

White Plains Urban Renewal Agency

2019-20 Annual Report



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1. Introduction

The following Annual Report for the White Plains Urban Renewal Agency (the “Agency”) has been completed pursuant to the Public Authorities Reform Act (PARA) of 2009. The White Plains Urban Renewal Agency constitutes a “local authority”; therefore, this annual report follows the reporting requirements for local authorities, pursuant to Chapter 506 of the laws of 2009. This Annual Report summarizes the activities of the Agency for the Fiscal Year beginning on July 1, 2019 and ending on June 30, 2020.



The PARA of 2009 requires local authorities to submit annually to the Authorities Budget Office, a complete and detailed report or reports setting forth the following:

- Operations and accomplishments
- Financial reports
- Mission statement and performance measurements
- Schedule of debt issuance
- Compensation schedule
- Projects undertaken/underway
- Property acquisitions and dispositions in excess of \$15,000
- Code of ethics
- Assessment of internal control structure and procedures
- Legislation that forms statutory basis for Agency
- Agency and board structure description
- By-laws
- Material changes in operations and programs
- Four-year financial plan
- Board performance evaluations
- Description of total assets
- Pending litigation

The following report provides detailed information about these 17 reporting requirements for FY2019-20, in the order that they are listed in the 2009 PARA.

2. Operations and Accomplishments (July 1, 2019 – June 30, 2020)

A. Administrative Accomplishments

The Agency's administrative activities are summarized in Table 1, below. Copies of Resolutions can be found in Appendix A.

Date	Resolution #	Action Taken
February 24, 2020	01-2020	RESOLUTION ADOPTING THE URBAN RENEWAL AGENCY ANNUAL ADMINISTRATIVE BUDGET FOR FISCAL YEAR BEGINNING JULY 1, 2020 AND ENDING JUNE 30, 2021
	02-2020	RESOLUTION AMENDING THE ADOPTED COMBINED FEDERAL "INCEPTION-TO-DATE" BUDGET
	03-2020	RESOLUTION OF THE WHITE PLAINS URBAN RENEWAL AGENCY REAFFIRMING THE MISSION STATEMENT AND PERFORMANCE MEASURES AND APPROVING THE 2018-19 ANNUAL REPORT
	04-2020	RESOLUTION AMENDING THE COMMUNITY DEVELOPMENT POSITION TITLE AND SALARY SCHEDULE FOR FISCAL YEAR JULY 1, 2019 TO JUNE 30, 2020, AND ESTABLISHING THE COMMUNITY DEVELOPMENT TITLE AND SALARY SCHEDULE FOR FISCAL YEAR JULY 1, 2020 to JUNE 30, 2021

B. Project Accomplishments

The following is a list of active Agency projects during FY 2019-20.

- 55 Bank Street Phase II
- Bronx Street Lot and MTA Easements
- 1 Water Street
- East Post Road
- General Neighborhood Renewal Plan (the Community Development Rehabilitation Program Revolving Fund)

More information including detailed summaries of the Agency's operations and milestones with respect to specific urban renewal projects is provided in Section 8 of this Annual Report.

3. Financial Reports

A. Audited Financials

The Agency audited financials in accordance with Generally-Accepted Accounting Practices ("GAAP") per section 2 (10) of the NY State Finance Law are prepared as part of the City's (Certified Accounting Financial Reports ("CAFR")) and are posted on the City's website when available.

B. Grants and Subsidy Programs

The Agency receives no direct grant or subsidy program funds. Funding to pay Community Development Block Grant employees is received by the City of White Plains and all allocations of funds are as authorized by the City of White Plains Common Council.

C. Operating and Financial Risks

The Agency has not identified any operating or financial risks.

D. Current Bond Ratings

The Agency had no outstanding bonds issued during fiscal year July 1, 2019 through June 30, 2020.

E. Long-term Liabilities

Liabilities

The Agency has no long term liabilities.

Leases

The Agency leases four of its properties - Bronx Street Lot, Water Street Lot, and Franklin-Windsor Lot to the City for municipal parking, and leases the land on which the City Center Municipal Parking Garage is located to the City of White Plains and LC White Plains, LLC as tenants in common which own the City Center Municipal Parking Garage.

Employee Benefit Plans

The Agency has no employees for which it directly provides employee benefit plans or incurs liabilities. Employee benefits and liabilities for the Community Development Program employees and retirees are provided through the Federal funding for those respective programs which programs are maintained and implemented by the City of White Plains.

4. Mission Statement and Performance Measures

The Mission Statement for the Agency, as originally adopted on March 31, 2010, and reaffirmed in subsequent years, reads as follows:

“It is the mission of the Agency to accomplish its goals of eliminating substandard and insanitary conditions and areas, and revitalizing municipally designated distressed areas; promoting redevelopment of these areas with safe, sanitary and economically viable residential, non-residential, commercial, and industrial properties and uses; and enabling in these areas the redevelopment of, conservation, restoration or improvements of private and public facilities and infrastructure in a manner benefiting the citizens, residents, businesses, government and community objectives of the City of White Plains as expressed in the White Plains Comprehensive Plan.”

The Mission Statement of the Agency has not been changed and continues to be relevant and serves the needs of the Agency. The Mission Statement and Performance Measurements Report are provided in Appendix A, as an attachment to Resolution 03-2020.

5. Schedule of Debt Issuance

The Agency had no outstanding bonds issued or notes outstanding during fiscal year July 1, 2019 through June 30, 2020.

6. Compensation Schedule

A. Members

The members of the Agency serve with no compensation of any kind.

B. Staff

There are no officers, directors or employees whose URA salaries are in excess of \$100,000. The Agency employs no direct full or part-time administrative staff on urban renewal matters.

Pursuant to the 1990 Cooperation Agreement between the Agency and the City of White Plains, the Agency employs the staff of the White Plains Community Development Program who works exclusively on eligible federally funded Community Development Block Grant Program projects and activities, according to project and activity funding allocations approved by the Common Council. Within the approved project and activity budgets, the Agency approves the salary and compensation schedule for these employees.

The Agency reimburses the City of White Plains for time spent by the following city staff on Agency business, according to the compensation schedule provided in Table 2.

- Commissioner of Planning
- Environmental Officer
- Drafter 2
- Corporation Counsel/Law Department Attorney
- Deputy Commissioner of Finance and Senior Accountant

Title/Position	Hourly Rate	Total
<i>Planning and Environmental</i>		
Executive Director	\$113.88	
Drafter 2	\$57.13	
Deputy Commissioner	\$87.23	
Subtotal		\$3,346.05
<i>Legal</i>		
Attorney	\$100	
Subtotal		\$800.00
<i>Finance/Audit</i>		

Deputy Finance Commissioner	\$94.96	
Subtotal		\$2,337.31
Total Agency Reimbursement to City		\$6,483.36

7. Biographical Information

Biographical information including salary reporting is required for all Directors and Officers and Employees whose salary is in excess of \$100,000. There were no Agency Directors, Officers, or Employees who met these criteria in fiscal year 2019-20.

8. Projects Undertaken/Underway During Fiscal Year (July 1, 2019-June 30, 2020)

The Agency's project accomplishments during FY 2019-20 are summarized below:

A. 55 Bank Street - Central Renewal Project NY-R 37

The redevelopment of the Bank Street Municipal Parking Lot was split into two phases. Phase I (the North Tower) of the project, known as The Continuum, is completely constructed and consists of 288 residential units (232 market-rate and 56 affordable), and approximately 3,120 square feet of retail space. To date, nearly all units are occupied. Construction is nearly complete for the South Tower of the project – Continuum II – and consists of 305 units (243 market-rate and 62 affordable). Leasing for Continuum II is planned to begin the first quarter of 2021.

B. Bronx Street Lot (White Plains Transit District)

The City of White Plains released a Request for Proposals ("RFP") for the redevelopment of three municipally-owned properties and one White Plains Urban Renewal Agency owned property totaling approximately 4.5-acres along the easterly side of the White Plains Metro-North railroad station, within the White Plains Transit District. The Bronx Street lot and is situated between Main Street to the south, Bank Street to the east, Hamilton Avenue to the north and Bronx Street the west. The property is currently used as a commuter parking lot. It is the City's intent to identify a development team to redevelop the properties. To that end, the City issued a Request for Proposals and received six responses from interested developers in November 2019. Since then, the City has reviewed the responses and invited respondents to present.

In February 2020, the WPURA granted permanent easements to the Metropolitan Transportation Authority related to the renovation of the White Plains Train Station (See Appendix A. Resolution 05-2020). The Metropolitan Transportation Authority requested permanent easements for the following areas: 1) a 121 square foot area approximately 40 feet by 3 feet along the western edge of the property for installation of a staircase to the northbound platform and sidewalk to be maintained by the Metropolitan Transportation

Authority; and 2) a 507 square foot easement in the northwest corner of the property for installation, operation, maintenance and repair of a gas line on 3 Hamilton Avenue, which gas line the Metropolitan Transportation Authority has agreed to move off of the current City of White Plains property if said property is ever developed in the future and said development.

C. 1 Water Street

1 Water Street is located on the northeast corner of the intersection of Ferris Avenue and Water Street, and is situated within the CB-4 Zoning District and Central Parking Area. The site currently contains a vacant office building that will be demolished to construct a 22-story mixed-use residential and commercial building consisting of 301 dwelling units (5 affordable), approximately 1,212 square feet of retail/commercial space, and 307 parking spaces located in a four level on-site parking structure. The project will include an approximately 8,800 square foot, publically accessible open space area at the southeast corner of the Development Site.

The 1 Water Street property was a triangular-shaped lot bisected east-west by a Con Edison utility. To facilitate a proposed development, a Land Exchange Agreement (the “Exchange Agreement”) between the White Plains Urban Renewal Agency and 1 Water Street LLC was proposed. The purpose was to create a rectangular shaped site by swapping approximately 12,610 square feet of triangular property fronting on Ferris Avenue (“the Water Swap Parcel”) with approximately 12,328 square feet of the bed of unimproved North Lexington Avenue owned by the Agency (“the Agency Swap Parcel”). The proposed land exchange of comparable-sized parcels improved the project site plan, and created a separate development parcel with frontage on Ferris Avenue across from the City’s existing firehouse for potential City use (see diagram below).



In addition to the Exchange Agreement, an Access and Storm Water Drainage Easement (“the Easement Agreement”) is proposed to be added to the remaining 30 foot right-of way within the paper street of North Lexington Avenue to maintain access from Water Street to the Water Swap Parcel and beyond.

In April 2019, the White Plains Urban Renewal Agency authorized 1 Water Street, LLC to include Agency property in its application for Site Plan Approval to the White Plains Common Council (Appendix A. Resolution 03-2019).

D. East Post Road

On September 5, 2019 the Agency held a public hearing 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 (the transcript from the public hearing is attached in Appendix A.). The Agency duly published the EDPL Notice to consider acquisition by condemnation of approximately 4.18 +/- acres of real property, consisting of thirteen (13) tax parcels located at (1) 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), (2) 1-3 East Post Road (being approximately [0.12]-acres identifiable by SBL 130.27-10-1), (3) 2-4 East Post Road (being approximately [0.12]-acres identifiable by SBL 130.27-2-10), (4) 60 East Post Road (being approximately [0.37]-acres identifiable by SBL 130.27-2-2), (5) 42 East Post Road (being approximately [0.24]-acres identifiable by SBL 130.27-2-3), (6) 34 East Post Road (being approximately [0.26]-acres identifiable by SBL 130.27-2-4), (7) 26-28 East Post Road (being approximately [0.20]-acres identifiable by SBL 130.27-2-5), (8) 22-24 East Post Road (being approximately [0.16]-acres identifiable by SBL 130.27-2-6), (9) 18-20 East Post Road (being approximately [0.15]-acres identifiable by SBL 130.27-2-7), (10) 14-16 East Post Road (being approximately [0.20]-acres identifiable by SBL 130.27-2-8), (11) 12 East Post Road (being approximately [0.15]-acres identifiable by SBL 130.27-2-9), (12) 184-188 South Lexington Avenue (being approximately [0.17]-acres identifiable by SBL 130.27-8-2) and (13) 190-192 South Lexington Avenue (being approximately [0.52]-acres identifiable by SBL 130.27-8-3) (collectively referred to as the "Parcels"), in connection with a certain project consisting of facilitating the productive use of such underutilized Parcels 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 of White Plains by returning the underutilized Parcels to productive use thereby promoting employment and increasing the property tax base within the City of White Plains and/or for any other public purpose consistent with the goals and objectives of the Post Road/South Lexington Urban Renewal Plan for the Post Road/South Lexington Urban Renewal Project No. 12 (WPUR-12), the East Post Road Urban Renewal Project (WPUR-9) and/or any other applicable urban renewal plan (collectively, the "Plans"), each of which are incorporated into this record by reference.

Following due consideration of comments received during the September 2019 Hearing and taking into account public opinion and concerns expressed through the SEQRA process, at its December 5, 2019 meeting, the Agency adopted Resolution 05-2019 (SEQRA) and Resolution 06-2019 (Determination and Findings) to exercise its power of eminent domain for the potential acquisition of the above referenced parcels (See Appendix A for copies of Resolutions).

9. Acquisition or Disposal of Real Property

PARA requires local authorities to report all real property having an estimated fair market value in excess of \$15,000 that was acquired or disposed of during the fiscal year.

A. Real Property and Price Received

The Agency did not purchase any real property in FY2019-20.

B. Property Sold by Agency

The Agency did not sell any property in FY2019-20.

10. Code of Ethics

The Code of Ethics of the City of White Plains includes and makes reference to the White Plains Urban Renewal Agency. The City of White Plains Code of Ethics is contained in the Municipal Code of the City of White Plains Article V and appears on the City's website https://library.municode.com/ny/white_plains/codes/code_of_ordinances. Disclosure Filings by Agency members must be made annually and submitted to the Westchester County Ethics Board as required by Public Authorities Law.

Agency members have also executed Acknowledgements of Fiduciary Duty which are on file in the Agency offices in the Planning Department.

11. Internal Controls and Procedures Assessment

For financial reporting and audit purposes, the Urban Renewal Agency is treated as a "Component Unit" of the City of White Plains. The Agency audit is submitted annually to the NYS Office of the Comptroller as a component unit of the City in the Annual Update Document (AUD). The Agency audit is contained in the City's Comprehensive Annual Finance Report (CAFR) as a component unit.

The Agency section of the OSC Annual Update Document and City CAFR are shown on the Agency's website at: <https://www.cityofwhiteplains.com/159/Financial-Reports>. The Agency's section is posted on the Agency's website each year as soon as the OSC Annual Update Document and City CAFR are completed for the fiscal year.

12. Statutory Basis of the Agency

The Agency's enabling legislation is General Municipal Law ("GML") Article 15-A Section 554, and is attached as Appendix B to this report.

13. Agency Description and Board Structure

A. Description

The White Plains Urban Renewal Agency (WPURA) is a public benefit corporation authorized by Title 14, Article 15-B of New York State General Municipal Law to exercise certain powers to carry out urban renewal projects approved by the Common Council which conform to and promote the goals and objectives of the City's Comprehensive Plan.

B. Board Structure

Walter Eddie was appointed to the Board in December 2019. John Martin was appointed to the Board in December 2020. Norman DiChiara and James Glatthaar resigned from the Board in 2020.

Committees and committee members 2019-20

Governance Committee

James Glatthaar, Board member
Christopher N. Gomez, Executive Director

Audit Committee

Dan Moriarty, Board member
James Glatthaar, Board member
Sergio Sensi, Treasurer

Board meetings and attendance

Table 3. Board Meetings, FY 2019-20		
Meeting Date	Attendance	
September 5, 2019	<u>URA Members</u> Mayor Thomas Roach, Chair Norman DiChiara James Glatthaar Daniel Moriarty	<u>Other</u> Christopher N. Gomez, Executive Director John Callahan, Corporation Counsel Shawn Griffin, Harris Beach PLLC
December 5, 2019	<u>URA Members</u> Mayor Thomas Roach, Chair Norman DiChiara James Glatthaar Walter Eddie	<u>Other</u> Christopher N. Gomez, Executive Director John Callahan, Corporation Counsel Shawn Griffin, Harris Beach PLLC
February 24, 2020	<u>URA Members</u> Mayor Thomas Roach, Chair Dan Moriarty James Glatthaar Walter Eddie	<u>Other</u> Christopher N. Gomez, Executive Director Sergio Sensi, Commissioner of Finance Judy Mezey, Deputy Commissioner of Planning Kristi Knecht, Planner

Major Agency units, subsidiaries

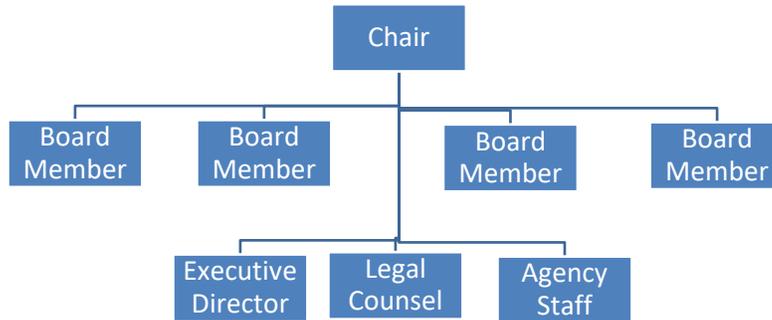
The Agency is comprised of a five-member board including the Mayor and four other members appointed by the Mayor. The Agency does not have any subsidiaries.

Number of Employees

The Agency has no full or part time administrative employees funded by the Agency. All work is performed under an Agreement with the City of White Plains for reimbursement of City staff time spent on Agency matters. During FY2019-2020, there were three (3) full time and four (4) part time employees funded through the Federal Community

Development Program. The Position, Title and Salary Schedule for 2019-20 was adopted by Agency Resolution 04-2020 and is attached as Appendix A.

Organizational Chart



14. Charter and Bylaws

See Appendix C.

15. Material Operating or Program Changes

There has been no material operating or program changes in FY2019-2020.

16. 4 -Year Financial Plan

The 2019-20 operating/administrative budget is provided in Table 4, below.

Table 4: 2019-20 Administrative Budget

White Plains Urban Renewal Agency		
FY 2019-20 Proposed Administrative Budget		
OBJECT	DESCRIPTION	Proposed Modified Budget
Org. 2639		
4.005	Financial & Auditing	5,932
4.008	Legal Services	3,000
4.023	Program Services	10,000
4.095	Workers' Compensation Premium	2,500
4.096	Unemployment Insurance	2,200
4.101	Liability Insurance	10,000
	Total	33,632

The current and projected capital budget is provided in Table 5 below.

Table 5. White Plains Urban Renewal Agency Combined Federal Budget, NYR-37 Effective November 1, 2019

		Modified Budget	Proposed Modified Budget	Increase (Decrease)
CODE	REVENUES	9/30/2019	Budget	
02203	HUD CD Block Grant	\$ 3,480,800	\$ 3,480,800	\$ -
02204	Project Capital Grant	55,524,997	55,524,997	-
02214	HUD Financial Setlmt Grant:	10,672,053	10,672,053	-
02282	WPURA State Grant	1,721,275	1,721,275	-
02286	WPURA-7 Contributions	94,238	94,238	-
06614	Land Sale Proceeds	10,756,729	10,756,729	-
06619	Other Minor Sales	600	600	-
06694	Rental Income/NYR-37	2,042,814	2,111,750	68,936
06696	Commissions	22,497	22,497	-
06698	Refund P/Y Expenses	69,370	69,370	-
06699	Miscellaneous	123,915	123,915	-
077XX	Interest Income	4,806,844	4,813,156	6,312
	Total Revenues	\$89,316,132	\$89,391,380	\$ 75,248
CODE	EXPENDITURES			
4.801	Total Survey & Planning-Pt. 1	\$ 441,530	\$ 441,530	\$ -
4.810	Administrative Overhead	11,762,959	11,828,850	65,248
4.815	Legal Services	1,070,000	1,070,000	-
4.818	Project Consultants	309,466	309,466	-
4.820	Interest Expense	12,225,033	12,225,033	-
4.830	Survey & Planning	263,495	263,495	-
4.840	Real Estate Acquisition	597,753	597,753	-
4.841	Acquisition Costs	44,091,214	44,091,214	-
4.843	Relocation Costs	32,671	32,671	-
4.844	Relocation Expenses	4,125,339	4,125,339	-
4.845	Disposal Costs	793,329	793,329	-
4.846	Temp Op Acq Prop/NYR-37	623,860	643,860	10,000
4.850	Site Clearance	2,601,889	2,601,889	-
4.855	Project Improvements	10,291,703	10,291,703	-
	Total Expenditures	\$89,230,241	\$89,316,132	\$ 75,248

17. Board Performance Evaluations

The aggregated results of the Annual Board of Directors Evaluation Questionnaire will be provided to the ABO.

The Evaluation Questionnaire is attached as Appendix D; however, the results are not included with this Annual Report because, according to the ABO, board discussion of its performance “would constitute a matter made confidential, by state law that, therefore, could be conducted in private.”

18. Buying or Selling Without Competitive Bidding

PARA requires local authorities to disclose any assets and services bought or sold without competitive bidding, including their nature, names of parties involved, contract price

compared to fair market value, a detailed explanation justifying the purchase or sale without competitive bidding, certification by the CEO and CFO that terms of purchase or sale were reviewed and comply with procurement guidelines.

No assets were bought or sold by the Agency in FY 2019-20 without competitive bidding.

19. Description of Material Pending Litigation

There is pending litigation pertaining to the Eminent Domain Procedure on East Post Road, mentioned in Section 8.0 above.

APPENDICES



Appendix A to the Annual Report:
Resolutions

WHITE PLAINS URBAN RENEWAL AGENCY

RESOLUTION 01-2020

RESOLUTION ADOPTING THE URBAN RENEWAL AGENCY ANNUAL ADMINISTRATIVE BUDGET
FOR FISCAL YEAR BEGINNING JULY 1, 2020 AND ENDING JUNE 30, 2021

WHEREAS:

- A. The administrative budget of the Agency was last amended by Resolution 01-2019 on February 7, 2019.
- B. Each year the Agency has adopted a detailed administrative budget to provide for a systematic control of the administrative expenses of the White Plains Urban Renewal Agency on an annual basis.
- C. The Agency has been advised by its Treasurer and Legal Counsel to provide for unemployment insurance, workers' compensation insurance and liability insurance in its proposed Administrative Budget.
- D. A proposed Administrative Budget which includes funding for requirements for the fiscal year beginning July 1, 2020 and ending June 30, 2021 (FY 2020-21) has been prepared by Agency staff, a copy of which is attached hereto as Exhibit A.
- E. The Agency has reviewed the proposed Administrative Budget for FY 2020-21.

NOW, THEREFORE, BE IT RESOLVED THAT:

1. The Agency hereby determines that the proposed Administrative Budget for the Fiscal Year represents a reasonable projection of expenditures necessary to carry out the urban renewal program for the Fiscal Year.
2. The proposed Administrative Budget for the Fiscal Year attached hereto as Exhibit A and made a part hereof, be and it hereby is, approved and adopted for the Agency's fiscal year beginning July 1, 2020 and ending June 30, 2021.
3. This Resolution shall take effect July 1, 2020.

Dated: February 20, 2020

Adopted: February 24, 2020

Exhibit A

WHITE PLAINS URBAN RENEWAL AGENCY

2020-2021 ADMINISTRATIVE BUDGET

Effective July 1, 2020

Resolution #

White Plains Urban Renewal Agency		
FY 2020-21 Proposed Administrative Budget		
Org. 2639		Proposed
		Modified
OBJECT	DESCRIPTION	Budget
4.005	Financial & Auditing	5,932
4.008	Legal Services	3,000
4.023	Program Services	15,000
4.095	Workers' Compensation Premium	2,500
4.096	Unemployment Insurance	2,200
4.101	Liability Insurance	10,000
	Total	<u>38,632</u>

Dated: February 20, 2020

Adopted: February 24, 2020

WHITE PLAINS URBAN RENEWAL AGENCY

70 Church Street, White Plains, New York 10601

(914) 422-1300 Fax: (914) 422-1301

CERTIFIED COPY

1. I am the duly qualified and acting Assistant Secretary of the White Plains Urban Renewal Agency (the "Agency"). I am the custodian of the minutes of the meetings of the Agency and am authorized to execute this certificate.
2. Attached hereto is a correct copy of **Resolution 01-2020**, (the "Resolution"), adopted at a meeting of the Agency held on **February 24, 2020**, (the "Meeting"), which Resolution is now in full force and effect.
3. The Meeting was duly convened and held in accordance with law and the by-laws of the Agency, and proper notice of the Meeting was given. A legal quorum of the Agency was present throughout the Meeting and a legally sufficient number of members of the Agency duly voted for the adoption of the Resolution.
4. The authority delegated to the Chairman in the Resolution has not been altered or revoked in any way.
5. The seal that appears below is the official seal of the Agency and was duly affixed by me at the time I executed this certificate on **February 24, 2020**.



Christopher N. Gomez
Executive Director

WHITE PLAINS URBAN RENEWAL AGENCY

RESOLUTION 02-2020

RESOLUTION AMENDING THE ADOPTED COMBINED FEDERAL
"INCEPTION-TO-DATE" BUDGET

WHEREAS:

- A. The White Plains Urban Renewal Agency ("the Agency") last amended the Federal Inception-To-Date Budget by Resolution 03-2018, adopted November 28, 2018.
- B. Due to the substantial decrease in interest rates and the increase in costs related to the temporary operation of acquired property, being the payment of County sewer and refuse charges for Agency owned property, the Agency has earned very little unencumbered income in the Federal-Inception-To-Date account since it was last amended November 28, 2018.
- C. The Agency continues to incur limited expenses for the administrative operation of the Agency, including costs of the services of the Finance, Law and Planning Departments, and audit fees.
- D. In order to continue to fund the Agency's expenses, which primarily represent the reimbursement of the City for professional services, it is necessary and appropriate to amend the Combined Federal Budget to increase revenues and increase expenditures.

NOW, THEREFORE, BE IT RESOLVED THAT:

- 1. The Combined Federal Inception-To-Date Budget for Agency, reflecting revenues and expenditures of the Agency including, among other things, funding for Administrative Overhead and Temporary Operation of Acquired Property, last amended November 28, 2018, is hereby amended and approved as shown in Exhibit A, attached hereto and made a part hereof, and be it further resolved that
- 2. This Resolution shall take effect November 1, 2019.

Dated: February 20, 2020
Adopted: February 24, 2020

Exhibit A

WPURA - BUDGET REPORT
COMBINED FEDERAL BUDGET, NYR-37

Proposed Modified Budget to be Effective November 1, 2019

		Modified Budget	Proposed Modified Budget	Increase (Decrease)
CODE	REVENUES	9/30/2019	Budget	
02203	HUD CD Block Grant	\$ 3,480,800	\$ 3,480,800	\$ -
02204	Project Capital Grant	55,524,997	55,524,997	-
02214	HUD Financial Setlmnt Grant:	10,672,053	10,672,053	-
02282	WPURA State Grant	1,721,275	1,721,275	-
02286	WPURA-7 Contributions	94,238	94,238	-
06614	Land Sale Proceeds	10,756,729	10,756,729	-
06619	Other Minor Sales	600	600	-
06694	Rental Income/NYR-37	2,042,814	2,111,750	68,936
06696	Commissions	22,497	22,497	-
06698	Refund P/Y Expenses	69,370	69,370	-
06699	Miscellaneous	123,915	123,915	-
077XX	Interest Income	4,806,844	4,813,156	6,312
	Total Revenues	\$89,316,132	\$89,391,380	\$ 75,248
CODE	EXPENDITURES			
4.801	Total Survey & Planning-Pt. 1	\$ 441,530	\$ 441,530	\$ -
4.810	Administrative Overhead	11,762,959	11,828,850	65,248
4.815	Legal Services	1,070,000	1,070,000	-
4.818	Project Consultants	309,466	309,466	-
4.820	Interest Expense	12,225,033	12,225,033	-
4.830	Survey & Planning	263,495	263,495	-
4.840	Real Estate Acquisition	597,753	597,753	-
4.841	Acquisition Costs	44,091,214	44,091,214	-
4.843	Relocation Costs	32,671	32,671	-
4.844	Relocation Expenses	4,125,339	4,125,339	-
4.845	Disposal Costs	793,329	793,329	-
4.846	Temp Op Acq Prop/NYR-37	623,860	643,860	10,000
4.850	Site Clearance	2,601,889	2,601,889	-
4.855	Project Improvements	10,291,703	10,291,703	-
	Total Expenditures	\$89,230,241	\$89,316,132	\$ 75,248

WHITE PLAINS URBAN RENEWAL AGENCY

70 Church Street, White Plains, New York 10601
(914) 422-1300 Fax: (914) 422-1301

CERTIFIED COPY

1. I am the duly qualified and acting Assistant Secretary of the White Plains Urban Renewal Agency (the "Agency"). I am the custodian of the minutes of the meetings of the Agency and am authorized to execute this certificate.
2. Attached hereto is a correct copy of Resolution 02-2020, (the "Resolution"), adopted at a meeting of the Agency held on February 24, 2020, (the "Meeting"), which Resolution is now in full force and effect.
3. The Meeting was duly convened and held in accordance with law and the by-laws of the Agency, and proper notice of the Meeting was given. A legal quorum of the Agency was present throughout the Meeting and a legally sufficient number of members of the Agency duly voted for the adoption of the Resolution.
4. The authority delegated to the Chairman in the Resolution has not been altered or revoked in any way.
5. The seal that appears below is the official seal of the Agency and was duly affixed by me at the time I executed this certificate on February 24, 2020.



Christopher N. Gomez
Executive Director

WHITE PLAINS URBAN RENEWAL AGENCY

RESOLUTION 03-2020

I. RESOLUTION OF THE WHITE PLAINS URBAN RENEWAL AGENCY REAFFIRMING THE MISSION STATEMENT AND PERFORMANCE MEASURES AND APPROVING THE 2018-19 ANNUAL REPORT

WHEREAS:

- A. Chapter 506 of the Laws of 2009, known as the 2009 Public Authorities Reform Act or “PARA,” requires that State and local public authorities subject to PARA develop and adopt a mission statement. The Act further requires that such authorities and agencies develop performance measures to assist the Authorities Budget Office (“ABO”) in determining how well such authorities and agencies are doing in carrying out their missions (together “Mission Statement and Performance Measures”).
- B. PARA also requires such State and local public authorities to prepare and make publicly available an Annual Report which documents the extent to which the agency is furthering its mission and meeting its performance measures.
- C. The White Plains Urban Renewal Agency (“Agency”), established under General Municipal Law (“GML”) Article 15-B Section 583, is a local public authority subject to the requirements of PARA.
- D. In response to ABO Policy Guidance and in compliance with PARA, the Agency originally adopted the “Mission Statement and Performance Measures,” attached hereto as Exhibit A.
- E. Agency staff has prepared an Annual Report for fiscal year 2018-19, attached hereto as Exhibit B, which includes responses to all of the annual reporting requirements of PARA.
- F. All members of the Agency have received, reviewed and executed the “Acknowledgement of Fiduciary Duties and Responsibilities” statement provided by the NYS Authorities Budget Office pursuant to Public Authorities Law Section 2824(1)(h), attached hereto as Exhibit C.

NOW, THEREFORE, BE IT RESOLVED THAT:

- 1. All Agency Board members present at this Agency meeting hereby acknowledge that they have read and understand the “Mission Statement and Performance Measures,” the 2018-19 Annual Report, and this Resolution 03-2020.
- 2. Based on the foregoing, the Agency Board, hereby finds the “Mission Statement and Performance Measures,” originally adopted on March 31, 2010 continues to be an accurate statement of the mission of the Agency and an accurate description of the measures available to the Agency to assess and evaluate its performance in the implementation of its mission.

3. The Agency Board further finds that the 2018-19 Annual Report is an accurate description of the Agency as required under PARA.
4. The Agency finds that each member of the Board has provided a signed “Acknowledgement of Fiduciary Duties and Responsibilities”.
5. Based on the above findings, the Agency hereby adopts Resolution 03-2020 and its attachments, reaffirming the (1) “Mission Statement and Performance Measures,” and (2) approving the 2018-19 Annual Report.

Dated: February 20, 2020

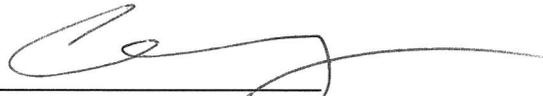
Adopted: February 24, 2020

WHITE PLAINS URBAN RENEWAL AGENCY

70 Church Street, White Plains, New York 10601
(914) 422-1300 Fax: (914) 422-1301

CERTIFIED COPY

1. I am the duly qualified and acting Assistant Secretary of the White Plains Urban Renewal Agency (the "Agency"). I am the custodian of the minutes of the meetings of the Agency and am authorized to execute this certificate.
2. Attached hereto is a correct copy of Resolution 03-2020, (the "Resolution"), adopted at a meeting of the Agency held on February 24, 2020, (the "Meeting"), which Resolution is now in full force and effect.
3. The Meeting was duly convened and held in accordance with law and the by-laws of the Agency, and proper notice of the Meeting was given. A legal quorum of the Agency was present throughout the Meeting and a legally sufficient number of members of the Agency duly voted for the adoption of the Resolution.
4. The authority delegated to the Chairman in the Resolution has not been altered or revoked in any way.
5. The seal that appears below is the official seal of the Agency and was duly affixed by me at the time I executed this certificate on February 24, 2020.



Christopher N. Gomez
Executive Director

EXHIBIT A

White Plains Urban Renewal Agency Mission Statement and Performance Measurements

Name of Public Authority: White Plains Urban Renewal Agency

A. Public Authority's Mission Statement:

Section I. Legal Authority and Purpose of the Agency

The purpose of the White Plains Urban Renewal Agency ("Agency") is to exercise its powers under General Municipal Law ("GML") Article 15-A Section 554 to carry out urban renewal projects approved by the Common Council of the City of White Plains ("Common Council of the City" or "City") which projects and the plans therefor conform to and promote the effectuation of the goals and objectives of the Comprehensive Plan of the City of White Plains, as the same may from time to time be amended. Pursuant to GML Section 502(6) a plan for an urban renewal project must conform to the "comprehensive community plan." This term is interchangeable with "master plan" or "general plan." In White Plains, an active urban renewal plan must be in conformance with the City's 1997 Comprehensive Plan, as amended to date ("White Plains Comprehensive Plan").

Pursuant to GML Section 554 and Section 583, the Agency was created and is authorized to "plan and undertake one or more urban renewal projects and shall have the powers necessary or convenient to carry out and effectuate such project or projects and the purposes and provisions of this article fifteen of this chapter." The purpose of providing an urban renewal agency, and specifically here the Agency with such powers is to enable such agency to carry out, within the City of White Plains an urban renewal program which is defined in Article 15 Section 502(3) as "a program established, conducted and planned by a municipality for the redevelopment, through clearance, re-planning, reconstruction, rehabilitation, and concentrated code enforcement, or a combination of these and other methods, of substandard and insanitary areas of such municipalities, and for recreational and other facilities incidental or appurtenant thereto, pursuant to and in accordance with article eighteen of the constitution and this article. The terms "clearance, re-planning, reconstruction and rehabilitation" shall include renewal, redevelopment, conservation, restoration or improvement or any combination thereof as well as relocation activities and the testing and reporting of methods and techniques for the arrest, prevention and elimination of slums and blight; the term "program" may mean or include and be interchangeable with the term "project."

Section II. Agency Stakeholders

The stakeholders of the Agency are the citizens and businesses of the City of White Plains. Within each designated urban renewal project area the direct stakeholders are those affected by and the beneficiaries of the particular urban renewal project in that designated area, and those outside the designated project area who are most directly impacted by the implementation of an urban renewal project plan within the designated project area, including any and all residents of the City of White Plains.

Section III. Goals of the Agency

The goals of the Agency are to work with the City to:

- (1) eliminate substandard and insanitary conditions and areas, and revitalize municipally designated distressed areas;
- (2) promote redevelopment of these areas with safe, sanitary and economically viable residential, non-residential, commercial, and industrial properties and uses; and
- (3) enable in these areas the redevelopment of, conservation, restoration or improvements of private and public facilities and infrastructure.

(Substandard or insanitary areas include under General Municipal Law Section 502(4) “a slum, blighted, deteriorated or deteriorating area, or an area which has a blighting influence on the surrounding area. . .”)

Section IV: Mission of the Agency

It is the mission of the Agency to accomplish its goals of eliminating substandard and insanitary conditions and areas, and revitalizing municipally designated distressed areas; promoting redevelopment of these areas with safe, sanitary and economically viable residential, non-residential, commercial, and industrial properties and uses; and enabling in these areas the redevelopment of, conservation, restoration or improvements of private and public facilities and infrastructure in a manner benefitting the citizens, residents, businesses, government and community objectives of the City of White Plains as expressed in the White Plains Comprehensive Plan.

Originally Adopted: March 31, 2010 (Agency Resolution 01-2010)

Reaffirmed: September 30, 2011 (Agency Resolution 08-2011)
September 24, 2012 (Agency Resolution 04-2012)
April 14, 2014 (Agency Resolution 02-2014)
November 24, 2014 (Agency Resolution 10-2014)
December 10, 2015 (Agency Resolution 08-2015)
November 21, 2016 (Agency Resolution 05-2016)
December 5, 2017 (Agency Resolution 05-2017)
November 28, 2018 (Agency Resolution 04-2018)
February 24, 2020 (Agency Resolution 03-2020)

B. List of Performance Goals:

Performance Goals:

To accomplish the goals of the Agency as expressed in its Mission Statement, the Agency works with the City to exercise its powers under GML Section 554 for the benefit of the community of White Plains, to establish for each area designated by the Common Council of the City as a substandard or insanitary area, as defined in General Municipal Law Section 502(4), a planned program of urban renewal including:

- (1) the formal designation of an urban renewal project area by the Agency and Common Council of the City, pursuant to General Municipal Law Section 504.
- (2) the adoption, or amendment of an existing urban renewal plan for the redevelopment of the designated area, such plan being subject to the review and report of the White Plains Planning Board and approval of the Common Council of the City pursuant to GML Section 505. The approval of the urban renewal plan shall include how it conforms to the White Plains Comprehensive Plan.
- (3) specification in the urban renewal plan, or amendments thereto, of the powers of the Agency to be exercised in the implementation of the approved plan.
- (4) implementation of the urban renewal plan, which may include but is not limited to:
 - a. acquisition of public or private property within the designated project area as specifically identified in the adopted urban renewal plan for the designated area as approved by the City,
 - b. designation of private or public entities for the redevelopment, as defined under GML Section 503(3), of public or private property within the designated project area as specifically provided for in the adopted urban renewal plan,
 - c. disposition of acquired property within the designated project area for redevelopment, as specifically identified in the adopted urban renewal plan for the designated project area, and
 - d. authorizing a redevelopment program as defined under GML 502(3) for public or private infrastructure specifically identified in the adopted urban renewal plan for the designated project area,
 - e. redevelopment as defined under GML 502(3) of the disposed property within the designated project area as specifically identified in the adopted urban renewal plan.

Assessment of Implementation of Goals

All goals, objectives and strategies for the redevelopment of a particular designated urban renewal project area are specified in the adopted urban renewal plan which is subject to the approval of the Common Council of the City after review and report from the Planning Board and after a public hearing before both the Planning Board and the Common Council of the City. Any amendments to such plans or project area boundaries are also subject to public hearings. The urban renewal plans are public documents. The notice of all meetings, all urban renewal agency resolutions and the urban renewal plans are available for public review and are posted on the Agency's website. Any member of the public can monitor and assess the implementation of each urban renewal plan and the effect of each urban renewal project by visiting the project sites, reviewing the enabling legislation for each project and project modification, reviewing the urban renewal plans, and reviewing all project documents, including site plans and building plans which are available for public review during regular office hours at the offices of the Agency located in the City Hall Annex.

As a small public benefit corporation, the Agency is not involved in projects spread out over multiple jurisdictions or involving substantial financial resources, as is the case with many public authorities. As such, the monitoring of its performance by the Agency can be and is performed on a level very close to the projects in which it is involved. The following are performance measures for the Agency in assessing its implementation of its mission goals and objectives.

1. Is the urban renewal plan for a designated urban renewal project area moving forward consistent with the time frame established in the urban renewal plan?
2. Is the urban renewal plan for a designated urban renewal project area being implemented as specified in the urban renewal plan? Are the powers designated in the adopted urban renewal plan to be used by the Agency being used and are the results of using such powers achieving the objectives specified in the urban renewal plan?
3. Have there been any changes to the White Plains Comprehensive Plan since the adoption of the urban renewal plan which affect the plans conformance with the Comprehensive Plan or necessitate adjustments to the urban renewal plan?
4. Have there been any changes within the designated project area which necessitate a reevaluation of the area designated, either necessitating the inclusion of more or fewer properties?
5. Each redevelopment, reconstruction, rehabilitation or other plan for the redevelopment of a component of the urban renewal project is reviewed by the Agency management and by the Agency members ("Agency Board") to assess its conformance to the adopted urban renewal plan and the land use requirements of the City of White Plains.

6. The budget for each urban renewal project is reviewed by Agency management on a monthly basis and by the Agency Board at least twice a year to determine if the urban renewal project is on budget and at what rate funds are being expended under the budget.
7. A status report of each open urban renewal project is presented to the Agency Board at Agency meetings as part of the Director's Report.
8. All meetings of the Agency are noticed and open to the public.

EXHIBIT B
2018-19 ANNUAL REPORT

See <https://www.cityofwhiteplains.com/569/Annual-Report>

EXHIBIT C to Resolution 03-2020

ACKNOWLEDGEMENT OF FIDUCIARY DUTIES AND RESPONSIBILITIES

EXECUTED STATEMENTS OF BOARD MEMBERS



Acknowledgement of Fiduciary Duties and Responsibilities

As a member of the Authority's board of directors, I understand that I have a fiduciary obligation to perform my duties and responsibilities to the best of my abilities, in good faith and with proper diligence and care, consistent with the enabling statute, mission, and by-laws of the Authority and the laws of New York State. The requirements set forth in this acknowledgement are based on the provisions of New York State law, including but not limited to the Public Authorities Reform Act of 2009, Public Officers Law, and General Municipal Law. As a member of the board of directors:

I. Mission Statement

I have read and understand the mission of the Authority; and the mission is designed to achieve a public purpose on behalf of the State of New York. I further understand that my fiduciary duty to this Authority is derived from and governed by its mission.

