

## PROCEEDINGS

1  
2 Brookfield Commons, formerly the  
3 Winbrook Campus. Both are currently  
4 undergoing major expansion projects  
5 consistent with the aforementioned  
6 Comprehensive Plan, and each have  
7 developed a campus master plan  
8 indicating plans for future growth  
9 that have been approved by the White  
10 Plains Common Council. No alternate  
11 locations are being considered for  
12 acquisition.

13 The White Plains Urban Renewal  
14 Agency map, entitled, "Proposed  
15 Properties for Acquisition" dated  
16 August 20, 2019, is hereby submitted  
17 and entered into the record of this  
18 public hearing as Exhibit B.

19 (Exhibit B handed)

20 MR. GOMEZ: Although the Agency  
21 reserves the right to pursue any and  
22 all public purposes, it is currently  
23 considering the potential  
24 construction of additional public  
25 parking facilities to meet the

## PROCEEDINGS

1  
2 growing need for off-street parking  
3 in the area, as well as the  
4 development of affordable/workforce  
5 housing consistent with zoning and  
6 the specific strategies identified in  
7 the City's Comprehensive Plan section  
8 II-I-29 regarding the Post Road  
9 corridor from South Lexington Avenue  
10 to Mamaroneck Avenue as follows:

11 To promote the integration of  
12 the Winbrook, now Brookfield Commons,  
13 neighborhood into the Post Road  
14 corridor by redeveloping the north  
15 side of Post Road in a manner which  
16 provides pedestrian access and visual  
17 corridors to and from the housing.  
18 Encourage new uses in this area which  
19 are complementary to Winbrook, now  
20 Brookfield Commons;

21 Encourage development of retail  
22 uses near the South Lexington  
23 intersection which serve the needs of  
24 local residents as well as those of  
25 hospital employees and visitors;

## PROCEEDINGS

1  
2 Encourage redevelopment of the  
3 northwest corner of Post Road and  
4 South Lexington Avenue the adjacent  
5 properties with land uses that relate  
6 to the surrounding residential  
7 neighborhoods, including Winbrook and  
8 Fisher Hill, as well as the hospital.

9 Consider acquisition of an  
10 existing lot on South Lexington  
11 Avenue for utilization as a public  
12 parking area to serve small retail  
13 businesses.

14 And, finally, to limit the  
15 spillover of traffic and parking  
16 impacts from the White Plains  
17 Hospital into the Highlands  
18 neighborhood by supporting the  
19 expansion of the hospital within its  
20 block, consistent with the Hospital  
21 Master Plan.

22 The Agency will conduct an  
23 environmental review pursuant to and  
24 in accordance with Article 8 of the  
25 New York Environmental Conservation

## PROCEEDINGS

1  
2 Law and associated regulations  
3 promulgated thereunder, known  
4 hereafter as SEQRA, with respect to  
5 the proposed acquisition of the  
6 parcels, and may consider as part of  
7 such review the aforementioned plans,  
8 together with any documents upon  
9 which such plans are based.

10 It is contemplated that within  
11 90 days of the conclusion of this  
12 public hearing, the comment period  
13 thereafter, the Agency will make and  
14 publish its determination and  
15 findings in accordance with the EDPL  
16 and SEQRA, as applicable, regarding  
17 the proposed acquisition of the  
18 parcels.

19 This concludes my statement on  
20 behalf of the Agency.

21 CHAIRMAN ROACH: Thank you,  
22 Commissioner Gomez.

23 I want to make clear that in  
24 the event the Urban Renewal Agency  
25 does acquire some or all of the

## PROCEEDINGS

1  
2 parcels noticed for today's hearing,  
3 there will be a commitment to provide  
4 relocation assistance for residents  
5 currently living above the stores to  
6 remain within the City of White  
7 Plains, to help them find housing and  
8 get them housing within the City of  
9 White Plains. Further, in  
10 conjunction with any acquisition,  
11 there will also be relocation  
12 assistance, where necessary, to  
13 relocate any displaced businesses  
14 within the neighborhood. Finally,  
15 the Agency will coordinate public  
16 outreach meetings for area residents  
17 as the process moves forward.

18 At this time I would like to  
19 provide an opportunity to anyone who  
20 would like to present an oral or  
21 written statement and/or submit other  
22 documents concerning the Agency's  
23 proposed acquisition of the parcels.  
24 The public is advised that a  
25 reasonable amount of time will be

## PROCEEDINGS

1  
2 allowed for comments.

3 I will start by calling the  
4 first person on the sign-in sheet  
5 requesting to speak and/or submit  
6 written comments. Please state your  
7 name and address clearly for the  
8 stenographer. And if you're here  
9 representing an organization, please  
10 identify that organization.

11 Okay, the first person we have  
12 signed in is Mack Carter.

13 MR. CARTER: Good morning, Mr.  
14 Mayor and community. Mack Carter, 15  
15 Stewart Place, White Plains, New  
16 York. And I'm the Executive Director  
17 of the White Plains Housing  
18 Authority. The Housing Authority  
19 provides public and affordable  
20 housing at our Winbrook site, which  
21 is currently -- which currently  
22 consists of 360 apartments, a  
23 combination of approximately 1,400  
24 low income residents.

25 Let me be clear. We support

## PROCEEDINGS

1  
2 the condemnation proceedings that the  
3 City of White Plains has initiated  
4 along the East Post Road. The  
5 rehabilitation of this area will not  
6 displace, will not displace any of  
7 our residents, and is expected, among  
8 other things, to completely improve  
9 the health and safety of the  
10 Lexington Avenue Post Road corridor.  
11 The community is well aware of the  
12 redevelopment of the  
13 Winbrook-Brookfield Commons  
14 redevelopment. The Housing Authority  
15 is in the process of replacing  
16 building 135, which was built in 1950  
17 but has aged and has infrastructure  
18 issues requiring that all other  
19 buildings to be ultimately demolished  
20 and replaced.

21 One of our older buildings,  
22 which is, again, currently building  
23 135, has a three year interval in  
24 which we will replace the buildings  
25 and then start on the next building

## PROCEEDINGS

1  
2 to be demolished. The upgrade of the  
3 Post Road area is extremely important  
4 to -- to our major redevelopment  
5 project to improve the community.

6 The consent of the United  
7 States Department of Housing and  
8 Urban Development, HUD, will be  
9 required. We expect to work  
10 cooperatively with the City to reach  
11 an agreement as to all matters  
12 affecting the Authority. Once that  
13 is done, we expect to see HUD  
14 approval on the transactions  
15 specifically involving the Housing  
16 Authority.

17 The Housing Authority believes  
18 that the City's actions will better  
19 the lives of all current and future  
20 residents and businesses. And we  
21 look forward to continuing our  
22 cooperative relationship with the  
23 City as it moves forward with the  
24 modernization project.

25 That concludes my remarks.

PROCEEDINGS

1  
2 CHAIRMAN ROACH: Thank you, Mr.  
3 Carter. Susan Fox.

4 MS. FOX: Good morning, Mayor.  
5 Good morning, committee.

6 CHAIRMAN ROACH: Good morning.

7 MS. FOX: Thank you for this  
8 opportunity to speak. I'm on -- I am  
9 the CEO of White Plains Hospital and  
10 I'm here to talk on behalf of the  
11 hospital.

12 And I want to start out with  
13 recognition of how supportive the  
14 City in general has been to the  
15 hospital over the decades and  
16 particularly my time as CEO at White  
17 Plains Hospital. And that support  
18 has enabled the hospital to continue  
19 to grow in a very complex and  
20 challenging time in health care. In  
21 fact, that support has enabled us to  
22 grow significantly and very  
23 differently than other hospitals in  
24 the county and across the state.

25 Most hospitals are losing --

## PROCEEDINGS

1  
2 many hospitals are considering  
3 closure. White Plains Hospital has  
4 grown 35 percent in just the last  
5 five years. Clearly, we are a  
6 destination center. Clearly, we will  
7 continue to grow. Clearly, we have  
8 gotten over the hump on those  
9 challenges. But, at the same time,  
10 we need to be prepared for even more  
11 growth in the future because all  
12 hospitals that are in the county,  
13 which equate to about eleven at this  
14 point, will not be in existence in  
15 the future.

16 That said, we are looking and  
17 have been working with the City in  
18 terms of where we think our expansion  
19 is to be and what our needs need to  
20 be. And we are very supportive of  
21 this initiative in general because we  
22 understand that we have significant  
23 needs in the future. Having a go-to,  
24 excellent, preferred destination  
25 center in White Plains hopefully is

## PROCEEDINGS

1  
2 good for the overall city, the  
3 overall county, and certainly our  
4 need in the community.

5 And while we don't know all of  
6 the answers in terms of what we'll  
7 need in the future, I applaud the  
8 committee, I applaud the effort to  
9 plan for the future. And I say that  
10 in a way that there's a recognition  
11 that there will be displacement of  
12 certain individuals and businesses.  
13 And we don't take that lightly. But  
14 again, in terms of planning for the  
15 community and the future and the  
16 betterment of and fulfilling our  
17 stewardship roles, this is a very  
18 important initiative and we thank the  
19 City for taking this initiative.

20 Thank you.

21 CHAIRMAN ROACH: Thank you.

22 Joseph Bjarnson.

23 MR. BJARNSON: Good morning,  
24 Mayor, members of the committee. I'm  
25 Joseph Bjarnson with the law firm of

## PROCEEDINGS

1  
2 Sahn Ward & Coschignano in Uniondale,  
3 New York. And I, my firm has been  
4 recently retained by the entities  
5 that own the property located at  
6 42-44 East Post Road in White Plains.  
7 Those entities are 42-44 East Post  
8 Road LLC, IR 42-44 East Post LLC.

9 Today my clients would just  
10 like to note on the record that they  
11 own their property at 42 East Post  
12 Road, which is an income producing  
13 property. They object to its  
14 acquisition through condemnation, and  
15 they will be submitting formal  
16 written objections and comments to  
17 the proposal by the September 16th  
18 deadline.

19 They would also like to state  
20 on the record a clarification as to  
21 why the properties, these specific  
22 properties were selected to be  
23 acquired through condemnation, and  
24 noteworthy properties east of  
25 Winchester Street and north of New

PROCEEDINGS

1  
2 York Post Road were excluded,  
3 although they are part of one  
4 contiguous block.

5 So again, I would just like to  
6 reserve my rights and my client's  
7 rights to submit written objections  
8 to the comments.

9 CHAIRMAN ROACH: Thank you.  
10 Diana Kolev.

11 MS. KOLEV: Good morning.  
12 Diana Kolev from the firm of  
13 DelBello, Donnellan, Weingarten, Wise  
14 & Wiederkehr, One North Lexington  
15 Avenue, White Plains. I'm here on  
16 behalf of the Properties, the owner  
17 of 190-192 South Lexington Avenue,  
18 owned by the entity Post Maple 77  
19 LLC.

20 My client has been working on  
21 developing a medical office building  
22 at the property, to support the  
23 hospital's improvement and expansion  
24 into the area. And we simply wish to  
25 state that our client is looking

PROCEEDINGS

1  
2 forward to working everything out  
3 with, amicably with the hospital and  
4 the city moving forward.

5 So thank you for your  
6 attention.

7 CHAIRMAN ROACH: Thank you.  
8 Olatunde Oladipo.

9 MR. OLADIPO: Pass to the next  
10 person, please.

11 CHAIRMAN ROACH: Okay. Hector  
12 Garsed.

13 MR. GARSED: I have more  
14 questions than I do comments, so I'd  
15 like to pass also.

16 CHAIRMAN ROACH: Gabe Arando.

17 MR. ARANDO: Yeah. Good  
18 morning, members of the committee and  
19 Mayor, good morning.

20 I'm dealing with two properties  
21 and the one that you like for eminent  
22 domain, 14-16, 18-20 East Post Road.  
23 I congratulate you guys on what you  
24 want to do, as well as everybody here  
25 for coming. But the point is a

## PROCEEDINGS

1  
2 matter of economics. That means  
3 money. I've been in White Plains for  
4 the last 47 years, and this is the  
5 first time it happened to me. And  
6 I've owned a few properties in the  
7 City of White Plains.