I agree that I have an obligation to become knowledgeable about the mission, purpose, functions, responsibilities, and statutory duties of the Authority and, when I believe it necessary, to make reasonable inquiry of management and others with knowledge and expertise so as to inform my decisions.

II. Deliberation

I understand that my obligation is to act in the best interests of the Authority and the People of the State of New York whom the Authority serves.

I agree that I will exercise independent judgment on all matters before the board.

I understand that any interested party may comment on any matter or proposed resolution that comes before the board of directors consistent with the laws governing procurement policy and practice, be it the general public, an affected party, a party potentially impacted by such matter or an elected or appointed public official. However, I understand that the ultimate decision is mine and will be consistent with the mission of the Authority and my fiduciary duties as a member of the Authority's board of directors.

I will participate in training sessions, attend board and committee meetings, and engage fully in the board's and committee's decision-making process.

III. Confidentiality

I agree that I will not divulge confidential discussions and confidential matters that come before the board for consideration or action.

IV. Conflict of Interest

I agree to disclose to the board any conflicts, or the appearance of a conflict, of a personal, financial, ethical, or professional nature that could inhibit me from performing my duties in good faith and with due diligence and care.

I do not have any interest, financial or otherwise, direct or indirect, or engage in any business or transaction or professional activity or incur any obligation of any nature, which is in substantial conflict with the proper discharge of my duties in the public interest.

Signature: _____

Print Name: _____

Authority Name: _____

Date: _____

James W. Glathair
James W. Glathair
White Plains Urban Renewal Agency
2/04/20

EXHIBIT C

ACKNOWLEDGEMENT OF FIDUCIARY DUTIES AND RESPONSIBILITIES
EXECUTED STATEMENTS OF BOARD MEMBERS



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Signature:

Walter J. Eddie

Print Name:

Walter J. Eddie

Authority Name:

Urban Renewal Agency

Date:

2/24/2020

EXHIBIT C

ACKNOWLEDGEMENT OF FIDUCIARY DUTIES AND RESPONSIBILITIES
EXECUTED STATEMENTS OF BOARD MEMBERS



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Signature:

Daniel P. Moriarty

Print Name:

DAN MORIARTY

Authority Name:

URBAN RENEWAL AGENCY

Date:

2/24/2020

EXHIBIT C

ACKNOWLEDGEMENT OF FIDUCIARY DUTIES AND RESPONSIBILITIES
EXECUTED STATEMENTS OF BOARD MEMBERS



Acknowledgement of Fiduciary Duties and Responsibilities

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Signature: 
Print Name: Norman DiChiara
Authority Name: White Plains Urban Renewal
Date: February 26, 2020

EXHIBIT C

ACKNOWLEDGEMENT OF FIDUCIARY DUTIES AND RESPONSIBILITIES
EXECUTED STATEMENTS OF BOARD MEMBERS



Acknowledgement of Fiduciary Duties and Responsibilities

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I do not have any interest, financial or otherwise, direct or indirect, or engage in any business or transaction or professional activity or incur any obligation of any nature, which is in substantial conflict with the proper discharge of my duties in the public interest.

Signature: 
Print Name: THOMAS M. ROACH
Authority Name: White Plains/Urban Renewal Agency
Date: 2/24/20

WHITE PLAINS URBAN RENEWAL AGENCY

RESOLUTION 04-2020

RESOLUTION AMENDING THE COMMUNITY DEVELOPMENT POSITION TITLE AND SALARY SCHEDULE FOR FISCAL YEAR JULY 1, 2019 TO JUNE 30, 2020, AND ESTABLISHING THE COMMUNITY DEVELOPMENT TITLE AND SALARY SCHEDULE FOR FISCAL YEAR JULY 1, 2020 to JUNE 30, 2021

WHEREAS:

- A. General Municipal Law (“GML”) Article 15 provides in the definition of urban renewal at Section 501.3, “a program established, conducted and planned by a municipality for the redevelopment, through clearance, re-planning, reconstruction, rehabilitation, and concentrated code enforcement, or a combination of these and other methods, of substandard and insanitary areas of such municipalities, and for recreation and other facilities incidental or appurtenant thereto . . .The terms ‘clearance, re-planning, reconstruction and rehabilitation’ shall include renewal, redevelopment, conservation, restoration or improvement or any combination thereof as well as relocation activities and the testing and reporting of methods and techniques for the arrest, prevention and elimination of slums and blight; the term ‘program’ may mean or include and be interchangeable with the term ‘project’”.
- B. Among its powers under GML Article 15-A, an urban renewal agency has the authority, pursuant to Section 554(7) “to appoint officers, agents and employees, prescribe their duties, fix their compensation and delegate to one or more of such officers, agents or employees such powers or duties as it may deem proper”.
- C. Among its powers under GML Article 15-A, an urban renewal agency has the further authority, pursuant to GML Section 554(8) “with the consent of the municipality to use agents, employees and facilities of the municipality, paying to the municipality its agreed proportion of the compensation or costs”.
- D. Further among its powers under GML Article 15-A, pursuant to GML Section 554(1) an urban renewal agency has the power “to cooperate with the federal government and apply for and accept advances, loans, grants, subsidies, contributions and any other form of financial assistance from the federal government, or from the state, county, municipality or other public body or from sources public or private, for the purposes of this article and article fifteen of this chapter”.
- E. Further among the purposes of an urban renewal agency under GML Article 15 and 15-A, pursuant to GML Section 554(16) is the power “to prepare or cause to be prepared a general neighborhood renewal plan for an area consisting of an urban renewal area or areas, together with any adjoining areas having specially related problems”.
- F. Pursuant to GML Section 554(7) and (11), and in cooperation with the City of White Plains (“City”) and the Federal Government, particularly the U.S. Department of Housing and Urban Development (“HUD”), the White Plains Urban Renewal Agency (“Agency”) with Community Development Block Grant Program grant funds directed to the Agency by the City, employs certain persons whose positions are directly

involved in:

1. The preparation of general neighborhood renewal plans, pursuant to GML Section 554(16).
 2. The preparation of specific urban renewal plans, pursuant to GML Section 502.7.
 3. Implementing a program of rehabilitation and concentrated code enforcement in areas determined to be substandard and insanitary areas of the City, pursuant to GML Section 502.3.
 4. The review and implementation of certain public facility plans in substandard and insanitary areas, including the oversight of park improvements and historic buildings, pursuant to GML Section 502.3.
 5. Testing and reporting to the Agency and the City on methods and techniques for the arrest, prevention and elimination of slums and blight, pursuant to GML Section 502.3.
- G. Historically the Agency has, to the extent feasible and subject to funding availability, maintained parity of its Community Development funded employees with the City's Civil Service Employee's Association ("CSEA")-represented employees.
- H. Based on work undertaken by the Agency's Community Development funded employees, it is anticipated that, during its 2019-20 fiscal year the Agency staff will (1) continue to provide rehabilitation and housing assistance to low and moderate income families, (2) administer grants to public service agencies which provide services to low and moderate income families and the homeless, and (3) implement all other activities to achieve the goals and outcomes of the 2019-20 Annual Action Plan of the 2015-2019 Consolidated Plan, as specified in each document. It is anticipated that the 2020-21 Annual Action Plan and the 2020-2024 Consolidated Plan will contain these activities as well.
- I. To undertake this workload for 2019-20 and 2020-2021 within the funding availability of the Community Development Block Grant Program and the Federal program regulations therefor, the Executive Director has presented to the Agency an amended Position Title and Salary Schedule for fiscal year 2019-20 for Agency employees to be effective July 1, 2019 and a new Position Title and Salary Schedule for fiscal year 2020-21 for Agency employees to be effective July 1, 2020 (Exhibit A).
- J. The Agency has reviewed the proposed 2019-20 and 2020-21 Community Development Program Position Title and Salary Schedule and have reviewed the Community Development Program funding and regulations with regard to the funding allocations.

NOW, THEREFORE, BE IT RESOLVED:

1. The Agency hereby finds that:
 - a. The continued employment of Agency employees funded by the Community Development Program to assist the Agency in the carrying out of its program of urban renewal pursuant to GML Articles 15 and 15-A at the highest level for the residents of White Plains is necessary and in the public interest;
 - b. Federal funding through the Community Development Program for Agency employees for fiscal year 2019-20 has been appropriated by HUD and approved by the Common Council. Federal funding through the Community Development Program for Agency employees for fiscal year 2020-21 is expected to be available from HUD at the current level of appropriation, subject to HUD regulations and continued approval of the Community Development Block Grant Program Budget by the Common Council
2. The Agency hereby approves the Amended 2019-20 Community Development Program Position Title and Salary Schedule in its entirety, effective July 1, 2019, and the 2020-21 Community Development Program Position Title and Salary Schedule in its entirety, effective July 1, 2020 as attached hereto as Exhibit A and made a part hereof.
3. The Agency hereby determines that all personnel costs shall be allocated and charged to the Community Development according to the percentage of salary allocation shown in Exhibits A hereof.
4. This Resolution shall take effect July 1, 2019 with respect to the 2019-20 Community Development Program Position Title and Salary Schedule and July 1, 2020 with respect to the 2020-21 Community Development Program Position Title and Salary Schedule.

Dated: February 20, 2020

Adopted: February 24, 2020

Exhibit A
WHITE PLAINS URBAN RENEWAL AGENCY
Community Development Program
POSITION TITLE AND SALARY SCHEDULE
Effective July 1, 2019 with respect to salaries for fiscal year 19/20
Effective July 1, 2020 with respect to salaries for fiscal year 20/21

Effective July 1, 2019

FULL TIME POSITIONS			
Position Title	Funding Source	Grade/Step	Annual Salary
Rehabilitation Officer	CD 005 - 100%	12/5	\$72,642
Community Development Assistant	CD 090 – 50% CD 005 - 50%	10/3	\$30,665 \$30,665
Code Enforcement Officer	CD 314 – 100%	10/21 Longevity	\$79,354 \$1,100
PART TIME POSITIONS			
Position Title	Funding Source	Grade/Step	Annual Salary
PT Rehabilitation Program Representative	CD 005	Hourly	\$30/hour, up to an annual maximum of \$10,000
PT Code Enforcement Officer	CE 314	Hourly	Up to \$37.50/hour, up to an annual maximum of \$19,500
PT CD Analyst	CD 090	Hourly	Up to \$30/hour up to an annual maximum of \$24,000
PT Clerk	CD 005	Hourly	Up to \$20/hour, up to an annual maximum of \$24,000

Effective July 1, 2020 - 3% Increases for Full Time Staff

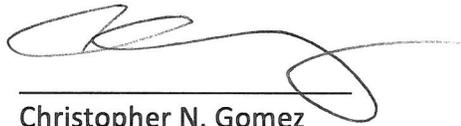
FULL TIME POSITIONS			
Position Title	Funding Source	Grade/Step	Annual Salary
Rehabilitation Officer	CD 005 - 100%	12/5	\$74,821
Community Development Assistant	CD 090 – 50% CD 005 - 50%	10/3	\$31,585 \$31,585
Code Enforcement Officer	CD 314 – 100%	10/21 Longevity	\$81,735 \$1,100
PART TIME POSITIONS			
Position Title	Funding Source	Grade/Step	Annual Salary
PT Rehabilitation Program Representative	CD 005	Hourly	\$30/hour, up to an annual maximum of \$10,000
PT Code Enforcement Officer	CE 314	Hourly	Up to \$37.50/hour, up to an annual maximum of \$19,500
PT CD Analyst	CD 090	Hourly	Up to \$30/hour up to an annual maximum of \$24,000
PT Clerk	CD 005	Hourly	Up to \$20/hour, up to an annual maximum of \$24,000

WHITE PLAINS URBAN RENEWAL AGENCY

70 Church Street, White Plains, New York 10601
(914) 422-1300 Fax: (914) 422-1301

CERTIFIED COPY

1. I am the duly qualified and acting Assistant Secretary of the White Plains Urban Renewal Agency (the "Agency"). I am the custodian of the minutes of the meetings of the Agency and am authorized to execute this certificate.
2. Attached hereto is a correct copy of **Resolution 04-2020**, (the "Resolution"), adopted at a meeting of the Agency held on **February 24, 2020**, (the "Meeting"), which Resolution is now in full force and effect.
3. The Meeting was duly convened and held in accordance with law and the by-laws of the Agency, and proper notice of the Meeting was given. A legal quorum of the Agency was present throughout the Meeting and a legally sufficient number of members of the Agency duly voted for the adoption of the Resolution.
4. The authority delegated to the Chairman in the Resolution has not been altered or revoked in any way.
5. The seal that appears below is the official seal of the Agency and was duly affixed by me at the time I executed this certificate on **February 24, 2020**.



Christopher N. Gomez
Executive Director

WHITE PLAINS URBAN RENEWAL AGENCY

RESOLUTION 05-2020

A RESOLUTION OF THE WHITE PLAINS URBAN RENEWAL AGENCY AUTHORIZING THE CHAIRMAN OR HIS DESIGNEE TO AUTHORIZE THE WHITE PLAINS URBAN RENEWAL AGENCY TO GRANT CERTAIN PERMANENT EASEMENTS TO THE METROPOLITAN TRANSPORTATION AUTHORITY RELATED TO THE RENOVATION OF THE WHITE PLAINS TRAIN STATION.

WHEREAS, the METROPOLITAN TRANSPORTATION AUTHORITY, is a public benefit corporation organized and existing under the laws of the State of New York, having its principal office at 2 Broadway, New York, New York 10004 (the “MTA”); and

WHEREAS, Metro-North Commuter Railroad Company (“Metro-North”) is a subsidiary of the Metropolitan Transportation Authority (“MTA”) both of whose missions are to provide public transportation in the New York metropolitan area; and

WHEREAS, the White Plains Urban Renewal Agency (“the Agency”) is the owner of the Bronx Street parking lot, known as 3 Hamilton Avenue (also known as 125.74-2-1 on the tax assessment maps of the City) near the existing White Plains Metro-North railroad station; and

WHEREAS, Metro-North is renovating that railroad station as part of the White Plains Enhanced Station Initiative; and

WHEREAS, by letter dated April 17, 2019, the Metropolitan Transportation Authority has requested permanent easements for the following areas: 1) a 121 square foot area approximately 40 feet by 3 feet along the western edge of the property, as shown on the drawing and legal description attached to the April 17th letter, for installation of a staircase to the northbound platform and sidewalk to be maintained by the Metropolitan Transportation Authority; and 2) a 507 square foot easement in the northwest corner of the property, as shown on the drawing and legal description attached to the April 17th letter, for installation, operation, maintenance and repair of a gas line on 3 Hamilton Avenue, which gas line the Metropolitan Transportation Authority has agreed to move off of the current City of White Plains property if said property is ever developed in the future and said development requires that the gas line be moved; and

WHEREAS, the Agency finds that it would be in the best interests of the Agency and the City of White Plains to facilitate the renovation of the White Plains railroad station and improve public transportation within the City of White Plains and to grant permanent easements to the Metropolitan Transportation Authority.

NOW, THEREFORE, BE IT RESOLVED THAT

1. The Agency hereby authorizes the Chairman or his designee to execute an instrument or instruments granting the Metropolitan Transportation Authority the following permanent easements: 1) a 121 square foot area approximately 40 feet by 3 feet along the western edge of the property, as shown on the drawing and legal description attached to the April 17th letter, for installation of a staircase to the northbound platform and sidewalk to be maintained by the Metropolitan Transportation Authority; and 2) a 507 square foot easement in the northwest corner of the property, as shown on the drawing and legal description attached to the April 17th letter, for installation, operation, maintenance and repair of a gas line on 3 Hamilton Avenue, which gas line the Metropolitan Transportation Authority has agreed to move off of the current City of White Plains property if said property is ever developed in the future and said development requires that the gas line be moved. Said instrument(s) shall be in a form to be approved by the Counsel to the White Plains Urban Renewal Agency.

Dated: February 20, 2020

Adopted: February 24, 2020

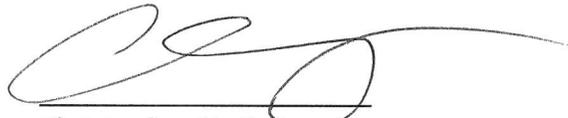
WHITE PLAINS URBAN RENEWAL AGENCY

70 Church Street, White Plains, New York 10601

(914) 422-1300 Fax: (914) 422-1301

CERTIFIED COPY

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2. Attached hereto is a correct copy of Resolution 05-2020, (the "Resolution"), adopted at a meeting of the Agency held on February 24, 2020, (the "Meeting"), which Resolution is now in full force and effect.
3. The Meeting was duly convened and held in accordance with law and the by-laws of the Agency, and proper notice of the Meeting was given. A legal quorum of the Agency was present throughout the Meeting and a legally sufficient number of members of the Agency duly voted for the adoption of the Resolution.
4. The authority delegated to the Chairman in the Resolution has not been altered or revoked in any way.
5. The seal that appears below is the official seal of the Agency and was duly affixed by me at the time I executed this certificate on February 24, 2020.



Christopher N. Gomez
Executive Director



BY UPS

February 10, 2020

Honorable Mayor Thomas M. Roach, Chairman
White Plains Urban Renewal Agency
City of White Plains
255 Main Street
White Plains, New York 10601

Re: Request for change to Permanent Easements with White Plains Urban Renewal Agency in support of Metro-North's White Plains Enhanced Station Initiative in White Plains

Dear Mayor Roach:

As part of Metro-North Railroad's Enhanced Station Initiative for the White Plains station (the "Project"), Metro-North was granted certain permanent easement rights on White Plains Urban Renewal property for constructing various elements of the Project. Metro-North request that the Easements now be granted to Metropolitan Transportation Authority. All other terms are identical to the original request except for the party receiving the easement.

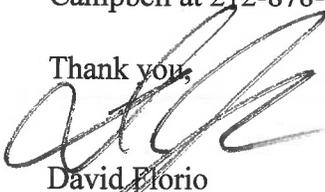
Permanent Easements

- 1. Bronx Street Lot Easement – 3 Hamilton Avenue, White Plains NY (125.74-2-1)**
 - a. Grantor – White Plains Urban Renewal Agency
 - b. Easement consideration is \$1 payment waived
 - c. Improvements/utilities are subject to relocation at Metro-North's cost.
 - d. Space needs:
 - i. Gas feed to property line box
 1. Area = 507 square feet
 2. Metro-North maintains lines
 3. Survey and Description attached
 - ii. North Platform Stairs
 1. ±121 Square Feet
 2. Metro-North maintains stairs
 3. Currently still in design (See attached sketch)

We appreciate your attention to this request for this important regional transportation project.

Should you have any questions or require additional information please contact Anthony Campbell at 212-878-7141 or via email at ANCAMPBE@mtahq.org

Thank you,



David Florio

Director, Real Estate Transactions and Operations

cc: J. Lieber, MTA
J. Kennard, MNR
M. Mannix, MNR
B. Knotte, MNR
A. Campbell, MTA
N. Mastropietro, MTA
C. Gomez, WPURA

EASEMENT AGREEMENT

THIS AGREEMENT (this "Agreement"), is made and entered into the ____ day of _____, 2019, by and between the WHITE PLAINS URBAN RENEWAL AGENCY ("Grantor"), a _____ having its principal offices at 255 Main Street, White Plains, NY 10601, and METROPOLITAN TRANSPORTATION AUTHORITY, a public benefit corporation organized and existing under the laws of the State of New York, having its principal office at 2 Broadway, New York, New York 10004 (the "MTA"),

WITNESSETH:

WHEREAS, Grantor is the fee owner of a certain parcel of real property located at and known as 3 Hamilton Avenue, White Plains, New York 10601, also know on the tax assessment maps of the City of White Plains as 125.74-2-1 on which there is a 507± square foot area as more particularly shown hatched and designated as Easement Area 1 on Exhibit "A" annexed hereto ("Easement Area 1") and on which there is a 121± square foot area as more particularly shown hatched and designated as Easement Area 2 on Exhibit "B" annexed hereto ("Easement Area 2") ; and

WHEREAS, the MTA is the lessee of the property constituting the Harlem and Hudson commuter rail lines and facilities (collectively the "Railroad Properties"), under a long-term lease dated April 8, 1994, as amended by the First Amendment, dated June 5, 1995 (the "Harlem-Hudson Lease"), from Midtown Trackage Ventures LLC, as successor-in-interest to the Trustees of the Penn Central Transportation Company, expiring on February 28, 2274, and which Railroad Properties are administered and operated by MNR (as hereinafter defined) as MTA's operating subsidiary and agent; and

WHEREAS, Metro-North Commuter Railroad Company ("MNR"), a public benefit corporation organized and existing under the laws of the State of New York, having its principal office at 420 Lexington Avenue, New York, New York 10017, is a subsidiary of the MTA; and

WHEREAS, MNR (i) is the MTA's designee to exercise MTA's rights under the Harlem-Hudson Lease, (ii) operates, among other lines, a commuter railroad line serving a northerly section of the greater New York City area known as the Harlem Line, and (iii) is authorized by the MTA to exercise the rights granted hereunder and to undertake all obligations of the MTA contained herein; and

WHEREAS, Metro-North Capital Programs, a division of MNR ("Capital Programs") is implementing a station renovation program known as the Enhanced Station Initiative for the White Plains Station (the "Station").

WHEREAS, the MTA requires a permanent and perpetual easement over Easement Area 1 and Easement Area 2 in connection with the Enhanced Station Initiative; and

WHEREAS, the Grantor is desirous of conveying to the MTAMNR a permanent and perpetual easement, upon, over, under and across Easement Area 1 and Easement Area 2 for the uses in connection with the Enhanced Station Initiative as further described herein; and

NOW THEREFORE, in consideration of the terms and conditions contained herein, and other good and valuable consideration, Grantor for itself, its heirs, successors, legal representatives and assigns declares and imposes the following easement as follows:

Section 1. Grantor is the fee owner of Easement Area 1 and Easement Area 2 (hereinafter referred to collectively as the "Easement Areas"). The Easement Areas are located on 3 Hamilton Avenue, White Plains, New York 10601 (collectively, the "Properties"), and Grantor is the fee owner of the Properties.

Section 2. Grantor hereby gives, grants, conveys and confirms onto the MTA and its successors and assigns a permanent and perpetual easement, upon, over, under and across (i) Easement Area 1 as described in the metes and bounds description annexed hereto as Exhibit "A-1" and depicted on the survey map annexed hereto as Exhibit "A" attached hereto, for the purpose of constructing, operating and maintaining a subsurface gas line to be used for transporting gas for MNR's heat boilers connected to Consolidated Edison's the power source to power the heated platforms at the White Plains Station installed as part of the Enhanced Station Initiative, and (ii) Easement Area 2 as described in the metes and bounds description annexed hereto as Exhibit "B-1" and depicted on the survey map annexed hereto as Exhibit "B" attached hereto, for the purposes of constructing, operating and maintaining a new stairway servicing the White Plains Station as part of the Enhanced Station Initiative, together with the right of the MTA and MNR, and their respective officers, employees, agents, servants, customers and/or contractors, of ingress and egress to enter upon and along the Easement Areas for the full and complete use, occupation and enjoyment of the easement granted, and all rights and privileges incident thereto. If Grantor requests the MTA to relocate the gas line to another area owned or controlled by Grantor and/or the MTA and reasonably accessible to the boiler heaters and the platforms in connection with any future development of the area surrounding the White Plains Station, the MTA (or MNR on behalf of the MTA) shall comply with such request and relocate the gas line at the MTA's sole cost and expense to such other area owned or controlled by Grantor and/or the MTA and reasonably accessible to the boiler heaters and the platforms.

Section 3. Grantor makes no representations as to the condition of the Easement Areas, and the MTA accepts the right to use the Easement Areas in their "as is" condition for purposes of constructing, operating and maintaining a subsurface gas line and constructing, operating and maintaining a new stairway servicing the White Plains Station (the "Improvements").

Section 4. The MTA (or MNR on behalf of the MTA) will undertake all work activities under this Agreement in connection with the construction of the Improvements at its sole cost and expense.

APPENDIX D

Confidential Evaluation of Board Performance

Criteria	Agree	Somewhat Agree	Somewhat Disagree	Disagree
Board members have a shared understanding of the mission and purpose of the Authority.				
The policies, practices and decisions of the Board are always consistent with this mission.				
Board members comprehend their role and fiduciary responsibilities and hold themselves and each other to these principles.				
The Board has adopted policies, by-laws, and practices for the effective governance, management and operations of the Authority and reviews these annually.				
The Board sets clear and measurable performance goals for the Authority that contribute to accomplishing its mission.				
The decisions made by Board members are arrived at through independent judgment and deliberation, free of political influence, pressure or self-interest.				
Individual Board members communicate effectively with executive staff so as to be well informed on the status of all important issues.				
Board members are knowledgeable about the Authority's programs, financial statements, reporting requirements, and other transactions.				
The Board meets to review and approve all documents and reports prior to public release and is confident that the information being presented is accurate and complete.				
The Board knows the statutory obligations of the Authority and if the Authority is in compliance with state law.				
Board and committee meetings facilitate open, deliberate and thorough discussion, and the active participation of members.				
Board members have sufficient opportunity to research, discuss, question and prepare before decisions are made and votes taken.				
Individual Board members feel empowered to delay votes, defer agenda items, or table actions if they feel additional information or discussion is required.				
The Board exercises appropriate oversight of the CEO and other executive staff, including setting performance expectations and reviewing performance annually.				
The Board has identified the areas of most risk to the Authority and works with management to implement risk mitigation strategies before problems occur.				
Board members demonstrate leadership and vision and work respectfully with each other.				

Date Completed: _____

Section 5. The MTA (or MNR on behalf of the MTA) will procure, at its sole cost and expense, all necessary approvals and permits for all work activities under this Agreement in connection with the construction of the Embankment.

Section 6. The consideration payable by the MTA to Grantor for the easement rights herein granted to the MTA will be One Dollar (\$1.00), payment waived. The MTA, at its sole cost and expense, shall have the perpetual obligation to maintain, repair, inspect, rebuild, and reconstruct the Improvements and shall assume any future costs of relocation of the gas line if required for future development of Grantor's property. The MTA, at its sole cost and expense, shall have the perpetual obligation to maintain, repair, inspect, rebuild, and reconstruct the new stairway described above.

Section 7. The MTA will not at any time prior to the completion of construction of the Enhanced Station Initiative permit or suffer any lien to be attached to the Properties, and, if attached, shall within thirty (30) days cause the same to be discharged and released. Notwithstanding anything in this Agreement to the contrary, The MTA and MNR may elect not to carry insurance and to self-insure (or maintain any self-insured retention and/or deductible amount) as to the insurance coverage required by the provisions of this Section 7 and Exhibit "C" pursuant to any plan of self-insurance maintained by the MTA or MNR. If the MTA or MNR elects to self-insure, the MTA and MNR, as the case may be, agrees that it will provide the same insurance coverage and protection for the benefit of Grantor as an additional insured, in the same amount and under the same terms set forth above as it would provide to Grantor if the MTA or MNR were to purchase commercial insurance from a third party insurer meeting the insurance coverage requirements set forth in this Section 7 and named Grantor as an additional insured thereunder. The MTA and MNR further agrees that the limits of insurance set forth herein and any right to self-insure, or self-insured retention and/or deductible amounts shall not be construed as limiting or expanding the indemnification, hold harmless and rights to defense provisions of Section 10 hereof.

Section 8. The MTA covenants and agrees to fully and forever release and discharge Grantor and any and all its officers, agents, servants, representatives or employees from any and all claims, demands, rights of action or causes of action, present or future, whether same be known or unknown, anticipated or unanticipated, resulting from any cause whatsoever arising out of the MTA's exercise of the rights conveyed under this Agreement, except if caused by the negligence or willful misconduct of Grantor.

Section 9. The MTA covenants and agrees to forever refrain from instituting, prosecuting or maintaining any action, suit or proceeding, at law or otherwise, and from pressing, collecting or otherwise proceeding against Grantor or any officer, agent, servant, representative or employee of Grantor upon any claims, controversies, actions, causes of action, obligations or liabilities of any nature whatsoever, whether or not presently known, which the undersigned ever had, now has or hereafter can, shall or may have, or allege, based upon any negligence of whatsoever nature, ordinary or gross, whether or not presently known with respect to or arising out of or in connection with any personal injury, including death, or property damage arising out of the MTA's exercise of the rights conveyed under this Agreement.

Section 10. The MTA covenants and agrees to defend, indemnify and save harmless Grantor and any and all its officers, agents, servants, representatives or employees from any and all third party claims, demands, rights of action or causes of action, present or future, whether same be known or unknown, anticipated or unanticipated, resulting from any cause whatsoever arising out of the MTA's exercise of the rights conveyed under this Agreement.

Section 11. The MTA and its agents and contractors shall conduct all work activities under this Agreement in connection with the construction of the Embankment in a workmanlike manner and in accordance with the MTA's ordinary practices, standards and procedures.

Section 12. Grantor hereby covenants that Grantor is seized of the Property in fee simple and has good right to execute this Agreement.

Section 13. If any provision of this Agreement or its application shall be invalid, illegal or unenforceable in any respect, the validity, legality and enforceability of all other provisions and applications hereof shall not be affected or impaired in any way.

Section 14. This Agreement shall be construed in accordance with the laws of the State of New York, and constitutes the complete understanding and agreement of the parties. Any dispute, controversy, proceeding (including a special proceeding), or claim arising out of or relating to this Agreement shall be brought or commenced exclusively in the Supreme Court of the State of New York in Westchester County. No modification or amendment of any of the provisions hereof shall be valid unless in writing and signed by all parties hereto.

Section 15. All notices of any nature referred to in this Agreement shall be in writing and either sent by registered or certified mail postage pre-paid, or sent by hand or overnight courier, to the respective addresses set forth below or to such other addresses as the respective Parties may designate in writing. Notice shall be effective on the date of receipt.

To Grantor:

Executive Director
White Plains Urban Renewal Agency
-70 Church Street-
—White Plains, New York 10601

With a copy to:

Corporation Counsel
City of White Plains
Municipal Building, 255 Main Street
White Plains, New York 10601

To the MTA:

Metropolitan Transportation Authority
2 Broadway, 4th Floor
New York, New York 10004
Attn.: Director, Real Estate Transactions and Operations

With a copy to:

Metropolitan Transportation Authority
2 Broadway, 20th Floor
New York, New York 10004
Attn.: General Counsel

Metro North Commuter Railroad
420 Lexington Avenue, 11th Floor
New York, NY 10170
Attn: General Counsel

Section 16. The parties agree that this Agreement shall be recorded against the above captioned property in the Office of the Westchester County Clerk, Division of Land Records. This instrument shall run with the land and be binding upon and inure to the benefit of the parties hereto, their heirs, legal representatives, and assigns, and shall not be modified except by written agreement, in proper form for recording, executed by all parties hereto.

IN WITNESS WHEREOF, the parties have executed this Agreement on the date hereinabove set forth.

WHITE PLAINS URBAN RENEWAL AGENCY:

Name:
Title:

Date

METROPOLITAN TRANSPORTATION AUTHORITY

By: _____

David Florio

Director, Real Estate Transactions and Operations, Authorized Signatory

Date

ACKNOWLEDGMENT OF GRANTOR

STATE OF NEW YORK)
)ss.:
COUNTY OF WESTCHESTER)

On the _____ day of _____, 2019, before me the undersigned personally appeared _____ personally known to me or proved to me on the basis of satisfactory evidence to the individual(s) whose name(s) is (are) subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity(ies), and that by his/her/their signature(s) on the instrument, the individual(s), or the person upon behalf of which the individual(s) acted, executed the instrument.

Notary Public

EXHIBIT "A-1"

EXHIBIT "B-1"

Proposed legal description

All that tract or parcel of land situate in the City of White Plains, County of Westchester, State of New York,

Beginning at a point along the northerly bounds of Main Street (75.00 feet wide) said point being N 4°-34'-57" W a distance of 20.66 feet from the intersection of said northerly bounds and the southwesterly corner of lands now or formerly belong to White Plains Urban Renewal Agency to as recorded in liber 7094 of deeds at page 106; thence

- 1) N 4°-34'-57" W along said westerly bounds of White Plains Urban Renewal Agency a distance of 40.23 feet; thence
- 2) N 85°-25'-03" E a distance of 3.00 feet; thence
- 3) S 4°-34'-57" E a distance of 40.23 feet; thence
- 4) S 85°-25'-03" W a distance of 3.00 feet to the point of beginning

Containing 121 square feet

The above-described parcel being shown on a map of a survey by Patriot Design and Consulting, PLLC and dated March 25, 2019

WHITE PLAINS URBAN RENEWAL AGENCY

RESOLUTION NO. 6 -2020

RESOLUTION APPROVING THE EXCHANGE AGREEMENT BY AND BETWEEN THE WHITE PLAINS URBAN RENEWAL AGENCY ("AGENCY") AND 1 WATER STREET LLC ("WATER LLC") FOR THE EXCHANGE OF TWO COMPARABLY SIZED PARCELS BETWEEN THE AGENCY AND WATER LLC AND APPROVING AN ACCESS AND STORM WATER DRAINAGE AGREEMENT BETWEEN WATER LLC AND THE AGENCY OVER ADJOINING AGENCY PROPERTY.

A. 1 Water Street (Section 125.66, Block 2, Lot 1) is located in the Central Renewal Area which plan has lapsed. The existing office building at 1 Water Street was developed under that urban renewal plan. The AGENCY still owns several parcels within that plan area including a paper street extension of North Lexington Avenue, part of which is immediately adjacent to 1 Water Street.

B. WATER LLC is proposing to demolish the existing office building at 1 Water Street and is proposing a mixed use retail and residential building containing approximately 300 residential units, neighborhood retail space, publicly accessible open space and parking on the site ("the Project"). WATER LLC has applied to the Common Council for site plan approval for the Project with the permission of the AGENCY authorized by Resolution No. 3-2019.

C. In connection with the development, WATER LLC proposed to swap an approximately 12,610 square foot triangular parcel on the north end of the 1 Water Street ("the Water Swap Parcel") for a 12,328 square foot parcel within the bed of the paper street extension of North Lexington Avenue ("the Agency Swap Parcel"). Such a swap would create two more regular parcels, 1 Water Street fronting on Water Street and another fairly regular parcel fronting on Ferris Avenue when combined with another portion of the paper street extension of North Lexington Avenue. WATER LLC is the only party with which land could be swapped to create two reasonably regular parcels for redevelopment - one owned by WATER LLC and one owned by the AGENCY.

D. The City of White Plains has proposed to discontinue the 12,328 square foot portion of the paper street extension of North Lexington Avenue and retain a 30 foot right of way within the paper street extension adjacent to the discontinued portion. WATER LLC would be granted an access and storm water drainage easement over that adjacent remaining portion of the paper street extension of North Lexington Avenue. This allows for the eventual development of the remaining paper street portion of North Lexington Avenue as a public street if so desired.

E. The Water Swap Parcel will be conveyed by WATER LLC to the AGENCY in consideration of the AGENCY conveying the Agency Swap Parcel to WATER LLC along with an access and storm water drainage easement over the remaining portion of the paper street extension of North Lexington Avenue easterly from the Agency Swap Parcel. A diagram showing the two parcels to be swapped is annexed hereto.

NOW, THEREFORE, BE IT RESOLVED THAT

1. Based on its review of the proposal, the AGENCY finds that agreeing to exchange the Agency Swap Parcel with the aforementioned access and storm water drainage easement for the Water Swap Parcel will result in a trade of two equivalent sized and valued parcels and provide a better development at 1 Water Street for the benefit of the City of White Plains and allow for more flexibility for future development of the area by the AGENCY.

2. Based on its review of the proposal, the AGENCY authorizes its Chair to execute the Exchange Agreement and Access and Storm Water Drainage Easement Agreement, each in a form subject to the approval of the Agency's Counsel, subject to the following actions:

a. Publication of a notice in the official newspaper of the City of White Plains of a Notice of Availability for Public Examination of the Exchange Agreement and Access and Storm Water Drainage Easement Agreement, and notice of public hearing before the Common Council.

b. A duly noticed public hearing before the Common Council of the City of White Plains regarding the approval of the Exchange Agreement and Access and Storm Water Drainage Easement Agreement.

c. Action by the Common Council to declare itself lead agency for the discontinuance of a portion of the paper street extension of North Lexington Avenue, approval of the terms of the Exchange Agreement and Access and Storm Water Drainage Easement Agreement and the site plan for the Project and to make the appropriate environmental findings. Since the Common Council has the final approval on all three actions, the AGENCY agrees that the Common Council is the appropriate lead agency.

d. Approval by the Common Council of the Exchange Agreement and Access and Storm Water Drainage Easement Agreement.

3. To enable the necessary actions to be taken, the Executive Director is hereby authorized and directed, pursuant to Section 507 (2) (c) and (d) of the General Municipal Law, to request the Common Council to cause to be published in the official newspaper of the City of White Plains "A Notice of Availability for Public Examination" which notice shall include the notice of the availability for review of the Exchange Agreement and Access and Storm Water Drainage Easement.

4. The Executive Director is further authorized and directed to request the Common Council to hold a duly noticed public hearing on the Exchange Agreement and Access and Storm Water Drainage Easement not less than ten days after the publication of the notice described in Section 3 herein above.

Dated: August 28, 2020

Approved: September 3, 2020

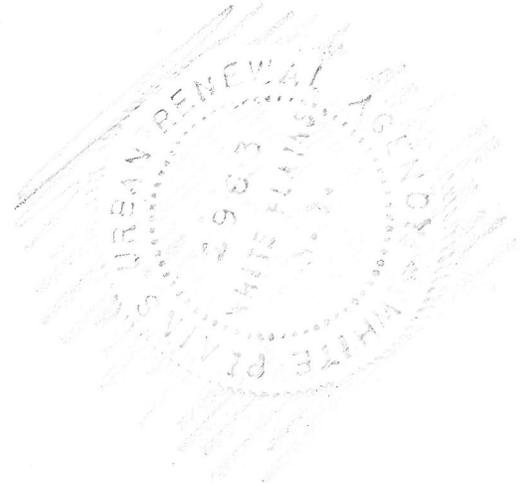
WHITE PLAINS URBAN RENEWAL AGENCY

70 Church Street, White Plains, New York 10601
(914) 422-1300 Fax: (914) 422-1301

CERTIFIED COPY

1. I am the duly qualified and acting Assistant Secretary of the White Plains Urban Renewal Agency (the "Agency"). I am the custodian of the minutes of the meetings of the Agency and am authorized to execute this certificate.
2. Attached hereto is a correct copy of **Resolution 06-2020**, (the "Resolution"), adopted at a meeting of the Agency held on **September 3, 2020** (the "Meeting"), which Resolution is now in full force and effect.
3. The Meeting was duly convened and held in accordance with law and the by-laws of the Agency, and proper notice of the Meeting was given. A legal quorum of the Agency was present throughout the Meeting and a legally sufficient number of members of the Agency duly voted for the adoption of the Resolution.
4. The authority delegated to the Chairman and the Resolution has not been altered or revoked in any way.
5. The seal that appears below is the official seal of the Agency and was duly affixed by me at the time I executed this certificate on **September 3, 2020**.


Christopher N. Gomez
Executive Director



WHITE PLAINS URBAN RENEWAL AGENCY

RESOLUTION 03-2019

RESOLUTION TO APPROVE THE INCLUSION OF URBAN RENEWAL PROPERTY IN AN APPLICATION TO THE COMMON COUNCIL FOR SITE PLAN APPROVAL

WHEREAS:

- A. The White Plains Urban Renewal Agency (the “Agency”) approved an Urban Renewal Plan for the Central Renewal Project, NY R-37 by resolution of the Agency dated July 14, 1964 and by resolution of the Common Council (“Common Council”) of the City of White Plains (“City”) by resolution dated July 6, 1964 (“Initial Plan”);
- B. The White Plains Urban Renewal Agency owns certain unimproved rights-of-way within the Central Renewal Project Area, including the unimproved portion of North Lexington Avenue easterly adjacent to the privately owned 1 Water Street parcel;
- C. The owner of property known as 1 Water Street, 1 Water Street LLC, located on the northeast corner of the intersection of Ferris Avenue and Water Street and designated on the tax assessment map of the City of White Plains as Section 125.66, Block 2, Lot 1 (the “Property”), seeks to redevelop the site and submit a site plan application to the White Plains Common Council;
- D. The proposed redevelopment of 1 Water Street includes the demolition of the existing office building on the Property and the redevelopment of the Property with a new mixed-use residential/commercial project containing approximately 300 dwelling units and neighborhood retail space, publicly accessible open space, and related parking and infrastructure;
- E. In order to improve site access and quality of the publicly accessible open space proposed, it was determined that it would be mutually beneficial to the Agency, City and the owner of 1 Water Street to swap an approximately 12,328 square foot portion of the unimproved North Lexington Avenue which abuts the Property to the east (“the WPURA Swap Parcel”) [the entire width of North Lexington Avenue which runs from Water Street to the end of the adjoining property presently used as an auto dealership (the “Urban Renewal Property”) is intended to be discontinued] with an approximately 12,610 square foot portion of the Property fronting on Ferris Avenue and located to the north of the Property (the “Swap Parcel”);
- F. The areas of land proposed to be exchanged are shown on the attached plan entitled, “Exhibit 1 – Civil Overlay Study”, dated November 5, 2018;
- G. The land swap would result in (1) an improved site plan and project for the Applicant and the City, and (2) a separate development parcel with frontage on Ferris Avenue for potential

future use by the City of White Plains;

NOW, THEREFORE, BE IT RESOLVED THAT

1. The Agency hereby authorizes 1 Water Street, LLC's application to the Common Council for site plan approval to include the WPURA Swap Parcel as part of the project for site plan approval.

Dated: April 18, 2019

Adopted: April 23, 2019

WHITE PLAINS URBAN RENEWAL AGENCY

70 Church Street, White Plains, New York 10601

(914) 422-1300 Fax: (914) 422-1301

CERTIFIED COPY

1. I am the duly qualified and acting Assistant Secretary of the White Plains Urban Renewal Agency (the "Agency"). I am the custodian of the minutes of the meetings of the Agency and am authorized to execute this certificate.
2. Attached hereto is a correct copy of **Resolution 03-2019**, (the "Resolution"), adopted at a meeting of the Agency held on **April 23, 2019**, (the "Meeting"), which Resolution is now in full force and effect.
3. The Meeting was duly convened and held in accordance with law and the by-laws of the Agency, and proper notice of the Meeting was given. A legal quorum of the Agency was present throughout the Meeting and a legally sufficient number of members of the Agency duly voted for the adoption of the Resolution.
4. The authority delegated to the Chairman in the Resolution has not been altered or revoked in any way.
5. The seal that appears below is the official seal of the Agency and was duly affixed by me at the time I executed this certificate on **April 23, 2019**.



Christopher N. Gomez
Executive Director



**DELBELLO DONNELLAN WEINGARTEN
WISE & WIEDERKEHR, LLP**

Mark P. Weingarten
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STAMFORD, CT 06905
(203) 298-0000

March 13, 2019

By Email and Hand Delivery

Honorable Thomas M. Roach, Chairman
and Members of the Board
White Plains Urban Renewal Agency
City of White Plains
255 Main Street
White Plains, New York 10601

Re: Proposed Project at 1 Water Street, White Plains, New York.

Dear Chairman Roach and Members of the Board:

This firm represents 1 Water Street LLC, a related entity of Mack-Cali (the "Applicant"), the owner of the property located at 1 Water Street, White Plains. The property is also known and designated on the tax assessment map of the City as Section 125.66, Block 2, Lot 1 (the "Property") and is located at the northeast corner of the intersection of Ferris Avenue and Water Street. The Applicant is proposing demolition of the existing office building on the Property and the redevelopment of the Property with a new mixed-use residential/commercial project containing approximately 300 dwelling units and neighborhood retail space, together with related parking and infrastructure.

The Applicant has met with City professional staff to discuss the proposed project, and as a result of those discussions, it was determined that it would be mutually beneficial to the Applicant and the City to swap an approximately 12,328 square foot portion of the unimproved North Lexington Avenue (the "Urban Renewal Property") which abuts the Property to the east with an approximately 12,610 square foot portion of the Property fronting on Ferris Avenue (the "Swap Parcel"). The proposed project and areas of land proposed to be exchanged are shown on the enclosed plan entitled, "Exhibit 1 – Civil Overlay Study", prepared by Lessard Design Inc., PC and dated November 5, 2018.

Honorable Thomas M. Roach, Chairman
and Members of the Board

March 13, 2019
Page 2

The land swap would result in an improved site plan and project for the Applicant, and a separate development parcel with frontage on Ferris Avenue across from the existing firehouse with a potential for use by the City of White Plains. Because the Urban Renewal Property is owned by the Agency, we are writing on behalf of the Applicant to respectfully request that the Agency consent to the inclusion of the Urban Renewal Property as part of the Applicant's project site in its applications to the Common Council for site plan approval and for the discontinuance of a certain unimproved portion of North Lexington Avenue extending from Water Street to the end of the adjoining property presently used as an auto dealership. We recognize that this would be only a preliminary step, and the action of the Agency at this time would in no way convey any rights to the Urban Renewal Property to the Applicant. If the Agency consents, the Applicant will request approval of the disposition of the Urban Renewal Property to the Applicant, and will enter into a land disposition agreement for the Urban Renewal Property with the Agency in due course. The Applicant proposes that any land disposition agreement between the Agency and the Applicant also include provisions for a temporary easement from the Agency in favor of the Applicant over the Swap Parcel to permit the Applicant to utilize the Swap Parcel for staging during the construction of the project.

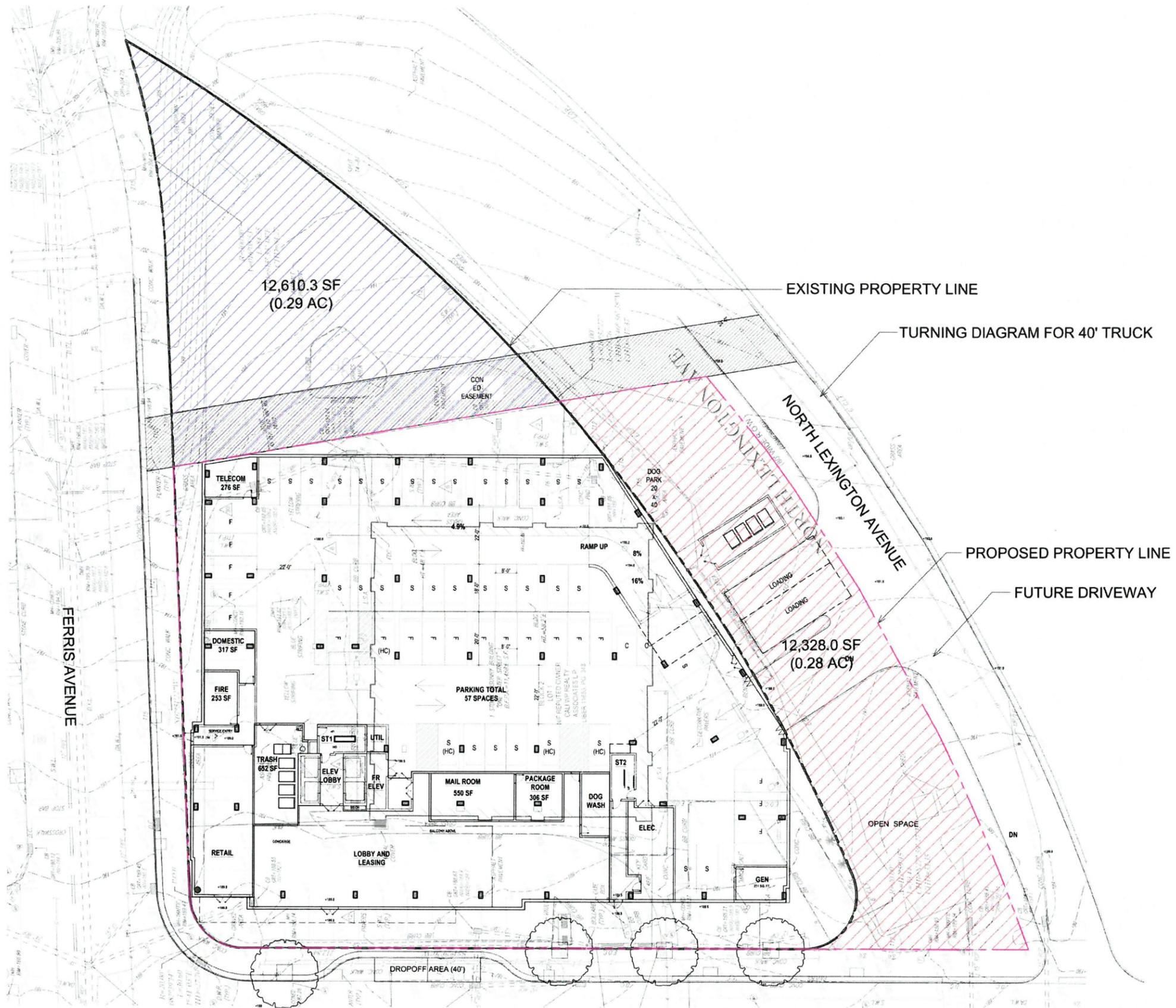
We respectfully ask that this matter be placed on the next available agenda of the Agency for discussion and consideration of approval of our request. Thank you for your consideration, and we look forward to meeting with you at your next available opportunity.

Very truly yours,

Mark P. Weingarten
MARK P. WEINGARTEN 

Enclosures

cc: John Callahan, Esq., Chief of Staff and Corporation Counsel
Arthur Gutekunst, Esq., Senior Assistant Corporation Counsel
Christopher N. Gomez, Commissioner of Planning
James Stover, Mack-Cali



WHITE PLAINS URBAN RENEWAL AGENCY

RESOLUTION NO. 6 -2020

RESOLUTION APPROVING THE EXCHANGE AGREEMENT BY AND BETWEEN THE WHITE PLAINS URBAN RENEWAL AGENCY ("AGENCY") AND 1 WATER STREET LLC ("WATER LLC") FOR THE EXCHANGE OF TWO COMPARABLY SIZED PARCELS BETWEEN THE AGENCY AND WATER LLC AND APPROVING AN ACCESS AND STORM WATER DRAINAGE AGREEMENT BETWEEN WATER LLC AND THE AGENCY OVER ADJOINING AGENCY PROPERTY.

A. 1 Water Street (Section 125.66, Block 2, Lot 1) is located in the Central Renewal Area which plan has lapsed. The existing office building at 1 Water Street was developed under that urban renewal plan. The AGENCY still owns several parcels within that plan area including a paper street extension of North Lexington Avenue, part of which is immediately adjacent to 1 Water Street.

B. WATER LLC is proposing to demolish the existing office building at 1 Water Street and is proposing a mixed use retail and residential building containing approximately 300 residential units, neighborhood retail space, publicly accessible open space and parking on the site ("the Project"). WATER LLC has applied to the Common Council for site plan approval for the Project with the permission of the AGENCY authorized by Resolution No. 3-2019.

C. In connection with the development, WATER LLC proposed to swap an approximately 12,610 square foot triangular parcel on the north end of the 1 Water Street ("the Water Swap Parcel") for a 12,328 square foot parcel within the bed of the paper street extension of North Lexington Avenue ("the Agency Swap Parcel"). Such a swap would create two more regular parcels, 1 Water Street fronting on Water Street and another fairly regular parcel fronting on Ferris Avenue when combined with another portion of the paper street extension of North Lexington Avenue. WATER LLC is the only party with which land could be swapped to create two reasonably regular parcels for redevelopment - one owned by WATER LLC and one owned by the AGENCY.

D. The City of White Plains has proposed to discontinue the 12,328 square foot portion of the paper street extension of North Lexington Avenue and retain a 30 foot right of way within the paper street extension adjacent to the discontinued portion. WATER LLC would be granted an access and storm water drainage easement over that adjacent remaining portion of the paper street extension of North Lexington Avenue. This allows for the eventual development of the remaining paper street portion of North Lexington Avenue as a public street if so desired.

E. The Water Swap Parcel will be conveyed by WATER LLC to the AGENCY in consideration of the AGENCY conveying the Agency Swap Parcel to WATER LLC along with an access and storm water drainage easement over the remaining portion of the paper street extension of North Lexington Avenue easterly from the Agency Swap Parcel. A diagram showing the two parcels to be swapped is annexed hereto.

NOW, THEREFORE, BE IT RESOLVED THAT

1. Based on its review of the proposal, the AGENCY finds that agreeing to exchange the Agency Swap Parcel with the aforementioned access and storm water drainage easement for the Water Swap Parcel will result in a trade of two equivalent sized and valued parcels and provide a better development at 1 Water Street for the benefit of the City of White Plains and allow for more flexibility for future development of the area by the AGENCY.

2. Based on its review of the proposal, the AGENCY authorizes its Chair to execute the Exchange Agreement and Access and Storm Water Drainage Easement Agreement, each in a form subject to the approval of the Agency's Counsel, subject to the following actions:

a. Publication of a notice in the official newspaper of the City of White Plains of a Notice of Availability for Public Examination of the Exchange Agreement and Access and Storm Water Drainage Easement Agreement, and notice of public hearing before the Common Council.

b. A duly noticed public hearing before the Common Council of the City of White Plains regarding the approval of the Exchange Agreement and Access and Storm Water Drainage Easement Agreement.

c. Action by the Common Council to declare itself lead agency for the discontinuance of a portion of the paper street extension of North Lexington Avenue, approval of the terms of the Exchange Agreement and Access and Storm Water Drainage Easement Agreement and the site plan for the Project and to make the appropriate environmental findings. Since the Common Council has the final approval on all three actions, the AGENCY agrees that the Common Council is the appropriate lead agency.

d. Approval by the Common Council of the Exchange Agreement and Access and Storm Water Drainage Easement Agreement.

3. To enable the necessary actions to be taken, the Executive Director is hereby authorized and directed, pursuant to Section 507 (2) (c) and (d) of the General Municipal Law, to request the Common Council to cause to be published in the official newspaper of the City of White Plains "A Notice of Availability for Public Examination" which notice shall include the notice of the availability for review of the Exchange Agreement and Access and Storm Water Drainage Easement.

4. The Executive Director is further authorized and directed to request the Common Council to hold a duly noticed public hearing on the Exchange Agreement and Access and Storm Water Drainage Easement not less than ten days after the publication of the notice described in Section 3 herein above.

Dated: August 28, 2020

Approved: September 3, 2020

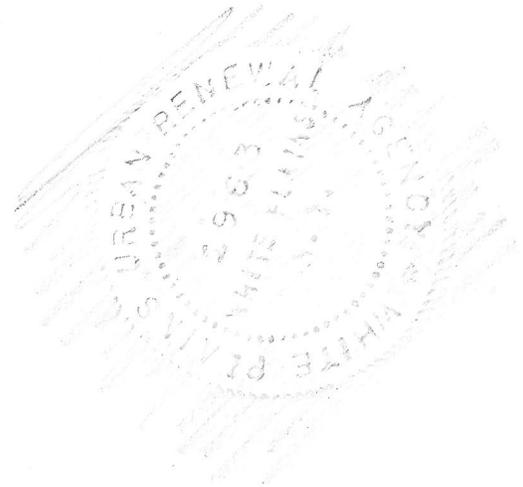
WHITE PLAINS URBAN RENEWAL AGENCY

70 Church Street, White Plains, New York 10601
(914) 422-1300 Fax: (914) 422-1301

CERTIFIED COPY

1. I am the duly qualified and acting Assistant Secretary of the White Plains Urban Renewal Agency (the "Agency"). I am the custodian of the minutes of the meetings of the Agency and am authorized to execute this certificate.
2. Attached hereto is a correct copy of **Resolution 06-2020**, (the "Resolution"), adopted at a meeting of the Agency held on **September 3, 2020** (the "Meeting"), which Resolution is now in full force and effect.
3. The Meeting was duly convened and held in accordance with law and the by-laws of the Agency, and proper notice of the Meeting was given. A legal quorum of the Agency was present throughout the Meeting and a legally sufficient number of members of the Agency duly voted for the adoption of the Resolution.
4. The authority delegated to the Chairman and the Resolution has not been altered or revoked in any way.
5. The seal that appears below is the official seal of the Agency and was duly affixed by me at the time I executed this certificate on **September 3, 2020**.


Christopher N. Gomez
Executive Director



RESOLUTION
(SEQRA)

A meeting of the City of White Plains Urban Renewal Agency was convened on December 5, 2019 at 9:30 a.m.

The following resolution was duly offered and seconded, to wit:

RESOLUTION 05-2019

RESOLUTION OF THE CITY OF WHITE PLAINS URBAN RENEWAL AGENCY MAKING A DETERMINATION PURSUANT TO THE NEW YORK STATE ENVIRONMENTAL QUALITY REVIEW ACT WITH RESPECT TO THE PROJECT (AS DEFINED BELOW)

WHEREAS, pursuant to Section 583 of the General Municipal Law of the State of New York, the **CITY OF WHITE PLAINS URBAN RENEWAL AGENCY** (hereinafter the "Agency") was established for the accomplishment of any or all of the objectives or purposes specified in General Municipal Law Articles 15 and 15-a (each as may be amended from time to time and hereinafter collectively called the "Act") which authorizes the Agency "to acquire or contract to acquire from any person, firm, corporation or government, by subsidy, contribution, gift, grant, bequest, devise, purchase, pursuant to the provisions of the eminent domain procedure law, or otherwise, real or personal property or any interest therein..." necessary or convenient to carry out and effectuate the purposes and provisions of the Act; and

WHEREAS, the Agency desires to exercise its power of eminent domain, if necessary, for the "acquisition" of all or portions of certain "real property" (as such quoted terms are defined in the New York Eminent Domain Procedure Law, herein the "EDPL") located in the City of White Plains, Westchester County, State of New York (the "City") and comprising approximately 4.18 +/- acres of real property, and consisting of thirteen (13) tax parcels identifiable by the following street addresses and tax identification numbers: (1) 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), (2) 1-3 East Post Road (being approximately 0.12-acres identifiable by SBL 130.27-10-1), (3) 2-4 East Post Road (being approximately 0.12-acres identifiable by SBL 130.27-2-10), (4) 60 East Post Road (being approximately 0.37-acres identifiable by SBL 130.27-2-2), (5) 42 East Post Road (being approximately 0.24-acres identifiable by SBL 130.27-2-3), (6) 34 East Post Road (being approximately 0.26-acres identifiable by SBL 130.27-2-4), (7) 26-28 East Post Road (being approximately 0.20-acres identifiable by SBL 130.27-2-5), (8) 22-24 East Post Road (being approximately 0.16-acres identifiable by SBL 130.27-2-6), (9) 18-20 East Post Road (being approximately 0.15-acres identifiable by SBL 130.27-2-7), (10) 14-16 East Post Road (being approximately 0.20-acres identifiable by SBL 130.27-2-8), (11) 12 East Post Road (being approximately 0.15-acres identifiable by SBL 130.27-2-9), (12) 184-188 South Lexington Avenue (being approximately 0.17-acres identifiable by SBL 130.27-8-2) and (13) 190-192 South Lexington Avenue (being approximately 0.52-acres identifiable by SBL 130.27-8-3) (collectively, the "Parcels"), all in connection with a certain future potential project(s)

(collectively, the "Project") consisting of facilitating and promoting the productive use of the Parcels, which are currently underutilized, through municipal and/or commercial economic development projects (and/or such other projects as may be authorized under the Act and/or other applicable law) in connection with the public purposes of advancing the general prosperity and economic and social welfare of the residents of the City by returning the underutilized Parcels to productive use thereby advancing the purpose of the Agency under the Act by, among other things, combating economic stagnation through stimulating, promoting and/or supporting new and/or existing economic revitalization and redevelopment efforts, advancing employment opportunities and/or as appropriate, may include, but not limited to, complimenting any public purpose contemplated by and consistent with the goals, strategies and objectives of the City's Comprehensive Plan, adopted September 8, 1997 (last updated August 12, 2012), the Post Road/South Lexington Urban Renewal Plan for the Post Road/South Lexington Urban Renewal Project No. 12 (WPUR-12), the East Post Road Urban Renewal Project (WPUR-9) and/or any other applicable plan and/or urban renewal plan, each of which are incorporated into this record by reference (collectively, the "Plans"); and

WHEREAS, pursuant to and in accordance with the New York Eminent Domain Procedure Law ("EPDL"), on September 5, 2019, a duly noticed public hearing with respect to the Project was held at White Plains City Hall located at 255 Main Street White Plains, New York 10601 with written comments accepted until the close of business on September 16, 2019 (the "September 2019 Hearing") which transcript therefrom is incorporated by reference herein; and

WHEREAS, in accordance with the EDPL and pursuant to the New York State Environmental Quality Review Act, Article 8 of the New York Environmental Conservation Law and the regulations adopted pursuant thereto at 6 N.Y.C.R.R. Part 617.1 et seq., as amended (collectively referred to as "SEQRA"), the Agency must satisfy the applicable requirements set forth in SEQRA, as necessary, prior to making a final determination whether to undertake the Project; and

WHEREAS, the Agency has identified the Project as an Unlisted Action under SEQRA, and the Agency has caused to be prepared, including based on the input of consultants and its counsel a Full Environmental Assessment Form ("EAF") for the Project, including preparation of Parts 1, 2 and 3 of the Full EAF for the Project, as well as other information concerning the Project and impacts and potential impacts associated with same; and

WHEREAS, the Agency has considered the Project's impact on the environment as set forth in more detail below by undertaking a thorough review of conditions and issues associated with the Project. The Agency's review and analysis of the potential impacts of the Project which includes review and examination of: (i) the completed Full EAF for the Project, Parts 1, 2 and 3, the EAF Mapper results for the Project, and applicable database results; (ii) the written and verbal comments associated with the September Hearing; and (iii) other supporting information and material available concerning the Project, including, but not limited to, the Plans together with any documents upon which such plans are based; and

WHEREAS, based on the information contained in the completed Full EAF, the other information summarized above and herein comprising the administrative record in this matter, and the notice and determination of negative declaration made herein, the Agency determines that the Project will not result in any significant adverse impact to the environment as specified below in accordance with the following:

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE CITY OF WHITE PLAINS URBAN RENEWAL AGENCY AS FOLLOWS:

Section 1. The Project is classified as an Unlisted Action under SEQRA as that term is defined by 6 NYCRR §617.2(ak), and each of the "Whereas" clauses in this Resolution is incorporated by reference as specific findings of this Resolution and shall have the same effect as the other findings herein. Based upon a thorough and comprehensive review by the Agency of the Full EAF, including Parts 1, 2 and 3 thereof, pertinent documents from various databases assessing impacts and potential impacts from the Project, the Plans and any other documents concerning the Project, and comments made or submitted at the September 2019 Hearing in connection with the Project, the Agency hereby finds that the Project will result in no potential significant adverse environmental impacts requiring the preparation of an environmental impact statement for the action at issue. Thus, the Agency, having conducted an uncoordinated review of the Project pursuant to SEQRA, issues a Negative Declaration for the action pursuant to 6 NYCRR 617.7.

Section 2. The Agency has considered the Project pursuant to the parameters and criteria set forth in applicable law and regulations, including but not limited to those set forth in 6 NYCRR §§617.1 and 617.3.

Section 3. The Agency has considered the significance of the potential environmental impacts of the Project by: (i) carefully reviewing and examining the responses to the Full EAF, including the information in Part 1 of the Full EAF and the EAF Mapper results and various database results assessing impacts or potential impacts associated with the Project, and completing the analyses for Parts 2 and 3 of the EAF, together with examining other available supporting information and documents concerning the Project, including the Plans and other documents referenced previously concerning the Project, and comments associated with the September Hearing, to identify the relevant areas of environmental concern with respect to potential impacts to land, stormwater and groundwater, wetlands, historic, archaeological and other recognized and/or protected resources, threatened or endangered species, community character and cumulative impacts, if any, and other potential impacts as required by applicable regulation; (ii) considering the criteria set forth in 6 NYCRR § 617.7(c); and (iii) thoroughly analyzing the identified areas of relevant environmental concern.

Section 4. The Agency has not identified any significant adverse environmental impacts associated with the Project. Based on its review, the Agency approves, adopts and incorporates by reference the responses to the Full EAF, including Parts 1, 2 and 3 with its supporting written elaboration, and finds that the Project will not result in any significant adverse impact on the environment for the following reasons:

Impacts to Land:

The Project will not have any significant adverse impact on land because the action is limited to proposed acquisition by condemnation of the Parcels, and no other action is to be taken concerning such Parcels. The current uses of the Parcels will not be altered in any manner as the result of the proposed acquisition. Acquiring title to such Parcels will result in no physical change thereto.

Groundwater/Stormwater Impacts, Wetlands, and Associated Impacts and Critical Environmental Area Impacts:

There will be no significant adverse impact from groundwater or associated with stormwater, nor will there be any significant adverse impact to any wetlands or critical environmental areas because none exist on the Parcels. The Project does not involve any change to the Parcels which are the subject of the Project, but simply involves a change in title. As a result, no significant adverse impact is anticipated. No wetlands or other waterbodies have been identified on the Parcels or adjacent thereto. Because the Project is limited to mere acquisition of the Parcels, and there are no wetlands or waterbodies identified on the Parcels, there will be no negative impact to any wetlands or water bodies. Moreover, as discussed, no physical change will occur on the Parcels as the result of the Project and as such, there will be no impact to surface or groundwater as a result thereof. For the same reason the Project will not result in any negative impact to stormwater runoff associated with the Parcels.

Impacts on Health and Safety:

There will be no significant adverse impact from the Project on Health or Safety. As detailed in the Full EAF, including the EAF Mapper results, one of the Parcels located at 190-192 So. Lexington Ave. (SBL 130.27-8-3) was listed on the DEC Environmental Site Remediation database along with nine (9) other properties located at 77 West Post Road occupying 3.69 acres (Site Code: C360129). As provided in the DEC's records from 2005 to the present, six (6) underground storage tanks, thirteen (13) in-ground hydraulic lifts, a floor drain and an oil water separator have been removed from all such properties. Furthermore, DEC reports that approximately 408 tons of impacted soil and 1,180 gallons of contaminated groundwater were removed from these sites resulting in the spill number for these properties being closed. While not coming up in the EAF Mapper results, additional research of the New York State DEC's records yielded that there had also been a spill at 34 East Post Road (SBL 130.27-2-4) on or about September 1, 2014 (Spill No.: 1608924); with regard to this spill the City of White Plains Planning Department has been in communication with the DEC which is attempting to work with the current property owner to remediate such site.

Beyond the above mentioned two (2) properties, none of the other Parcels involved in the Project have any spill incidents reported in the DEC Spill Incident database or Environmental Site Remediation database. However, there are five (5) properties within 2,000 feet of the subject Parcels which are listed on the DEC Environmental Site Remediation database. Specifically, 11 East Post Road, 55 Bank Street, properties next to 77 West Post Road site listed *supra.*, 101 Westmoreland Avenue, and 221 Main Street. The 11 East Post Road property is located next to 1-3 East Post Road and across the street from 2-4 and 12 East Post Road (Spill No.: 1705804); according to the DEC's Spill Record this gasoline spill from September 2017 was closed in July 2018. The 55 Bank Street property is located along the railroad tracks, a little south of the train station (Site Code: C360131); this site has been remediated and a building with a vapor barrier beneath is being constructed thereon. The properties next to the 77 West Post Road properties mentioned above are to the southwest of the Parcels (Site Code: C360129A), containing commercial buildings and parking lots which historically had underground and above ground storage tanks, hydraulic lifts, and various commercial businesses including dry cleaners and gas stations; a Brownfield Cleanup Program review of these properties is currently under review. The 101 Westmoreland Avenue property is a 0.2 acre site located along the railroad tracks and contains an auto-repair shop (Site Code: 360095). The remediation of the 101 Westmoreland Avenue property has been completed and residual contamination is being managed under a Site Management Plan. Finally, the 221 Main Street property is the current location of the Ritz Carlton Hotel and Condominiums which received a Certificate of Completion in 2006 which declared remedial activities on the site complete and essentially allowed unrestricted use of the site (Site Code: C360073).

As provided above, the issues on the 190-192 So. Lexington Avenue parcel, have been closed out with those existing on the 34 East Post Road parcel currently under review by the DEC. Similarly, the open issues located in and around the properties neighboring 77 West Post Road are being investigated, by DEC. While there are open or recent investigations which have taken place on these properties they will result in no impact on health and safety because no development, other work or action will take place on the Parcels, because the Project is limited to a change in title to such Parcels.

Impacts to Plants and Animals including to
Threatened or Endangered Species:

There will be no significant adverse impact from the Project on plants and animals, including to threatened or endangered species. As detailed in the Full EAF completed for the Project, there will be no change of use with respect to the Parcels, and no development or other action will be taken pursuant to the Project beyond a change in title to such Parcels. The acquisition of the Parcels will result in no impact to threatened or endangered species or their habitats.

According to the United State Fish and Wildlife Service (USFWS) IPaC Resources Report for the Parcels, no endangered species are expected to occur at this location. Eleven migratory birds, as protected by the Migratory Bird Treaty Act and the Bald and Golden Eagle Protection Act were listed as potentially occurring on the Parcels. However, nearly all species listed, such as the bald eagle, require proximity to water and less urban land for breeding or hunting. Furthermore, the IPaC Resources Report provides that there are no refuge lands, fish hatcheries or known wetlands at this location.

Further, the EAF Mapper results for the Parcels provide that there is only one plant or animal listed by New York State as endangered or threatened thereon, which is the Peregrine Falcon. Peregrine Falcons have become increasingly common in urban areas since the 1980s and presently nest in several locations throughout the New York metropolitan area, where the species nests on bridges, high-rise buildings, and other tall artificial structures. Impacts to nesting falcons can occur from work on roof tops, or work that generates loud noises over ambient noise conditions. The Parcels have no tall structures on-site and therefore offer no nesting habitat for the Peregrine Falcon. Furthermore, because there are no physical changes proposed as part of the Project, which consists of a mere change in title to the Parcels, there will be no significant adverse impact to any plant or animal species or to any habitat.

Impacts to Historic and Archeological Resources:

There will be no significant adverse impact from the Project on any historical or archeological resources. The EAF Mapper and other information identify White Plains Fire Station # 4 located to the southwest of the Parcels as a building eligible to be on the State Register of Historic Places, because of its brick structure and advanced age. Furthermore, a review of the New York State Cultural Resource Information System ("CRIS") provides that on the northwest portion of the Public Housing Authority property there was an archaeological survey which was done of the Winbrook Campus as well as a consultation project which was done just to the south thereof – however, these areas are not part of the Project. Furthermore, the Project will not cause any significant environmental impact to such buildings or land because no development or other action or physical disturbance will occur on the Parcels which are the subject of the Project.

Impacts on Open Space and Recreation, and Aesthetic Resources:

There is a recreation area with a playground and basketball courts are located on the Housing Authority property to be condemned. The Housing Authority has provided that it will be relocating such recreational uses in its conceptual plans for the future phases of redevelopment of its Brookfield Commons campus. In any event, any uses associated with the Parcels will not change as the result of the Project which entails a mere change in title to such

Parcels and will not result in any development or change in use or other action on the Parcels.

Impacts on Transportation (Traffic):

There will be no significant adverse impact from the Project on transportation in the area. Again, the Project is limited to the mere acquisition of the Parcels; as such, the mere change in title will not result in a significant adverse impact on traffic, including pedestrian and vehicular traffic. When development of the Parcels which are to be acquired for the Project occurs, traffic concerns will be evaluated at that time.

Impacts on Air, Noise, Odor and Light

The Project will not have any significant adverse impacts on air, noise, odor or light. There are no impacts to air resources of significance at this time emanating from the Parcels associated with the Project, and there will be no change in air quality upon the acquisition of title to the Parcels because the Project is limited to such acquisition and there will be no development or physical alteration of the Parcels associated with the Project. Additionally, no odors, noise or light impacts will be generated through the acquisition of title to the Parcels.

Impacts on Local Utilities and Energy:

The Project will not have any significant adverse impacts on local utilities and energy. For the reasons stated in detail above, the Project involves the mere acquisition of certain property by condemnation, and does not involve the development of any structures or uses on the Parcels.

Consistency with Community Plans and Character:

The Project consists of the acquisition of title to the Parcels located along East Post Road which are currently underutilized, in order to facilitate the productive use of it and/or nearby lands through municipal or commercial economic development projects. The acquisition of the Parcels which are the subject of the Project will result in positive effects to the City and surrounding community. The Project will carry out the purpose of the Agency by advancing the general prosperity, economic and social welfare of the residents of the City of White Plains and returning the Parcels to productive use for future economic development, thereby promoting economic revitalization, employment and increasing the property tax base within the City of White Plains. By taking title to the Parcels this Project would further the City's goals outlined in its Comprehensive Plan which calls for the "redevelopment of the northwest corner of Post Road and South Lexington Avenue and adjacent properties with land uses that relate to the surrounding residential neighborhoods, including Winbrook and Fisher Hill, as well as to the hospital." See Comprehensive Plan at [II-I-29] *et*

seq. which are incorporated herein by reference. Additionally, the Project does not interfere with the White Plains Hospital's master plan for future growth and also would not affect the buildings proposed to be built on the Brookfield Commons Conceptual Master Plan. Both the White Plains Hospital and Brookfield Commons Conceptual Master Plans are incorporated herein by reference. The eventual effects on the community will be to provide a broader tax base and increased employment opportunities, thus benefitting the residents of the City. During the public comment period comments were made that the Project lacks specificity as to why condemnation is necessary in this instance, however, the acquisition of the Parcels for future development and economic revitalization have been considered and found to be consistent with the goals of urban renewal and the specific Plans herein concerning the redevelopment of the Parcels, as outlined in the notice associated with the EDPL proceedings associated with the Project and reflect such goals.

For the same reasons as stated above, no impact to community character is anticipated from the Project, and the Project is otherwise consistent with community character. The Project is limited to the acquisition of title to the Parcels. Future development or actions to be undertaken concerning the Parcels shall be subject to zoning, land use and other approvals associated with any such development, including any development as contemplated by the Plans or otherwise for the Parcels. In addition, the future development of such Parcels shall be subject to a SEQRA review, and any impact on community character from any such development will be evaluated at that time.

Cumulative Impacts and Subsequent Review:

There will be no significant adverse environmental impacts associated with any potential cumulative impact. The Agency has considered cumulative impacts, including other simultaneous or subsequent actions which are included in any long range plans of which the Project under consideration is a part; likely to be undertaken as a result of the Project; or dependent on the Project. Further, in the case of the Project here, a mere change in title is without any physical change to any of the Parcels or change in use. Any potential impacts of future proposals associated with the various Parcels will be reviewed under SEQRA, zoning, land use and other applicable law if and when a future project or projects are proposed.

For this reason, there is no improper segmentation associated with the Project. The Project is limited to acquisition of the Parcels, which will return the underutilized Parcels to productive use. There are no additional activities, segments or steps associated with the Project. Because no specific actions or developments are proposed for the Parcels, at this time other than same being acquired in accordance with among others future development associated with the Plans and as outlined in the notice associated with the EDPL proceedings associated with the Project, any assessment of potential impacts would be speculative. Any development on the Parcels will be subject to local land use and

zoning approvals including as may be applicable site plan and other approvals. A separate environmental review process will be completed under SEQRA for any potential future development of the Parcels including potentially pursuant to the Plans or otherwise and such review will be no less protective of the environment.

Section 5. This Resolution has been prepared in accordance with Article 8 of the New York Environmental Conservation Law by the White Plains Urban Renewal Agency with offices located at 255 Main Street White Plains, NY 10601.

Section 6. The Agency and/or the persons whom it may designate or has designated for such purpose are authorized to file the Negative Declaration in accordance with applicable provisions of the law and this Resolution shall constitute a Notice of Negative Declaration. The requirements of SEQRA have been satisfied.

Section 7. The members, officers, employees and agents of the Agency (including general, special, and/or transaction counsel to the Agency) are hereby authorized and directed for and in the name and on behalf of the Agency to do all acts and things required and to execute and deliver all certificates, instruments and documents, to pay all fees, charges and expenses and to do all further acts and things as may be necessary or, in the opinion of the member, officer, employee or agent of the Agency, desirable and proper to effectuate the purposes of the foregoing resolutions and to cause compliance by the Agency with all of the terms, covenants and provisions of any documents executed for and on behalf of the Agency for purposes of effectuating any of the foregoing.

Section 8. This Resolution shall take effect immediately.

The question of the adoption of the foregoing Resolution was duly put to a vote on roll call, which resulted as follows:

	<i>Yea</i>	<i>Nay</i>	<i>Abstain</i>	<i>Absent</i>
Hon. Thomas M. Roach, Chair	[✓]	[]	[]	[]
Norman Dichiara	[✓]	[]	[]	[]
Walter Eddie	[✓]	[]	[]	[]
James Glatthaar	[✓]	[]	[]	[]
Daniel Moriarty	[]	[]	[]	[✓]

The Resolutions were thereupon duly adopted.

CERTIFICATION
(SEQRA)

STATE OF NEW YORK)
COUNTY OF WESTCHESTER) ss.:

The undersigned, being the acting Assistant Secretary and Executive Director of the City of White Plains Urban Renewal Agency, DOES HEREBY CERTIFY THAT:

I have compared the foregoing extract of the minutes of the meeting of the City of White Plains Urban Renewal Agency (the "Agency") including the resolution contained therein, held on December 5, 2019, with the original thereof on file in my office, and that the same is a true and correct copy of the proceedings of the Agency and of such resolution set forth therein and of the whole of said original insofar as the same related to the subject in matters therein referred to.

I FURTHER CERTIFY that all members of said Agency had due notice of said meeting, that the meeting was in all respects duly held and that, pursuant to Article 7 of the Public Officers Law (Open Meetings Law), said meeting was open to the general public, and that public notice of the time and place of said meeting was duly given in accordance with such Article 7.

I FURTHER CERTIFY that there was a quorum of the members of the Agency present throughout said meeting.

I FURTHER CERTIFY that as of the date hereof, the attached resolution is in full force and effect and has not been amended, repealed or modified.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal, if any, of said Agency this 5th day of December, 2019.



Christopher N. Gomez, AICP
Executive Director & Acting
Assistant Secretary

**Full Environmental Assessment Form
Part 1 - Project and Setting**

Instructions for Completing Part 1

Part 1 is to be completed by the applicant or project sponsor. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification.

Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information; indicate whether missing information does not exist, or is not reasonably available to the sponsor; and, when possible, generally describe work or studies which would be necessary to update or fully develop that information.

Applicants/sponsors must complete all items in Sections A & B. In Sections C, D & E, most items contain an initial question that must be answered either "Yes" or "No". If the answer to the initial question is "Yes", complete the sub-questions that follow. If the answer to the initial question is "No", proceed to the next question. Section F allows the project sponsor to identify and attach any additional information. Section G requires the name and signature of the applicant or project sponsor to verify that the information contained in Part 1 is accurate and complete.

A. Project and Applicant/Sponsor Information.

Name of Action or Project: Proposed acquisition of real property through condemnation by the City of White Plains Urban Renewal Agency (hereinafter the "Agency")		
Project Location (describe, and attach a general location map): The project calls for the condemnation of all or parts of thirteen (13) tax parcels in and around the the intersection of East Post Road and South Lexington Avenue as more fully described in the attached Schedule "A" and identified on the accompanying map.		
Brief Description of Proposed Action (include purpose or need): Condemnation of thirteen (13) parcels in order to facilitate the productive use of such underutilized parcels through municipal and/or commercial economic development projects in connection with the public purposes of advancing the general prosperity, economic and social welfare of the residents of the City of White Plains by returning the underutilized parcels to productive use thereby promoting employment and increasing the property tax base within the City of White Plains and/or for any other public purpose consistent with the goals, strategies and objective of the City's Comprehensive Plan, adopted September 8, 1997 (last updated August 12, 2012), the Post Road/South Lexington Urban Renewal Plan for the Post Road/South Lexington Urban Renewal Project No. 12 (WPUR-12), the East Post Road Urban Renewal Project (WPUR-9) and/or any other applicable plan and/or urban renewal plan.		
Name of Applicant/Sponsor: White Plains Urban Renewal Agency	Telephone: (914) 422-1300	
	E-Mail: cgomez@whiteplainsny.gov	
Address: 70 Church Street		
City/PO: White Plains	State: New York	Zip Code: 10601
Project Contact (if not same as sponsor; give name and title/role): Christopher N. Gomez, Executive Director and Acting Assistant Secretary	Telephone: (914) 422-1300	
	E-Mail: cgomez@whiteplainsny.gov	
Address: 70 Church Street		
City/PO: White Plains	State: New York	Zip Code: 10601
Property Owner (if not same as sponsor): Various entities as detailed in the attached Schedule "A"	Telephone:	
	E-Mail:	
Address: See Schedule "A"		
City/PO: See Schedule "A"	State:	Zip Code:

B. Government Approvals

B. Government Approvals, Funding, or Sponsorship. (“Funding” includes grants, loans, tax relief, and any other forms of financial assistance.)

Government Entity	If Yes: Identify Agency and Approval(s) Required	Application Date (Actual or projected)
a. City Counsel, Town Board, <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No or Village Board of Trustees		
b. City, Town or Village Planning Board or Commission <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
c. City, Town or Village Zoning Board of Appeals <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
d. Other local agencies <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	White Plains Urban Renewal Agency Proposed Acq. under the NY Eminent Domain Proc. Law	Pending
e. County agencies <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
f. Regional agencies <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
g. State agencies <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
h. Federal agencies <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
i. Coastal Resources. i. Is the project site within a Coastal Area, or the waterfront area of a Designated Inland Waterway? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No ii. Is the project site located in a community with an approved Local Waterfront Revitalization Program? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No iii. Is the project site within a Coastal Erosion Hazard Area? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		

C. Planning and Zoning

C.1. Planning and zoning actions.

Will administrative or legislative adoption, or amendment of a plan, local law, ordinance, rule or regulation be the only approval(s) which must be granted to enable the proposed action to proceed? YesNo

- **If Yes**, complete sections C, F and G.
- **If No**, proceed to question C.2 and complete all remaining sections and questions in Part 1

C.2. Adopted land use plans.

a. Do any municipally- adopted (city, town, village or county) comprehensive land use plan(s) include the site where the proposed action would be located? YesNo

If Yes, does the comprehensive plan include specific recommendations for the site where the proposed action would be located? YesNo

b. Is the site of the proposed action within any local or regional special planning district (for example: Greenway; Brownfield Opportunity Area (BOA); designated State or Federal heritage area; watershed management plan; or other?) YesNo

If Yes, identify the plan(s):

Remediation Sites:C360129

c. Is the proposed action located wholly or partially within an area listed in an adopted municipal open space plan, or an adopted municipal farmland protection plan? YesNo

If Yes, identify the plan(s):

C.3. Zoning

- a. Is the site of the proposed action located in a municipality with an adopted zoning law or ordinance. Yes No
If Yes, what is the zoning classification(s) including any applicable overlay district?
Residential Multifamily (RM-0.35) and Intermediate Business (B-3)

- b. Is the use permitted or allowed by a special or conditional use permit? Yes No
- c. Is a zoning change requested as part of the proposed action? Yes No
If Yes,
i. What is the proposed new zoning for the site? _____

C.4. Existing community services.

- a. In what school district is the project site located? White Plains Public Schools
- b. What police or other public protection forces serve the project site?
City of White Plains Police Department
- c. Which fire protection and emergency medical services serve the project site?
City of White Plains Fire Department
- d. What parks serve the project site?

D. Project Details

D.1. Proposed and Potential Development

- a. What is the general nature of the proposed action (e.g., residential, industrial, commercial, recreational; if mixed, include all components)? Mere acquisition of property as proposed by condemnation under New York Eminent Domain Procedure Law.