8 However, my main concern is my  
9 tenants. Gabe, what time are we  
10 going to have to go, okay, to other  
11 relocations. They don't have money  
12 to pay for new ones. And, like he  
13 said here about the authority, he  
14 cannot okay everybody. However, it's  
15 not only the tenants. I have here  
16 the case of Manila, who owns the  
17 oldest hardware store in White  
18 Plains, 92 years in business. We  
19 have the lights, we serve the  
20 community, we have a huge new  
21 supermarket. In fact everybody else,  
22 we, as a group, we are in favor of  
23 progress. There has to be a normal  
24 or better organization, because this  
25 is incredible.

## PROCEEDINGS

1  
2           So if this was a group, White  
3 Plains, like I said, is a private  
4 institution. Private institution,  
5 it's a different story. I have the  
6 same thing happen in Port Chester,  
7 some of the buildings there, some  
8 years ago. And we're still in court  
9 after all these years. So I  
10 understand what you're doing. We are  
11 willing to negotiate, have a  
12 conversation, like at a shop, over a  
13 meal. I own this property more than  
14 27 years, 30 years, and this mayor  
15 knows I've been around for a while.  
16 So therefore I'm very interested to  
17 know how much is this thing, what I  
18 am going to tell to my tenants, what  
19 am I going to tell to my commercial  
20 tenants. So for me buying and  
21 selling, I'm a realtor, that's why, I  
22 want to know what is going on.

23           Thank you very much, thank you.

24           CHAIRMAN ROACH: Thank you, Mr.  
25 Arando. Cherie Sherman.

PROCEEDINGS

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

MS. SHERMAN: Good morning.

CHAIRMAN ROACH: Good morning.

MS. SHERMAN: And thanks for the opportunity to speak. I have a day-to-day contact with the area as a part owner, and also my husband is there every single day. I just wanted to follow up on what Mr. Arando said. This is not a slum neighborhood. Let me describe this Sesame Street neighborhood the way I see it.

Number one, it offers affordable and safe housing, okay. That's very hard to come by today. And it's because families, extended families can live together. It offers diversity. We have people from Afghanistan. These are owners and renters and businesses. There are Chinese backgrounds, Puerto Rican, Mexican, Indian. It's a complete diverse area. We have small neighborhood businesses with

## PROCEEDINGS

1  
2 reasonable rents that give people a  
3 chance to get into business who  
4 wouldn't have it elsewhere. We have  
5 a community. We have places where  
6 people can congregate outside their  
7 apartments, places like the barber  
8 shop. That's one of our tenants. We  
9 have walkable conveniences. We have  
10 a wash and dry. We have check  
11 cashing for people that have -- don't  
12 have bank accounts. We have bodegas  
13 where a person can come in and if  
14 they don't have the money for  
15 something one day, the owner's going  
16 to let them slide on it a little bit.  
17 This is very different than what we  
18 see in a lot of areas that are  
19 undergoing gentrification.

20 So people who are driving by  
21 the hospital, maybe it doesn't look  
22 that great to them, but I have to  
23 tell you, it really provides a very  
24 important function for the community.  
25 It's not a slum. The people there

## PROCEEDINGS

1  
2 work very hard. They're not bankers,  
3 but they're people like housekeepers  
4 and gardeners. Their recent  
5 immigrants, they're first generation  
6 people.

7 And just to follow up on what  
8 Dave said, we're not talking about  
9 cheap real estate here. We're  
10 talking about real estate that's been  
11 rehabbed. When my husband first, you  
12 know, purchased his properties, they  
13 were a mess. You know, I don't want  
14 to be too gross, but the first time  
15 he came home he looked kind of  
16 shaken. I was like well, what  
17 happened. He said well, I went down  
18 to the basement and you're not going  
19 to believe what I found down there.  
20 I'll leave that to your imagination.  
21 And then for the next six months he  
22 had hip boots outside the door to our  
23 house, because he was having to go  
24 down there. And I don't know if you  
25 are aware of it, but there's kind of

## PROCEEDINGS

1  
2 a river that runs over those  
3 properties, and he had to do a lot of  
4 work putting in a French, they're  
5 called French drains or something, to  
6 redirect the water. And this is a  
7 hands-on things for 20 years. And,  
8 you know, further what Mr. Arando was  
9 saying, this is not a cheap  
10 proposition. And the people of White  
11 Plains, the taxpayers, have to know  
12 that. These buildings have been  
13 rehabbed. And they provide benefit  
14 not just to the people that live  
15 there, a tremendous benefit, but also  
16 to the landlords. It's not -- it may  
17 not look that pretty, but it fulfills  
18 a very important function in the  
19 city. And I don't know, how do the  
20 taxpayers of White Plains want their  
21 tax dollars spent? This is going to  
22 be expensive.

23 So I'd just like to get that  
24 out there on the record. It's one  
25 thing to be sort of elevated in an

## PROCEEDINGS

1  
2 office somewhere and kind of look on  
3 a piece of paper, it looks like it  
4 would make sense, maybe I would feel  
5 the same way. But because I know  
6 this intimately, I just want to share  
7 with you what I do know, and make  
8 sure that everyone here today is  
9 aware of that.

10 Thank you.

11 CHAIRMAN ROACH: Thank you. P.  
12 Werbel.

13 MR. WERBEL: A couple of  
14 things. Number one, I fully object  
15 on the record to the effect and  
16 notice of eminent domain. Just sort  
17 of an objection.

18 Secondly, a couple of things.

19 MR. CALLAHAN: Excuse me, could  
20 you keep your voice up, the reporter  
21 can't get you.

22 MR. WERBEL: I fully object to  
23 the notice and to these entire  
24 proceedings based upon that notice,  
25 and formally demand a revisit to the

## PROCEEDINGS

1  
2 property. An example is there was a  
3 BOD a number of years ago when the  
4 city sent out not one, not two, but  
5 three notices. So I'm just -- I'm  
6 raising that defect now, for that  
7 reason.