- b. a. Total acreage of the site of the proposed action? approx. 4.18 acres
b. Total acreage to be physically disturbed? 0 acres
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? 0 acres
- c. Is the proposed action an expansion of an existing project or use? Yes No
i. If Yes, what is the approximate percentage of the proposed expansion and identify the units (e.g., acres, miles, housing units, square feet)? % _____ Units: _____
- d. Is the proposed action a subdivision, or does it include a subdivision? Yes No
If Yes,
i. Purpose or type of subdivision? (e.g., residential, industrial, commercial; if mixed, specify types)

ii. Is a cluster/conservation layout proposed? Yes No
iii. Number of lots proposed? _____
iv. Minimum and maximum proposed lot sizes? Minimum _____ Maximum _____
- e. Will the proposed action be constructed in multiple phases? Yes No
i. If No, anticipated period of construction: _____ months
ii. If Yes:
• Total number of phases anticipated _____
• Anticipated commencement date of phase 1 (including demolition) _____ month _____ year
• Anticipated completion date of final phase _____ month _____ year
• Generally describe connections or relationships among phases, including any contingencies where progress of one phase may determine timing or duration of future phases: _____
Not applicable as action is proposed acquisition by eminent domain, no construction, site disturbance or activities proposed.

f. Does the project include new residential uses? Yes No
 If Yes, show numbers of units proposed.

	<u>One Family</u>	<u>Two Family</u>	<u>Three Family</u>	<u>Multiple Family (four or more)</u>
Initial Phase	_____	_____	_____	_____
At completion	_____	_____	_____	_____
of all phases	_____	_____	_____	_____

g. Does the proposed action include new non-residential construction (including expansions)? Yes No
 If Yes,

i. Total number of structures _____
 ii. Dimensions (in feet) of largest proposed structure: _____ height; _____ width; and _____ length
 iii. Approximate extent of building space to be heated or cooled: _____ square feet

h. Does the proposed action include construction or other activities that will result in the impoundment of any liquids, such as creation of a water supply, reservoir, pond, lake, waste lagoon or other storage? Yes No
 If Yes,

i. Purpose of the impoundment: _____
 ii. If a water impoundment, the principal source of the water: Ground water Surface water streams Other specify: _____
 iii. If other than water, identify the type of impounded/contained liquids and their source. _____
 iv. Approximate size of the proposed impoundment. Volume: _____ million gallons; surface area: _____ acres
 v. Dimensions of the proposed dam or impounding structure: _____ height; _____ length
 vi. Construction method/materials for the proposed dam or impounding structure (e.g., earth fill, rock, wood, concrete): _____

D.2. Project Operations

a. Does the proposed action include any excavation, mining, or dredging, during construction, operations, or both? Yes No
 (Not including general site preparation, grading or installation of utilities or foundations where all excavated materials will remain onsite)
 If Yes:

i. What is the purpose of the excavation or dredging? _____
 ii. How much material (including rock, earth, sediments, etc.) is proposed to be removed from the site?
 • Volume (specify tons or cubic yards): _____
 • Over what duration of time? _____
 iii. Describe nature and characteristics of materials to be excavated or dredged, and plans to use, manage or dispose of them.

 iv. Will there be onsite dewatering or processing of excavated materials? Yes No
 If yes, describe. _____

 v. What is the total area to be dredged or excavated? _____ acres
 vi. What is the maximum area to be worked at any one time? _____ acres
 vii. What would be the maximum depth of excavation or dredging? _____ feet
 viii. Will the excavation require blasting? Yes No
 ix. Summarize site reclamation goals and plan: _____

b. Would the proposed action cause or result in alteration of, increase or decrease in size of, or encroachment into any existing wetland, waterbody, shoreline, beach or adjacent area? Yes No
 If Yes:

i. Identify the wetland or waterbody which would be affected (by name, water index number, wetland map number or geographic description): _____

ii. Describe how the proposed action would affect that waterbody or wetland, e.g. excavation, fill, placement of structures, or alteration of channels, banks and shorelines. Indicate extent of activities, alterations and additions in square feet or acres:

iii. Will the proposed action cause or result in disturbance to bottom sediments? Yes No
If Yes, describe: _____

iv. Will the proposed action cause or result in the destruction or removal of aquatic vegetation? Yes No
If Yes:

- acres of aquatic vegetation proposed to be removed: _____
- expected acreage of aquatic vegetation remaining after project completion: _____
- purpose of proposed removal (e.g. beach clearing, invasive species control, boat access): _____
- proposed method of plant removal: _____
- if chemical/herbicide treatment will be used, specify product(s): _____

v. Describe any proposed reclamation/mitigation following disturbance: _____

c. Will the proposed action use, or create a new demand for water? Yes No
If Yes:

i. Total anticipated water usage/demand per day: _____ gallons/day

ii. Will the proposed action obtain water from an existing public water supply? Yes No
If Yes:

- Name of district or service area: _____
- Does the existing public water supply have capacity to serve the proposal? Yes No
- Is the project site in the existing district? Yes No
- Is expansion of the district needed? Yes No
- Do existing lines serve the project site? Yes No

iii. Will line extension within an existing district be necessary to supply the project? Yes No
If Yes:

- Describe extensions or capacity expansions proposed to serve this project: _____
- Source(s) of supply for the district: _____

iv. Is a new water supply district or service area proposed to be formed to serve the project site? Yes No
If Yes:

- Applicant/sponsor for new district: _____
- Date application submitted or anticipated: _____
- Proposed source(s) of supply for new district: _____

v. If a public water supply will not be used, describe plans to provide water supply for the project: _____

vi. If water supply will be from wells (public or private), what is the maximum pumping capacity: _____ gallons/minute.

d. Will the proposed action generate liquid wastes? Yes No
If Yes:

i. Total anticipated liquid waste generation per day: _____ gallons/day

ii. Nature of liquid wastes to be generated (e.g., sanitary wastewater, industrial; if combination, describe all components and approximate volumes or proportions of each): _____

iii. Will the proposed action use any existing public wastewater treatment facilities? Yes No
If Yes:

- Name of wastewater treatment plant to be used: _____
- Name of district: _____
- Does the existing wastewater treatment plant have capacity to serve the project? Yes No
- Is the project site in the existing district? Yes No
- Is expansion of the district needed? Yes No

• Do existing sewer lines serve the project site? Yes No
 • Will a line extension within an existing district be necessary to serve the project? Yes No
 If Yes:
 • Describe extensions or capacity expansions proposed to serve this project: _____

iv. Will a new wastewater (sewage) treatment district be formed to serve the project site? Yes No
 If Yes:
 • Applicant/sponsor for new district: _____
 • Date application submitted or anticipated: _____
 • What is the receiving water for the wastewater discharge? _____

v. If public facilities will not be used, describe plans to provide wastewater treatment for the project, including specifying proposed receiving water (name and classification if surface discharge or describe subsurface disposal plans):

vi. Describe any plans or designs to capture, recycle or reuse liquid waste: _____

e. Will the proposed action disturb more than one acre and create stormwater runoff, either from new point sources (i.e. ditches, pipes, swales, curbs, gutters or other concentrated flows of stormwater) or non-point source (i.e. sheet flow) during construction or post construction? Yes No
 If Yes:
 i. How much impervious surface will the project create in relation to total size of project parcel?
 _____ Square feet or _____ acres (impervious surface)
 _____ Square feet or _____ acres (parcel size)
 ii. Describe types of new point sources. _____

iii. Where will the stormwater runoff be directed (i.e. on-site stormwater management facility/structures, adjacent properties, groundwater, on-site surface water or off-site surface waters)?

 • If to surface waters, identify receiving water bodies or wetlands: _____

• Will stormwater runoff flow to adjacent properties? Yes No
 iv. Does the proposed plan minimize impervious surfaces, use pervious materials or collect and re-use stormwater? Yes No

f. Does the proposed action include, or will it use on-site, one or more sources of air emissions, including fuel combustion, waste incineration, or other processes or operations? Yes No
 If Yes, identify:
 i. Mobile sources during project operations (e.g., heavy equipment, fleet or delivery vehicles)

 ii. Stationary sources during construction (e.g., power generation, structural heating, batch plant, crushers)

 iii. Stationary sources during operations (e.g., process emissions, large boilers, electric generation)

g. Will any air emission sources named in D.2.f (above), require a NY State Air Registration, Air Facility Permit, or Federal Clean Air Act Title IV or Title V Permit? Yes No
 If Yes:
 i. Is the project site located in an Air quality non-attainment area? (Area routinely or periodically fails to meet ambient air quality standards for all or some parts of the year) Yes No
 ii. In addition to emissions as calculated in the application, the project will generate:
 • _____ Tons/year (short tons) of Carbon Dioxide (CO₂)
 • _____ Tons/year (short tons) of Nitrous Oxide (N₂O)
 • _____ Tons/year (short tons) of Perfluorocarbons (PFCs)
 • _____ Tons/year (short tons) of Sulfur Hexafluoride (SF₆)
 • _____ Tons/year (short tons) of Carbon Dioxide equivalent of Hydroflouorocarbons (HFCs)
 • _____ Tons/year (short tons) of Hazardous Air Pollutants (HAPs)

h. Will the proposed action generate or emit methane (including, but not limited to, sewage treatment plants, landfills, composting facilities)? Yes No

If Yes:

i. Estimate methane generation in tons/year (metric): _____

ii. Describe any methane capture, control or elimination measures included in project design (e.g., combustion to generate heat or electricity, flaring): _____

i. Will the proposed action result in the release of air pollutants from open-air operations or processes, such as quarry or landfill operations? Yes No

If Yes: Describe operations and nature of emissions (e.g., diesel exhaust, rock particulates/dust): _____

j. Will the proposed action result in a substantial increase in traffic above present levels or generate substantial new demand for transportation facilities or services? Yes No

If Yes:

i. When is the peak traffic expected (Check all that apply): Morning Evening Weekend
 Randomly between hours of _____ to _____.

ii. For commercial activities only, projected number of truck trips/day and type (e.g., semi trailers and dump trucks): _____

iii. Parking spaces: Existing _____ Proposed _____ Net increase/decrease _____

iv. Does the proposed action include any shared use parking? Yes No

v. If the proposed action includes any modification of existing roads, creation of new roads or change in existing access, describe: _____

vi. Are public/private transportation service(s) or facilities available within 1/2 mile of the proposed site? Yes No

vii. Will the proposed action include access to public transportation or accommodations for use of hybrid, electric or other alternative fueled vehicles? Yes No

viii. Will the proposed action include plans for pedestrian or bicycle accommodations for connections to existing pedestrian or bicycle routes? Yes No

k. Will the proposed action (for commercial or industrial projects only) generate new or additional demand for energy? Yes No

If Yes:

i. Estimate annual electricity demand during operation of the proposed action: _____

ii. Anticipated sources/suppliers of electricity for the project (e.g., on-site combustion, on-site renewable, via grid/local utility, or other): _____

iii. Will the proposed action require a new, or an upgrade, to an existing substation? Yes No

l. Hours of operation. Answer all items which apply.

<p>i. During Construction:</p> <ul style="list-style-type: none"> • Monday - Friday: _____ • Saturday: _____ • Sunday: _____ • Holidays: _____ 	<p>ii. During Operations:</p> <ul style="list-style-type: none"> • Monday - Friday: _____ • Saturday: _____ • Sunday: _____ • Holidays: _____
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<p>m. Will the proposed action produce noise that will exceed existing ambient noise levels during construction, operation, or both? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>If yes:</p> <p>i. Provide details including sources, time of day and duration:</p> <p>_____</p> <p>_____</p>	
<p>ii. Will the proposed action remove existing natural barriers that could act as a noise barrier or screen? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Describe: _____</p> <p>_____</p>	
<p>n. Will the proposed action have outdoor lighting? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>If yes:</p> <p>i. Describe source(s), location(s), height of fixture(s), direction/aim, and proximity to nearest occupied structures:</p> <p>_____</p> <p>_____</p>	
<p>ii. Will proposed action remove existing natural barriers that could act as a light barrier or screen? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Describe: _____</p> <p>_____</p>	
<p>o. Does the proposed action have the potential to produce odors for more than one hour per day? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>If Yes, describe possible sources, potential frequency and duration of odor emissions, and proximity to nearest occupied structures: _____</p> <p>_____</p> <p>_____</p>	
<p>p. Will the proposed action include any bulk storage of petroleum (combined capacity of over 1,100 gallons) or chemical products 185 gallons in above ground storage or any amount in underground storage? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>If Yes:</p> <p>i. Product(s) to be stored _____</p> <p>ii. Volume(s) _____ per unit time _____ (e.g., month, year)</p> <p>iii. Generally, describe the proposed storage facilities: _____</p> <p>_____</p>	
<p>q. Will the proposed action (commercial, industrial and recreational projects only) use pesticides (i.e., herbicides, insecticides) during construction or operation? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>If Yes:</p> <p>i. Describe proposed treatment(s):</p> <p>_____</p> <p>_____</p> <p>_____</p>	
<p>ii. Will the proposed action use Integrated Pest Management Practices? <input type="checkbox"/> Yes <input type="checkbox"/> No</p>	
<p>r. Will the proposed action (commercial or industrial projects only) involve or require the management or disposal of solid waste (excluding hazardous materials)? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>If Yes:</p> <p>i. Describe any solid waste(s) to be generated during construction or operation of the facility:</p> <ul style="list-style-type: none"> • Construction: _____ tons per _____ (unit of time) • Operation : _____ tons per _____ (unit of time) <p>ii. Describe any proposals for on-site minimization, recycling or reuse of materials to avoid disposal as solid waste:</p> <ul style="list-style-type: none"> • Construction: _____ _____ • Operation: _____ _____ <p>iii. Proposed disposal methods/facilities for solid waste generated on-site:</p> <ul style="list-style-type: none"> • Construction: _____ _____ • Operation: _____ _____ 	

s. Does the proposed action include construction or modification of a solid waste management facility? Yes No

If Yes:

i. Type of management or handling of waste proposed for the site (e.g., recycling or transfer station, composting, landfill, or other disposal activities): _____

ii. Anticipated rate of disposal/processing:

- _____ Tons/month, if transfer or other non-combustion/thermal treatment, or
- _____ Tons/hour, if combustion or thermal treatment

iii. If landfill, anticipated site life: _____ years

t. Will the proposed action at the site involve the commercial generation, treatment, storage, or disposal of hazardous waste? Yes No

If Yes:

i. Name(s) of all hazardous wastes or constituents to be generated, handled or managed at facility: _____

ii. Generally describe processes or activities involving hazardous wastes or constituents: _____

iii. Specify amount to be handled or generated _____ tons/month

iv. Describe any proposals for on-site minimization, recycling or reuse of hazardous constituents: _____

v. Will any hazardous wastes be disposed at an existing offsite hazardous waste facility? Yes No

If Yes: provide name and location of facility: _____

If No: describe proposed management of any hazardous wastes which will not be sent to a hazardous waste facility: _____

E. Site and Setting of Proposed Action

E.1. Land uses on and surrounding the project site

a. Existing land uses.

i. Check all uses that occur on, adjoining and near the project site.

Urban Industrial Commercial Residential (suburban) Rural (non-farm)

Forest Agriculture Aquatic Other (specify): _____

ii. If mix of uses, generally describe: _____

b. Land uses and covertypes on the project site.

Land use or Covertypes	Current Acreage	Acreage After Project Completion	Change (Acres +/-)
• Roads, buildings, and other paved or impervious surfaces	4.18	Same	0
• Forested	0	0	0
• Meadows, grasslands or brushlands (non-agricultural, including abandoned agricultural)	0	0	0
• Agricultural (includes active orchards, field, greenhouse etc.)	0	0	0
• Surface water features (lakes, ponds, streams, rivers, etc.)	0	0	0
• Wetlands (freshwater or tidal)	0	0	0
• Non-vegetated (bare rock, earth or fill)	0	0	0
• Other Describe: _____			

c. Is the project site presently used by members of the community for public recreation? Yes No
i. If Yes: explain: A portion of the Housing Authority property has a playground and basketball courts located thereon.

d. Are there any facilities serving children, the elderly, people with disabilities (e.g., schools, hospitals, licensed day care centers, or group homes) within 1500 feet of the project site? Yes No
If Yes,
i. Identify Facilities: White Plains Hospital, Martine Center for Rehabilitation and Nursing, The Kensington White Plains, Slater Center, and Bethel Baptist.

e. Does the project site contain an existing dam? Yes No
If Yes:
i. Dimensions of the dam and impoundment:
• Dam height: _____ feet
• Dam length: _____ feet
• Surface area: _____ acres
• Volume impounded: _____ gallons OR acre-feet
ii. Dam's existing hazard classification: _____
iii. Provide date and summarize results of last inspection: _____

f. Has the project site ever been used as a municipal, commercial or industrial solid waste management facility, or does the project site adjoin property which is now, or was at one time, used as a solid waste management facility? Yes No
If Yes:
i. Has the facility been formally closed? Yes No
• If yes, cite sources/documentation: _____
ii. Describe the location of the project site relative to the boundaries of the solid waste management facility: _____
iii. Describe any development constraints due to the prior solid waste activities: _____

g. Have hazardous wastes been generated, treated and/or disposed of at the site, or does the project site adjoin property which is now or was at one time used to commercially treat, store and/or dispose of hazardous waste? Yes No
If Yes:
i. Describe waste(s) handled and waste management activities, including approximate time when activities occurred: _____

h. Potential contamination history. Has there been a reported spill at the proposed project site, or have any remedial actions been conducted at or adjacent to the proposed site? Yes No
If Yes:
i. Is any portion of the site listed on the NYSDEC Spills Incidents database or Environmental Site Remediation database? Check all that apply: Yes No
 Yes – Spills Incidents database Provide DEC ID number(s): _____
 Yes – Environmental Site Remediation database Provide DEC ID number(s): C360129 1608924
 Neither database
ii. If site has been subject of RCRA corrective activities, describe control measures: 190-192 So. Lexington Ave. (SBL 130.27-8-3) along with 9 other properties was listed in the DEC Site Remed. Database. From 2005 to the present 6 underground storage tanks, 13 in-ground hydraulic lifts, a floor drain, an oil separator, 408 tons of impacted soil and 1,180 gallons of contaminated groundwater have been removed closing this spill number. The 34 E. Post Rd. spill from 2014 is still under review by DEC.
iii. Is the project within 2000 feet of any site in the NYSDEC Environmental Site Remediation database? Yes No
If yes, provide DEC ID number(s): C360131, C360129, 360095, C360129A, C360073 1705804
iv. If yes to (i), (ii) or (iii) above, describe current status of site(s):
As further detailed in the accompany Negative Declaration Resolution, there are five (5) additional sites on the DEC Site Remed. database (C360129 addressed above) in the area around the Project. However, in all but one of these properties remedial action and/or measures have been taken and such matters closed out. For one of the properties located nearby 77 West Post Road a Brownfield Cleanup Program review is currently ongoing.

v. Is the project site subject to an institutional control limiting property uses? Yes No

- If yes, DEC site ID number: _____
- Describe the type of institutional control (e.g., deed restriction or easement): _____
- Describe any use limitations: _____
- Describe any engineering controls: _____
- Will the project affect the institutional or engineering controls in place? Yes No
- Explain: _____

E.2. Natural Resources On or Near Project Site

a. What is the average depth to bedrock on the project site? _____ N/A _____ feet

b. Are there bedrock outcroppings on the project site? Yes No
 If Yes, what proportion of the site is comprised of bedrock outcroppings? _____ %

c. Predominant soil type(s) present on project site: _____ %
 _____ %
 _____ %

d. What is the average depth to the water table on the project site? Average: _____ N/A _____ feet

e. Drainage status of project site soils: Well Drained: _____ N/A % of site
 Moderately Well Drained: _____ % of site
 Poorly Drained _____ % of site

f. Approximate proportion of proposed action site with slopes: 0-10%: _____ % of site
 10-15%: _____ % of site
 15% or greater: _____ % of site

g. Are there any unique geologic features on the project site? Yes No
 If Yes, describe: _____

h. Surface water features.

i. Does any portion of the project site contain wetlands or other waterbodies (including streams, rivers, ponds or lakes)? Yes No

ii. Do any wetlands or other waterbodies adjoin the project site? Yes No

If Yes to either *i* or *ii*, continue. If No, skip to E.2.i.

iii. Are any of the wetlands or waterbodies within or adjoining the project site regulated by any federal, state or local agency? Yes No

iv. For each identified regulated wetland and waterbody on the project site, provide the following information:

- Streams: Name _____ Classification _____
- Lakes or Ponds: Name _____ Classification _____
- Wetlands: Name _____ Approximate Size _____
- Wetland No. (if regulated by DEC) _____

v. Are any of the above water bodies listed in the most recent compilation of NYS water quality-impaired waterbodies? Yes No
 If yes, name of impaired water body/bodies and basis for listing as impaired: _____

i. Is the project site in a designated Floodway? Yes No

j. Is the project site in the 100-year Floodplain? Yes No

k. Is the project site in the 500-year Floodplain? Yes No

l. Is the project site located over, or immediately adjoining, a primary, principal or sole source aquifer? Yes No
 If Yes:
 i. Name of aquifer: _____

m. Identify the predominant wildlife species that occupy or use the project site: _____ _____ _____	
n. Does the project site contain a designated significant natural community? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If Yes: <i>i.</i> Describe the habitat/community (composition, function, and basis for designation): _____ _____ <i>ii.</i> Source(s) of description or evaluation: _____ <i>iii.</i> Extent of community/habitat: <ul style="list-style-type: none"> • Currently: _____ acres • Following completion of project as proposed: _____ acres • Gain or loss (indicate + or -): _____ acres 	
o. Does project site contain any species of plant or animal that is listed by the federal government or NYS as endangered or threatened, or does it contain any areas identified as habitat for an endangered or threatened species? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If Yes: <i>i.</i> Species and listing (endangered or threatened): _____ Peregrine Falcon _____ _____	
p. Does the project site contain any species of plant or animal that is listed by NYS as rare, or as a species of special concern? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If Yes: <i>i.</i> Species and listing: _____ _____	
q. Is the project site or adjoining area currently used for hunting, trapping, fishing or shell fishing? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If yes, give a brief description of how the proposed action may affect that use: _____ _____	
E.3. Designated Public Resources On or Near Project Site	
a. Is the project site, or any portion of it, located in a designated agricultural district certified pursuant to Agriculture and Markets Law, Article 25-AA, Section 303 and 304? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If Yes, provide county plus district name/number: _____	
b. Are agricultural lands consisting of highly productive soils present? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <i>i.</i> If Yes: acreage(s) on project site? _____ <i>ii.</i> Source(s) of soil rating(s): _____	
c. Does the project site contain all or part of, or is it substantially contiguous to, a registered National Natural Landmark? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If Yes: <i>i.</i> Nature of the natural landmark: <input type="checkbox"/> Biological Community <input type="checkbox"/> Geological Feature <i>ii.</i> Provide brief description of landmark, including values behind designation and approximate size/extent: _____ _____ _____	
d. Is the project site located in or does it adjoin a state listed Critical Environmental Area? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If Yes: <i>i.</i> CEA name: _____ <i>ii.</i> Basis for designation: _____ <i>iii.</i> Designating agency and date: _____	

e. Does the project site contain, or is it substantially contiguous to, a building, archaeological site, or district which is listed on the National or State Register of Historic Places, or that has been determined by the Commissioner of the NYS Office of Parks, Recreation and Historic Preservation to be eligible for listing on the State Register of Historic Places? Yes No

If Yes:

i. Nature of historic/archaeological resource: Archaeological Site Historic Building or District

ii. Name: Eligible property: White Plains Fire Station #4

iii. Brief description of attributes on which listing is based:
The brick building is of an advanced age which would put it in line for inclusion as an eligible property.

f. Is the project site, or any portion of it, located in or adjacent to an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory? Yes No

g. Have additional archaeological or historic site(s) or resources been identified on the project site? Yes No

If Yes:

i. Describe possible resource(s): _____

ii. Basis for identification: _____

h. Is the project site within five miles of any officially designated and publicly accessible federal, state, or local scenic or aesthetic resource? Yes No

If Yes:

i. Identify resource: _____

ii. Nature of, or basis for, designation (e.g., established highway overlook, state or local park, state historic trail or scenic byway, etc.): _____

iii. Distance between project and resource: _____ miles.

i. Is the project site located within a designated river corridor under the Wild, Scenic and Recreational Rivers Program 6 NYCRR 666? Yes No

If Yes:

i. Identify the name of the river and its designation: _____

ii. Is the activity consistent with development restrictions contained in 6NYCRR Part 666? Yes No

F. Additional Information

Attach any additional information which may be needed to clarify your project.

If you have identified any adverse impacts which could be associated with your proposal, please describe those impacts plus any measures which you propose to avoid or minimize them.

G. Verification

I certify that the information provided is true to the best of my knowledge.

Applicant/Sponsor Name White Plains Urban Renewal Agency Date November 26, 2019

Signature  Title Executive Director and Acting Assistant Secretary



Disclaimer: The EAF Mapper is a screening tool intended to assist project sponsors and reviewing agencies in preparing an environmental assessment form (EAF). Not all questions asked in the EAF are answered by the EAF Mapper. Additional information on any EAF question can be obtained by consulting the EAF Workbooks. Although the EAF Mapper provides the most up-to-date digital data available to DEC, you may also need to contact local or other data sources in order to obtain data not provided by the Mapper. Digital data is not a substitute for agency determinations.



B.i.i [Coastal or Waterfront Area]	No
B.i.ii [Local Waterfront Revitalization Area]	No
C.2.b. [Special Planning District]	Yes - Digital mapping data are not available for all Special Planning Districts. Refer to EAF Workbook.
C.2.b. [Special Planning District - Name]	Remediation Sites:C360129
E.1.h [DEC Spills or Remediation Site - Potential Contamination History]	Yes - Digital mapping data for Spills Incidents are not available for this location. Refer to EAF Workbook.
E.1.h.i [DEC Spills or Remediation Site - Listed]	Yes
E.1.h.i [DEC Spills or Remediation Site - Environmental Site Remediation Database]	Yes
E.1.h.i [DEC Spills or Remediation Site - DEC ID Number]	C360129
E.1.h.iii [Within 2,000' of DEC Remediation Site]	Yes
E.1.h.iii [Within 2,000' of DEC Remediation Site - DEC ID]	C360131, C360129, 360095, C360129A, C360073
E.2.g [Unique Geologic Features]	No
E.2.h.i [Surface Water Features]	No
E.2.h.ii [Surface Water Features]	No
E.2.h.iii [Surface Water Features]	No
E.2.h.v [Impaired Water Bodies]	No
E.2.i. [Floodway]	No
E.2.j. [100 Year Floodplain]	No
E.2.k. [500 Year Floodplain]	No
E.2.l. [Aquifers]	No

E.2.n. [Natural Communities]	No
E.2.o. [Endangered or Threatened Species]	Yes
E.2.o. [Endangered or Threatened Species - Name]	Peregrine Falcon
E.2.p. [Rare Plants or Animals]	No
E.3.a. [Agricultural District]	No
E.3.c. [National Natural Landmark]	No
E.3.d [Critical Environmental Area]	No
E.3.e. [National or State Register of Historic Places or State Eligible Sites]	Yes - Digital mapping data for archaeological site boundaries are not available. Refer to EAF Workbook.
E.3.e.ii [National or State Register of Historic Places or State Eligible Sites - Name]	Eligible property:White Plains Fire Station #4
E.3.f. [Archeological Sites]	Yes
E.3.i. [Designated River Corridor]	No

Full Environmental Assessment Form
Part 2 - Identification of Potential Project Impacts

Agency Use Only [If applicable]
Project : East Post Road Condemnation
Date : November 14, 2019

Part 2 is to be completed by the lead agency. Part 2 is designed to help the lead agency inventory all potential resources that could be affected by a proposed project or action. We recognize that the lead agency's reviewer(s) will not necessarily be environmental professionals. So, the questions are designed to walk a reviewer through the assessment process by providing a series of questions that can be answered using the information found in Part 1. To further assist the lead agency in completing Part 2, the form identifies the most relevant questions in Part 1 that will provide the information needed to answer the Part 2 question. When Part 2 is completed, the lead agency will have identified the relevant environmental areas that may be impacted by the proposed activity.

If the lead agency is a state agency **and** the action is in any Coastal Area, complete the Coastal Assessment Form before proceeding with this assessment.

Tips for completing Part 2:

- Review all of the information provided in Part 1.
- Review any application, maps, supporting materials and the Full EAF Workbook.
- Answer each of the 18 questions in Part 2.
- If you answer “**Yes**” to a numbered question, please complete all the questions that follow in that section.
- If you answer “**No**” to a numbered question, move on to the next numbered question.
- Check appropriate column to indicate the anticipated size of the impact.
- Proposed projects that would exceed a numeric threshold contained in a question should result in the reviewing agency checking the box “Moderate to large impact may occur.”
- The reviewer is not expected to be an expert in environmental analysis.
- If you are not sure or undecided about the size of an impact, it may help to review the sub-questions for the general question and consult the workbook.
- When answering a question consider all components of the proposed activity, that is, the “whole action”.
- Consider the possibility for long-term and cumulative impacts as well as direct impacts.
- Answer the question in a reasonable manner considering the scale and context of the project.

1. Impact on Land Proposed action may involve construction on, or physical alteration of, the land surface of the proposed site. (See Part 1. D.1) <i>If “Yes”, answer questions a - j. If “No”, move on to Section 2.</i>			
		<input checked="" type="checkbox"/> NO	<input type="checkbox"/> YES
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may involve construction on land where depth to water table is less than 3 feet.	E2d	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may involve construction on slopes of 15% or greater.	E2f	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may involve construction on land where bedrock is exposed, or generally within 5 feet of existing ground surface.	E2a	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may involve the excavation and removal of more than 1,000 tons of natural material.	D2a	<input type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may involve construction that continues for more than one year or in multiple phases.	D1e	<input type="checkbox"/>	<input type="checkbox"/>
f. The proposed action may result in increased erosion, whether from physical disturbance or vegetation removal (including from treatment by herbicides).	D2e, D2q	<input type="checkbox"/>	<input type="checkbox"/>
g. The proposed action is, or may be, located within a Coastal Erosion hazard area.	B1i	<input type="checkbox"/>	<input type="checkbox"/>
h. Other impacts: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>

2. Impact on Geological Features

The proposed action may result in the modification or destruction of, or inhibit access to, any unique or unusual land forms on the site (e.g., cliffs, dunes, minerals, fossils, caves). (See Part 1. E.2.g)

NO

YES

If "Yes", answer questions a - c. If "No", move on to Section 3.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. Identify the specific land form(s) attached: _____ _____	E2g	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may affect or is adjacent to a geological feature listed as a registered National Natural Landmark. Specific feature: _____	E3c	<input type="checkbox"/>	<input type="checkbox"/>
c. Other impacts: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>

3. Impacts on Surface Water

The proposed action may affect one or more wetlands or other surface water bodies (e.g., streams, rivers, ponds or lakes). (See Part 1. D.2, E.2.h)

NO

YES

If "Yes", answer questions a - l. If "No", move on to Section 4.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may create a new water body.	D2b, D1h	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may result in an increase or decrease of over 10% or more than a 10 acre increase or decrease in the surface area of any body of water.	D2b	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may involve dredging more than 100 cubic yards of material from a wetland or water body.	D2a	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may involve construction within or adjoining a freshwater or tidal wetland, or in the bed or banks of any other water body.	E2h	<input type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may create turbidity in a waterbody, either from upland erosion, runoff or by disturbing bottom sediments.	D2a, D2h	<input type="checkbox"/>	<input type="checkbox"/>
f. The proposed action may include construction of one or more intake(s) for withdrawal of water from surface water.	D2c	<input type="checkbox"/>	<input type="checkbox"/>
g. The proposed action may include construction of one or more outfall(s) for discharge of wastewater to surface water(s).	D2d	<input type="checkbox"/>	<input type="checkbox"/>
h. The proposed action may cause soil erosion, or otherwise create a source of stormwater discharge that may lead to siltation or other degradation of receiving water bodies.	D2e	<input type="checkbox"/>	<input type="checkbox"/>
i. The proposed action may affect the water quality of any water bodies within or downstream of the site of the proposed action.	E2h	<input type="checkbox"/>	<input type="checkbox"/>
j. The proposed action may involve the application of pesticides or herbicides in or around any water body.	D2q, E2h	<input type="checkbox"/>	<input type="checkbox"/>
k. The proposed action may require the construction of new, or expansion of existing, wastewater treatment facilities.	D1a, D2d	<input type="checkbox"/>	<input type="checkbox"/>

I. Other impacts: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>
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4. Impact on groundwater
 The proposed action may result in new or additional use of ground water, or may have the potential to introduce contaminants to ground water or an aquifer. NO YES
 (See Part 1. D.2.a, D.2.c, D.2.d, D.2.p, D.2.q, D.2.t)
If "Yes", answer questions a - h. If "No", move on to Section 5.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may require new water supply wells, or create additional demand on supplies from existing water supply wells.	D2c	<input type="checkbox"/>	<input type="checkbox"/>
b. Water supply demand from the proposed action may exceed safe and sustainable withdrawal capacity rate of the local supply or aquifer. Cite Source: _____	D2c	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may allow or result in residential uses in areas without water and sewer services.	D1a, D2c	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may include or require wastewater discharged to groundwater.	D2d, E2l	<input type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may result in the construction of water supply wells in locations where groundwater is, or is suspected to be, contaminated.	D2c, E1f, E1g, E1h	<input type="checkbox"/>	<input type="checkbox"/>
f. The proposed action may require the bulk storage of petroleum or chemical products over ground water or an aquifer.	D2p, E2l	<input type="checkbox"/>	<input type="checkbox"/>
g. The proposed action may involve the commercial application of pesticides within 100 feet of potable drinking water or irrigation sources.	E2h, D2q, E2l, D2c	<input type="checkbox"/>	<input type="checkbox"/>
h. Other impacts: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>

5. Impact on Flooding
 The proposed action may result in development on lands subject to flooding. NO YES
 (See Part 1. E.2)
If "Yes", answer questions a - g. If "No", move on to Section 6.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may result in development in a designated floodway.	E2i	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may result in development within a 100 year floodplain.	E2j	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may result in development within a 500 year floodplain.	E2k	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may result in, or require, modification of existing drainage patterns.	D2b, D2e	<input type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may change flood water flows that contribute to flooding.	D2b, E2i, E2j, E2k	<input type="checkbox"/>	<input type="checkbox"/>
f. If there is a dam located on the site of the proposed action, is the dam in need of repair, or upgrade?	E1e	<input type="checkbox"/>	<input type="checkbox"/>

g. Other impacts: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>
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6. Impacts on Air			
The proposed action may include a state regulated air emission source. (See Part 1. D.2.f., D.2.h, D.2.g) <i>If "Yes", answer questions a - f. If "No", move on to Section 7.</i>		<input checked="" type="checkbox"/> NO	<input type="checkbox"/> YES
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. If the proposed action requires federal or state air emission permits, the action may also emit one or more greenhouse gases at or above the following levels:			
i. More than 1000 tons/year of carbon dioxide (CO ₂)	D2g	<input type="checkbox"/>	<input type="checkbox"/>
ii. More than 3.5 tons/year of nitrous oxide (N ₂ O)	D2g	<input type="checkbox"/>	<input type="checkbox"/>
iii. More than 1000 tons/year of carbon equivalent of perfluorocarbons (PFCs)	D2g	<input type="checkbox"/>	<input type="checkbox"/>
iv. More than .045 tons/year of sulfur hexafluoride (SF ₆)	D2g	<input type="checkbox"/>	<input type="checkbox"/>
v. More than 1000 tons/year of carbon dioxide equivalent of hydrochloroflourocarbons (HFCs) emissions	D2g	<input type="checkbox"/>	<input type="checkbox"/>
vi. 43 tons/year or more of methane	D2h	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may generate 10 tons/year or more of any one designated hazardous air pollutant, or 25 tons/year or more of any combination of such hazardous air pollutants.	D2g	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may require a state air registration, or may produce an emissions rate of total contaminants that may exceed 5 lbs. per hour, or may include a heat source capable of producing more than 10 million BTU's per hour.	D2f, D2g	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may reach 50% of any of the thresholds in "a" through "c", above.	D2g	<input type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may result in the combustion or thermal treatment of more than 1 ton of refuse per hour.	D2s	<input type="checkbox"/>	<input type="checkbox"/>
f. Other impacts: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>

7. Impact on Plants and Animals			
The proposed action may result in a loss of flora or fauna. (See Part 1. E.2. m.-q.) <i>If "Yes", answer questions a - j. If "No", move on to Section 8.</i>		<input checked="" type="checkbox"/> NO	<input type="checkbox"/> YES
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may cause reduction in population or loss of individuals of any threatened or endangered species, as listed by New York State or the Federal government, that use the site, or are found on, over, or near the site.	E2o	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may result in a reduction or degradation of any habitat used by any rare, threatened or endangered species, as listed by New York State or the federal government.	E2o	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may cause reduction in population, or loss of individuals, of any species of special concern or conservation need, as listed by New York State or the Federal government, that use the site, or are found on, over, or near the site.	E2p	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may result in a reduction or degradation of any habitat used by any species of special concern and conservation need, as listed by New York State or the Federal government.	E2p	<input type="checkbox"/>	<input type="checkbox"/>

e. The proposed action may diminish the capacity of a registered National Natural Landmark to support the biological community it was established to protect.	E3c	<input type="checkbox"/>	<input type="checkbox"/>
f. The proposed action may result in the removal of, or ground disturbance in, any portion of a designated significant natural community. Source: _____	E2n	<input type="checkbox"/>	<input type="checkbox"/>
g. The proposed action may substantially interfere with nesting/breeding, foraging, or over-wintering habitat for the predominant species that occupy or use the project site.	E2m	<input type="checkbox"/>	<input type="checkbox"/>
h. The proposed action requires the conversion of more than 10 acres of forest, grassland or any other regionally or locally important habitat. Habitat type & information source: _____ _____	E1b	<input type="checkbox"/>	<input type="checkbox"/>
i. Proposed action (commercial, industrial or recreational projects, only) involves use of herbicides or pesticides.	D2q	<input type="checkbox"/>	<input type="checkbox"/>
j. Other impacts: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>

8. Impact on Agricultural Resources			
The proposed action may impact agricultural resources. (See Part 1. E.3.a. and b.)		<input checked="" type="checkbox"/> NO	<input type="checkbox"/> YES
<i>If "Yes", answer questions a - h. If "No", move on to Section 9.</i>			
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may impact soil classified within soil group 1 through 4 of the NYS Land Classification System.	E2c, E3b	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may sever, cross or otherwise limit access to agricultural land (includes cropland, hayfields, pasture, vineyard, orchard, etc).	E1a, E1b	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may result in the excavation or compaction of the soil profile of active agricultural land.	E3b	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may irreversibly convert agricultural land to non-agricultural uses, either more than 2.5 acres if located in an Agricultural District, or more than 10 acres if not within an Agricultural District.	E1b, E3a	<input type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may disrupt or prevent installation of an agricultural land management system.	E1 a, E1b	<input type="checkbox"/>	<input type="checkbox"/>
f. The proposed action may result, directly or indirectly, in increased development potential or pressure on farmland.	C2c, C3, D2c, D2d	<input type="checkbox"/>	<input type="checkbox"/>
g. The proposed project is not consistent with the adopted municipal Farmland Protection Plan.	C2c	<input type="checkbox"/>	<input type="checkbox"/>
h. Other impacts: _____		<input type="checkbox"/>	<input type="checkbox"/>

9. Impact on Aesthetic Resources The land use of the proposed action are obviously different from, or are in sharp contrast to, current land use patterns between the proposed project and a scenic or aesthetic resource. (Part 1. E.1.a, E.1.b, E.3.h.) <i>If "Yes", answer questions a - g. If "No", go to Section 10.</i>				<input checked="" type="checkbox"/> NO	<input type="checkbox"/> YES
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur		
a. Proposed action may be visible from any officially designated federal, state, or local scenic or aesthetic resource.	E3h	<input type="checkbox"/>	<input type="checkbox"/>		
b. The proposed action may result in the obstruction, elimination or significant screening of one or more officially designated scenic views.	E3h, C2b	<input type="checkbox"/>	<input type="checkbox"/>		
c. The proposed action may be visible from publicly accessible vantage points: i. Seasonally (e.g., screened by summer foliage, but visible during other seasons) ii. Year round	E3h	<input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>		
d. The situation or activity in which viewers are engaged while viewing the proposed action is: i. Routine travel by residents, including travel to and from work ii. Recreational or tourism based activities	E3h E2q, E1c	<input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>		
e. The proposed action may cause a diminishment of the public enjoyment and appreciation of the designated aesthetic resource.	E3h	<input type="checkbox"/>	<input type="checkbox"/>		
f. There are similar projects visible within the following distance of the proposed project: 0-1/2 mile 1/2 -3 mile 3-5 mile 5+ mile	D1a, E1a, D1f, D1g	<input type="checkbox"/>	<input type="checkbox"/>		
g. Other impacts: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>		

10. Impact on Historic and Archeological Resources The proposed action may occur in or adjacent to a historic or archaeological resource. (Part 1. E.3.e, f. and g.) <i>If "Yes", answer questions a - e. If "No", go to Section 11.</i>				<input type="checkbox"/> NO	<input checked="" type="checkbox"/> YES
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur		
a. The proposed action may occur wholly or partially within, or substantially contiguous to, any buildings, archaeological site or district which is listed on the National or State Register of Historical Places, or that has been determined by the Commissioner of the NYS Office of Parks, Recreation and Historic Preservation to be eligible for listing on the State Register of Historic Places.	E3e	<input checked="" type="checkbox"/>	<input type="checkbox"/>		
b. The proposed action may occur wholly or partially within, or substantially contiguous to, an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory.	E3f	<input checked="" type="checkbox"/>	<input type="checkbox"/>		
c. The proposed action may occur wholly or partially within, or substantially contiguous to, an archaeological site not included on the NY SHPO inventory. Source: _____	E3g	<input checked="" type="checkbox"/>	<input type="checkbox"/>		

d. Other impacts: _____ _____		<input checked="" type="checkbox"/>	<input type="checkbox"/>
e. If any of the above (a-d) are answered “Moderate to large impact may occur”, continue with the following questions to help support conclusions in Part 3:			
i. The proposed action may result in the destruction or alteration of all or part of the site or property.	E3e, E3g, E3f	<input type="checkbox"/>	<input type="checkbox"/>
ii. The proposed action may result in the alteration of the property’s setting or integrity.	E3e, E3f, E3g, E1a, E1b	<input type="checkbox"/>	<input type="checkbox"/>
iii. The proposed action may result in the introduction of visual elements which are out of character with the site or property, or may alter its setting.	E3e, E3f, E3g, E3h, C2, C3	<input type="checkbox"/>	<input type="checkbox"/>

11. Impact on Open Space and Recreation			
The proposed action may result in a loss of recreational opportunities or a reduction of an open space resource as designated in any adopted municipal open space plan. (See Part 1. C.2.c, E.1.c., E.2.q.) <i>If “Yes”, answer questions a - e. If “No”, go to Section 12.</i>		<input checked="" type="checkbox"/> NO	<input type="checkbox"/> YES
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may result in an impairment of natural functions, or “ecosystem services”, provided by an undeveloped area, including but not limited to stormwater storage, nutrient cycling, wildlife habitat.	D2e, E1b E2h, E2m, E2o, E2n, E2p	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may result in the loss of a current or future recreational resource.	C2a, E1c, C2c, E2q	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may eliminate open space or recreational resource in an area with few such resources.	C2a, C2c E1c, E2q	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may result in loss of an area now used informally by the community as an open space resource.	C2c, E1c	<input type="checkbox"/>	<input type="checkbox"/>
e. Other impacts: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>

12. Impact on Critical Environmental Areas			
The proposed action may be located within or adjacent to a critical environmental area (CEA). (See Part 1. E.3.d) <i>If “Yes”, answer questions a - c. If “No”, go to Section 13.</i>		<input checked="" type="checkbox"/> NO	<input type="checkbox"/> YES
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may result in a reduction in the quantity of the resource or characteristic which was the basis for designation of the CEA.	E3d	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may result in a reduction in the quality of the resource or characteristic which was the basis for designation of the CEA.	E3d	<input type="checkbox"/>	<input type="checkbox"/>
c. Other impacts: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>

13. Impact on Transportation

The proposed action may result in a change to existing transportation systems.

 NO YES

(See Part 1. D.2.j)

If "Yes", answer questions a - f. If "No", go to Section 14.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. Projected traffic increase may exceed capacity of existing road network.	D2j	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may result in the construction of paved parking area for 500 or more vehicles.	D2j	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action will degrade existing transit access.	D2j	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action will degrade existing pedestrian or bicycle accommodations.	D2j	<input type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may alter the present pattern of movement of people or goods.	D2j	<input type="checkbox"/>	<input type="checkbox"/>
f. Other impacts: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>

14. Impact on Energy

The proposed action may cause an increase in the use of any form of energy.

 NO YES

(See Part 1. D.2.k)

If "Yes", answer questions a - e. If "No", go to Section 15.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action will require a new, or an upgrade to an existing, substation.	D2k	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action will require the creation or extension of an energy transmission or supply system to serve more than 50 single or two-family residences or to serve a commercial or industrial use.	D1f, D1q, D2k	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may utilize more than 2,500 MWhrs per year of electricity.	D2k	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may involve heating and/or cooling of more than 100,000 square feet of building area when completed.	D1g	<input type="checkbox"/>	<input type="checkbox"/>
e. Other Impacts: _____ _____			

15. Impact on Noise, Odor, and Light

The proposed action may result in an increase in noise, odors, or outdoor lighting.

 NO YES

(See Part 1. D.2.m., n., and o.)

If "Yes", answer questions a - f. If "No", go to Section 16.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may produce sound above noise levels established by local regulation.	D2m	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may result in blasting within 1,500 feet of any residence, hospital, school, licensed day care center, or nursing home.	D2m, E1d	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may result in routine odors for more than one hour per day.	D2o	<input type="checkbox"/>	<input type="checkbox"/>

d. The proposed action may result in light shining onto adjoining properties.	D2n	<input type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may result in lighting creating sky-glow brighter than existing area conditions.	D2n, E1a	<input type="checkbox"/>	<input type="checkbox"/>
f. Other impacts: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>

16. Impact on Human Health

The proposed action may have an impact on human health from exposure to new or existing sources of contaminants. (See Part 1.D.2.q., E.1. d. f. g. and h.)
If "Yes", answer questions a - m. If "No", go to Section 17.

NO

YES

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action is located within 1500 feet of a school, hospital, licensed day care center, group home, nursing home or retirement community.	E1d	<input type="checkbox"/>	<input type="checkbox"/>
b. The site of the proposed action is currently undergoing remediation.	E1g, E1h	<input type="checkbox"/>	<input type="checkbox"/>
c. There is a completed emergency spill remediation, or a completed environmental site remediation on, or adjacent to, the site of the proposed action.	E1g, E1h	<input type="checkbox"/>	<input type="checkbox"/>
d. The site of the action is subject to an institutional control limiting the use of the property (e.g., easement or deed restriction).	E1g, E1h	<input type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may affect institutional control measures that were put in place to ensure that the site remains protective of the environment and human health.	E1g, E1h	<input type="checkbox"/>	<input type="checkbox"/>
f. The proposed action has adequate control measures in place to ensure that future generation, treatment and/or disposal of hazardous wastes will be protective of the environment and human health.	D2t	<input type="checkbox"/>	<input type="checkbox"/>
g. The proposed action involves construction or modification of a solid waste management facility.	D2q, E1f	<input type="checkbox"/>	<input type="checkbox"/>
h. The proposed action may result in the unearthing of solid or hazardous waste.	D2q, E1f	<input type="checkbox"/>	<input type="checkbox"/>
i. The proposed action may result in an increase in the rate of disposal, or processing, of solid waste.	D2r, D2s	<input type="checkbox"/>	<input type="checkbox"/>
j. The proposed action may result in excavation or other disturbance within 2000 feet of a site used for the disposal of solid or hazardous waste.	E1f, E1g E1h	<input type="checkbox"/>	<input type="checkbox"/>
k. The proposed action may result in the migration of explosive gases from a landfill site to adjacent off site structures.	E1f, E1g	<input type="checkbox"/>	<input type="checkbox"/>
l. The proposed action may result in the release of contaminated leachate from the project site.	D2s, E1f, D2r	<input type="checkbox"/>	<input type="checkbox"/>
m. Other impacts: _____ _____			

17. Consistency with Community Plans

The proposed action is not consistent with adopted land use plans.
 (See Part 1. C.1, C.2. and C.3.)
 If “Yes”, answer questions a - h. If “No”, go to Section 18.

NO

YES

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action’s land use components may be different from, or in sharp contrast to, current surrounding land use pattern(s).	C2, C3, D1a E1a, E1b	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action will cause the permanent population of the city, town or village in which the project is located to grow by more than 5%.	C2	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action is inconsistent with local land use plans or zoning regulations.	C2, C2, C3	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action is inconsistent with any County plans, or other regional land use plans.	C2, C2	<input type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may cause a change in the density of development that is not supported by existing infrastructure or is distant from existing infrastructure.	C3, D1c, D1d, D1f, D1d, E1b	<input type="checkbox"/>	<input type="checkbox"/>
f. The proposed action is located in an area characterized by low density development that will require new or expanded public infrastructure.	C4, D2c, D2d D2j	<input type="checkbox"/>	<input type="checkbox"/>
g. The proposed action may induce secondary development impacts (e.g., residential or commercial development not included in the proposed action)	C2a	<input type="checkbox"/>	<input type="checkbox"/>
h. Other: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>

18. Consistency with Community Character

The proposed project is inconsistent with the existing community character.
 (See Part 1. C.2, C.3, D.2, E.3)
 If “Yes”, answer questions a - g. If “No”, proceed to Part 3.

NO

YES

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may replace or eliminate existing facilities, structures, or areas of historic importance to the community.	E3e, E3f, E3g	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may create a demand for additional community services (e.g. schools, police and fire)	C4	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may displace affordable or low-income housing in an area where there is a shortage of such housing.	C2, C3, D1f D1g, E1a	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may interfere with the use or enjoyment of officially recognized or designated public resources.	C2, E3	<input type="checkbox"/>	<input type="checkbox"/>
e. The proposed action is inconsistent with the predominant architectural scale and character.	C2, C3	<input type="checkbox"/>	<input type="checkbox"/>
f. Proposed action is inconsistent with the character of the existing natural landscape.	C2, C3 E1a, E1b E2g, E2h	<input type="checkbox"/>	<input type="checkbox"/>
g. Other impacts: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>

Full Environmental Assessment Form
Part 3 - Evaluation of the Magnitude and Importance of Project Impacts
and
Determination of Significance

Part 3 provides the reasons in support of the determination of significance. The lead agency must complete Part 3 for every question in Part 2 where the impact has been identified as potentially moderate to large or where there is a need to explain why a particular element of the proposed action will not, or may, result in a significant adverse environmental impact.

Based on the analysis in Part 3, the lead agency must decide whether to require an environmental impact statement to further assess the proposed action or whether available information is sufficient for the lead agency to conclude that the proposed action will not have a significant adverse environmental impact. By completing the certification on the next page, the lead agency can complete its determination of significance.

Reasons Supporting This Determination:

To complete this section:

- Identify the impact based on the Part 2 responses and describe its magnitude. Magnitude considers factors such as severity, size or extent of an impact.
- Assess the importance of the impact. Importance relates to the geographic scope, duration, probability of the impact occurring, number of people affected by the impact and any additional environmental consequences if the impact were to occur.
- The assessment should take into consideration any design element or project changes.
- Repeat this process for each Part 2 question where the impact has been identified as potentially moderate to large or where there is a need to explain why a particular element of the proposed action will not, or may, result in a significant adverse environmental impact.
- Provide the reason(s) why the impact may, or will not, result in a significant adverse environmental impact
- For Conditional Negative Declarations identify the specific condition(s) imposed that will modify the proposed action so that no significant adverse environmental impacts will result.
- Attach additional sheets, as needed.

The White Plains Urban Renewal Agency (hereinafter the "Agency") as more fully detailed in the accompanying Negative Declaration Resolution and Notice which are adopted herewith has determined that the project which calls for the proposed acquisition of identified real property along East Post Road, including as need by condemnation (the "Project"), will not result in any significant adverse impact to the environment.

The Agency's determination is based its review of the applicable information analyzed by the Agency, including, but not limited to: the Full Environmental Assessment Form, including parts 1, 2, and 3 thereof; the applicable comprehensive plans; comments received as part of the EDPL hearing process; and other planning documents as further identified in the Negative Declaration Resolution.

As further detailed in the Negative Declaration Resolution adopted herewith, such determination is further based on other information, documentation and the Agency's analysis of same utilizing the applicable criteria necessary to assess the pertinent areas of environmental concern and the potential impacts thereof, including the criteria applicable under the New York State Environmental Quality Review Act, Article 8 of the New York Environmental Conservation Law and other applicable regulations including 6 NYCRR Section 617.1, et seq. as amended.

Determination of Significance - Type 1 and Unlisted Actions

SEQR Status: Type 1 Unlisted

Identify portions of EAF completed for this Project: Part 1 Part 2 Part 3

Upon review of the information recorded on this EAF, as noted, plus this additional support information Database information from certain Department of Environmental Conservation database results, including the EAF Mapper, and other database results comments received and reviewed from the public hearing referenced in the Negative Declaration Resolution issued herewith, as well as based on applicable comprehensive plans, other planning documents, information and documentation as identified in the Negative Declaration Resolution.

and considering both the magnitude and importance of each identified potential impact, it is the conclusion of the White Plains Urban Renewal Agency _____ as lead agency that:

A. This project will result in no significant adverse impacts on the environment, and, therefore, an environmental impact statement need not be prepared. Accordingly, this negative declaration is issued.

B. Although this project could have a significant adverse impact on the environment, that impact will be avoided or substantially mitigated because of the following conditions which will be required by the lead agency:

There will, therefore, be no significant adverse impacts from the project as conditioned, and, therefore, this conditioned negative declaration is issued. A conditioned negative declaration may be used only for UNLISTED actions (see 6 NYCRR 617.7(d)).

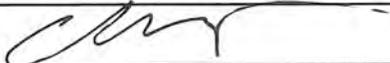
C. This Project may result in one or more significant adverse impacts on the environment, and an environmental impact statement must be prepared to further assess the impact(s) and possible mitigation and to explore alternatives to avoid or reduce those impacts. Accordingly, this positive declaration is issued.

Name of Action: Proposed acquisition of real property through condemnation by the City of White Plains Urban Renewal Agency

Name of Lead Agency: White Plains Urban Renewal Agency

Name of Responsible Officer in Lead Agency: Christopher N. Gomez

Title of Responsible Officer: Executive Director

Signature of Responsible Officer in Lead Agency: 

Date: 11/26/19

Signature of Preparer (if different from Responsible Officer)

Date:

For Further Information:

Contact Person: Shawn Griffin, Esq. counsel for the White Plains Industrial Development Agency

Address: 99 Garnsey Road Pittsford, NY 14534

Telephone Number: (585) 419-8800

E-mail: sgriffin@harrisbeach.com

For Type 1 Actions and Conditioned Negative Declarations, a copy of this Notice is sent to:

Chief Executive Officer of the political subdivision in which the action will be principally located (e.g., Town / City / Village of)

Other involved agencies (if any)

Applicant (if any)

Environmental Notice Bulletin: <http://www.dec.ny.gov/enb/enb.html>

SCHEDULE "A"

223-225 Dr. Martin Luther King Jr. Boulevard (identifiable by SBL 125.83-7-1)

WHITE PLAINS HOUSING AUTHORITY
223 DR. MARTIN L. KING, JR BLVD
WHITE PLAINS, NY 10601

1-3 East Post Road (identifiable by SBL 130.27-10-1)

1 EAST POST ROAD, LLC
12 EAST POST ROAD
WHITE PLAINS, NY 10601

2-4 East Post Road (identifiable by SBL 130.27-2-10)

2 EAST POST ROAD ASSOCIATES, LLC
12 EAST POST ROAD
WHITE PLAINS, NY 10601

12 East Post Road (identifiable by SBL 130.27-2-9)

12 EAST POST ROAD ASSOCIATES, LLC
12 EAST POST RD
WHITE PLAINS, NY 10601

14-16 East Post Road (identifiable by SBL 130.27-2-8) &

18-20 East Post Road (identifiable by SBL 130.27-2-7)

GABE REALTY CORP
149 GRAND STREET
WHITE PLAINS, NY 10601

22-24 East Post Road (identifiable by SBL 130.27-2-6)

ADEOGUN OWONIKOKO COMPANY LLC
15 GEDNEY WAY
WHITE PLAINS, NY 10605

26-28 East Post Road (identifiable by SBL 130.27-2-5)

26-28 E. POST LLC
909 THIRD AVE., 28TH FL
NEW YORK, NY 10022

34 East Post Road (identifiable by SBL 130.27-2-4)

MARIANINA OIL CORP
131 HALE AVENUE
WHITE PLAINS, NY 10605-2508

42 East Post Road (identifiable by SBL 130.27-2-3)

I.R. 42-44 E. POST RD LLC
64 MORRIS LANE
SCARSDALE, NY 10583

60 East Post Road (identifiable by SBL 130.27-2-2)

BRIDGESTONE RETAIL OPERATIONS, LLC
ATTN: TAX DEPARTMENT
200 4TH AVE S NASHVILLE, TN 37201

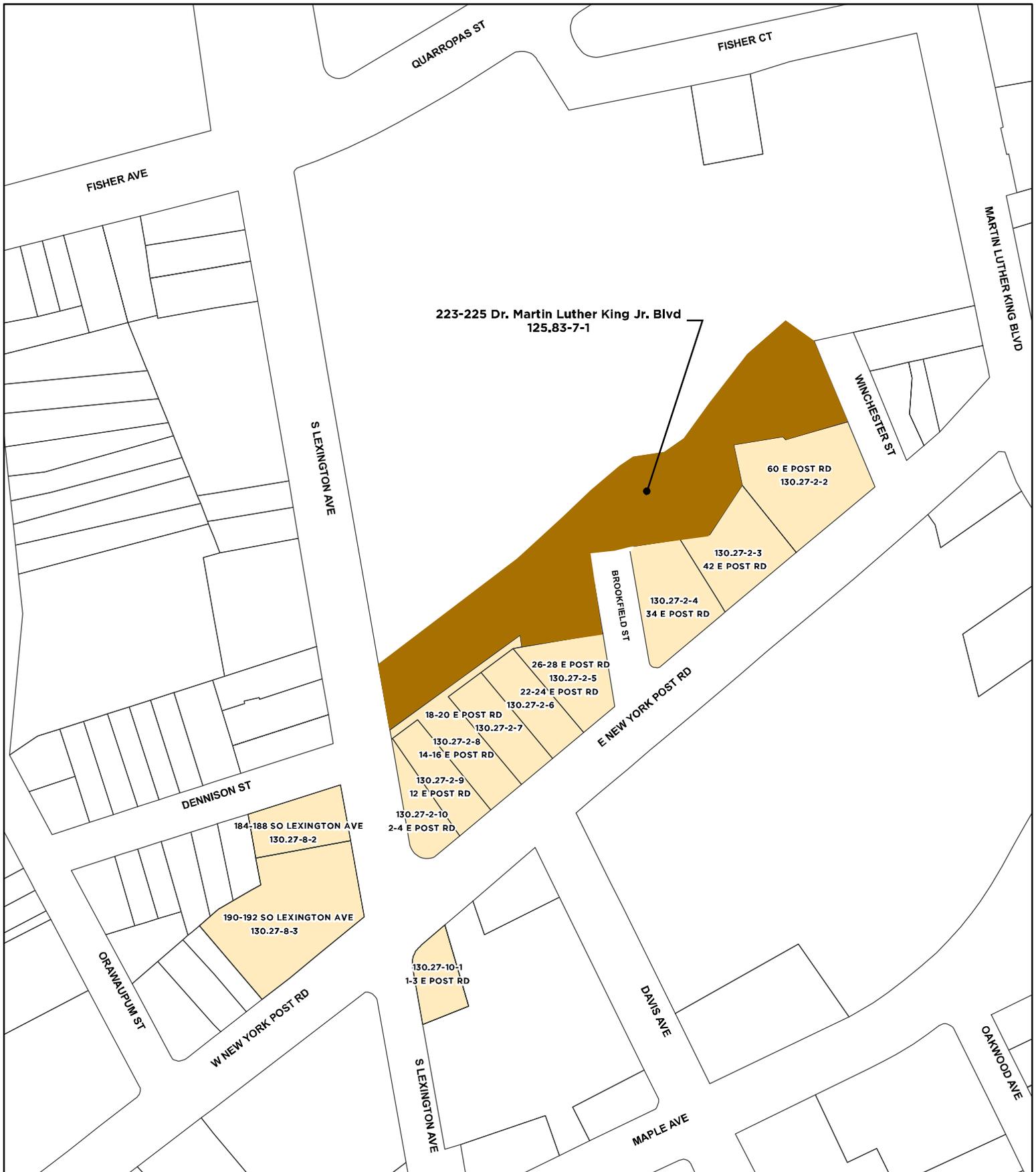
184-188 South Lexington Avenue (identifiable by SBL 130.27-8-2)

NASAR SHAH
MAIN HUSSAN SHAH
4 EAST POST RD
WHITE PLAINS, NY 10601

190-192 South Lexington Avenue (identifiable by SBL 130.27-8-3)

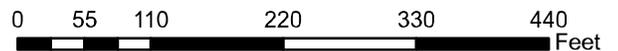
POST MAPLE 77, LLC
C/O GRID PROPERTIES
2309 FREDERICK DOUGLAS BLVD
NEW YORK, NY 10027

[END OF SCHEDULE A]



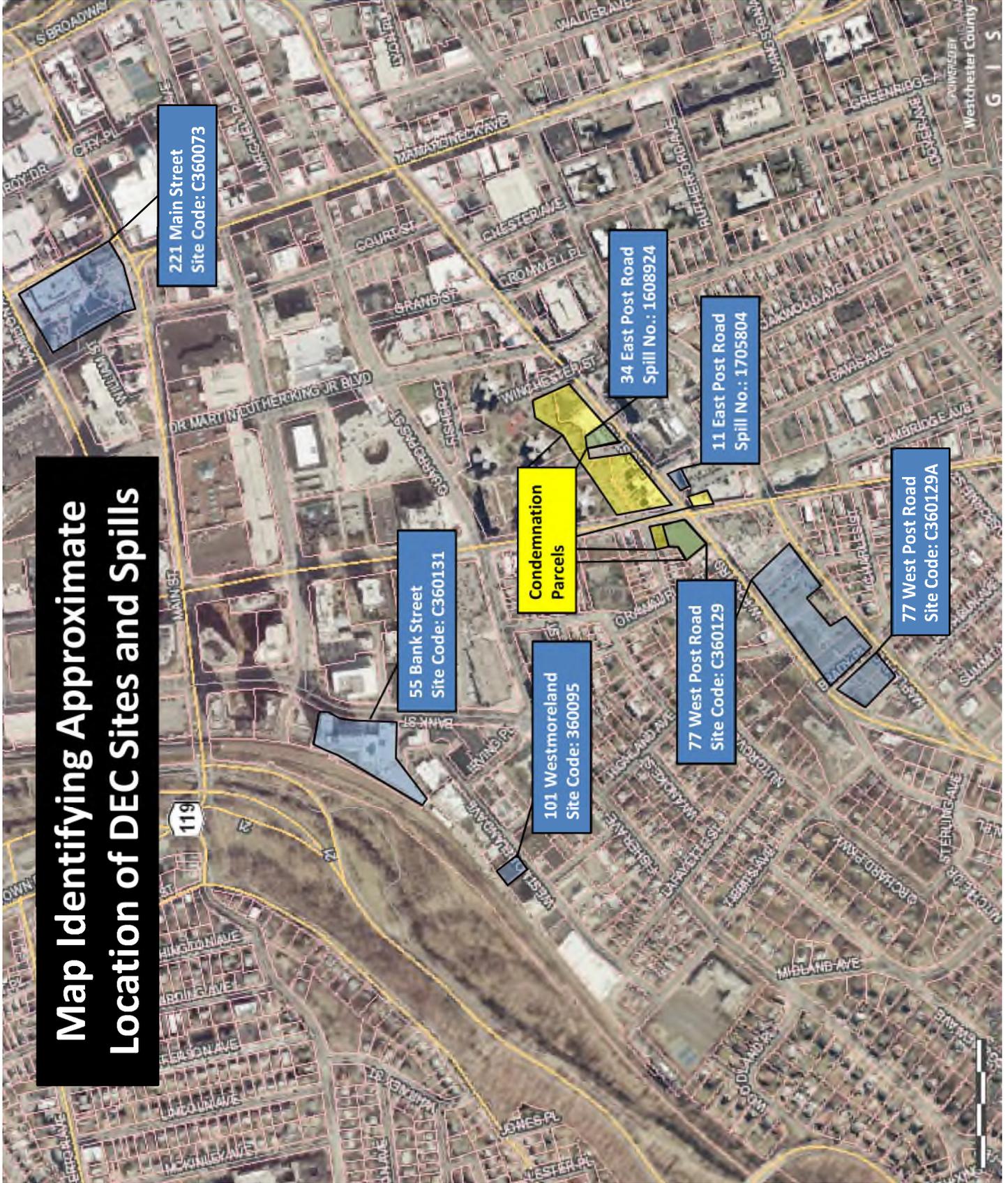
Proposed Properties for Acquisition

- Private Property
- White Plains Housing Authority



SEQRA
SUPPORTING
DOCUMENTS

Map Identifying Approximate Location of DEC Sites and Spills





**Department of
Environmental
Conservation**

Environmental Site Remediation Database Search Details

Site Record

Administrative Information

Site Name: Post Road Corridor - White Plains
Site Code: C360129
Program: Brownfield Cleanup Program
Classification: A
EPA ID Number:

Location

DEC Region: 3
Address: 77 West Post Road
City: White Plains Zip: 10606
County: Westchester
Latitude: 41.023536111
Longitude: -73.773475
Site Type:
Estimated Size: 3.69 Acres

Site Owner(s) and Operator(s)

Current Owner Name: Post Maple 77, LLC
Current Owner(s) Address: c/o Grid Properties
New York, NY, 10027-3612
Current On-Site Operator: Post Maple 77, LLC
Stated Operator(s) Address: c/o Grid Properties
New York, NY 10027-3612

Site Document Repository

Name: NYSDEC Region 3
Address: 21 S. Putt Corners Road
New Paltz, NY 12561
Name: White Plains Public Library
Address: 100 Martine Avenue
White Plains, NY 10601

Site Description

Location: The Post Road Corridor - White Plains site is located at 77 West Post Road in the City of White Plains, Westchester County. This site is made up of 10 tax parcels occupying 3.69 acres of the overall 5-acre redevelopment project. The site is bounded by West Post Road to the north, Maple Avenue to the south, Rathbun Avenue to the west, and South Lexington Avenue to the east, with a separate out-parcel lot on the northwest corner of West Post Road and South Lexington Avenue. Site Features: All 10 parcels are currently vacant. Abandoned former commercial buildings of varying size on the site have been demolished, leaving only grass, trees and former parking lots. Current Zoning and Land Use: Nine of the 10 parcels are zoned B-3, which is a general retail district allowing retail, office and service business uses and multi-family dwellings. The other parcel is zoned B-2, which is an intermediate business district. The site is part of a planned mixed-use (commercial and residential) development. Surrounding land use is mixed, consisting of residential and commercial properties including a church. Past Use of the Site: The site's 10 parcels initially contained residential buildings as early as 1905 which later were used for commercial purposes beginning in the 1930s. Former commercial uses included dry cleaners; gas stations with underground storage tanks (USTs); automobile sales and service facilities with USTs, aboveground storage tanks (ASTs), hydraulic lifts, and associated parking lots; various commercial businesses and offices; and commercial parking lots. In 2005 two in-ground hydraulic lifts were removed from the site. In 2010 two USTs, eleven in-ground hydraulic lifts, a floor drain and an oil water separator were also removed from the site. Approximately 408 tons of impacted soil and 1,180 gallons of contaminated groundwater were removed from the site during this work. In 2012 four USTs and approximately 360 tons of petroleum impacted soil were removed from the site. These removals were completed under the DEC spill program and associated spill numbers have been closed. Site Geology and Hydrogeology: The site geology consists of historic fill material, native till, and highly weathered bedrock. The depth to bedrock ranges across the site from approximately 17 to 52 feet below grade. Groundwater at the site ranges from approximately 3 to 11 feet below ground surface and flows to the northeast.

Contaminants of Concern (Including Materials Disposed)

Contaminant Name/Type

1,2,4-trimethylbenzene

barium

naphthalene

trichloroethene (TCE)

cis-1,2-dichloroethene
dibenz[a,h]anthracene
tetrachloroethene (PCE)
toluene
ethylbenzene
vinyl chloride
benzo(a)pyrene
benzo(b)fluoranthene
chrysene
MTBE (methyl-tert-butyl ether)
benzene
indeno(1,2,3-CD)pyrene
arsenic
lead
mercury
1,3,5-trimethylbenzene
benzo(a)anthracene
benzo(k)fluoranthene
n-propylbenzene
xylene (mixed)

Site Environmental Assessment

Nature and Extent of Contamination: Soil and groundwater were analyzed for volatile organic compounds (VOCs), semi-volatile organic compounds (SVOCs), metals, polychlorinated biphenyls (PCBs), and pesticides. Based upon investigation conducted to date, the primary contaminants of concern include chlorinated VOCs, petroleum related compounds and metals. No other VOCs, SVOCs, metals or PCBs/pesticides than those identified below were found in soil or groundwater at levels exceeding restricted residential soil cleanup objectives, protection of groundwater soil cleanup objectives or groundwater standards. Soil - Soil samples collected from across the site indicate the presence of certain contaminants in varying degrees generally consistent with the former use of each parcel. VOCs, including acetone up to 0.51 parts per million (ppm)(protection of groundwater soil cleanup objective (PGWSCO)of 0.50 parts per million (ppm)), benzene up to 3.4 ppm (PGWSCO of 0.060 ppm), cis-1,2-dichloroethene (cis-1,2-DCE) up to 1.2 ppm (PGWSCO of 0.25 ppm), ethylbenzene up to 140 ppm (PGWSCO of 1 and restricted residential soil cleanup objective (RRSCO) of 41 ppm), tetrachloroethene (PCE) up to 2.32 ppm (PGWSCO of 1.3 ppm), toluene up to 37 ppm (PGWSCO of 0.7 ppm) and xylenes up to 430 ppm (PGWSCO of 1.6 ppm and RRSCO 100 ppm), SVOCs, including benzo(a)anthracene up to 8.9 ppm (PGWSCO and RRSCO of 1 ppm), benzo(b)fluoranthene up to 8.8 ppm (PGWSCO of 1.7 ppm and RRSCO of 1 ppm),

benzo(k)fluoranthene up to 3.7 ppm (PGWSCO of 1.7 ppm), benzo(a)pyrene up to 7 ppm (RRSCO of 1 ppm), chrysene up to 7.6 ppm (PGWRSCO of 1 ppm and RRSCO of 3.9 ppm), naphthalene up to 26 ppm (PGWSCO of 12 ppm), indeno(1,2,3-cd)pyrene up to 4.6 ppm (RRSCO of 0.5 ppm) and dibenzo(a,h)anthracene up to 2 ppm (RRSCO of .33 ppm) and metals including arsenic up to 18 ppm (PGWSCO and RRSCO of 16 ppm), barium up to 490 ppm (RRSCO of 400 ppm), lead up to 1,100 ppm (PGWSCO of 450 ppm and RRSCO of 400 ppm), and mercury up to 2.9 ppm (PGWSCO of 0.73 ppm and RRSCO of 0.81 ppm) were detected in the soil above PGWSCOs and/or RRSCOs. There is no evidence of off-site contamination in soils. Groundwater - Groundwater samples collected from across the site indicate the presence of certain contaminants in varying degrees generally consistent with the former use of each parcel. VOCs, including benzene up to 530 parts per billion (ppb) (SCG of 1 ppb), cis-1,2-DCE up to 340 ppb (SCG of 5 ppb), ethylbenzene up to 1,100 ppb (SCG of 5 ppb), isopropylbenzene up to 95 ppb (SCG of 5 ppb), xylene (total) up to 3,000 ppb (SCG of 5 ppb), methyl tert-butyl ether (MTBE) up to 120 ppb (SCG of 10 ppb), tetrachloroethene up to 3,300 ppb (SCG of 5 ppb), toluene up to 110 ppb (SCG of 5 ppb), trans-1,2-dichloroethene up to 18 ppb (SCG of 5 ppb), trichloroethene up to 420 ppb (SCG of 5 ppb) and vinyl chloride up to 49 ppb (SCG of 2 ppb), SVOCs, including naphthalene up to 180 ppb (SCG of 10 ppb) and pentachlorophenol up to 2 ppb (SCG of 1 ppb) and metals including antimony up to 5.03 ppb (SCG of 3 ppb), iron up to 35,500 ppb (SCG of 300 ppb), manganese up to 4,724 ppb (SCG of 300 ppb) and sodium up to 583,000 ppb (SCG of 20,000 ppb) were found in excess of ambient water quality standards and guidance. Groundwater contaminated with chlorinated VOCs appear to be migrating from the site to off-site locations. Soil Vapor - On-site soil vapor was not completed during the RI based on the lack of existing structures, but is presumed to be contaminated given the results in other environmental media. Some petroleum related compounds, including 2-hexanone up to 75 ug/m³, ethanol up to 211 ug/m³, hexane up to 20.4 ug/m³, benzene up to 17.6 ug/m³, toluene up to 68.2 ug/m³, xylenes up to 92.1 ug/m³, heptane up to 23.7 ug/m³, and cyclohexane up to 164 ug/m³ were detected in off-site soil vapor samples along Maple Avenue. The potential exists for soil vapor intrusion impacts in off-site buildings.

Site Health Assessment

People will not come into contact with soil and groundwater contamination unless they dig below the ground surface. People are not drinking the contaminated groundwater because the area is served by a public supply that is not affected by this contamination. Volatile organic compounds in the groundwater and/or soil may move into the soil vapor (air spaces within the soil), which in turn may move into the overlying buildings and affect the indoor air quality. This

process, which is similar to the movement of radon gas from the subsurface into the indoor air of buildings, is referred to as soil vapor intrusion. The site is vacant so inhalation of contaminants in indoor air via vapor intrusion is not a current concern. However, the potential exists for the inhalation of contaminants due to soil vapor intrusion for any future on-site development. An evaluation is needed to determine whether soil vapor intrusion is a concern for any off-site buildings.

For more Information: E-mail Us

[Refine This Search](#)



**Department of
Environmental
Conservation**

Environmental Site Remediation Database Search Details

Site Record

Administrative Information

Site Name: Young Coal & Lumber Site

Site Code: C360131

Program: Brownfield Cleanup Program

Classification: C

EPA ID Number:

Location

DEC Region: 3

Address: 55 Bank Street

City: White Plains Zip: 10601

County: Westchester

Latitude: 41.03

Longitude: -73.774888889

Site Type:

Estimated Size: 2.24 Acres

Site Owner(s) and Operator(s)

Current Owner Name: WP South Tower LLC

Current Owner(s) Address: One Penn Plaza
New York, NY, 10119

Current Owner Name: WP North Tower LLC

Current Owner(s) Address: One Penn Plaza, Suite 1801
New York, NY, 10119

Current On-Site Operator: City of White Plains

Stated Operator(s) Address: 255 Main Street
White Plains, NY 10601-2475

Site Document Repository

Name: White Plains Central Library

Address: 100 Martine Avenue

White Plains, NY 10601

Name: NYSDEC Region 3

Address: 21 S. Putt Corners Road

New Paltz, NY 12561

Site Description

Location: The site is located at 55 Bank Street in White Plains, Westchester County. The site is located in the Central Business District of the City of White Plains on the west side of Bank Street, just south of the intersection of Main Street and Bank Street. To the west is the Metro-North railroad right of way. Bank Street is located along the eastern border, a car dealership is located adjacent to the southern border, and a parking lot for the Bank Street Commons Apartment building is located to the north. **Site Features:** The site is presently under construction as a commercial/residential building. The site was formerly a 2.24-acre parking lot for the nearby commuter railroad station. The site was used as a parking lot for over 40 years. **Current Zoning/Use:** The current zoning of the site is Core Business-4 (CB-4). Municipally-operated parking lots and multifamily dwellings, a restricted residential use, are permitted uses in CB-4 zones. **Past Uses of the Site:** The property was used as a coal and lumber yard starting in 1885. The lumber yard comprised of a mill, several small sheds, coal and lumber storage areas, and railroad spurs. By 1911, the property was being used for manufacturing sashes, blinds and trim, and for the storage of grain, fertilizer, and feed. During the late 1800s and early 1900s, portions of the eastern side were occupied by several residential homes. By 1953, the southeastern corner of the property was improved with a commercial building, while the remaining portions were public parking lots. The commercial building was razed by 1974, and the site has been operated as a parking lot since that time. **Site Geology and Hydrogeology:** The site is level ground and covered with asphalt. Surface water drains to a storm sewer system that runs to the Bronx River which is about 500 yards to the west. The shallow soil horizon consists of historic fill found at a depth from 1.5 -26 feet below grade. Below the fill, subsurface soils consist of predominantly sands with some silts and gravels. Bedrock was located at 80-120 feet below grade and is believed to be gneiss and schist. Overburden groundwater was encountered at a depth of 28 feet below grade and flows to the south. The Bronx River, which flows to the south, is located about 0.25 mile west of the site. However, the site is located above the current 100 year flood elevation. Site storm water is transported via storm drains to a storm water collection system and discharges to the Bronx River. The Bronx River Parkway is located adjacent to the Bronx River just west of the site.

Summary of Project Completion Dates

Projects associated with this site are listed in the Project Completion Dates table and are grouped by Operable Unit (OU). A site can be divided into a number of operable units depending on the complexity of the site and the number of issues associated with a site. Sites

are often divided into operable units based on the media to be addressed (such as groundwater or contaminated soil), geographic area, or other factors.

Project Completion Dates

Contaminants of Concern (Including Materials Disposed)

Contaminant Name/Type

mercury

benzo(a)pyrene

lead

trichloroethene (TCE)

tetrachloroethene (PCE)

zinc

copper

Site Environmental Assessment

Nature and Extent of Contamination: Remediation of the site to track 1 soil cleanup objectives was completed in November 2016. Soil: Remediation is complete. The entire site was excavated to a depth of approximately 26 feet. No surface soils remain. Based on the investigations conducted the primary contaminants of concern in subsurface soils were inorganics (metals) including mercury, copper lead and zinc. These metals were present above the unrestricted soil cleanup objectives. These compounds were present in the fill materials used to grade the site and surrounding areas, and contamination did not migrate from the site to adjacent parcels. These inorganics were not found in on-site groundwater above NYS Groundwater Standards in filtered samples. Aluminum, iron, and sodium were detected above standards in onsite groundwater but are considered to be naturally occurring. Groundwater: Chlorinated volatile organic compounds (CVOCs) were detected in on-site groundwater including tetrachloroethylene (PCE) at a maximum level of 13 parts per billion (ppb), and trichloroethene (TCE) at a maximum level of 28 ppb. The groundwater quality standard for both of these compounds is 5 ppb. CVOCs were not detected in the subsurface soil samples collected from the site, the groundwater investigation suggests that the source originates from an off-groundwater source. The site remediation is complete. The site has a basement foundation that includes a vapor barrier and a subsurface parking garage which is ventilated. Because there is a vapor barrier and a ventilated subsurface parking garage a soil vapor intrusion investigation was not conducted.

Site Health Assessment

People are not drinking the contaminated groundwater because the area is served by a public water supply that is not affected by this contamination. Volatile organic compounds in the groundwater may move into the soil vapor (air spaces within the soil), which in turn may move into overlying buildings and affect the indoor air quality. This process which is similar to the movement of radon gas from the subsurface in to the indoor air of buildings, is referred to as soil vapor intrusion. A vapor barrier has been installed beneath the building foundation to minimize the potential of vapors from entering the building. Additionally, a sub-grade parking garage ventilation system required by building codes will be installed prior to building occupancy to prevent vapors from accumulating in the structure.

For more Information: E-mail Us

[Refine This Search](#)



**Department of
Environmental
Conservation**

Environmental Site Remediation Database Search Details

Site Record

Administrative Information

Site Name: Automobile Club of New York

Site Code: 360095

Program: State Superfund Program

Classification: C

EPA ID Number:

Location

DEC Region: 3

Address: 101 Westmoreland Avenue

City: White Plains Zip: 10606

County: Westchester

Latitude: 41.027775026

Longitude: -73.777269042

Site Type:

Estimated Size: 0.2 Acres

Institutional And Engineering Controls

Control Type:

Environmental Easement

Control Elements:

Ground Water Use Restriction

Soil Management Plan

Cover System

Landuse Restriction

Monitoring Plan

Site Management Plan

O&M Plan

IC/EC Plan

Air Sparging/Soil Vapor Extraction

Site Owner(s) and Operator(s)

Current Owner Name: Automobile Club of New York, Inc. (AAA)

Current Owner(s) Address: 1415 KELLUM PLACE

GARDEN CITY, NY, 11530

Current On-Site Operator: Automobile Club of New York

Stated Operator(s) Address: 1415 Kellum Pl

Garden City, NY 11530

Current On-Site Operator: RJT MOROTIST SERVICES

Stated Operator(s) Address: 101 WESTMORELAND AVENUE

WHITE PLAINS, NY 10606

Site Description

Location: The Automobile Club of New York site is located on the northwest side of Westmoreland Avenue, approximately 100 feet west of the intersection of Westmoreland Avenue and Home Place in the City of White Plains. The site is approximately 0.2 acres

Site Features: The site is essentially flat and includes a one-story, concrete block, L-shaped occupied building that covers approximately 75 percent of the site. The northeastern portion of the property is covered with an asphalt parking area, while the western portion of the site

contains a gravel parking area. The Bronx River is located approximately 700 feet to the

northwest of the site. **Current Zoning and Land Use:** The site is zoned light industrial and is currently used as an AAA of NY auto-repair shop, which utilizes the building for auto repairs

and exterior detailing. **Past Use of the Site:** A former on-site dry well and former fuel and waste oil underground storage tanks (USTs) appear to be the sources of on-site contamination.

There also appears to be an off-site source of 1,1,1 TCA entering the property from the east.

Site Geology and Hydrogeology: The site consists of approximately 2 feet of fill, represented by dark gray to black fine coarse sand and gravel with fragments of coal, underlined by light gray to yellow-brown, well sorted fine-medium sand to a depth of 40 feet below grade.

Groundwater depth at the site ranges from approximately 25 to 29 feet below grade.

Groundwater flows to the north-northwest.

Site Environmental Assessment

Nature and Extent of Contamination: Remediation at the site is complete. The primary contaminants of concern include Tetrachloroethene (PCE) and related daughter products and residual petroleum contamination in shallow site soils, groundwater and/or soil vapor. An unknown off-site source of 1,1,1 TCA is also impacting site groundwater. Residual contamination in the soil, groundwater and soil vapor are being managed under a Site Management Plan.

Site Health Assessment

Since some contaminated soils remain at the site below the building foundation or pavement, people will not come in contact with contaminated soils unless they dig below the surface materials. Contaminated groundwater in the area is not used for drinking or other purposes and the site is served by a public water supply. Volatile organic compounds in the groundwater may move into the soil vapor (air spaces within the soil), which in turn may move into overlying buildings and affect the indoor air quality. This process, which is similar to the movement of radon gas from the subsurface into the indoor air of buildings, is referred to as soil vapor intrusion. If the site is redeveloped, the need to take measures to prevent soil vapor intrusion will be re-evaluated. There are no off-site soil vapor concerns associated with this site. However, there is the potential for soil vapor intrusion concerns in off-site buildings due to the presence of off-site contamination not related to this site.