8 Number two, just a few things.  
9 Not necessarily in order but just  
10 what I heard.

11 One of the stated objectives is  
12 housing, which is complementary to  
13 the neighborhood. That's what you  
14 want, that's what you're proposing.  
15 But this housing is complementary for  
16 the neighborhood. It serves the  
17 purpose that you say that you need  
18 that purpose fulfilled. Just so you  
19 understand that. Make no mistake  
20 about that. It serves a purpose for  
21 -- for people for the neighborhood.

22 Number two. I understand what  
23 might be considered a visual change  
24 that might be necessary to dress up  
25 the neighborhood. I'm also given to

## PROCEEDINGS

1  
2 understand that it's done for a  
3 purpose, not for White Plains  
4 necessarily. It's done so that the  
5 people from Scarsdale coming up from  
6 the Post Road, Scarsdale is a small  
7 microcosm of the outside world, so  
8 they're doing it for what the outside  
9 world perceives this neighborhood  
10 would be. But I think we really have  
11 to, according to this opening  
12 statement, this is for municipal  
13 purpose, which is for the people of  
14 White Plains. And by what's  
15 happening as a practical matter, it's  
16 not benefiting the people of White  
17 Plains, it's benefiting the people  
18 who are coming into White Plains, not  
19 the people who live there. The  
20 people who live there are just fine.

21 Thirdly, in terms of people on  
22 the street and the perhaps what could  
23 be perceived as a negative population  
24 perceive, and I don't say that --  
25 that's not my neighborhood, you can

## PROCEEDINGS

1  
2 knock it down, put something up,  
3 those people are going to be there,  
4 right there, they're coming right  
5 back, the people on the street. IR  
6 not going to change that. Because  
7 Winbrook housing, among other things,  
8 these people are residents of  
9 Winbrook Housing. So those people  
10 are not going away. You need  
11 affordable housing. Those people are  
12 coming back. It's not going to --  
13 the street is not going to be cleaned  
14 up as far as that's concerned.

15 Thirdly, talking about  
16 affordable housing, the I think  
17 chairman of the housing authority  
18 before, you have, what was it, 300  
19 units, I mean I don't know how many  
20 units of affordable housing you  
21 already have. So if you add another  
22 50, it's not going to make a major  
23 impact as far as that's concerned.  
24 Just so we understand what we're  
25 talking about, what it really is, as

## PROCEEDINGS

1  
2       opposed to what might be flowery or  
3       in some ways, parts, as one speaker  
4       said, people in ivory towers have  
5       their perception of what's going on.  
6       Just putting it in perspective.

7               Thirdly, following what Gabe  
8       said, this is going to be an  
9       expensive proposition for the city.  
10       These properties may not look pretty,  
11       but they're extremely valuable, very  
12       valuable. I mean you're talking  
13       about tens of millions of dollars to  
14       condemn these properties. Now, I  
15       understand the great leverage the  
16       City has on eminent domain. We  
17       understand that. But there is a just  
18       compensation market value. And to  
19       somebody in an ivory tower or a  
20       Scarsdale person, I'm not big on  
21       Scarsdale, an outside person may  
22       perceive it, you know, that it's kind  
23       of like doesn't look that good. But  
24       on paper I'm going to tell you, on  
25       paper these properties are triple A

## PROCEEDINGS

1  
2 value on paper. So when you're  
3 putting together whatever plan you  
4 might have, bear in mind that it's  
5 going to be an expensive proposition  
6 as a practical matter, just on the  
7 numbers without embellishing, just  
8 looking at the net rents and the  
9 rents that are collected and that's  
10 what it's going to be. So, once  
11 again, know what you're doing and how  
12 expensive it's going to be, and how  
13 it's going to be funded and where the  
14 money is coming from. But that's on  
15 your side of the table, not on this  
16 side of the podium.

17 Thirdly, I'm hoping that this  
18 is not to subvert the -- well,  
19 listen, the Constitution, I mean I  
20 hate to say that, but I have one  
21 property. To wrest properties away  
22 from the owners without even first  
23 starting to discuss the negotiation.  
24 Gabe was right on the money. I  
25 haven't spoken to him about it, but I

## PROCEEDINGS

1  
2 assume that nobody has approached  
3 him. And nobody has approached me.  
4 That's not to say that sales can be  
5 discussed.

6 And thirdly, I look forward to  
7 working with the hospital. Just like  
8 that attorney said about that vacant  
9 lot that's on the far south end. I  
10 just want to say, in terms of using  
11 the word "subversion" and strong  
12 armed, is that the hospital had  
13 contacted me to buy my property,  
14 which is 1 East Post Road. And all,  
15 you know, and negotiated. And then  
16 all of a sudden the discussion  
17 stopped. And when I use the word  
18 "subvert," if that's -- once again,  
19 let's understand what possibly could  
20 occur or it's not going to occur.  
21 But to subvert the free marketplace  
22 to benefit the hospital, which, by  
23 the way, the hospital is great.  
24 That's the hospital I use, I  
25 recommend it. The point is, I looked

## PROCEEDINGS

1  
2 forward to working with them, they  
3 were in negotiation with me, and then  
4 it stopped. And I'm sure -- I  
5 presume that it's perhaps stopped  
6 because of this. So when I use the  
7 word "subvert", they're taking free  
8 market, arm's length, all now of a  
9 sudden audit twisting, potentially  
10 twisting an arm of a private citizen.

11 And thirdly, this talks about  
12 housing for the workforce. It's  
13 there. I mean what new housing do  
14 you want? You have, you know, you  
15 have, you know, scores of people in  
16 the housing in the Winbrook. And  
17 that project, I remember they were  
18 talking about starting it, and it's  
19 working out, it's been ten years  
20 since it was floated, and now they're  
21 on their first or second phase. And  
22 you have affordable housing. I mean  
23 you have an enormous amount. So in  
24 other words, let's not make --  
25 there's an element of pretext here.