For more Information: E-mail Us

[Refine This Search](#)



**Department of
Environmental
Conservation**

Environmental Site Remediation Database Search Details

Site Record

Administrative Information

Site Name: Post Road Corridor - White Plains - Off-Site

Site Code: C360129A

Program: Brownfield Cleanup Program

Classification: A

EPA ID Number:

Location

DEC Region: 3

Address: 77 West Post Road

City: White Plains Zip: 10606

County: Westchester

Latitude: 41.0235355

Longitude: -73.773475005

Site Type:

Estimated Size: 0 Acres

Site Owner(s) and Operator(s)

Site Description

Site Location: The site is located in the City of White Plains, Westchester County. To the west of the site is Rathbun Avenue and commercial properties, to the north are residential properties, to the east is South Lexington Avenue, and to the south is Maple Avenue and residential properties. **Site Features:** The site consists of several tax parcels adjacent to the Post Road Corridor BCP site C360129. Several commercial buildings and parking lots make up the site. **Current Zoning and Land Use:** The site is zoned B-3, which is a general retail district allowing retail, office and service business uses and multi-family dwellings. **Surrounding land use** is mixed, consisting of residential and commercial properties. **Past Use of the Site:** Former commercial uses at the Post Road Corridor BCP site included dry cleaners; gas stations with underground storage tanks (USTs); automobile sales and service facilities with

USTs, above ground storage tanks (ASTs), hydraulic lifts, and associated parking lots; various commercial businesses and offices; and commercial parking lots. Site Geology and Hydrogeology: The site geology consists of historic fill material, native till, highly weathered bedrock. The depth to bedrock ranges from approximately 17 to 52 feet below grade. Groundwater at the site most likely ranges from 3 to 11 feet below ground surface and flows to the northeast.

Site Environmental Assessment

The on-site investigation results shows potential for off-site impact from the previous uses on-site as well as a potential upgradient source of contamination as groundwater impacted with both petroleum related hydrocarbons and chlorinated volatile organic compounds appears to be migrating on-site. An off-site investigation has not been conducted at this time. High concentrations of tetrachloroethene (PCE) in groundwater lead to an on-site significant threat determination. The potential exists for vapor intrusion impacts in off-site buildings.

Site Health Assessment

Information submitted with the BCP application regarding the conditions at the site are currently under review and will be revised as additional information becomes available.

For more Information: E-mail Us

[Refine This Search](#)



**Department of
Environmental
Conservation**

Environmental Site Remediation Database Search Details

Site Record

Administrative Information

Site Name: 221 Main Street
Site Code: C360073
Program: Brownfield Cleanup Program
Classification: C
EPA ID Number:

Location

DEC Region: 3
Address: 221 Main St
City: White Plains Zip: 10601
County: Westchester
Latitude: 41.03318999
Longitude: -73.767832305
Site Type:
Estimated Size: 2.6 Acres

Site Owner(s) and Operator(s)

Current Owner Name: LC MAIN, LLC
Current Owner(s) Address: 115 STEVENS AVE.
VALHALLA, NY, 10595
Current Owner Name: EPIC Renaissance LLC
Current Owner(s) Address: 15 Watts Street, 5th Floor
New York, NY, 10013

Site Description

Location Description: The site is located in an urban portion of Westchester County, occupying several city tax parcels, including 221 Main Street, in the City of White Plains. **Current Use:** The site is currently being redeveloped. The newly constructed complex will contain approximately 125 hotel rooms, 400 condominiums and approximately 10,000 square feet of street levels stores. **Surrounding Uses:** The site is surrounded by commercial properties with a

mix of retail and office space. Historical Source(s) of contamination: The historical source of contamination at this site included multiple leaking underground storage tanks (USTs). Investigations revealed the presence of ten USTs. Investigations/Actions Performed to date: Previous environmental investigations include a Phase I Investigation in 2002 and a Petroleum Contamination Site Investigation completed in June of 1993. Under the Brownfield Cleanup Program, a Remedial Investigation was conducted in 2005-2006. Based on RI findings, an Interim Remedial Measure (IRM) was planned and implemented which included the removal of all USTs, and contaminated soil. Current Action: A Final Engineering Report which documents the remedial activities completed has been approved. On December 19, 2006 a Certificate of Completion was issued declaring remedial activities complete, and that a Track 1 cleanup (i.e., unrestricted use) has been achieved.

Summary of Project Completion Dates

Projects associated with this site are listed in the Project Completion Dates table and are grouped by Operable Unit (OU). A site can be divided into a number of operable units depending on the complexity of the site and the number of issues associated with a site. Sites are often divided into operable units based on the media to be addressed (such as groundwater or contaminated soil), geographic area, or other factors.

Project Completion Dates

Contaminants of Concern (Including Materials Disposed)

Contaminant Name/Type

benzo(b)fluoranthene

chrysene

naphthalene

benzo(a)pyrene

benzo(k)fluoranthene

benzo(a)anthracene

Site Environmental Assessment

Contaminant of concern: Petroleum-related compounds including volatile organic compounds (VOCs) and polycyclic aromatic hydrocarbons. Impacted Media: Soil and groundwater. Known SCGs exceedences: Investigation revealed benzene, toluene, ethyl-benzene and xylenes, however, as part of a site-wide remedial program (2005-2006) all contaminated media has been removed and properly disposed.

Site Health Assessment

The site is located in downtown White Plains, public water serves the area. Through the implementation of an IRM the site has been remediated and nearly all the soil has been removed to bedrock eliminating potential exposure to contaminated soil. Proposed redevelopment of the site will include a ventilated below-grade parking garage with foundation drainage which will effectively eliminate the potential for soil vapor intrusion to occur.

For more Information: E-mail Us

Refine This Search



Department of
Environmental
Conservation

Spill Incidents Database Search Details

Spill Record

Administrative Information

DEC Region: 3

Spill Number: 1608924

Spill Date/Time

Spill Date: 09/01/2014 **Spill Time:** 01:00:00 PM

Call Received Date: 12/20/2016 **Call Received Time:** 01:00:00 PM

Location

Spill Name: BP STATION- EAST POST RD GASMART

Address: 34 EAST POST ROAD

City: WHITE PLAINS **County:** Westchester

Spill Description

Material Spilled **Amount Spilled** **Resource Affected**

gasoline UNKNOWN Soil , Groundwater

Cause: Unknown

Source: Gasoline Station or other PBS Facility

Waterbody:

PBS #:

Record Close

Date Spill Closed: Not closed

If you have questions about this reported incident, please contact the [Regional Office](#) where the incident occurred.



Department of
Environmental
Conservation

Spill Incidents Database Search Details

Spill Record

Administrative Information

DEC Region: 3

Spill Number: 1705804

Spill Date/Time

Spill Date: 09/13/2017 **Spill Time:** 01:25:00 PM

Call Received Date: 09/13/2017 **Call Received Time:** 01:23:00 PM

Location

Spill Name: FORMER GETTY PBS 3-137820

Address: 11 EAST POST ROAD

City: WHITE PLAINS **County:** Westchester

Spill Description

Material Spilled Amount Spilled Resource Affected

gasoline UNKNOWN Soil , Groundwater

Cause: Other

Source: Commercial/Industrial

Waterbody:

PBS #:

Record Close

Date Spill Closed: 07/20/2018

"Date Spill Closed" means the date the spill case was closed by the case manager in the Department of Environmental Conservation (the Department). The spill case was closed because either; a) the records and data submitted indicate that the necessary cleanup and removal actions have been completed and no further remedial activities are necessary, or b) the case was closed for administrative reasons (e.g., multiple reports of a single spill consolidated into a single spill number). The Department however reserves the right to require additional remedial work in relation to the spill, if in the future it determines that further action is necessary.

If you have questions about this reported incident, please contact the [Regional Office](#) where the incident occurred.

[Return To Results](#)

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IPaC Information for Planning and Consultation U.S. Fish & Wildlife Service

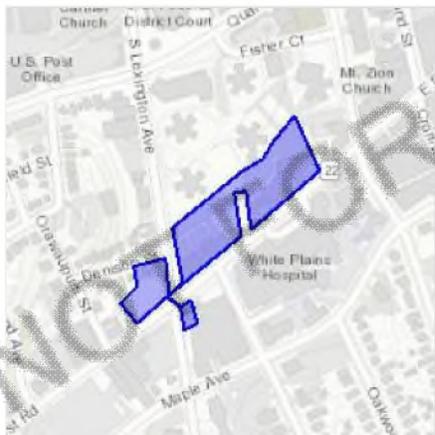
IPaC resource list

This report is an automatically generated list of species and other resources such as critical habitat (collectively referred to as *trust resources*) under the U.S. Fish and Wildlife Service's (USFWS) jurisdiction that are known or expected to be on or near the project area referenced below. The list may also include trust resources that occur outside of the project area, but that could potentially be directly or indirectly affected by activities in the project area. However, determining the likelihood and extent of effects a project may have on trust resources typically requires gathering additional site-specific (e.g., vegetation/species surveys) and project-specific (e.g., magnitude and timing of proposed activities) information.

Below is a summary of the project information you provided and contact information for the USFWS office(s) with jurisdiction in the defined project area. Please read the introduction to each section that follows (Endangered Species, Migratory Birds, USFWS Facilities, and NWI Wetlands) for additional information applicable to the trust resources addressed in that section.

Location

Westchester County, New York



Local offices

Long Island Ecological Services Field Office

☎ (631) 286-0485

📠 (631) 286-4003

340 Smith Road
Shirley, NY 11967-2258

New York Ecological Services Field Office

☎ (607) 753-9334

📞 (607) 753-9699

3817 Luker Road
Cortland, NY 13045-9385

<http://www.fws.gov/northeast/nyfo/es/section7.htm>

NOT FOR CONSULTATION

Endangered species

This resource list is for informational purposes only and does not constitute an analysis of project level impacts.

The primary information used to generate this list is the known or expected range of each species. Additional areas of influence (AOI) for species are also considered. An AOI includes areas outside of the species range if the species could be indirectly affected by activities in that area (e.g., placing a dam upstream of a fish population, even if that fish does not occur at the dam site, may indirectly impact the species by reducing or eliminating water flow downstream). Because species can move, and site conditions can change, the species on this list are not guaranteed to be found on or near the project area. To fully determine any potential effects to species, additional site-specific and project-specific information is often required.

Section 7 of the Endangered Species Act **requires** Federal agencies to "request of the Secretary information whether any species which is listed or proposed to be listed may be present in the area of such proposed action" for any project that is conducted, permitted, funded, or licensed by any Federal agency. A letter from the local office and a species list which fulfills this requirement can **only** be obtained by requesting an official species list from either the Regulatory Review section in IPaC (see directions below) or from the local field office directly.

For project evaluations that require USFWS concurrence/review, please return to the IPaC website and request an official species list by doing the following:

1. Draw the project location and click CONTINUE.
2. Click DEFINE PROJECT.
3. Log in (if directed to do so).
4. Provide a name and description for your project.
5. Click REQUEST SPECIES LIST.

Listed species

¹ and their critical habitats are managed by the [Ecological Services Program](#) of the U.S. Fish and Wildlife Service (USFWS) and the fisheries division of the National Oceanic and Atmospheric Administration (NOAA Fisheries²).

Species and critical habitats under the sole responsibility of NOAA Fisheries are **not** shown on this list. Please contact [NOAA Fisheries](#) for [species under their jurisdiction](#).

-
1. Species listed under the [Endangered Species Act](#) are threatened or endangered; IPaC also shows species that are candidates, or proposed, for listing. See the [listing status page](#) for more information.
 2. [NOAA Fisheries](#), also known as the National Marine Fisheries Service (NMFS), is an office of the National Oceanic and Atmospheric Administration within the Department of Commerce.

THERE ARE NO ENDANGERED SPECIES EXPECTED TO OCCUR AT THIS LOCATION.

Migratory birds

Certain birds are protected under the Migratory Bird Treaty Act

[1](#) and the Bald and Golden Eagle Protection Act².

Any person or organization who plans or conducts activities that may result in impacts to migratory birds, eagles, and their habitats should follow appropriate regulations and consider implementing appropriate conservation measures, as described [below](#).

1. The [Migratory Birds Treaty Act](#) of 1918.
2. The [Bald and Golden Eagle Protection Act](#) of 1940.

Additional information can be found using the following links:

- Birds of Conservation Concern <http://www.fws.gov/birds/management/managed-species/birds-of-conservation-concern.php>
- Measures for avoiding and minimizing impacts to birds <http://www.fws.gov/birds/management/project-assessment-tools-and-guidance/conservation-measures.php>
- Nationwide conservation measures for birds <http://www.fws.gov/migratorybirds/pdf/management/nationwidestandardconservationmeasures.pdf>

The birds listed below are birds of particular concern either because they occur on the [USFWS Birds of Conservation Concern](#) (BCC) list or warrant special attention in your project location. To learn more about the levels of concern for birds on your list and how this list is generated, see the FAQ [below](#). This is not a list of every bird you may find in this location, nor a guarantee that every bird on this list will be found in your project area. To see exact locations of where birders and the general public have sighted birds in and around your project area, visit the [E-bird data mapping tool](#) (Tip: enter your location, desired date range and a species on your list). For projects that occur off the Atlantic Coast, additional maps and models detailing the relative occurrence and abundance of bird species on your list are available. Links to additional information about Atlantic Coast birds, and other important information about your migratory bird list, including how to properly interpret and use your migratory bird report, can be found [below](#).

For guidance on when to schedule activities or implement avoidance and minimization measures to reduce impacts to migratory birds on your list, click on the PROBABILITY OF PRESENCE SUMMARY at the top of your list to see when these birds are most likely to be present and breeding in your project area.

NAME

BREEDING SEASON (IF A BREEDING SEASON IS INDICATED FOR A BIRD ON YOUR LIST, THE BIRD MAY BREED IN YOUR PROJECT AREA SOMETIME WITHIN THE TIMEFRAME SPECIFIED, WHICH IS A VERY LIBERAL ESTIMATE OF THE DATES INSIDE WHICH THE BIRD BREEDS ACROSS ITS ENTIRE RANGE. "BREEDS ELSEWHERE")

INDICATES THAT THE BIRD DOES
NOT LIKELY BREED IN YOUR
PROJECT AREA.)

<p>Bald Eagle <i>Haliaeetus leucocephalus</i> This is not a Bird of Conservation Concern (BCC) in this area, but warrants attention because of the Eagle Act or for potential susceptibilities in offshore areas from certain types of development or activities. https://ecos.fws.gov/ecp/species/1626</p>	Breeds Oct 15 to Aug 31
<p>Black-billed Cuckoo <i>Coccyzus erythrophthalmus</i> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska. https://ecos.fws.gov/ecp/species/9399</p>	Breeds May 15 to Oct 10
<p>Bobolink <i>Dolichonyx oryzivorus</i> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.</p>	Breeds May 20 to Jul 31
<p>Canada Warbler <i>Cardellina canadensis</i> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.</p>	Breeds May 20 to Aug 10
<p>Golden Eagle <i>Aquila chrysaetos</i> This is not a Bird of Conservation Concern (BCC) in this area, but warrants attention because of the Eagle Act or for potential susceptibilities in offshore areas from certain types of development or activities. https://ecos.fws.gov/ecp/species/1680</p>	Breeds elsewhere
<p>Lesser Yellowlegs <i>Tringa flavipes</i> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska. https://ecos.fws.gov/ecp/species/9679</p>	Breeds elsewhere
<p>Long-eared Owl <i>asio otus</i> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska. https://ecos.fws.gov/ecp/species/3631</p>	Breeds elsewhere
<p>Prairie Warbler <i>Dendroica discolor</i> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.</p>	Breeds May 1 to Jul 31
<p>Rusty Blackbird <i>Euphagus carolinus</i> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.</p>	Breeds elsewhere

Semipalmated Sandpiper *Calidris pusilla*

Breeds elsewhere

This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.

Wood Thrush *Hylocichla mustelina*

Breeds May 10 to Aug 31

This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.

Probability of Presence Summary

The graphs below provide our best understanding of when birds of concern are most likely to be present in your project area. This information can be used to tailor and schedule your project activities to avoid or minimize impacts to birds. Please make sure you read and understand the FAQ "Proper Interpretation and Use of Your Migratory Bird Report" before using or attempting to interpret this report.

Probability of Presence (■)

Each green bar represents the bird's relative probability of presence in the 10km grid cell(s) your project overlaps during a particular week of the year. (A year is represented as 12 4-week months.) A taller bar indicates a higher probability of species presence. The survey effort (see below) can be used to establish a level of confidence in the presence score. One can have higher confidence in the presence score if the corresponding survey effort is also high.

How is the probability of presence score calculated? The calculation is done in three steps:

1. The probability of presence for each week is calculated as the number of survey events in the week where the species was detected divided by the total number of survey events for that week. For example, if in week 12 there were 20 survey events and the Spotted Towhee was found in 5 of them, the probability of presence of the Spotted Towhee in week 12 is 0.25.
2. To properly present the pattern of presence across the year, the relative probability of presence is calculated. This is the probability of presence divided by the maximum probability of presence across all weeks. For example, imagine the probability of presence in week 20 for the Spotted Towhee is 0.05, and that the probability of presence at week 12 (0.25) is the maximum of any week of the year. The relative probability of presence on week 12 is $0.25/0.25 = 1$; at week 20 it is $0.05/0.25 = 0.2$.
3. The relative probability of presence calculated in the previous step undergoes a statistical conversion so that all possible values fall between 0 and 10, inclusive. This is the probability of presence score.

To see a bar's probability of presence score, simply hover your mouse cursor over the bar.

Breeding Season (■)

Yellow bars denote a very liberal estimate of the time-frame inside which the bird breeds across its entire range. If there are no yellow bars shown for a bird, it does not breed in your project area.

Survey Effort (|)

Vertical black lines superimposed on probability of presence bars indicate the number of surveys performed for that species in the 10km grid cell(s) your project area overlaps. The number of surveys is expressed as a range, for example, 33 to 64 surveys.

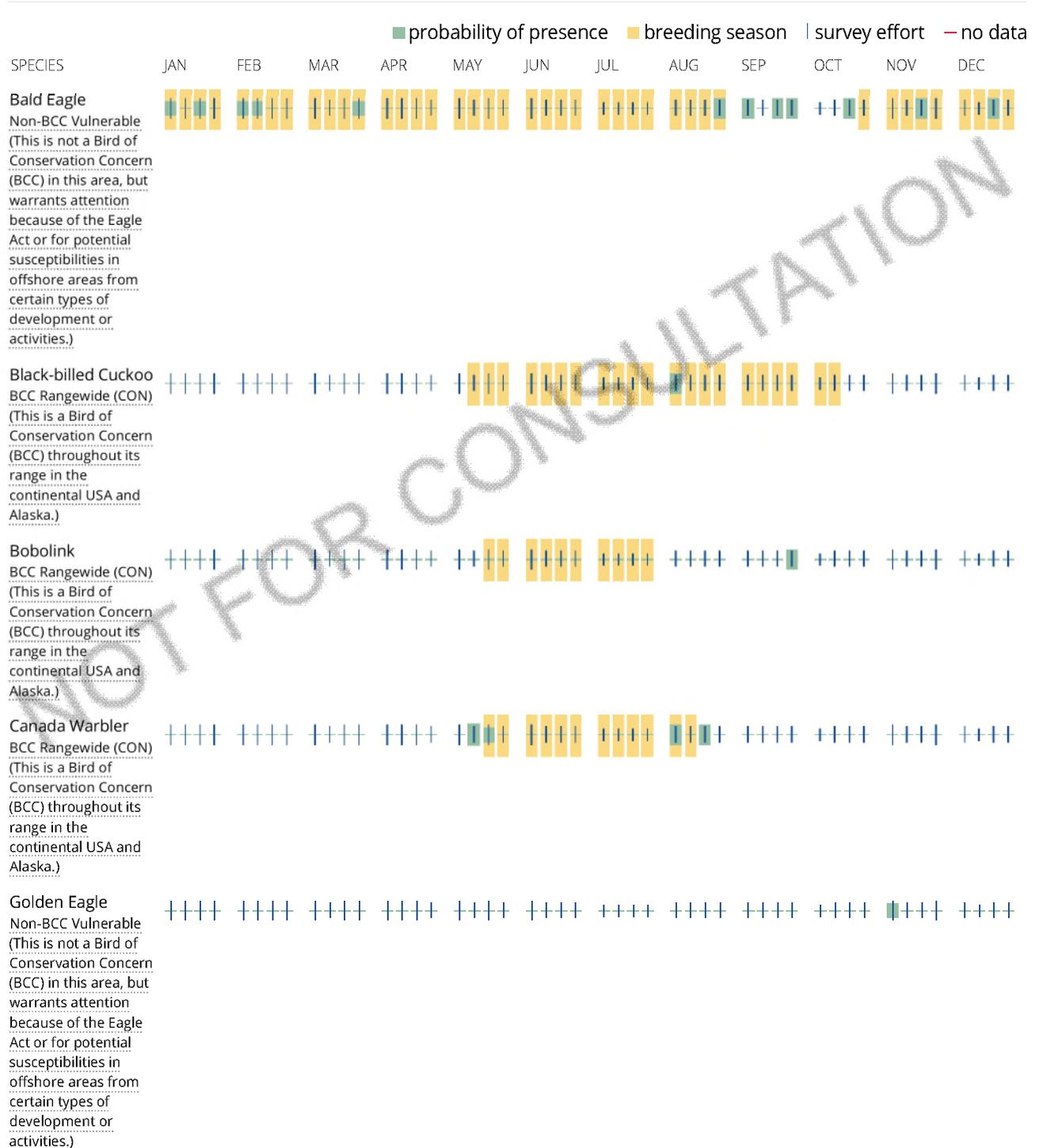
To see a bar's survey effort range, simply hover your mouse cursor over the bar.

No Data (-)

A week is marked as having no data if there were no survey events for that week.

Survey Timeframe

Surveys from only the last 10 years are used in order to ensure delivery of currently relevant information. The exception to this is areas off the Atlantic coast, where bird returns are based on all years of available data, since data in these areas is currently much more sparse.



<p>Lesser Yellowlegs BCC Rangewide (CON) (This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.)</p>	
<p>Long-eared Owl BCC Rangewide (CON) (This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.)</p>	
<p>Prairie Warbler BCC Rangewide (CON) (This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.)</p>	
<p>Rusty Blackbird BCC Rangewide (CON) (This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.)</p>	
<p>Semipalmated Sandpiper BCC Rangewide (CON) (This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.)</p>	
<p>Wood Thrush BCC Rangewide (CON) (This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.)</p>	

Tell me more about conservation measures I can implement to avoid or minimize impacts to migratory birds.

[Nationwide Conservation Measures](#) describes measures that can help avoid and minimize impacts to all birds at any location year round. Implementation of these measures is particularly important when birds are most likely to occur in the project area. When birds may be breeding in the area, identifying the locations of any active nests and avoiding their destruction is a very helpful impact minimization measure. To see when birds are most likely to occur and be breeding in your project area, view the Probability of Presence Summary. [Additional measures](#) and/or [permits](#) may be advisable depending on the type of activity you are conducting and the type of infrastructure or bird species present on your project site.

What does IPaC use to generate the migratory birds potentially occurring in my specified location?

The Migratory Bird Resource List is comprised of USFWS [Birds of Conservation Concern \(BCC\)](#) and other species that

may warrant special attention in your project location.

The migratory bird list generated for your project is derived from data provided by the [Avian Knowledge Network \(AKN\)](#). The AKN data is based on a growing collection of [survey, banding, and citizen science datasets](#) and is queried and filtered to return a list of those birds reported as occurring in the 10km grid cell(s) which your project intersects, and that have been identified as warranting special attention because they are a BCC species in that area, an eagle ([Eagle Act](#) requirements may apply), or a species that has a particular vulnerability to offshore activities or development.

Again, the Migratory Bird Resource list includes only a subset of birds that may occur in your project area. It is not representative of all birds that may occur in your project area. To get a list of all birds potentially present in your project area, please visit the [AKN Phenology Tool](#).

What does IPaC use to generate the probability of presence graphs for the migratory birds potentially occurring in my specified location?

The probability of presence graphs associated with your migratory bird list are based on data provided by the [Avian Knowledge Network \(AKN\)](#). This data is derived from a growing collection of [survey, banding, and citizen science datasets](#).

Probability of presence data is continuously being updated as new and better information becomes available. To learn more about how the probability of presence graphs are produced and how to interpret them, go to the Probability of Presence Summary and then click on the "Tell me about these graphs" link.

How do I know if a bird is breeding, wintering, migrating or present year-round in my project area?

To see what part of a particular bird's range your project area falls within (i.e. breeding, wintering, migrating or year-round), you may refer to the following resources: [The Cornell Lab of Ornithology All About Birds Bird Guide](#), or (if you are unsuccessful in locating the bird of interest there), the [Cornell Lab of Ornithology Neotropical Birds guide](#). If a bird on your migratory bird species list has a breeding season associated with it, if that bird does occur in your project area, there may be nests present at some point within the timeframe specified. If "Breeds elsewhere" is indicated, then the bird likely does not breed in your project area.

What are the levels of concern for migratory birds?

Migratory birds delivered through IPaC fall into the following distinct categories of concern:

1. "BCC Rangewide" birds are [Birds of Conservation Concern](#) (BCC) that are of concern throughout their range anywhere within the USA (including Hawaii, the Pacific Islands, Puerto Rico, and the Virgin Islands);
2. "BCC - BCR" birds are BCCs that are of concern only in particular Bird Conservation Regions (BCRs) in the continental USA; and
3. "Non-BCC - Vulnerable" birds are not BCC species in your project area, but appear on your list either because of the [Eagle Act](#) requirements (for eagles) or (for non-eagles) potential susceptibilities in offshore areas from certain types of development or activities (e.g. offshore energy development or longline fishing).

Although it is important to try to avoid and minimize impacts to all birds, efforts should be made, in particular, to avoid and minimize impacts to the birds on this list, especially eagles and BCC species of rangewide concern. For more information on conservation measures you can implement to help avoid and minimize migratory bird impacts and requirements for eagles, please see the FAQs for these topics.

Details about birds that are potentially affected by offshore projects

For additional details about the relative occurrence and abundance of both individual bird species and groups of bird species within your project area off the Atlantic Coast, please visit the [Northeast Ocean Data Portal](#). The Portal also offers data and information about other taxa besides birds that may be helpful to you in your project review.

Alternately, you may download the bird model results files underlying the portal maps through the [NOAA NCCOS Integrative Statistical Modeling and Predictive Mapping of Marine Bird Distributions and Abundance on the Atlantic Outer Continental Shelf](#) project webpage.

Bird tracking data can also provide additional details about occurrence and habitat use throughout the year, including migration. Models relying on survey data may not include this information. For additional information on marine bird tracking data, see the [Diving Bird Study](#) and the [nanotag studies](#) or contact [Caleb Spiegel](#) or [Pam Loring](#).

What if I have eagles on my list?

If your project has the potential to disturb or kill eagles, you may need to [obtain a permit](#) to avoid violating the Eagle Act should such impacts occur.

Proper Interpretation and Use of Your Migratory Bird Report

The migratory bird list generated is not a list of all birds in your project area, only a subset of birds of priority concern. To learn more about how your list is generated, and see options for identifying what other birds may be in your project area, please see the FAQ "What does IPaC use to generate the migratory birds potentially occurring in my specified location". Please be aware this report provides the "probability of presence" of birds within the 10 km grid cell(s) that overlap your project; not your exact project footprint. On the graphs provided, please also look carefully at the survey effort (indicated by the black vertical bar) and for the existence of the "no data" indicator (a red horizontal bar). A high survey effort is the key component. If the survey effort is high, then the probability of presence score can be viewed as more dependable. In contrast, a low survey effort bar or no data bar means a lack of data and, therefore, a lack of certainty about presence of the species. This list is not perfect; it is simply a starting point for identifying what birds of concern have the potential to be in your project area, when they might be there, and if they might be breeding (which means nests might be present). The list helps you know what to look for to confirm presence, and helps guide you in knowing when to implement conservation measures to avoid or minimize potential impacts from your project activities, should presence be confirmed. To learn more about conservation measures, visit the FAQ "Tell me about conservation measures I can implement to avoid or minimize impacts to migratory birds" at the bottom of your migratory bird trust resources page.

Facilities

National Wildlife Refuge lands

Any activity proposed on lands managed by the [National Wildlife Refuge](#) system must undergo a 'Compatibility Determination' conducted by the Refuge. Please contact the individual Refuges to discuss any questions or concerns.

THERE ARE NO REFUGE LANDS AT THIS LOCATION.

Fish hatcheries

THERE ARE NO FISH HATCHERIES AT THIS LOCATION.

Wetlands in the National Wetlands Inventory

Impacts to [NWI wetlands](#) and other aquatic habitats may be subject to regulation under Section 404 of the Clean Water Act, or other State/Federal statutes.

For more information please contact the Regulatory Program of the local [U.S. Army Corps of Engineers District](#).

THERE ARE NO KNOWN WETLANDS AT THIS LOCATION.

Data limitations

The Service's objective of mapping wetlands and deepwater habitats is to produce reconnaissance level information on the location, type and size of these resources. The maps are prepared from the analysis of high altitude imagery. Wetlands are identified based on vegetation, visible hydrology and geography. A margin of error is inherent in the use of imagery; thus, detailed on-the-ground inspection of any particular site may result in revision of the wetland boundaries or classification established through image analysis.

The accuracy of image interpretation depends on the quality of the imagery, the experience of the image analysts, the amount and quality of the collateral data and the amount of ground truth verification work conducted. Metadata should be consulted to determine the date of the source imagery used and any mapping problems.

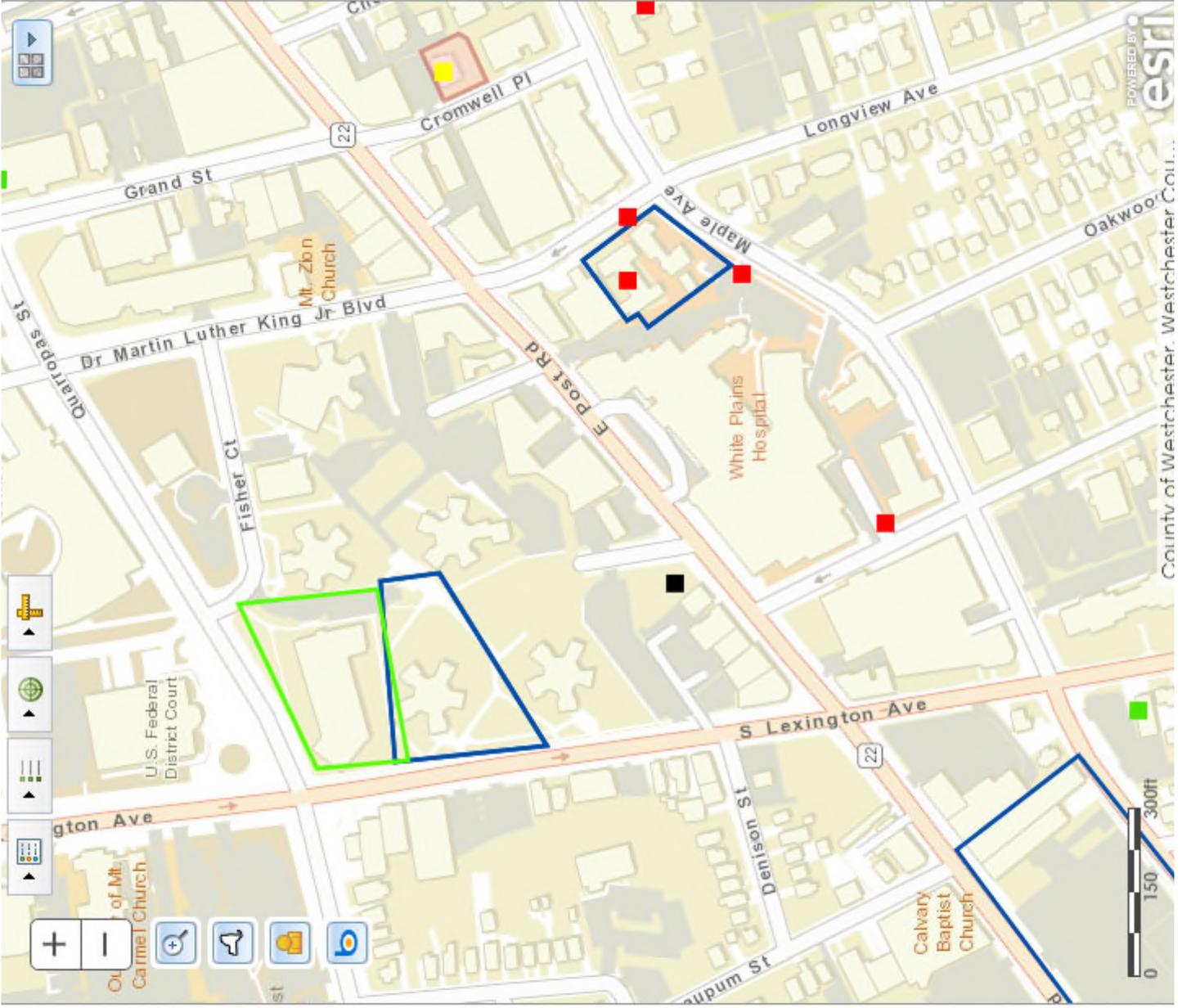
Wetlands or other mapped features may have changed since the date of the imagery or field work. There may be occasional differences in polygon boundaries or classifications between the information depicted on the map and the actual conditions on site.

Data exclusions

Certain wetland habitats are excluded from the National mapping program because of the limitations of aerial imagery as the primary data source used to detect wetlands. These habitats include seagrasses or submerged aquatic vegetation that are found in the intertidal and subtidal zones of estuaries and nearshore coastal waters. Some deepwater reef communities (coral or tubercid worm reefs) have also been excluded from the inventory. These habitats, because of their depth, go undetected by aerial imagery.

Data precautions

Federal, state, and local regulatory agencies with jurisdiction over wetlands may define and describe wetlands in a different manner than that used in this inventory. There is no attempt, in either the design or products of this inventory, to define the limits of proprietary jurisdiction of any Federal, state, or local government or to establish the geographical scope of the regulatory programs of government agencies. Persons intending to engage in activities involving modifications within or adjacent to wetland areas should seek the advice of appropriate federal, state, or local agencies concerning specified agency regulatory programs and proprietary jurisdictions that may affect such activities.



Find Address

Shape search
You can draw the shape on the map

- Circle
- Polygon

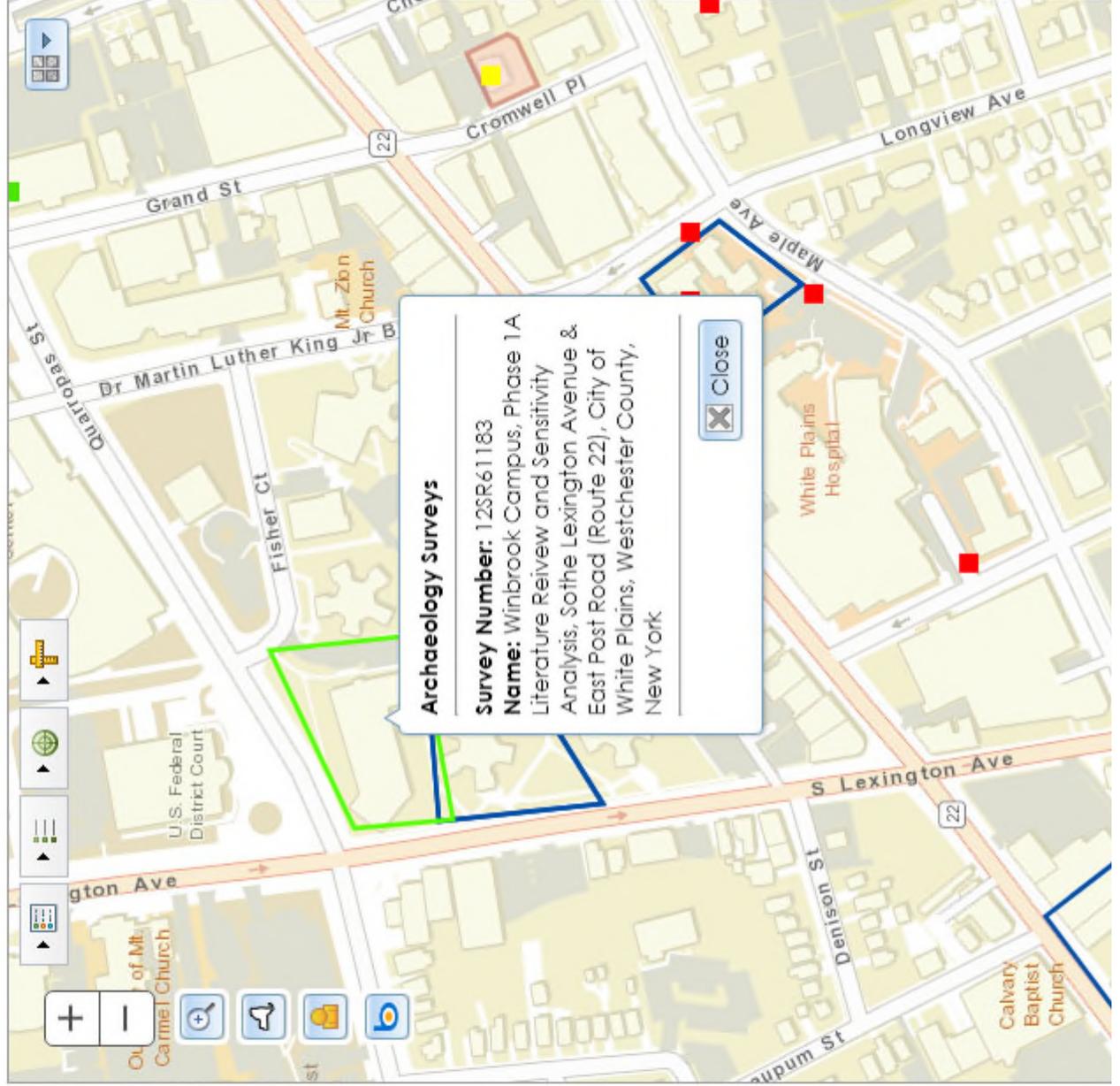
Graphic (Optional)

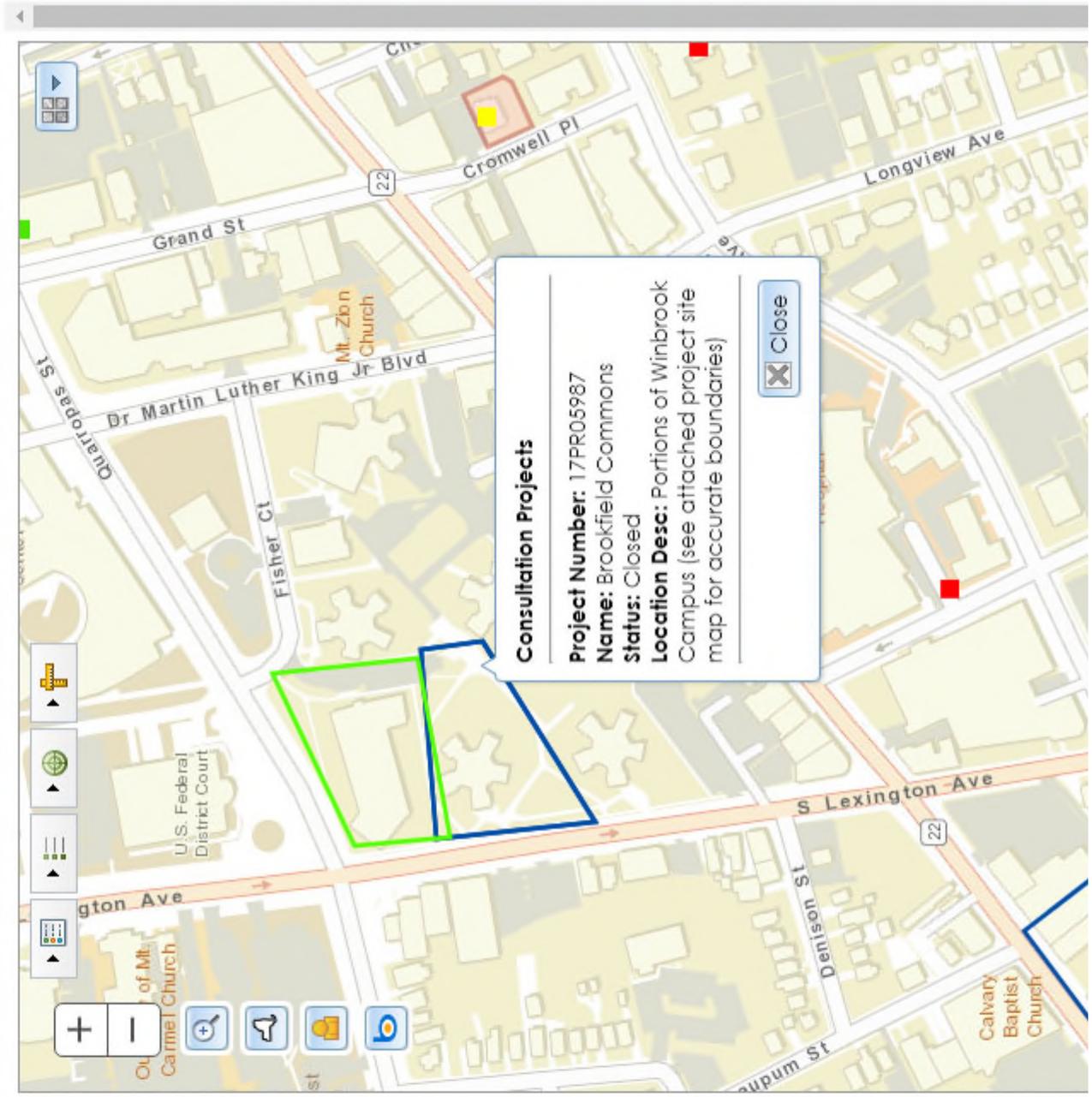
Generate Buffer

Reset

Color your search
Select a color and draw the shape on the map

Draw your graphic (Optional)





Zoom

Find Address

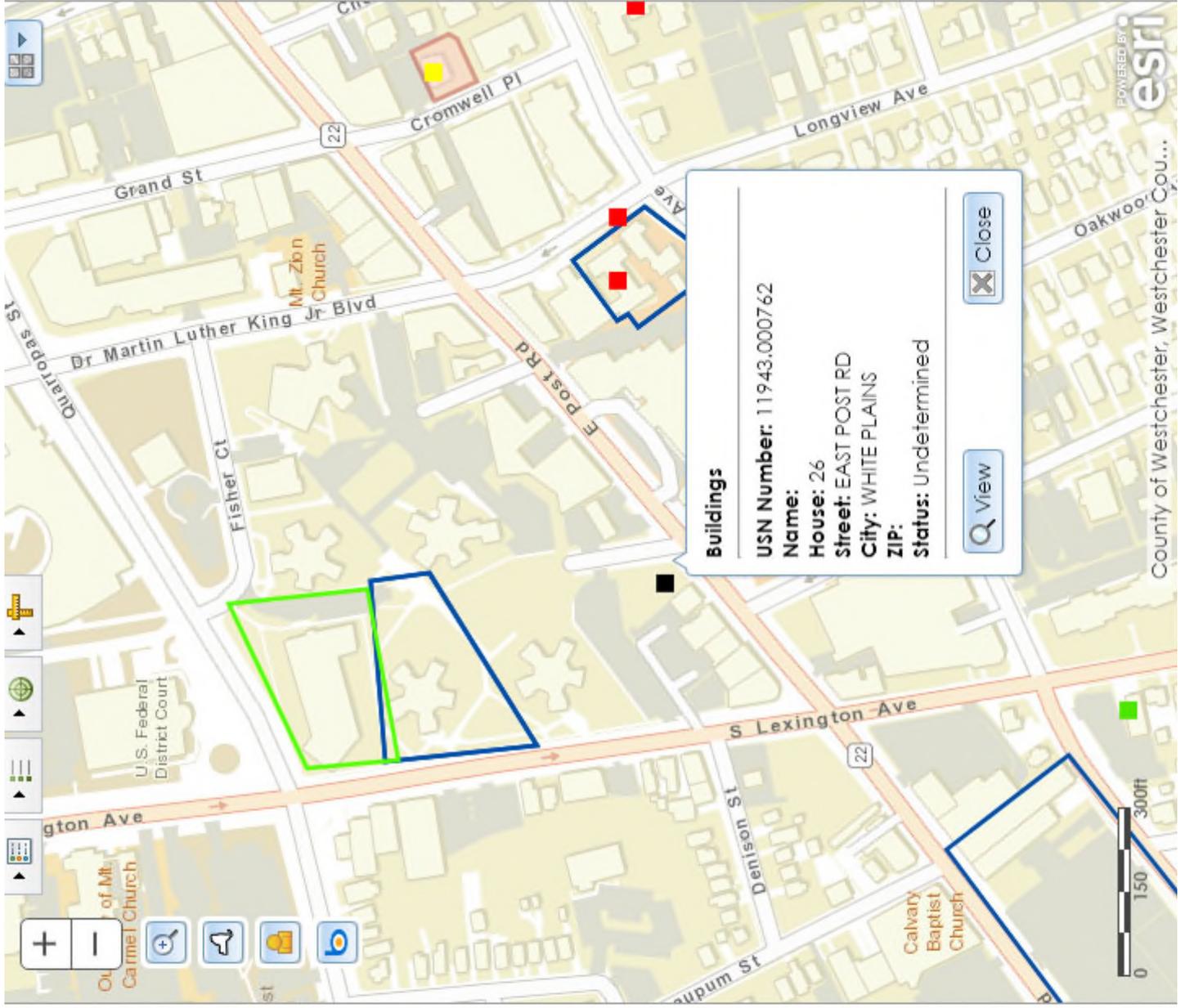
your search

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Generate Buffer



Zoom

Find Address

or your search

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Generate Buffer

Reset

?