## PROCEEDINGS

1  
2 And it is what it is. You have your  
3 prerogatives. But let's not hide  
4 behind pretext. You're taking away  
5 private property. And to a large  
6 extent this is to benefit the  
7 hospital. That's the pretext here.  
8 And the hospital is worthy of the  
9 benefit, I'm not denying that  
10 necessarily. But I feel that the  
11 pretext is to deprive value to the  
12 owners, who spent a lot of time and  
13 money giving decent housing to  
14 people, and rewarding them by taking  
15 away their property. And if you  
16 wanted to instead of spending tens of  
17 millions of dollars acquiring  
18 property, because that's what you're  
19 talking about here, did you consider  
20 facade, you know, funding facades,  
21 making it look -- just the outside,  
22 because it's outward appearance.  
23 There's an element here of outward  
24 appearance. So let's work on the  
25 outside. I'm sure Gabe -- well, I

## PROCEEDINGS

1  
2 don't want to speak for him, I'll  
3 just speak for myself, because I own  
4 three properties. And then you have  
5 Trudy has one, Gabe is here. I think  
6 you have everybody represented. It's  
7 hundreds of thousands, not -- not  
8 millions of dollars, just to make it  
9 look better. And everybody is happy.

10 And, thirdly, it's the people  
11 from the neighborhood that live  
12 there. So you're not going to  
13 transform this neighborhood. Maybe  
14 outwardly you could, but the  
15 neighborhood is not going to change.  
16 So, among other reasons, so long as  
17 Winbrook is there, Winbrook is the  
18 neighbor that this is going to be.  
19 So you know as well as I know the  
20 impact Winbrook has there. The  
21 thousands of people, I don't know how  
22 many people are there, but the  
23 enormous numbers of people that live  
24 there, that's the people that live in  
25 the neighborhood. And that's going

## PROCEEDINGS

1  
2 to be there. You're not changing a  
3 thing. You'll change part of it, but  
4 you're not going to change the  
5 population, you're not going to  
6 change the people who are there.

7 And that's what I have to say.  
8 Just point out to you the enormous  
9 cost this is going to be to the city,  
10 to the taxpayers it's going to cost.  
11 And I would look forward to working  
12 with the hospital, just like that,  
13 they want to negotiate with me as  
14 they had been. And this is now,  
15 perhaps they have a stronger hand,  
16 but listen, that's negotiation.

17 I have other -- I have  
18 questions to ask. I have one  
19 question I hope you might answer.  
20 Who can I speak to and address my  
21 questions to after today's hearing,  
22 the name of a person or a phone, or  
23 just who would I call to find out the  
24 process to get information? Who  
25 would I speak to?

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

PROCEEDINGS

MR. GRIFFIN: Earlier in the notice it said Chris Gomez, who's sitting right here.

MR. GOMEZ: Yup. I'll give you any information.

MR. WERBEL: Okay. What's the name again?

MR. GOMEZ: Chris Gomez, G-o-m-e-z.

MR. WERBEL: And what's your phone number, please?

MR. GOMEZ: I'll give you my information. It's 91 -- I'll give it to you.

MR. CALLAHAN: It's in the notice.

MR. GOMEZ: It's in the notice as well.

MR. WERBEL: Okay. So that's all. Just understand that you're dealing with very, not just valuable but very valuable property here on the numbers.

Thank you very much.

## PROCEEDINGS

1  
2 CHAIRMAN ROACH: I just feel  
3 compelled to comment that I consider  
4 Winbrook Commons an asset for our  
5 City. That we're not negotiating  
6 people, we want things better for the  
7 people that live there. We want to  
8 provide quality for the people that  
9 live there. And that's how I see  
10 that. Maybe you view it differently.  
11 But some of the comments I did not  
12 appreciate. Not personally. But  
13 we're proud of our commitment to  
14 trying to house everyone in this  
15 city, because that has been the  
16 history of our community. We are a  
17 very close community. Not just in  
18 that neighborhood, but throughout the  
19 city, in our schools and in our --  
20 where we live work and play. And so  
21 nothing is going to happen here that  
22 doesn't benefit those people, that  
23 we're not trying to move them and I  
24 don't know why you came to suggest  
25 otherwise.

PROCEEDINGS

1  
2 That's the last person that  
3 signed up to speak. If there's  
4 anyone who came in later who wants to  
5 speak now.

6 AUDIENCE MEMBER: I will. Good  
7 morning. I have some questions more  
8 than comment.

9 CHAIRMAN ROACH: Okay. Well,  
10 they'll be addressed, you can address  
11 them to Mr. Gomez.

12 AUDIENCE MEMBER: Yeah. Well,  
13 basically if you look at --

14 CHAIRMAN ROACH: But not part  
15 of the hearing.

16 AUDIENCE MEMBER: I'm sorry?

17 CHAIRMAN ROACH: But not as  
18 part of the hearing. This is not a  
19 -- this is to hear from the public.

20 AUDIENCE MEMBER: Can I talk to  
21 him later about them?

22 CHAIRMAN ROACH: Yes, yeah.

23 AUDIENCE MEMBER: Okay.  
24 Because most of the time when you  
25 have, you know, a condemnation going

PROCEEDINGS

1  
2 on, you have an end game, and the end  
3 game is -- that's what my question  
4 is.

5 CHAIRMAN ROACH: Right.

6 AUDIENCE MEMBER: When you take  
7 all away, you know, all these  
8 properties, what are you going to do  
9 with them?

10 CHAIRMAN ROACH: Right.

11 AUDIENCE MEMBER: Is that  
12 something that you can answer now or  
13 is that --

14 CHAIRMAN ROACH: That was part  
15 of my opening statement, and I think  
16 it was part of Mr. Gomez's statement  
17 as well.

18 AUDIENCE MEMBER: I'm sorry, I  
19 didn't --

20 CHAIRMAN ROACH: There's no --  
21 there's no specific project. But we  
22 -- I mentioned it in my opening  
23 statement and Mr. Gomez mentioned it  
24 as well.

25 AUDIENCE MEMBER: So you want

PROCEEDINGS

1  
2 to take these properties away but you  
3 don't have an end game as far as  
4 you're going to do with them?

5 CHAIRMAN ROACH: That's not  
6 correct, and this is not --

7 AUDIENCE MEMBER: That's what I  
8 am asking.

9 CHAIRMAN ROACH: We may not  
10 even do -- this is, this is to  
11 consider the acquisition of these  
12 properties. We may decide not to  
13 acquire any of them, we may decide to  
14 acquire two of them. So we'll see  
15 where we go.

16 AUDIENCE MEMBER: All right.

17 CHAIRMAN ROACH: And we're  
18 always available to come in and sit  
19 down.

20 AUDIENCE MEMBER: Thank you.

21 CHAIRMAN ROACH: All right.  
22 Anyone else who wishes to be heard  
23 today?

24 (No response.)

25 CHAIRMAN ROACH: Okay. I want

PROCEEDINGS

1  
2 to remind everybody that there is a  
3 ten day period within which you may  
4 submit written comments which will be  
5 part of the record. I want to thank  
6 everyone for coming out today for  
7 their constructive comments.

8 At this point I would ask for a  
9 motion to close the public hearing.

10 MR. GLATTHAAR: So moved.

11 MR. MORIARTY: Second.

12 CHAIRMAN ROACH: Moved and  
13 seconded. All in favor, aye?

14 (Chorus of ayes)

15 CHAIRMAN ROACH: Opposed?

16 (No response)

17 CHAIRMAN ROACH: The hearing is  
18 closed. Is there a motion to adjourn  
19 the meeting?

20 MR. GLATTHAAR: So moved.

21 MR. MORIARTY: Second.

22 CHAIRMAN ROACH: All in favor?

23 (Chorus of ayes)

24 CHAIRMAN ROACH: Opposed?

25 (No response)

PROCEEDINGS

CHAIRMAN ROACH: The hearing is adjourned. Thank you very much. The hearing is adjourned.

(Whereupon, at 10:50 A.M., the above matter concluded.)

o o o o

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25



**EXHIBIT A (WPURA PUBLIC HEARING)**

**Notice of Public Hearing**

**(Attached)**

**NOTICE PURSUANT TO ARTICLE 2 OF THE NEW YORK EMINENT DOMAIN  
PROCEDURE LAW FOR THE ACQUISITION OF CERTAIN REAL PROPERTY  
LOCATED IN THE CITY OF WHITE PLAINS, WESTCHESTER COUNTY, NEW YORK**

**NOTICE IS HEREBY GIVEN** to all persons that a public hearing, pursuant to Article 2 of the New York Eminent Domain Procedure Law ("EDPL"), will be held by the City of White Plains Urban Renewal Agency (the "Agency") on September 5, 2019, beginning at 10:00 a.m., local time, in the Common Council Chambers at 255 Main Street, White Plains, New York 10601.

In addition to informing the public, said public hearing is being held for the purpose of considering (i) the proposed "acquisition" by condemnation (as such quoted term is defined under the EDPL; hereinafter referred to as the "Acquisition") of all or a portion of certain "real property" (as such quoted term is defined under the EDPL) consisting, collectively, of approximately 4.18 acres +/- and located at 223-225 Dr. Martin Luther King Jr. Boulevard (being the approximate 1.52-acre southern portion identifiable by section, block and lot number ("SBL") 125.83-7-1), 1-3 East Post Road (identifiable by SBL 130.27-10-1), 2-4 East Post Road (identifiable by SBL 130.27-2-10), 60 East Post Road (identifiable by SBL 130.27-2-2), 42 East Post Road (identifiable by SBL 130.27-2-3), 34 East Post Road (identifiable by SBL 130.27-2-4), 26-28 East Post Road (identifiable by SBL 130.27-2-5), 22-24 East Post Road (identifiable by SBL 130.27-2-6), 18-20 East Post Road (identifiable by SBL 130.27-2-7), 14-16 East Post Road (identifiable by SBL 130.27-2-8), 12 East Post Road (identifiable by SBL 130.27-2-9), 184-188 South Lexington Avenue (identifiable by SBL 130.27-8-2) and 190-192 South Lexington Avenue (identifiable by SBL 130.27-8-3) (collectively, the "Proposed Site") in the City of White Plains, Westchester County, New York (the "City") and (ii) the public purpose of the proposed Acquisition, location of the Proposed Site, general effects of the proposed Acquisition on the environment and the residents of the locality, and other relevant information. No proposed alternate locations are being considered.

The proposed Acquisition is required for and is in connection with a certain project (collectively, the "Project") consisting of facilitating the productive use of such underutilized Proposed Site through municipal and/or commercial economic development projects in connection with the public purposes of advancing the general prosperity and economic welfare of the residents of the City by returning the underutilized Proposed Site to productive use thereby promoting employment and increasing the property tax base within the City and/or for any other public purpose consistent with the goals and objectives of the Post Road/South Lexington Urban Renewal Plan (WPUR-12) and East Post Road Urban Renewal Project (WPUR-9).

All interested persons are invited to attend said public hearing and present their views regarding the proposed Acquisition. Persons unable to attend the public hearing, or persons in attendance at the public hearing, may submit to the Agency, either prior to, during or after the public hearing, any written comments or other related documents regarding the proposed Acquisition. Any written comments and related documents received by the hearing date or within ten (10) calendar days after the public hearing will become part of the official public hearing record. Written comments can be sent to the City of White Plains Urban Renewal Agency, c/o Christopher N. Gomez, Executive Director of the Agency, 70 Church Street, White Plains, New York 10601. Comments received after the close of business on September 16, 2019, will not be considered.