Zoom

 Find Address

For your search

Color and draw the shape on the map

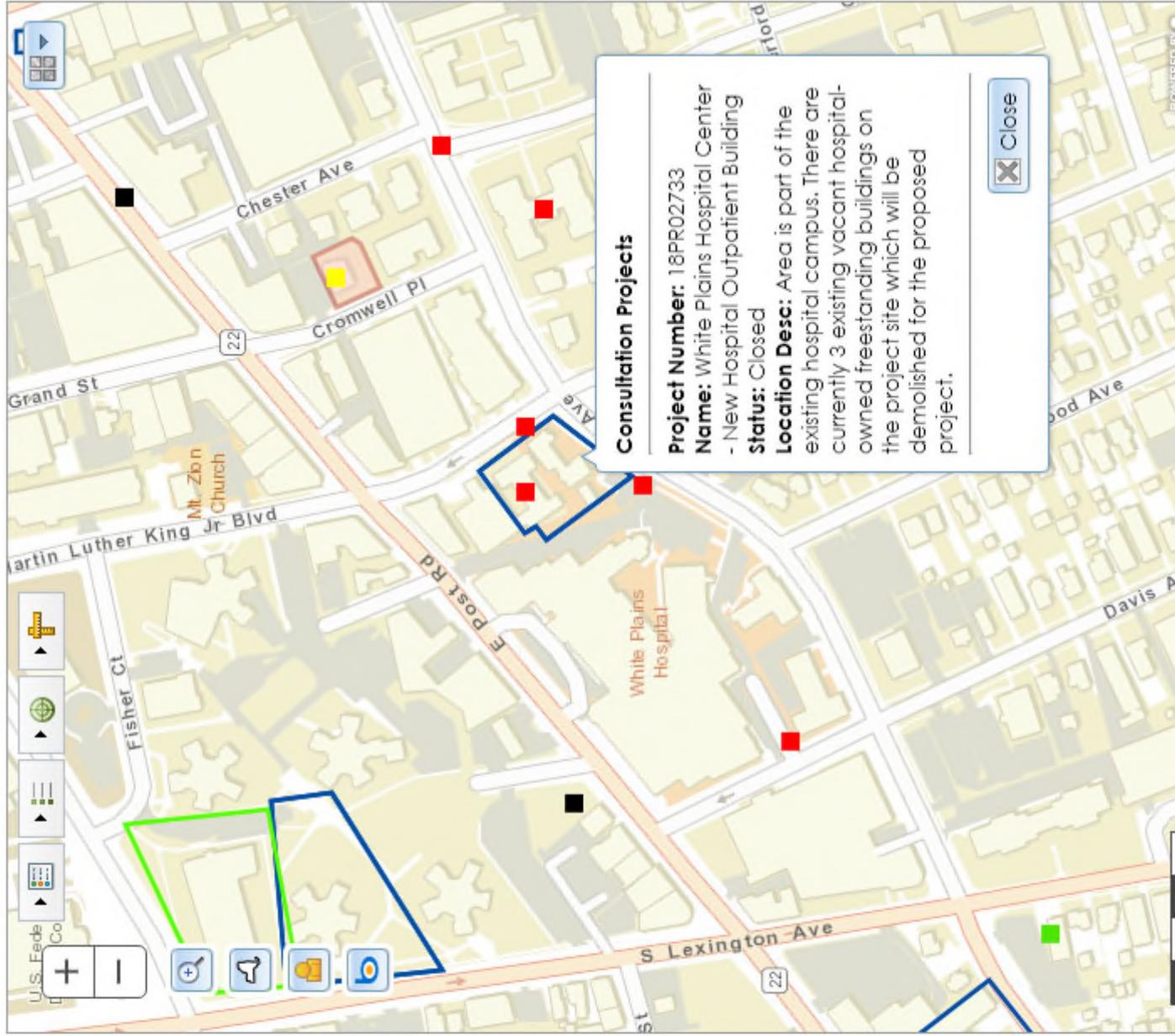
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Consultation Projects

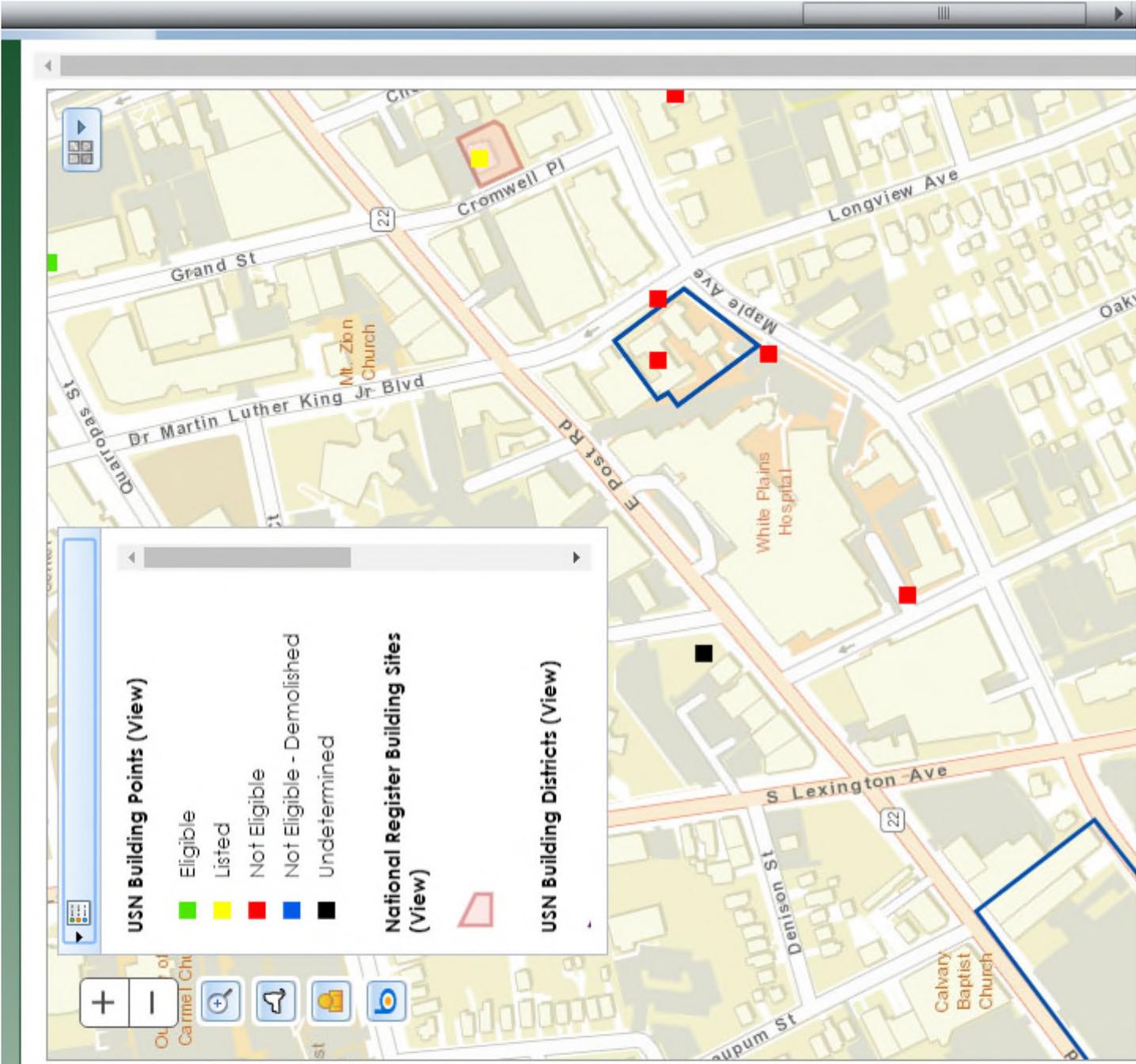
Project Number: 18PR02733

Name: White Plains Hospital Center
- New Hospital Outpatient Building

Status: Closed

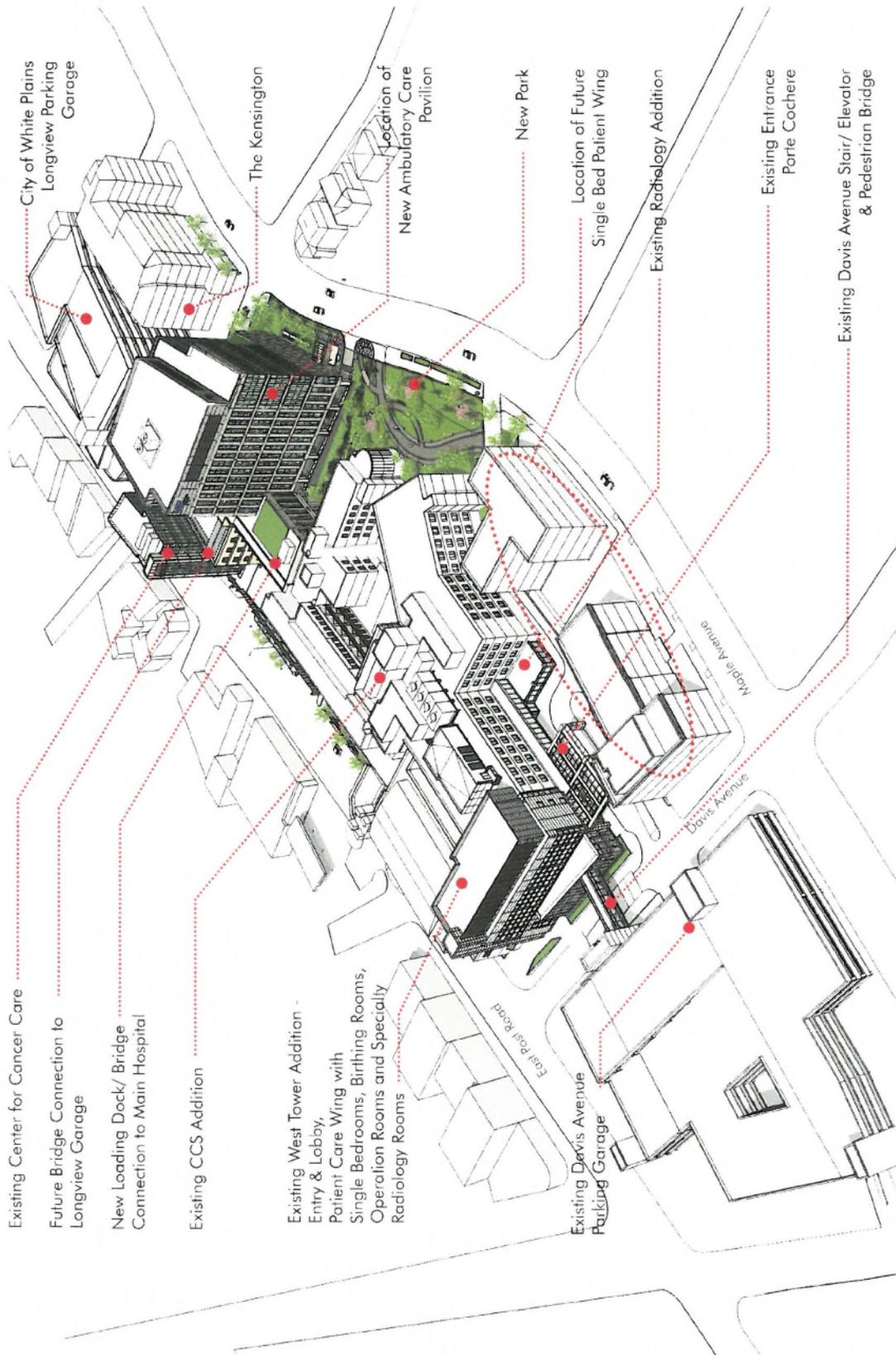
Location Desc: Area is part of the existing hospital campus. There are currently 3 existing vacant hospital-owned freestanding buildings on the project site which will be demolished for the proposed project.

 Close



your search
 click and draw the shape on the map

your graphic (Optional)



City of White Plains
Longview Parking
Garage

The Kensington

Location of
New Ambulatory Care
Pavilion

New Park

Location of Future
Single Bed Patient Wing

Existing Radiology Addition

Existing Entrance
Porte Cochere

Existing Davis Avenue Stair/ Elevator
& Pedestrian Bridge

Existing Center for Cancer Care

Future Bridge Connection to
Longview Garage

New Loading Dock/ Bridge
Connection to Main Hospital

Existing CCS Addition

Existing West Tower Addition -
Entry & Lobby,
Patient Care Wing with
Single Bedrooms, Birthing Rooms,
Operation Rooms and Specialty
Radiology Rooms

Existing Davis Avenue
Parking Garage

East Post Road

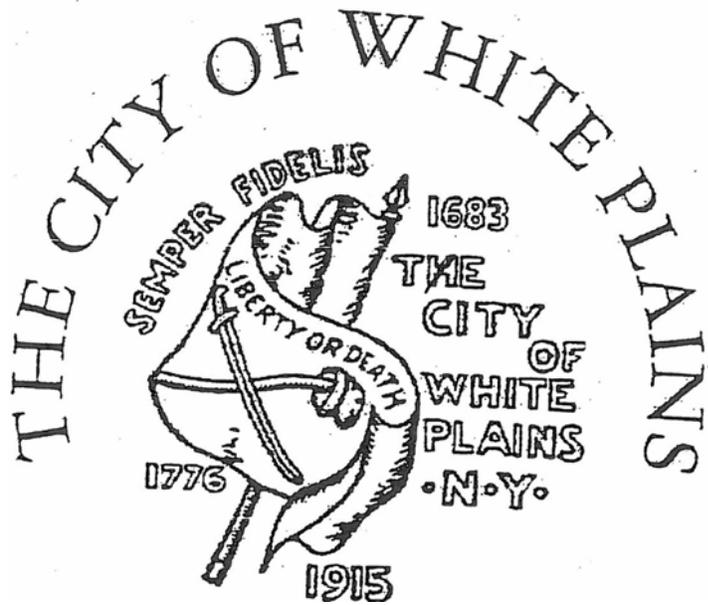
Davis Avenue

Maple Avenue

2018 REVISED MASTER PLAN

**RELEVANT
PORTIONS OF
THE CITY OF
WHITE PLAINS
COMPREHENSIVE
PLAN**

**2006 REVISION
to the
1997 COMPREHENSIVE PLAN**



July 11, 2006

with Common Council Amendment dated August 6, 2012

**2006 REVISIONS OF THE 1997 COMPREHENSIVE
PLAN CITY OF WHITE PLAINS**

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areas protected by easement restrictions with Burke Rehabilitation Center and New York Hospital. (Ongoing.)

- Enhance landscaping on publicly-owned property along Mamaroneck Avenue from Bryant Avenue to the City line, including median landscaping, to improve the aesthetic quality of this critical entry corridor. (Westchester County has upgraded the medians and median landscaping on Mamaroneck Avenue.)
- Preserve environmental and open space features along Mamaroneck Avenue and all other roadways in its vicinity, including Rosedale Avenue, Ridgeway, Bryant Avenue, and Old Mamaroneck Road; including stone walls, mature trees and other elements of the natural and man-made environment. (Preservation required as part of any approval.)

For discussion of the nursery properties, see Major Properties: Mamaroneck Avenue Nurseries.

f. New 2006 Comprehensive Plan Update Strategies

No new strategies proposed.

2.POST ROAD

a. Vision Statement

The Plan envisions the Post Road corridor as an attractive mixed use gateway to the City. To the south, near the Scarsdale municipal boundary, a mix of well-landscaped, new and upgraded low and medium density residential properties would be linked by stone walls and upgraded public infrastructure. Revitalized commercial areas beginning north of the intersection with Maple Avenue would be enhanced with new attractive facades and signage, well-designed and appropriately scaled new development, and new pedestrian-oriented public infrastructure which establishes a design theme for the corridor. The continued importance of the White Plains Hospital and the Winbrook housing community are also key to the vision for Post Road, with improved connections and complementary land uses which avoid residential impacts. The abutting lower density residential neighborhoods would be protected by maintaining and enhancing existing natural buffers and strictly controlling traffic and parking generated by corridor commercial uses.



b. 1997 Overview

The following overview was presented in the 1997 Plan:

The Post Road corridor as referenced in the Comprehensive Plan extends from the Scarsdale Village line to Mamaroneck Avenue, and includes Maple Avenue, which provides an alternative access to

Mamaroneck Avenue. The corridor encompasses the White Plains Hospital, the Winbrook public housing complex, the Coachman Family Center, the Open Arms Shelter, and various residential, retail and office uses along its 1.25-mile length.

Although the uses in the corridor are generally consistent with existing zoning, the intensity of development is most often less than what is permitted, and the mix of uses does not necessarily meet the needs of the residents and major uses in the area of the corridor.

c. 1997 Analysis

The land use and zoning patterns provide an initial basis for analysis of conditions in the Post Road corridor. In order to be comprehensive, however, such an analysis must also consider: the physical condition of the buildings and public infrastructure; the manner in which various areas within the corridor relate to each other, both functionally and economically; and the relationship of the Post Road corridor to adjacent neighborhoods and to the Core Area.

Pertinent planning factors which were set forth in the 1997 Plan are repeated below:

1) **1997 Visual Image** - Post Road serves as a major entryway into the City for traffic from the southwest headed to the Core Area; to the White Plains Hospital Center; or to the Fisher Hill, Prospect Park, Soundview and Highlands neighborhoods. As such, the visual image of this corridor impacts significantly on how White Plains is viewed by residents and visitors alike. Existing visual conditions within the corridor are seriously deficient. These conditions relate to both private property (private residential property, storefronts, signage, parking areas, etc.) and public elements (sidewalks, curbs, lighting, street trees, etc.), and need to be addressed throughout the corridor as part of its overall comprehensive revitalization program. The entry portal at the Scarsdale line, the intersection of Post Road and Maple Avenue, and the corner of South Lexington Avenue and Post Road (which marks the beginning of the hospital area) are the key locations where special design treatment is necessary.

2) 1997 Land Use Compatibility

i) **Post Road School** - The Post Road School serves important functions, both locally and citywide. Approaching from the south, it is a major landmark which has undergone extensive improvements to its building and grounds in recent years. The school building and grounds are also a recreational resource for the City's baseball, soccer and basketball programs, and for the surrounding neighborhoods on an informal basis.



These aesthetic and recreational roles supplement the school's basic educational function. In combination, they reinforce the vital nature of the Post Road School in understanding the life of the area and in planning for its future.

ii) **Nursing Homes** - The Post Road corridor contains two nursing homes: the Nathan Miller Center at Quinby Avenue, and the Beth Israel/Schnurmacher Home at Tibbits Avenue. Both are well-

maintained, and the Beth Israel property has a highly visible landscaped area facing Post Road. These facilities are important sources of jobs for local residents. Their staffs and visitors are also customers for neighborhood businesses.

- iii) **Neighborhood Commercial Centers** - The section of Post Road between Sterling Avenue and Rathbun Avenue functions as a commercial center for the surrounding neighborhoods. The retail and service uses (delicatessen, cleaners, card store, bank, video store, etc.) serve a variety of local needs. The recently expanded and reconstructed service station and food mart reinforce the area's role for convenience shopping. The shopping area is served by both on- and off-street parking, including a small municipal lot.

Many of the storefronts in this section have been upgraded and generally present a good aesthetic image. The public infrastructure and appearance of parking areas, however, represent important opportunities for improvements.

The uses proximate to the Post Road/South Lexington Avenue intersection also provide local shopping. The stores closest to the Winbrook public housing complex are an important neighborhood focus, but do not provide the full range of products and services which are needed by local residents. Revitalization of the area needs to address developing a mix of retail uses that better serve the Winbrook neighborhood and the White Plains Hospital Center. A number of the businesses along Post Road cater to the City's growing Hispanic population. The area generally requires physical improvements both to the buildings and the public infrastructure.

- iv) **Automobile Dealerships** - The concentration of automobile dealerships along Post Road is an important element of the local economy. Despite the proximity of these operations, they do not present a unified image. It is necessary to create a more attractive and coordinated streetscape.

The vacant lot at the corner of Post and South Lexington is periodically utilized for vehicle storage by a nearby dealership. This is not an appropriate long-term use for this site, which should be zoned to accommodate uses which complement the surrounding residential neighborhoods.

- v) **Other Commercial Uses** - In addition to neighborhood shopping and automobile dealerships, the corridor includes a mix of other commercial uses, both to the east and the west of South Lexington Avenue. Problems with some of these uses include inadequate parking, unattractive facades, and the conditions of sidewalks and curbs, as well as the above-ground electric and telephone lines.

- vi) **White Plains Hospital Center** - The hospital is a major institutional use and one of the largest employers in the City. In recent years, it has undergone significant expansion, with future additions planned or in the approval process. The most recent wing added at the corner of Davis Avenue and Post Road, the Flanzer Pavilion, orients the hospital complex entryway and emergency room toward Post Road. East of the Hospital on Longview, the Hospital is developing a new cancer treatment center. These new facilities reinforce the hospital as the major activity center in the corridor.

Presently, the hospital controls nearly the entire block bounded by Maple Avenue, Davis Avenue, Post Road and Longview Avenue. West of Davis, the hospital's recently expanded - but still

insufficient - parking garage extends its holdings as far as South Lexington Avenue. The remaining non-hospital buildings which share the block with the garage include retail, service, and office uses, and a gasoline station; over time, some or all of these could be converted or adapted for hospital-related uses, including additional parking.

North on Post Road, between South Lexington Avenue and Longview Avenue, there are three block frontages, zoned B-3 Intermediate Business. From South Lexington to Brookfield Street, the buildings contain first-floor retail uses, predominantly oriented toward neighborhood shopping needs, some with apartments above. East of Brookfield, the businesses are generally automobile-oriented. All three blocks back up to Winbrook and are relatively shallow, typically about 150 feet in depth. By location, these three blocks would be well-suited to accommodate uses which would benefit from proximity to the hospital and Winbrook. Expansion of such uses would, however, be constrained by:

- The configuration of the properties.
- The limited availability of parking.
- The need to preserve affordable rental housing and neighborhood-based stores present in some of the buildings.
- The need to design development so as not to negatively impact on the adjacent Winbrook development.

Redevelopment in any of these three blocks should recognize and account for these constraints. To the east of the hospital block across Longview Avenue is a municipal parking lot which abuts a private medical office building at the corner of Longview and Post, and a vacant lot at the corner of Maple and Cromwell Place. The at-grade parking lot and the vacant lot create the potential for developing additional parking to serve businesses and hospital-related uses in this section of the corridor, and to attract additional hospital-related uses.

vii) Homeless Facilities - The corridor contains two facilities serving the homeless population: the Coachman Family Center, at Chester Avenue, and the Open Arms Shelter, near Dr. Martin Luther King, Jr. Boulevard. The substantial number of children in the Coachman had very little outdoor play area until recently. This has been partially addressed by construction of a new playground. Developing a plan with the County to more fully meet the recreational needs of these children is critical. If adequate recreational opportunities are not provided for the children, the negative impacts could be substantial. Future use of the Coachman Hotel, if and when it is terminated by the County as a transitional housing facility, should be consistent with surrounding uses.

3) 1997 Traffic - In addition to local traffic, Post Road, Maple Avenue, South Lexington Avenue and Dr. Martin Luther King, Jr. Boulevard are important access routes to and from the Core Area and White Plains Hospital. As a result, a number of the area's intersections are heavily utilized, in some cases presenting difficulties for pedestrian movement. Intersections of particular concern are Post and Maple, Post and South Lexington, Post and Grove, Maple and South Lexington, and Maple and Davis.

Post Road has four moving lanes and carries significant traffic volumes. In some locations, these lanes are narrow; in other areas, on-street parking and curb cuts limit the efficiency of the roadway. While Maple Avenue provides an important alternative route to Mamaroneck Avenue destinations, there are no other options for motorists entering the City from the Scarsdale area which would not divert traffic through nearby residential areas. As a result, future planning must maintain acceptable levels of service at intersections on Post Road and Maple Avenue, while creating opportunities for redevelopment of selected sites with safe access, egress and traffic movement.

Post Road is a County road. As such, improvements to the road and curbs, and changes to, or the addition of, curb cuts, require County approval. The County should participate in funding the improvements. In addition to being a County road, Post Road serves as a major access road to important County office buildings, including 112 East Post Road, the Michaelian Building, the County Courthouse and the District Social Services Office.

d. 2006 Comprehensive Plan Update

The 1997 Plan Vision for the Post Road Corridor remains valid in 2006. Minor changes to existing strategies have been made. The area most likely to change is the area from Rathbun Avenue to Cromwell Place. This section of Post Road poses a number of issues for the City, as it is an area that is clearly likely to be subject to redevelopment pressure. This area abuts the Post Road/S. Lexington Urban Renewal Area and White Plains Hospital to the east. It abuts the neighborhoods of Upper Highlands and Fisher Hill to the south and north respectively, and it abuts the neighborhood business area and Fisher Hill neighborhood to the west.

The City has announced the preparation, with the residents of the area, of a redevelopment plan for the area including the Post Road/S. Lexington Avenue Urban Renewal Area, the Phase I and Phase II of the East Post Road Urban Renewal Area, and the Post Road Corridor between Mamaroneck and Rathbun Avenues.

e. 1997 Strategies Updated to 2006

The following strategies in regular typeface were put forth in 1997 to realize the vision for the Post Road Corridor and address the issues raised in the 1997 analysis. The underlined text addresses the issues and recommendations of the 2005/2006 Comprehensive Plan Review.

1) Post Road from City Line to Sterling Avenue

- Improve the quality of the existing housing stock in this section of the corridor by eliminating over occupancies and by continuing to enforce building codes and zoning. (Continuing with Safe Housing Task Force.)
- Encourage redevelopment of selected deteriorated residential properties in accordance with the recently adopted RM-1.5T residential townhouse zone. (Implemented to date at 319-331 Post Road and the SHORE Project.)
- Preserve existing residential densities and the character of abutting residential neighborhoods. (Implemented with 2001 zoning amendments.)

- Prohibit additional institutional uses, and limit expansion of existing uses to a level which is compatible with the surrounding neighborhood. (Ongoing.)
- Wherever possible, provide natural buffers between commercial uses on Post Road and the abutting residential properties. (Ongoing.)

2) Post Road Neighborhood Business Area

- Maintain the existing commercial density of the neighborhood shopping area near the Post Road- Maple Avenue intersection, which serves both as a retail center for the nearby residential neighborhoods and as the visual entrance to White Plains for this corridor. (B-2 Zone confirmed with 2001 zoning amendments.)
- Prohibit expansion of auto-related and heavier commercial uses into this neighborhood business area. (B-2 Zone confirmed with 2001 zoning amendments.)
- Prohibit expansion of neighborhood business uses and accessory uses into the abutting residential area, and limit their associated impacts, such as parking and traffic. (Ongoing.)
- Preserve the private accessory parking lot, which is located in a residential zone, but which is needed by the adjacent stores along this section of Post Road. (Ongoing.)

3) Post Road from Rathbun Avenue to South Lexington Avenue

- Limit the spillover of commercial parking into the abutting residential neighborhood by ensuring that all changes to, and redevelopment of, existing commercial uses in this section of the corridor include adequate off-street customer and employee parking. (Part of proposed Post Road/S. Lexington Neighborhood Strategy Area. See new strategy below.)
- Ensure that development or redevelopment of automotive dealerships in this block is in accordance with an overall plan for development from Post Road to Maple Avenue. (Part of proposed Post Road/S. Lexington Neighborhood Strategy Area. See new strategy below.)
- Require that the redevelopment of properties between Post Road and Maple Avenue treat both Post Road and Maple Avenue as frontages with appropriate landscaping, fencing and building, and parking lot design. (Part of proposed Post Road/S. Lexington Neighborhood Strategy Area. See new strategy below.)

4) Post Road from South Lexington Avenue to Mamaroneck Avenue

- Encourage development of retail uses near the South Lexington intersection which serve the needs of local residents, as well as those of hospital employees and visitors. (Part of proposed Post Road/S. Lexington Neighborhood Strategy Area. See new strategy below.)
- Encourage redevelopment of the northwest corner of Post Road and South Lexington Avenue and adjacent properties with land uses that relate to the surrounding residential neighborhoods, including Winbrook and Fisher Hill, as well as to the hospital. This block should not

be redeveloped with exclusively hospital-related uses. Ground-floor retail with medically-related uses above should be considered. (Part of proposed Post Road/S. Lexington Neighborhood Strategy Area. See new strategy below.)

- Encourage upgrading of retail uses in the small retail strip along South Lexington with uses that better serve the Winbrook and Fisher Hill neighborhoods. (Part of proposed Post Road/S. Lexington Neighborhood Strategy Area. See new strategy below.)
- Consider acquisition of an existing lot on South Lexington Avenue for utilization as a public parking area to serve small retail businesses.
- Limit the spillover of traffic and parking impacts from the White Plains Hospital into the Highlands neighborhood by supporting the expansion of White Plains Hospital within its block, consistent with a Hospital Master Plan. (New 700+-space parking garage, to be constructed jointly by City and Hospital, is planned for existing Longview Parking Lot Area.)
- Prohibit expansion of medically-related uses, including parking and conversion of residences to medical offices, into the Highlands neighborhood. (See also recommendations for Close-In Neighborhoods.) (Ongoing.)
- C Promote the integration of the Winbrook neighborhood into the Post Road corridor by redeveloping the north side of Post Road in a manner which provides pedestrian access and visual corridors to and from the housing. Encourage new uses in this area which are complementary to Winbrook. (Part of proposed Post Road/S. Lexington Neighborhood Strategy Area. See new strategy below.)
- Encourage hospital-related development which meets both hospital and neighborhood needs by creating land use and development regulations that encourage a mix of medically-related and retail uses along this section of the corridor. (Part of proposed Post Road/S. Lexington Neighborhood Strategy Area. See new strategy below.)
- Work with the hospital to deck the Longview municipal parking lot to provide increased parking for users of Post Road businesses and the hospital, and to permit construction of medically-related uses over the parking structure. Such uses could include medical offices, staff housing and hospital administrative functions that do not need to be performed in the main building. (New 700+-space parking garage, to be constructed jointly by City and Hospital, is planned for existing Longview Parking Lot Area.)

f. **2006 Comprehensive Plan Update New and Revised Strategies**

- Maintain the public improvements, including sidewalks, lighting, and landscaping, installed in this area, which establish a design theme for the Post Road corridor. (New sidewalks, trees and lights installed on Post Road.)
- Maintain the facade and signage upgrade program that has been established for commercial properties. (CDBG facade program established.)

- Maintain the signage and lighting design standards and controls established for this area which are more appropriate to the character of the corridor as it passes through residential neighborhoods. Business uses abut low density residential areas, and the signage and lighting should be in keeping with, and not negatively impact on, these residential uses. (CDBG facade program established.)
- * The small garden at the intersection of Post Road and Maple Avenue, on which the recently restored Veterans Memorial is located, should be upgraded, possibly with the assistance of the Beautification Foundation.
- * The protection of the residential neighborhoods and the enhancement of the Winbrook area are crucial to any redevelopment of this area. Therefore, the following strategies must be maintained:
 - * Limit the spillover of commercial parking into the abutting residential neighborhood by ensuring that all changes to, and redevelopment of, existing commercial uses in this section of the corridor include adequate off-street customer and employee parking.
 - * Ensure that development or redevelopment of automotive dealerships in this block is in accordance with an overall plan for development from Post Road to Maple Avenue.
 - * Redevelopment of automotive dealerships should consider the need for additional hospital and medically-related uses, housing, or mixed use for this area.
 - * For any development in this area having two fronts - along both Maple Avenue and Post Road - require that the redevelopment of properties between Post Road and Maple Avenue treat both Post Road and Maple Avenue as frontages, with appropriate landscaping, fencing and building and parking lot design.



Winbrook

- * The City has announced the preparation, with the residents, business owners, religious leaders, Housing Authority and Hospital, of a Revitalization Strategy Plan for the Post Road/S. Lexington Urban Renewal Area and the adjacent area along East and West Post Road, including White Plains Hospital and the proposed Longview municipal parking garage. This plan should address housing, local business and hospital needs, needs of the Winbrook community, Slater Center, and public infrastructure. In consultations with the area stakeholders, the City should develop a neighborhood strategy area plan for this area, as was done for the Ferris Avenue neighborhood in 1998. The Plan should include, among other things, the following:
 - * Housing needs and options;
 - * Business needs, including parking and façade improvements;
 - * Public facilities, including evaluation of how Slater Center can best serve the area and the City;
 - * Changing land uses and demand for new uses;

- * Any possible zoning changes;
- * The needs of houses of worship in the area;
- * Upgrading of physical environment on both private and public property; and
- * Identification of both public and private resources that are available to help bring about changes agreed to in Revitalization Strategy Plan.

3. TARRYTOWN ROAD/CENTRAL AVENUE

a. Vision Statement

The striking views of the City's skyline and the distinctive boulevard ambiance of Tarrytown Road are essential elements of the image of the City as seen from the west. Critical to this image is the preservation of the residential character of the Battle Hill neighborhood, which is surrounded on three sides by major roadways: Central Avenue, Tarrytown Road and the Bronx River Parkway.

The Plan's vision for Tarrytown Road is a tree-lined boulevard, paralleled on the west by an open space corridor at the foot of Battle Hill and on the east by additional parkland along the Bronx River Parkway. Although the parkway reservation is outside the City's direct jurisdiction, the Plan envisions the development of the Dr. Martin Luther King, Jr. Boulevard Extension and improvements to the parkway that will create opportunities for expanding parkland and creating an attractive pedestrian focus around the County Center. Beyond the open space corridor, heavily landscaped natural buffers between residential development and the existing roadway will protect these and the Battle Hill neighborhood from the traffic and noise impacts of Tarrytown Road.

The vision for Central Avenue is of an economically vital commercial corridor, with well-designed building facades and signage, enhanced landscaping, sufficient off-street parking, and improved traffic circulation which enables traffic traveling to and from the Core Area to move efficiently, without crossing through the Battle Hill neighborhood.

b. 1997 Overview

The following overview was presented in the 1997 Plan:

Tarrytown Road (NYS Route 119) is a major gateway to the City of White Plains, in addition to being a valuable open space resource at the edge of a residential community. In part, it parallels the Bronx River Parkway and connects the Core Area of White Plains to the Central Avenue commercial strip and the Westchester County Center.

c. 1997 Analysis

Although it is relatively short, the Tarrytown Road/Central Avenue corridor's important gateway function warrants careful attention to visual character and urban design issues. Its central location also suggests appropriate mass-transit-oriented development, such as residential uses within walking distance of the Metro-North Railroad Station. Accommodating both of these objectives will require a creative approach in planning for the parcels which the City now controls. Portions of the frontage should have additional landscaping to enhance the boulevard appearance of this entrance to the City, and to act as a buffer for existing and future residences to the west.

**HEARING
TRANSCRIPT AND
SUBMISSIONS**

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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

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Page 2

1 PROCEEDINGS
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)

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1 PROCEEDINGS
2 CHAIRMAN ROACH: Opposed?
3 (No response)
4 CHAIRMAN ROACH: The hearing is
5 open. We are here today on the fifth
6 day of September, 2019 at 10:00 a.m.
7 at the Common Council Chambers
8 located at 255 Main Street, in the
9 City of White Plains, to open and
10 conduct a public hearing concerning
11 the proposed acquisition, as such
12 term is defined under the New York
13 Eminent Domain Procedure Law,
14 hereinafter referred to as the EDPL,
15 by the City of White Plains Urban
16 Renewal Agency, or as otherwise
17 referred to as the Agency, of certain
18 real property, as such term is
19 defined under the EDPL, comprising
20 thirteen tax parcels and
21 approximately 4.18 acres.
22 I would now like to introduce
23 Shaw Griffin, special counsel to the
24 White Plains Urban Renewal Agency, to
25 outline procedures in connection with

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1 PROCEEDINGS
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

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1 PROCEEDINGS
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

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1 **PROCEEDINGS**
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

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1 **PROCEEDINGS**
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

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1 **PROCEEDINGS**
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

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1 **PROCEEDINGS**
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;

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1 **PROCEEDINGS**

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

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1 **PROCEEDINGS**

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

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1 **PROCEEDINGS**

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

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1 **PROCEEDINGS**

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

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1 **PROCEEDINGS**
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

Page 23

1 **PROCEEDINGS**
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

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1 **PROCEEDINGS**
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

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1 **PROCEEDINGS**
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

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1 **PROCEEDINGS**
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.

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1 **PROCEEDINGS**
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.

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1 **PROCEEDINGS**
2 **MS. SHERMAN:** Good morning.
3 **CHAIRMAN ROACH:** Good morning.
4 **MS. SHERMAN:** And thanks for
5 the opportunity to speak. I have a
6 day-to-day contact with the area as a
7 part owner, and also my husband is
8 there every single day. I just
9 wanted to follow up on what Mr.
10 Arando said. This is not a slum
11 neighborhood. Let me describe this
12 Sesame Street neighborhood the way I
13 see it.
14 Number one, it offers
15 affordable and safe housing, okay.
16 That's very hard to come by today.
17 And it's because families, extended
18 families can live together. It
19 offers diversity. We have people
20 from Afghanistan. These are owners
21 and renters and businesses. There
22 are Chinese backgrounds, Puerto
23 Rican, Mexican, Indian. It's a
24 complete diverse area. We have small
25 neighborhood businesses with

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1 **PROCEEDINGS**
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

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1 **PROCEEDINGS**

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

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1 **PROCEEDINGS**

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

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1 **PROCEEDINGS**

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

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1 **PROCEEDINGS**

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

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1 **PROCEEDINGS**
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

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1 **PROCEEDINGS**
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

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1 **PROCEEDINGS**
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

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1 **PROCEEDINGS**
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

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1 PROCEEDINGS

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

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1 PROCEEDINGS

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.

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1 PROCEEDINGS

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

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1 PROCEEDINGS

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

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1 **PROCEEDINGS**

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?

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1 **PROCEEDINGS**

2 **MR. GRIFFIN:** Earlier in the

3 notice it said Chris Gomez, who's

4 sitting right here.

5 **MR. GOMEZ:** Yup. I'll give you

6 any information.

7 **MR. WERBEL:** Okay. What's the

8 name again?

9 **MR. GOMEZ:** Chris Gomez,

10 G-o-m-e-z.

11 **MR. WERBEL:** And what's your

12 phone number, please?