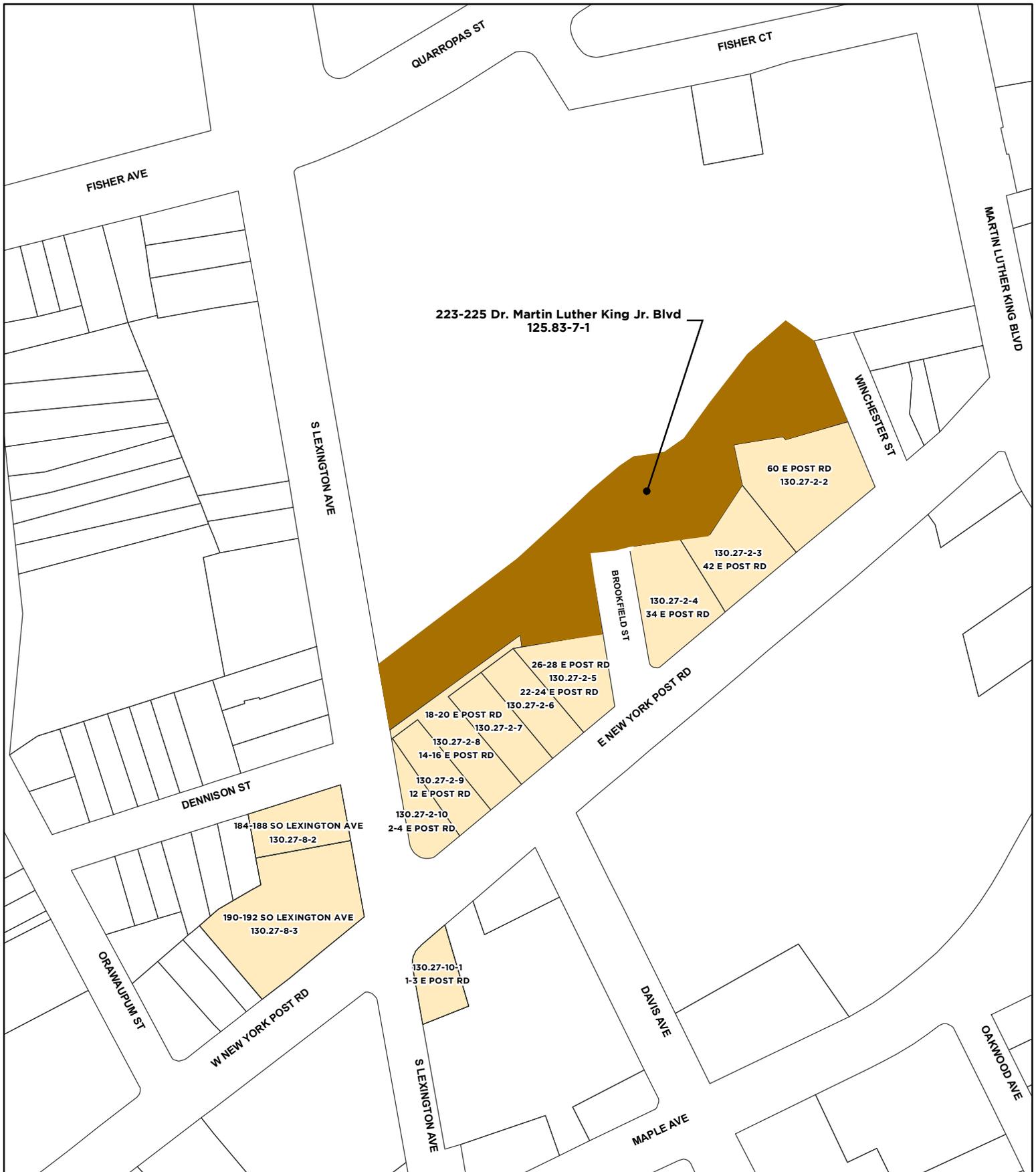
Dated: August 20, 2019

CITY OF WHITE PLAINS URBAN RENEWAL  
AGENCY

**EXHIBIT B (WPURA PUBLIC HEARING)**

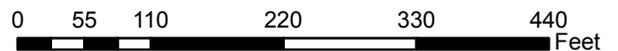
**Map of Proposed Properties for Acquisition**

**(Attached)**



**Proposed Properties for Acquisition**

- Private Property
- White Plains Housing Authority



**POST WPURA PUBLIC HEARING**

**Comments**

**(Attached)**

**SAHN WARD COSCHIGNANO, PLLC**

ATTORNEYS AT LAW

THE OMNI

333 EARLE OVINGTON BOULEVARD

SUITE 601

UNIONDALE, NEW YORK 11553

TELEPHONE: (516) 228-1300

TELECOPIER: (516) 228-0038

E-MAIL: INFO@SWC-LAW.COM

WWW.SWC-LAW.COM

RECEIVED  
PLANNING DEPARTMENT  
CITY OF WHITE PLAINS  
2019 SEP 13 AM 10:29

CHRISTIAN BROWNE

Member

[cbrowne@swc-law.com](mailto:cbrowne@swc-law.com)

September 12, 2019

**VIA FEDERAL EXPRESS**

Hon. Thomas M. Roach, Chair  
City of White Plains Urban Renewal Agency  
c/o Christopher N. Gomez, Executive Director  
70 Church Street  
White Plains, New York 10601

**Re: Proposed Condemnation of Properties Adjoining and in Proximity to East Post Road in the City of White Plains, Westchester County, New York**

Dear Mayor Roach:

This law firm represents 42-44 East Post Road, LLC and I.R. 42-44 East Post Road, LLC (the "Clients"), the owners of the property located at 42-44 East Post Road, White Plains, New York, and identified by the section, block and lot number on the Westchester County Tax Map as 130.27-2-3 (the "Property"). I am writing this letter concerning the proposal by the City of White Plains Urban Renewal Agency (the "Agency") to acquire by condemnation the Property, along with other properties comprising in total approximately 4.18 acres and mostly located within the block of East Post Road between Winchester Street and South Lexington Avenue directly across from White Plains Hospital (the "Proposal").

My Clients' Property is an income producing property and they object to its acquisition by condemnation. In this instance, the Agency's proposal is improper and unlawful because: (i) the Agency violated New York Eminent Domain Procedure Law ("EDPL") § 202 by failing to give the public proper notice of a public hearing and the Agency's purpose; (ii) the Agency violated EDPL § 203 by failing outline a specific purpose for the Proposal at the public hearing held on September 5, 2019; (iii) the Agency has failed to conduct a proper environmental review under the New York State Environmental Quality Review Act ("SEQRA") as is required pursuant to EDPL § 207(C)(3); and (iv) the Agency has failed to demonstrate that the Proposal serves a public use, benefit or purpose in violation of EDPL § 207(C)(4).

i. *The Agency Failed to Give Proper Notice Pursuant to EDPL § 202*

Pursuant to EDPL § 202, the Agency is required to give the public notice, by publication, of the purpose, time and location of a public hearing held for the purpose of considering the Agency's proposed public project and acquisition of property through condemnation. The owners of the property to be condemned must receive notice by personal service or certified mail.

In this matter, the Agency's notice to the public and the property owners was deficient and violated EDPL § 202. The Agency's notice failed to give any specific details of the public project. Instead, the Agency's notice merely stated that the hearing was to consider a "certain project consisting of facilitating the productive use of such underutilized [property] through municipal and/or commercial economic development projects in connection with the public purposes of advancing the general prosperity and economic welfare" of the community. Such a vague description of the Proposal and its purposes does not satisfy the requirements of EDPL § 202.

ii. *The Agency Failed to Hold a Proper Public Hearing Pursuant to EDPL § 203*

Pursuant to EDPL § 203, at a public hearing, the Agency is required to "outline the purpose, proposed location or alternate locations of the public project" necessitating the Agency's acquisition of property through condemnation.

The Agency failed to satisfy the statutory requirements of EDPL § 203. At the public hearing held on September 5, 2019, in the Common Council Chambers at 255 Main Street, White Plains, New York 10601, the Agency neglected to outline any specific details of any public project that necessitated the acquisition of private property through condemnation. Indeed, at the hearing, the Agency, by Mayor Roach, stated that it does not have any "specific project" in mind for the properties the Agency intended to acquire through condemnation.

Accordingly, the public hearing held by the Agency violated EDPL § 203, and violated the constitutional due process rights of my Clients as well as the other properties owners who stand to lose their property.

iii. *The Agency Has Failed to Conduct a Proper Environmental Review Under SEQRA*

Pursuant to EDPL § 207(C)(3), the Agency's final determination and findings are subject to rejection in New York State Court if it is found that the Agency failed to conduct a proper environmental review and strictly comply with SEQRA and its implementing regulations.

SAHN WARD COSCHIGNANO, PLLC  
Hon. Thomas M. Roach, Chair  
City of White Plains Urban Renewal Agency  
September 12, 2019  
Page 3

Here, because the Agency's Proposal lacks any details whatsoever of a specific public project necessitating the Agency's acquisition of property through condemnation, it is impossible for the Agency to satisfy the requirements of SEQRA. Specifically, it is impossible for the Agency to take the required "hard look" at all relevant areas of environmental concern associated with the Agency's Proposal, including but not limited to increased traffic on East Post Road and the surrounding roadways, potential effects of a change of use, or a change in the intensity of use for the acquired properties, and any growth inducing effects of a particular public project on the surrounding community.

As such, the Agency's final determination and findings concerning the Proposal will be subject to likely rejection by the court for the Agency's failure to strictly comply with SEQRA and its implementing regulations.

iv. *The Agency Has Failed to Demonstrate the Proposal Serves a Valid Public Use, Benefit or Purpose*

Similarly, pursuant to EDPL § 207(C)(4), the Agency's final determination and findings in connection with the Proposal are subject to judicial rejection if it is found that the Agency has failed to demonstrate a valid "public use, benefit or purpose will be served by the proposed acquisition." Since the Agency has failed to outline any specific public project to be facilitated by the Agency's proposed acquisition of private property, the Agency is entirely unable to demonstrate that a valid "public use, benefit or purpose will be served by the proposed acquisition."

Based on the foregoing reasons, and any others that may be later discovered or arise in connection with the Agency's Proposal, the Agency's condemnation of my Client's Property is improper and unlawful. My Clients hereby reserve their rights to challenge the Agency's final determination and findings in court, as well as challenge the Agency's appraisal and valuation of their Property, if the Agency continues to pursue its condemnation Proposal.

Sincerely,



Christian Browne

CB:JRB:cn



BRIDGESTONE RETAIL OPERATIONS, LLC  
200 4<sup>th</sup> Avenue South, Nashville, TN 37201

City of White Plains Urban Renewal Agency  
c/o Christopher N. Gomez  
Executive Director of the Agency  
70 Church Street  
White Plains, NY 10691

RECEIVED  
PLANNING DEPARTMENT  
CITY OF WHITE PLAINS  
2019 SEP 16 PM 1:55

September 13, 2019

Re: Potential Condemnation of 60 East Post Rd, White Plains, NY (Firestone Complete Auto Care)

Dear Mr. Gomez,

I am writing to you on behalf of Bridgestone Retail Operations (BSRO), the world's largest network of company-owned tire and automotive service centers and a subsidiary of Bridgestone Americas, Inc. The purpose of this letter is to share BSRO's concerns about the future of our Firestone Complete Auto Care store located at 60 East Post Road in White Plains.

We recently learned of a proposal that would force the closure of our White Plains store location, impeding our ability to provide trusted tire and automotive service to customers in this area. As a leading employer and outstanding corporate citizen of the White Plains community for more than 21 years, we are shocked and deeply disappointed. Aside from our operation, the proposal also will impact several other local businesses, including a dentist's office, pharmacy, gas station, deli, market and hardware store. Given that BSRO only recently learned of this matter, we respectfully request that we be given more time to respond to the proposal currently under consideration prior to the next public hearing.

As you know, BSRO is a respected business in White Plains, employing more than 10 skilled automotive service technicians and customer service experts at this store location. These individuals have provided trusted tire and automotive care for over 190,000 customers, ensuring their vehicles are properly maintained for road safety. In addition to providing a valuable service to the community,



Firestone Complete Auto Care™ | Tires Plus™ | Hibdon Tires Plus™ | Wheel Works





---

BRIDGESTONE RETAIL OPERATIONS, LLC  
200 4<sup>th</sup> Avenue South, Nashville, TN 37201

---

BSRO also supports the city of White Plains with tax revenue generated from our store's sales, wages, licenses and real estate.

We respectfully ask that you reconsider the proposed project and give BSRO adequate time to respond to this matter. We value our relationship with the White Plains community and hope to resolve this situation so that we may continue supporting the community in the future.

Best regards,

Ramon Garcia  
Regional Manager  
(631) 252-4643  
GarciaRamon@bfusa.com



Frestone Complete Auto Care™ | Tires Plus™ | Hibdon Tires Plus™ | Wheel Works