13 **MR. GOMEZ:** I'll give you my

14 information. It's 91 -- I'll give it

15 to you.

16 **MR. CALLAHAN:** It's in the

17 notice.

18 **MR. GOMEZ:** It's in the notice

19 as well.

20 **MR. WERBEL:** Okay. So that's

21 all. Just understand that you're

22 dealing with very, not just valuable

23 but very valuable property here on

24 the numbers.

25 Thank you very much.

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1 **PROCEEDINGS**

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.

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1 **PROCEEDINGS**

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

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1 PROCEEDINGS

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

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1 PROCEEDINGS

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

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1 PROCEEDINGS

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)

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1 PROCEEDINGS

2 CHAIRMAN ROACH: The hearing is

3 adjourned. Thank you very much. The

4 hearing is adjourned.

5 (Whereupon, at 10:50 A.M., the

6 above matter concluded.)

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1 P R O C E E D I N G S
2 C E R T I F I C A T E
3
4 STATE OF NEW YORK)
 : SS.:
5 COUNTY OF ORANGE)

6
7 I, KARI REED, a Notary Public for and
8 within the State of New York, do hereby
9 certify:

10 That the above is a correct
11 transcription of my stenographic notes.

12 I further certify that I am not
13 related to any of the parties to this
14 action by blood or by marriage and that I
15 am in no way interested in the outcome of
16 this matter.

17 IN WITNESS WHEREOF, I have hereunto
18 set my hand this 18th day of September
19 2019.

20
21
22


KARI REED

23
24
25

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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.

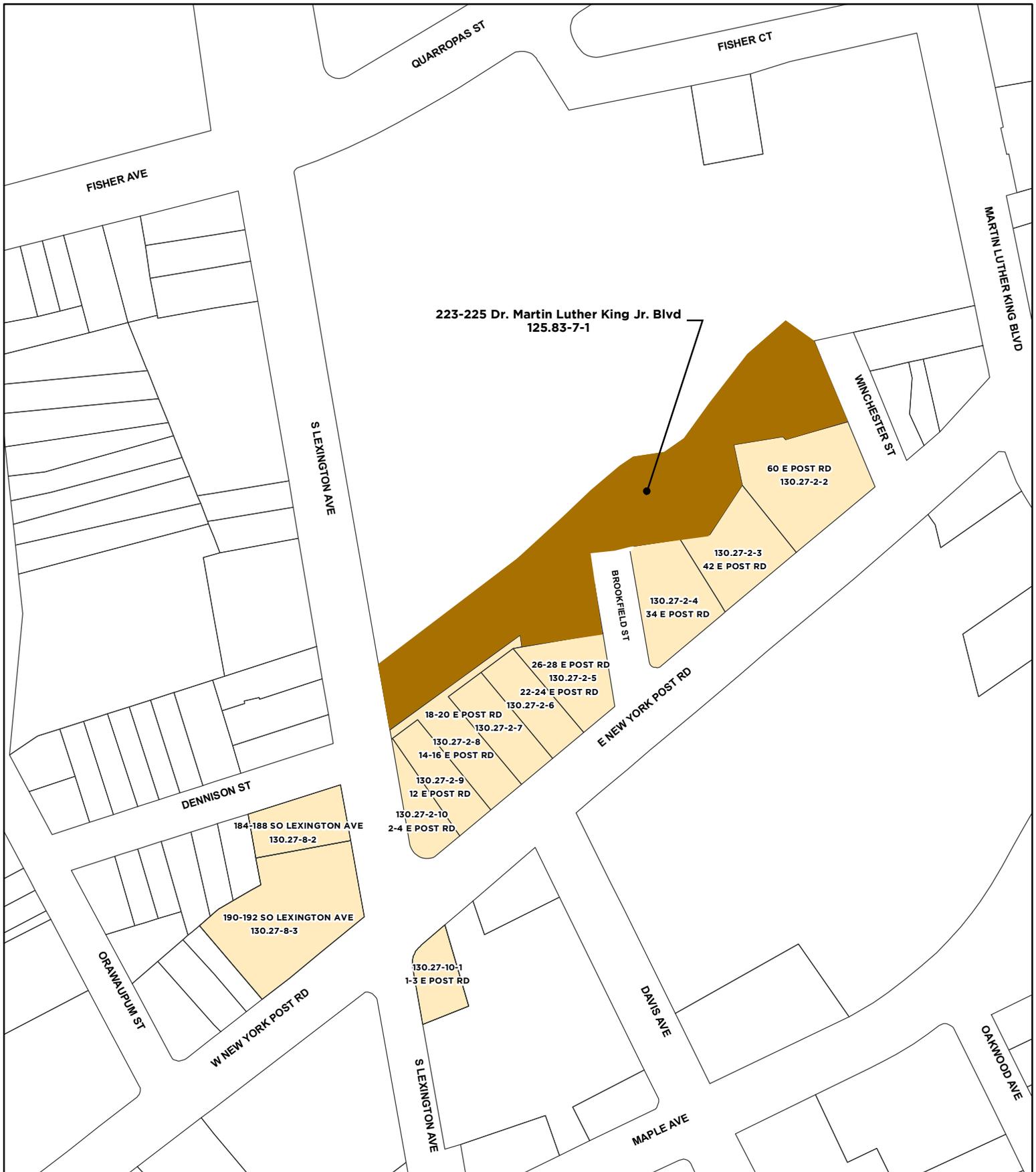
Dated: August 20, 2019

CITY OF WHITE PLAINS URBAN RENEWAL
AGENCY

EXHIBIT B (WPURA PUBLIC HEARING)

Map of Proposed Properties for Acquisition

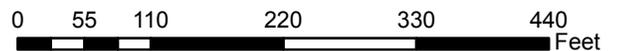
(Attached)



223-225 Dr. Martin Luther King Jr. Blvd
125.83-7-1

Proposed Properties for Acquisition

- Private Property
- White Plains Housing Authority



POST WPURA PUBLIC HEARING

Comments

(Attached)

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ATTORNEYS AT LAW

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CHRISTIAN BROWNE
Member
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 4th 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 4th 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



RESOLUTION
(DETERMINATION & FINDINGS)

A meeting of the City of White Plains Urban Renewal Agency was convened on December 5, 2019 at 9:30 a.m.

The following resolution was duly offered and seconded, to wit:

RESOLUTION 06-2019

RESOLUTION AUTHORIZING THE ADOPTION AND PUBLICATION BY THE CITY OF WHITE PLAINS URBAN RENEWAL AGENCY OF THE DETERMINATION AND FINDINGS (AS DEFINED BELOW) UNDER SECTION 204 OF THE NEW YORK EMINENT DOMAIN PROCEDURE LAW CONCERNING THE PROPOSED CONDEMNATION OF CERTAIN REAL PROPERTY CONSISTING PRINCIPALLY OF APPROXIMATELY 4.18 ACRES IN CONNECTION WITH THE PROJECT (AS DEFINED IN THE DETERMINATION AND FINDINGS)

WHEREAS, pursuant to Section 583 of the General Municipal Law of the State of New York, the **CITY OF WHITE PLAINS URBAN RENEWAL AGENCY** (hereinafter the "Agency") was established for the accomplishment of any or all of the objectives or purposes specified in General Municipal Law Articles 15 and 15-a (each as may be amended from time to time and hereinafter collectively called the "Act") which authorizes the Agency "to acquire or contract to acquire from any person, firm, corporation or government, by subsidy, contribution, gift, grant, bequest, devise, purchase, pursuant to the provisions of the eminent domain procedure law, or otherwise, real or personal property or any interest therein..." necessary or convenient to carry out and effectuate the purposes and provisions of the Act; and

WHEREAS, the Agency desires to exercise its power of eminent domain, if necessary, for the "acquisition" of all or portions of certain "real property" (as such quoted terms are defined in the New York Eminent Domain Procedure Law, herein the "EDPL") located in the City of White Plains, Westchester County, State of New York (the "City") and comprising approximately 4.18 +/- acres of real property, and consisting of thirteen (13) tax parcels identifiable by the following street addresses and tax identification numbers: (1) 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), (2) 1-3 East Post Road (being approximately 0.12-acres identifiable by SBL 130.27-10-1), (3) 2-4 East Post Road (being approximately 0.12-acres identifiable by SBL 130.27-2-10), (4) 60 East Post Road (being approximately 0.37-acres identifiable by SBL 130.27-2-2), (5) 42 East Post Road (being approximately 0.24-acres identifiable by SBL 130.27-2-3), (6) 34 East Post Road (being approximately 0.26-acres identifiable by SBL 130.27-2-4), (7) 26-28 East Post Road (being approximately 0.20-acres identifiable by SBL 130.27-2-5), (8) 22-24 East Post Road (being approximately 0.16-acres identifiable by SBL 130.27-2-6), (9) 18-20 East Post Road (being approximately 0.15-acres identifiable by SBL 130.27-2-7), (10) 14-16 East Post Road (being approximately 0.20-acres identifiable by SBL 130.27-2-8), (11) 12 East Post Road (being

approximately 0.15-acres identifiable by SBL 130.27-2-9), (12) 184-188 South Lexington Avenue (being approximately 0.17-acres identifiable by SBL 130.27-8-2) and (13) 190-192 South Lexington Avenue (being approximately 0.52-acres identifiable by SBL 130.27-8-3) (collectively referred to as the "Parcels"), all in connection with the Project (as defined in the hereinafter defined Determination and Findings); and

WHEREAS, in accordance with the EDPL, the Agency conducted a duly noticed public hearing on September 5, 2019 at 10:00 a.m. to inform the public and to review the public use, benefit or purpose to be served by the Project, the proposed location of the Project and its general effect on the environment and the residents of the locality where the Project is proposed to be constructed and at the public hearing, the public was provided an opportunity to provide any comments and written comments were accepted by the Agency through September 16, 2019 (such comment period collectively with the aforementioned hearing record hereinafter referred to as the "Hearing"); and

WHEREAS, by resolution adopted prior hereto on December 5, 2019, the Agency, in accordance with the EDPL and pursuant to the New York State Environmental Quality Review Act, Article 8 of the New York Environmental Conservation Law and the regulations adopted pursuant thereto at 6 N.Y.C.R.R. Part 617.1 et seq., as amended (collectively referred to as "SEQRA"), issued a Negative Declaration (as that term is defined under SEQRA) determining that the Project is an Unlisted Action which will not result in any significant adverse impact to the environment, thereby satisfying the applicable requirements set forth in SEQRA, as necessary; and

WHEREAS, the Agency, having considered the foregoing, now desires to adopt and publish the Determination and Findings in accordance with the EDPL and any applicable laws, rules or regulations.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE CITY OF WHITE PLAINS URBAN RENEWAL AGENCY AS FOLLOWS:

Section 1. The Agency, pursuant to Section 204 of the EDPL, hereby (i) adopts the determination and findings in the form presented at this meeting with such changes as approved by counsel to the Agency (the "Determination and Findings") as more fully set forth in Exhibit A annexed hereto and made a part hereof and (ii) authorizes its members, officers, employees and agents of the Agency (including Corporation Counsel and Special Counsel to the Agency) to: (A) publish a brief synopsis of the Determination and Findings; (B) mail notice of such brief synopsis to owner(s) of the Parcels (and/or their attorney of record); and (C) take all steps appropriate to comply with applicable provisions of the EDPL and all other applicable laws, rules or regulations to implement this Resolution.

Section 2. This Resolution shall take effect immediately.

[REMAINDER OF THIS PAGE LEFT BLANK]

The question of the adoption of the foregoing Resolution was duly put to vote on roll call, which resulted as follows:

	<i>Yea</i>	<i>Nay</i>	<i>Abstain</i>	<i>Absent</i>
Hon. Thomas M. Roach, Chair	[✓]	[]	[]	[]
Norman Dichiara	[✓]	[]	[]	[]
Walter Eddie	[✓]	[]	[]	[]
James Glatthaar	[✓]	[]	[]	[]
Daniel Moriarty	[]	[]	[]	[✓]

The Resolutions were thereupon duly adopted.

CERTIFICATION
(DETERMINATION & FINDINGS)

STATE OF NEW YORK)
COUNTY OF WESTCHESTER) *ss.:*

The undersigned, being the acting Assistant Secretary and Executive Director of the City of White Plains Urban Renewal Agency, DOES HEREBY CERTIFY THAT:

I have compared the foregoing extract of the minutes of the meeting of the City of White Plains Urban Renewal Agency (the "Agency") including the resolution contained therein, held on December 5, 2019, with the original thereof on file in my office, and that the same is a true and correct copy of the proceedings of the Agency and of such resolution set forth therein and of the whole of said original insofar as the same related to the subject in matters therein referred to.

I FURTHER CERTIFY that all members of said Agency had due notice of said meeting, that the meeting was in all respects duly held and that, pursuant to Article 7 of the Public Officers Law (Open Meetings Law), said meeting was open to the general public, and that public notice of the time and place of said meeting was duly given in accordance with such Article 7.

I FURTHER CERTIFY that there was a quorum of the members of the Agency present throughout said meeting.

I FURTHER CERTIFY that as of the date hereof, the attached resolution is in full force and effect and has not been amended, repealed or modified.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal, if any, of said Agency this 5th day of December, 2019.



Christopher N. Gomez, AICP
Executive Director & Acting
Assistant Secretary

EXHIBIT A

Form of Determination and Findings

Attached Hereto

DETERMINATION AND FINDINGS OF THE CITY OF WHITE PLAINS URBAN RENEWAL AGENCY ADOPTED PURSUANT TO SECTION 204 OF THE NEW YORK EMINENT DOMAIN PROCEDURE LAW FOR THE ACQUISITION OF CERTAIN REAL PROPERTY LOCATED IN THE CITY OF WHITE PLAINS, WESTCHESTER COUNTY, STATE OF NEW YORK COMPRISING THIRTEEN (13) TAX PARCELS COMPRISING APPROXIMATELY 4.18 ACRES.

Overview and Background

By Section 583 of the General Municipal Law of the State of New York, the City of White Plains Urban Renewal Agency (hereinafter referred to as the "Agency") was established for the accomplishment of any or all of the objectives or purposes specified in General Municipal Law Articles 15 and 15-a (each as may be amended from time to time and hereinafter collectively referred to as the "Act") which authorizes the Agency "to acquire or contract to acquire from any person, firm, corporation or government, by subsidy, contribution, gift, grant, bequest, devise, purchase, pursuant to the provisions of the eminent domain procedure law, or otherwise, real or personal property or any interest therein..." necessary or convenient to carry out and effectuate the purposes and provisions of the Act. In particular, the purpose of providing the Agency with such powers is to, among other things, enable the Agency to carry out urban renewal programs which under the Act includes, but it not limited to, the following:

A program established, conducted and planned by a municipality for the redevelopment, through clearance, re-planning, reconstruction, rehabilitation, and concentrated code enforcement, or a combination of these and other methods, of substandard and insanitary areas of such municipalities, and for recreational and other facilities incidental or appurtenant thereto, pursuant to and in accordance with article eighteen of the constitution and this article. The terms "clearance, re-planning, reconstruction and rehabilitation" shall include renewal, redevelopment, conservation, restoration or improvement or any combination thereof. (Section 502 of the General Municipal Law of the State of New York)

The Agency desires to exercise its power of eminent domain, if necessary, for the "acquisition" of all or portions of certain "real property" (as such quoted terms are defined in the New York Eminent Domain Procedure Law, herein the "EDPL") located in the City of White Plains, Westchester County, State of New York (the "City") and comprising approximately 4.18 acres of real property, and consisting of thirteen (13) tax parcels identifiable by the following street addresses and tax identification numbers (collectively, the "Parcels"): (1) 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), (2) 1-3 East Post Road (being approximately 0.12-acres identifiable by SBL 130.27-10-1), (3) 2-4 East Post Road (being approximately 0.12-acres identifiable by SBL 130.27-2-10), (4) 60 East Post Road (being approximately 0.37-acres identifiable by SBL 130.27-2-2), (5) 42 East Post Road (being approximately 0.24-acres identifiable by SBL 130.27-2-3), (6) 34 East Post Road (being approximately 0.26-acres identifiable by SBL 130.27-2-4), (7) 26-28 East Post Road (being approximately 0.20-acres identifiable by SBL 130.27-2-5), (8) 22-24 East Post Road (being approximately 0.16-acres identifiable by SBL 130.27-2-6), (9) 18-20 East Post Road (being approximately 0.15-acres identifiable by SBL 130.27-2-7), (10) 14-16 East Post Road (being approximately 0.20-acres identifiable by SBL 130.27-2-8), (11) 12 East Post Road (being approximately 0.15-acres identifiable by SBL 130.27-2-9), (12) 184-188 South Lexington Avenue (being approximately 0.17-acres identifiable by SBL 130.27-8-2) and (13) 190-192 South Lexington Avenue (being approximately 0.52-acres identifiable by SBL 130.27-8-3), all in connection with a certain future potential project(s) (collectively, the "Project") consisting of facilitating and promoting the productive use of the Parcels, which are currently underutilized, through municipal and/or commercial economic development projects (and/or such other

projects as may be authorized under the Act and/or other applicable law) in connection with serving the public use, benefit or purpose described herein.

The Parcels are located between and/or nearby two critical City institutions, the White Plains Hospital (the largest employer in the City) and the White Plains Housing Authority's Brookfield Commons (formerly Winbrook) Campus. Currently, the areas of such institutions surrounding the Parcels are in the process of being redeveloped through economic revitalization and expansion projects, thereby promoting growth of local industry, and otherwise improving the overall prosperity of the City and the surrounding community. The Agency has proposed to acquire the Parcels for the purpose of furthering economic development in the City, including, as appropriate, complimenting any public purpose contemplated by and consistent with the goals, strategies and objectives of the City's Comprehensive Plan, adopted September 8, 1997 (last updated August 12, 2012), the Post Road/South Lexington Urban Renewal Plan for the Post Road/South Lexington Urban Renewal Project No. 12 (WPUR-12), the East Post Road Urban Renewal Project (WPUR-9) and/or any other applicable plan and/or urban renewal plan, each of which are incorporated into this record by reference (collectively, the "Plans"), thus carrying out the purpose of the Agency under the Act. The acquisition of the Parcels is within the Agency's statutory authority and will fulfill its statutory purposes.

Although the Agency reserves the right to pursue any and all public purposes, it is currently considering the potential construction of additional public parking facilities to meet the growing need for off-street parking in the area, as well as, the development of affordable/workforce housing consistent with the specific strategies identified in the City's Comprehensive Plan Section [II-I-29] regarding the Post Road Corridor from South Lexington

Avenue to Mamaroneck Avenue and outlined at the September 2019 Hearing. The acquisition of the Parcels is consistent with the Plans.

The Public Hearing and Comment Period

In accordance with the EDPL, on September 5, 2019 at 10:00 a.m., a duly noticed public hearing was held in the Common Council Chambers at 255 Main Street, White Plains, New York 10601, to inform the public and to review the public use, benefit or purpose to be served by the Project, the proposed location of the Project and its general effect on the environment and the residents of the locality where the Project is proposed to be constructed. At the public hearing, the public was provided an opportunity to provide any comments and written comments were accepted by the Agency through the close of business on September 16, 2019 (such comment period collectively with the September 5, 2019 public hearing hereinafter referred to as the "September 2019 Hearing").

The comments received during the September 2019 Hearing have been reviewed, made part of the record and accorded full consideration by the Agency.

Below is a summary of certain of the comments received during the September 2019 Hearing and thereafter:

- (i) A Commenter stated that the Agency failed to outline any specific public project and therefore is unable to demonstrate that a public purpose will be served by the proposed acquisition of the Parcels by the Agency.
- (ii) A Commenter stated that the notice of the September 2019 Hearing was defective under the EDPL for failing to identify the specific public purpose to be served by the proposed acquisition of the Parcels by the Agency.
- (iii) A Commenter stated that the September 2019 Hearing was defective under the EDPL for failing to outline the public purpose to be served by the proposed acquisition of the Parcels by the Agency.

- (iv) A Commenter stated that although no fair market value offer has been made by the Agency with respect to the Parcels and that the Parcels are worth between "tens of millions of dollars".
- (v) A Commenter indicated that the Agency violated the EDPL by failing to conduct a proper environmental review of the Project in accordance with the requirements of SEQRA (as such term is herein defined) by failing to take a "hard look" at all relevant areas of environmental concern.
- (vi) A Commenter questioned why the plan did not extend for the balance of a city block and extend to the intersection of East Post Road and Dr. Martin Luther King, Jr. Boulevard.

The EDPL does not require that the Agency address in its determination and findings every specific concern or objection raised at the September 2019 Hearing. The Agency's responses to certain of the comments that were received during the September 2019 Hearing are summarized below, and in some cases as more fully set forth in the determination and findings:

- (i) In response to comments questioning whether the proposed acquisition of the Parcels by the Agency will serve a public purpose because of how generally described and/or undefined it is, the EDPL simply requires that the determination to exercise eminent domain power be rationally related to a conceivable public purpose. As set forth herein, the Agency's proposed acquisition of the Parcels serves a public purpose because it furthers economic development in the City, improving the quality of life for residents of the area, replacement of properties and uses which do not conform to the City's current Zoning regulations, and maximizing the economic potential of such properties, thereby carrying out the purpose of the Agency under the Act and assures proper development of the Parcels, and provides maximum protection to the people and businesses of the City.
- (ii) In response to comments that the notice of the September 2019 Hearing was defective for failing to outline the public purpose to be served by the Agency's public purpose, the Agency adequately described the public purposes for the reasons previously set forth herein. Additionally, such an outline may be brief, and there is no requirement under the EDPL that every aspect of a project, or its implementation, be contained within the outline of the public purpose.
- (iii) In response to comments that the September 2019 Hearing did not sufficiently outline the public purpose to be served by the proposed acquisition of the Parcels, the Agency refers to prior responses to comments made herein regarding what constitutes a sufficient outline of the public purpose to be served.

- (iv) In response to comments pertaining to the requirement that the Agency make a fair market value offer for the Parcels and that fair market value for the Parcels is "tens of millions of dollars", the Agency, if necessary, will, in accordance with the EDPL, have the Parcels appraised and will make a written offer to acquire the Parcels in an amount equal to one hundred percent (100%) of the appraised valuation.
- (v) In response to comments that the Agency violated the EDPL by failing to conduct a proper environmental review of the Project in accordance with the requirements of SEQRA (as such term is herein defined), the Agency, prior to the approval of the Determination and Findings, has conducted an environmental review under SEQRA by identifying the relevant areas of environmental concern, taking the necessary hard look and setting forth a reasoned elaboration that the Project will result in no significant adverse impacts on the environment, as set forth more fully in the Agency SEQRA Resolution (as defined below). The environmental review required under SEQRA and the EDPL, while similar and overlapping, nonetheless impose different responsibilities, and under the EDPL, all that is required is that the Agency discuss the general effects of the acquisition on the environment, which it did at the September 2019 Hearing and within this Determination and Findings.

EDPL Section 204

At a duly noticed meeting on December 5, 2019, in addition to the above findings, the Agency makes the following specific determination and findings (collectively, the "Determination and Findings") concerning the Project pursuant to EDPL Section 204:

- I. The Public Use, Benefit or Purpose To Be Served by the Project [EDPL § 204(B)(1)].

The proposed acquisition of the Parcels in connection with the undertaking of the Project will serve a public use, benefit and/or purpose because it will advance the overall general prosperity and economic and social welfare of the residents of the City by returning the underutilized Parcels to productive use thereby advancing the purpose of the Agency under the Act by: (i) combating economic stagnation through stimulating, promoting and/or supporting new and/or existing economic revitalization and redevelopment efforts; (ii) advancing employment opportunities; (iii) increasing, broadening and strengthening the City's economy; (iv) enhancing the overall functionality and/or attractiveness of the area and surrounding area;

and/or (v) as appropriate, may include, but not limited to, complimenting and/or advancing any public purpose contemplated by the Plans.

II. Location of the Project and Reasons for Selection of that Location [EDPL § 204(B)(2)].

The location of the Project is in the City and identifiable by the following street addresses and tax identification numbers: (1) 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), (2) 1-3 East Post Road (being approximately 0.12-acres identifiable by SBL 130.27-10-1), (3) 2-4 East Post Road (being approximately 0.12-acres identifiable by SBL 130.27-2-10), (4) 60 East Post Road (being approximately 0.37-acres identifiable by SBL 130.27-2-2), (5) 42 East Post Road (being approximately 0.24-acres identifiable by SBL 130.27-2-3), (6) 34 East Post Road (being approximately 0.26-acres identifiable by SBL 130.27-2-4), (7) 26-28 East Post Road (being approximately 0.20-acres identifiable by SBL 130.27-2-5), (8) 22-24 East Post Road (being approximately 0.16-acres identifiable by SBL 130.27-2-6), (9) 18-20 East Post Road (being approximately 0.15-acres identifiable by SBL 130.27-2-7), (10) 14-16 East Post Road (being approximately 0.20-acres identifiable by SBL 130.27-2-8), (11) 12 East Post Road (being approximately 0.15-acres identifiable by SBL 130.27-2-9), (12) 184-188 South Lexington Avenue (being approximately 0.17-acres identifiable by SBL 130.27-8-2) and (13) 190-192 South Lexington Avenue (being approximately 0.52-acres identifiable by SBL 130.27-8-3). Such location was determined based upon the proximity of the Parcels to other existing and/or potential economic revitalization and redevelopment efforts. No alternative locations exist in the City that are being considered for the Project.

III. General Effect of the Project on the Environment and Residents of the Locality [EDPL § 204 (B)(3)].

By resolution duly adopted on December 5, 2019 (the "Agency SEQRA Resolution") and the completed Full Environmental Assessment Form ("EAF"), including Parts 1, 2 and 3 thereof for the Project, as well as, the attachments thereto, the Agency, under Article 8 of the New York Environmental Conservation Law and associated regulations promulgated thereunder (collectively known hereafter as "SEQRA"), found that the Project constituted an "Unlisted Action" (as such quoted term is defined under SEQRA) and found that: (i) the Project will not have any significant adverse environmental impacts and (ii) no environmental impact statement need be prepared for such action. Such determination of the Agency constituted the adoption of a Negative Declaration for purposes of SEQRA and no further review or action is required pursuant to SEQRA with respect to the Project. The Agency SEQRA Resolution and the EAF, together with any other documents and information on which it was based, is incorporated herein by reference and is made a part hereof.

The general effect on the environment of the Agency's proposed acquisition of the Parcels is that the acquisition will have no significant adverse effect on the environment. Any potential impacts from any future development of the Parcels will be appropriately addressed in accordance with applicable land use and zoning approvals and under SEQRA once the particulars of any such development of the Parcels are known, and such review will be no less protective of the environment. The acquisition of the Parcels and potential future development of the Parcels will positively impact the residents of the City, thereby advancing the creation of additional job opportunities, replacement of properties which are non-conforming under current Zoning regulations, provision of additional off-street parking for convenience of employees of businesses and residents within the area, and otherwise support the general prosperity and

economic welfare of the City's residents. Any specific impacts to residents of the City created by future projects on the Parcels will be appropriately addressed under the City's zoning laws and SEQRA.

IV. Other Relevant Factors [EDPL § 204 (B)(4)].

The Agency has given due consideration to the comments received during the September 2019 Hearing. In addition, the Agency has taken into account public opinion and concerns, if any, expressed through the SEQRA process associated with the Project.

Conclusion

Based on due consideration of the foregoing, the Agency hereby makes its Determination and Findings in accordance with the EDPL in connection with the acquisition of the Parcels by condemnation, if necessary, in connection with the undertaking of the Project.

Dated: December 5, 2019

* * *

APPENDIX B

Subject to the provisions of article fifteen of this chapter, an agency is authorized to plan and undertake one or more urban renewal projects and shall have the powers necessary or convenient to carry out and effectuate such project or projects and the purposes and provisions of this article and article fifteen of this chapter, including but not limited to the following powers: (1) to sue and be sued; (2) to have a seal and alter the same at pleasure; (3) to have perpetual succession; (4) to make and execute contracts and all other instruments necessary or convenient for the exercise of its powers and functions; (5) to make and alter by-laws for its organization and internal management; (6) to acquire or contract to acquire from any person, firm, corporation or government, by subsidy, contribution, gift, grant, bequest, devise, purchase, pursuant to the provisions of the eminent domain procedure law, or otherwise, real or personal property or any interest therein, including but not limited to air rights, and easements or other rights of user, necessary for the use and development of such air rights, to be developed as air rights sites for the elimination of the blighting influences over an area or areas consisting principally of land in streets, alleys, highways, and other public rights of way, railway or subway tracks, bridge or tunnel approaches or entrances, or other similar facilities which have a blighting influence on the surrounding area and over which air rights sites are to be developed for the elimination of such blighting influences, provided, however, that the acquisition of any air rights over railroad tracks, rights-of-way or facilities and easements or other rights of user necessary for the use and development of such air rights are to be subject to the provisions of section fifty-one-a of the railroad law; (7) to appoint officers, agents and employees, prescribe their duties, fix their compensation and delegate to one or more of such officers, agents or employees such powers or duties as it may deem proper; (8) with the consent of the municipality to use agents, employees, and facilities of the municipality, paying to the municipality its agreed proportion of the compensation or costs; (9) to insure or provide for the insurance of its property or operations as required by law and also against such other risks as it may deem advisable; (10) to invest any moneys held in reserve or sinking funds or any moneys not required for immediate use or disbursement at the discretion of the agency in obligations of the state or the United States government or obligations of which the principal and interest are guaranteed by the state or the United States government; (11) to cooperate with the federal government and apply for and accept advances, loans, grants, subsidies, contributions and any other form of financial assistance from the federal government, or from the state, county, municipality or other public body or from any sources public or private, for the purposes of this article and article fifteen of this chapter; and to give such security as may be required and to enter into and carry out contracts or agreements in connection therewith; provided, however, that any application for a loan, subsidy or grant to the federal government or the state shall be subject to the prior approval of the governing body; and to include in any contract for financial assistance with the federal government for or with respect to an urban renewal project, or with respect to any other program authorized under the federal housing act of nineteen hundred forty-nine, and all other federal laws amendatory and supplemental thereto, such conditions imposed pursuant to federal laws as the agency may deem reasonable and appropriate and which are not inconsistent with the purposes of this article or article fifteen of this chapter. Such conditions may include but shall not be limited to (a) provisions requiring payments of not less than certain minimum salaries and wages to architects, engineers, technicians, laborers, mechanics and other personnel; (b) provisions prohibiting rebates and kickbacks; and (c) provisions requiring contractors and subcontractors to furnish reports and other data to the secretary of labor; (d) provisions requiring payment of actual reasonable moving and related expenses as well as supplemental and additional payments, to individuals, families, business concerns or non-profit organizations due to displacement, so that disproportionate injuries are not suffered as a result of such program, as may be required by and pursuant to a federal financial assistance contract. (12) to apply for and accept the local grants-in-aid required under such federal laws, in the form of appropriations, cash, municipal services and facilities, or any other form; (13) to borrow money and issue bonds or other obligations; (14) to provide for demolition and clearance of property, improvement of property, or development and use of air rights and concomitant easements or other rights of user necessary for the use and development of such air rights and air rights sites, including the remedying

of unsuitable topographical, subsoil or other physical conditions which impede development within the urban renewal area, and construction of foundations and platforms as well as other necessary sitework, by the agency or by the municipality or by the persons, firm or corporation to whom such property, air rights and easements or air rights site, is sold or leased, provided, however, that any such work upon or affecting railroad property, right-of-way or facilities shall be subject to the approval of and joint supervision by the railroad company or companies affected. No work upon or affecting railroad property, right-of-way or facilities shall be progressed without the approval of the railroad company or companies, and in connection with all such projects upon or affecting railroad property, right-of-way or facilities appropriate standards for safety of operations, ventilation and lighting shall be subject to the approval of the railroad company or companies affected; (15) to develop, test and report methods and techniques and carry out demonstration and other activities in relation to or in connection with one or more programs of urban renewal or other programs relating to the arrest and prevention of conditions of deterioration or blight. In carrying out such demonstration and other activities an agency may itself reconstruct, repair, rehabilitate or otherwise improve such real property or may sell, lease or otherwise dispose of real property, for the effectuation of such activities or purposes by the purchaser or lessee thereof, pursuant to the provisions of section five hundred fifty-six of this article; (16) to prepare or cause to be prepared a general neighborhood renewal plan for an area consisting of an urban renewal area or areas, together with any adjoining areas having specially related problems, and which is of such size that urban renewal activities may have to be initiated in stages; (17) to prepare or cause to be prepared a community-wide plan or program for urban renewal which shall conform to the comprehensive community plan for the development of the municipality as a whole; (18) to conduct examinations and investigations, hear testimony and take proof, under oath at public or private hearings on any material matters. (19) to convey, assign, grant or otherwise transfer all of its right, title and interest in any urban renewal program, or part thereof, or any right, title or interest in or to any real or personal property, contract, claim or other interest acquired or held by it in connection with such program, or part thereof, with or without consideration, to the municipality, subject to the prior approval of the governing body, upon such terms and conditions as may be reasonable and appropriate to effectuate such transfer not inconsistent with the purposes of this article or article fifteen of this chapter or any contract for financial assistance from the federal government, or from the state or other public body, for any of the purposes of such articles or either of them.

APPENDIX C

BY-LAWS
of the
WHITE PLAINS URBAN RENEWAL AGENCY

ARTICLE I
THE AGENCY

Section 1 - Name of Agency: The name of the agency is the "White Plains Urban Renewal Agency."

Section 2 - Members: The agency consists of five members, pursuant to Chapter 573 of the Laws of 1963 of the State of New York.

Section 3 - Seal of the Agency: The seal of the agency shall be in the form of a circle and shall bear the inscription "White Plains Urban Renewal Agency, White Plains, New York, and the year of its incorporation, to wit, 1963."

Section 4 - Office of the Agency: The office of the agency shall be at 255 Main Street, White Plains, New York, or at such other place or places as the agency may, from time to time, designate.

ARTICLE II
OFFICERS AND EMPLOYEES

Section 1 - Officers: The officers of the agency shall be a chairman, vice chairman and secretary, who shall be elected at the annual meeting of the agency from among the members of the agency and shall hold office for one (1) year thereafter or until their successors are elected and qualified; and a Treasurer, as described in Section 6 hereof; and a Records Management Officer, as described in Section 8, who shall be appointed by the agency and serve at the pleasure of the agency.

Section 2 - Chairman: The Chairman shall preside at all meetings of the agency, appoint committees and perform such other duties

as may be required by law or as may be ordered by the agency, the Chairman shall sign all bonds, contracts, deeds, leases or other instruments made by the agency.

Section 3 - Vice Chairman: The Vice Chairman shall act in the capacity of the Chairman in his absence and shall perform all the duties of the Chairman, including the signing of documents as provided above in the absence or incapacity of the Chairman and during a vacancy in the office of Chairman.

Section 4 - Secretary and Assistant Secretary: The Secretary shall keep the records of the agency and shall record the names of the individuals in attendance and record all votes and shall keep a record of the proceedings of the agency in a minute book to be kept for such purpose. He shall keep in safe custody the seal of the agency and shall have the power to affix said seal to all contracts or instruments authorized to be executed by the agency and to attest to the authenticity thereof, and to certify as to the authenticity of copies thereof, and shall perform such other duties as the agency may determine. The agency shall also appoint or contract for an Assistant Secretary who, in the absence or disability of the Secretary,, shall perform all of the duties of the Secretary as set forth above.

Section 5 - Executive Director: The agency shall appoint an Executive Director who shall be the administrative head of the agency. He shall see that the plans, orders, directives, rules and contracts of the agency are faithfully executed. He shall attend all meetings of the agency. He

shall carry out all official correspondence and is authorized to prepare, sign and submit all applications, reports, forms, documents and records required or authorized by the agency. The Executive Director shall be authorized to requisition and purchase commodities where the cost of same shall not exceed \$5,000.00 and to contract for services where the cost of same shall not exceed \$7,000.00. The Executive Director is hereby authorized to effect, or in the case of site improvement contract awarded by the City, to concur in, changes in previously awarded demolition, site clearance and site improvement contracts, by the authorizing of Change Orders thereto, up to the following amounts:

- i) Demolition - \$7,000.00
- ii) Site clearance - \$7,000.00
- iii) Site improvements - \$10,000,

but in no event shall any Change Order for demolition, site clearance or site improvements amount to more than 10% of the original contract amount. The transfer of any funds necessary to carry out the work provided by such Change Order shall be made upon requisition by the Commissioner of Public Works to the Agency and approval of such requisition by the Executive Director.

The Executive Director shall inform the agency at its next regularly scheduled meeting of any change orders authorized by him since its previous meeting. The Executive Director shall serve at the pleasure of the agency. He shall receive such compensation as shall be fixed by the agency and may be bonded as the agency may deem necessary.

Section 6 - Treasurer and Assistant Treasurer: The Treasurer shall be responsible to the agency and shall have care and custody of all funds of the agency and shall deposit the same in the name of the Agency in such bank or banks as the agency shall select. He shall disburse funds on behalf of the agency and shall have the authority to issue checks when he is in receipt of a payment voucher duly certified by the Executive Director or by the Budget Officer who shall be appointed by the Executive Director. He shall also jointly sign all bonds of the agency with the Chairman. The agency shall also appoint or contract for an Assistant Treasurer who, in the absence or disability of the Treasurer, shall perform the duties of the Treasurer as set forth above, except for the signing of bonds of the agency.

Section 7 - Attorney and Assistant Attorney: The agency shall appoint or contract for an Attorney who shall be responsible to the agency. He shall be the legal advisor to the agency and the Executive Director, the Treasurer and other officials of the agency. He shall furnish opinions or written reports on any question of law involving the agency. He shall draw or approve all bonds, contracts, deeds or other instruments to which the agency is a party or in which it has an interest. The agency may also appoint or contract for an Assistant Attorney who, in the absence or disability of the Attorney, shall perform all the duties of the Attorney as set forth above.

Section 8 - Records Management Officer and Assistant Records Management Officer: The Agency shall appoint a Records Management Officer who

shall be an officer of the Agency. The Records Management Officer shall be responsible for the agency's compliance with the requirements of Article 54-A of the Arts and Cultural Affairs Law. The agency shall also appoint an Assistant Records Management Officer who, in the absence or disability of the Records Management Officer, shall perform all the duties of the Records Management Officer.

Section 9 - Other Employees: Such other employees as the agency shall determine are necessary for the proper administration of the urban renewal program shall be appointed and shall be subject to removal by the Executive Director.

Section 10 - Powers and Duties of the Members: The powers and duties of the members of the agency shall be as set forth in Article XV-A of the General Municipal Law of the State of New York.

The members of the agency shall perform such duties as are incumbent upon them by reason of their office and shall be given such other responsibilities and duties as are incidental to the office and which may from time to time be authorized by resolution of the agency.

ARTICLE III

MEETINGS

Section 1 - Annual Meeting: The annual meeting of the agency shall be held on the third Tuesday in July or as soon thereafter as may be feasible, for the purpose of receiving the annual report of the Executive Director, election of officers and for the conduct of such other business as may come before the meeting.

Section 2 - Regular Meetings: Regular meetings of the agency shall be held on the third Tuesday of the month or as needed for the transaction of business of the agency. In the event that the date of a regular meeting shall fall on a legal holiday the meeting shall be held on a day as close thereto as possible, said date to be determined by the Chairman. Notice of such meeting with an agenda shall be delivered to each of the members at least four (4) days in advance of such meeting.

Section 3 - Special Meetings: Special meetings may be called by the Chairman when he deems it advisable and shall be called by him at the request of any two members of the agency for the purpose of transacting any business designated in the call. At the special meeting the business to be transacted shall be only that stated in the notice of such meeting, except that any other business may be transacted at such meeting by the unanimous consent of all the members of the agency.

The call for a special meeting may be delivered to any member of the agency or left at the residence or place of business or may be mailed to his business or home address and such delivery or mailing must be performed at least two (2) days prior to the date of such meeting.

Section 4 - Quorum: At all meetings of the agency the following shall be the order of business:

- A. Roll Call
- B. Reading and approval of the minutes of the previous meeting and any intervening special meeting

- C. Communications
- D. Report of the Executive Director
- E. Reports of committees
- F. Unfinished business
- G. New business
- H. Adjournment

ARTICLE IV
AMENDMENTS

Section 1 - Amendments to By-Laws: The by-laws may be amended at any stated or special meeting by a majority of the members of the agency provided the proposed amendment shall have been submitted in writing to the members of the agency at least five (5) days prior to the stated or special meeting at which a vote is taken on said proposed amendment.

APPENDIX D

Confidential Evaluation of Board Performance

Criteria	Agree	Somewhat Agree	Somewhat Disagree	Disagree
Board members have a shared understanding of the mission and purpose of the Authority.				
The policies, practices and decisions of the Board are always consistent with this mission.				
Board members comprehend their role and fiduciary responsibilities and hold themselves and each other to these principles.				
The Board has adopted policies, by-laws, and practices for the effective governance, management and operations of the Authority and reviews these annually.				
The Board sets clear and measurable performance goals for the Authority that contribute to accomplishing its mission.				
The decisions made by Board members are arrived at through independent judgment and deliberation, free of political influence, pressure or self-interest.				
Individual Board members communicate effectively with executive staff so as to be well informed on the status of all important issues.				
Board members are knowledgeable about the Authority's programs, financial statements, reporting requirements, and other transactions.				
The Board meets to review and approve all documents and reports prior to public release and is confident that the information being presented is accurate and complete.				
The Board knows the statutory obligations of the Authority and if the Authority is in compliance with state law.				
Board and committee meetings facilitate open, deliberate and thorough discussion, and the active participation of members.				
Board members have sufficient opportunity to research, discuss, question and prepare before decisions are made and votes taken.				
Individual Board members feel empowered to delay votes, defer agenda items, or table actions if they feel additional information or discussion is required.				
The Board exercises appropriate oversight of the CEO and other executive staff, including setting performance expectations and reviewing performance annually.				
The Board has identified the areas of most risk to the Authority and works with management to implement risk mitigation strategies before problems occur.				
Board members demonstrate leadership and vision and work respectfully with each other.				

Date Completed: _____