

Adopted December 19, 2014

RESOLUTION OF THE WHITE PLAINS COMMON COUNCIL ADOPTING THE FINDINGS STATEMENT ISSUED UNDER THE STATE ENVIRONMENTAL QUALITY REVIEW ACT, ENVIRONMENTAL CONSERVATION LAW SECTION 8-101. ET SEQ. REGARDING THE APPLICATION SUBMITTED ON BEHALF OF THE FRENCH-AMERICAN SCHOOL OF NEW YORK ("APPLICANT" or "FASNY") IN RELATION TO SPECIAL PERMIT AND SITE PLAN APPROVAL AND RELATED APPROVALS FOR A PRIVATE ELEMENTARY AND SECONDARY SCHOOL, AND AN ACCESSORY NURSERY SCHOOL, TO BE LOCATED ON THE PROPERTY OF THE FORMER RIDGEWAY COUNTRY CLUB, SUCH PROPERTY CONSISTING OF FOUR PARCELS (SECTION-BLOCK-LOTS SBL 131.14-9-3, SBL 131.14-2-3, SBL 131.10-1-6 and SBL 131.10-3-43) AND HAVING AN ADDRESS OF 400 RIDGEWAY, WHITE PLAINS ("APPLICATION").

WHEREAS, at its meeting of September 6, 2011, the Common Council declared itself to be the Lead Agency for the environmental review in regard to the New York State Environmental Quality Review (SEQR) regulations of the site plan and special permit application, dated July 15, 2011, for approval of a new private elementary and secondary school and accessory nursery school with accessory structures and athletic fields to be located at the approximately 129.69 acre property known as 400 Ridgeway, and submitted on behalf of The French American School of New York ("FASNY" or "Applicant") (together the "Initial Project"); and

WHEREAS, the proposed Initial Project involved development of a private elementary and secondary school and accessory nursery school, with accessory structures and athletic fields to accommodate a projected enrollment of 1,200 students and 225 to 250 staff members, including construction of several school buildings totaling approximately 230,863 square feet of building area with approximately 428 parking spaces; three playgrounds, four tennis courts, four soccer fields, a six lane track, a basketball court, a baseball diamond, a softball diamond, a swimming pool; and land proposed to be maintained as a Conservancy consisting of approximately 84 acres to be reestablished as meadows with trails, sitting areas and shelters; and

WHEREAS, the proposed Initial Project involves several related approval actions for the purpose of the environmental review:

1. Approval by the Common Council of a Special Permit and Site Plan for the development of a private elementary and secondary school with an accessory nursery school, and including new or relocated curb cuts on Ridgeway and Hathaway Lane;
2. Approval of a special permit for an accessory structure for four tennis courts;
3. Approval of a special permit for an accessory structure for the dimensionally nonconforming swimming pool;
4. Approval of a special permit for an accessory structure

for a basketball court;

5. Approval by the Commissioner of Public Works of the Stormwater Pollution Prevention Plan ("SWPPP");
6. Approval by the Westchester County Health Department of the proposed water supply and sanitary sewer systems;
7. All other necessary actions and approvals by other governments and agencies related to the implementation of the above actions;
8. Approval of the Transportation Management Plan (also referred to as "Traffic Management Plan");
9. Approval of the Conservancy Master Plan; and
10. Approval of a Construction Management Plan; and

WHEREAS, the FASNY property, consisting of four separate parcels of land with road access from 400 Ridgeway and Hathaway Lane, is an environmentally sensitive site under Section 4.4.25 of the Zoning Ordinance and Chapter 3-5 of the Municipal Code, and, at approximately 129 acres, is one of the largest open space properties in the City of White Plains; and

WHEREAS, the FASNY property is located in the Mamaroneck River Watershed, and has been identified in the Watershed Advisory Committee 4 (WAC-4) Management Plan, dated January 2001, to be part of a "wetland system on the north and south sides of Ridgeway Avenue in White Plains, including an over 24 acre NY State-designated wetland No. G-7 north of Ridgeway Avenue and the wetland at Club Pointe residential complex south of Ridgeway Avenue," which the WAC-4 Plan identifies as of "extraordinary functional value to water quality in the subwatersheds of the Mamaroneck and Sheldrake rivers and Mamaroneck Harbor"; and

WHEREAS, the FASNY property is currently improved with the facilities of the former Ridgeway Country Club including a clubhouse, an 18-hole golf course, eight tennis courts, a swimming pool, and approximately 165 parking spaces spread over four lots (23, 12, 50, and 80 space lots), which are not being maintained as a golf club at this time; and

WHEREAS, by letter addressed to the White Plains Board of Appeals from Michael D. Zarin, Esq., Zarin & Steinmetz, Attys., dated July 15, 2011, FASNY applied for special permit and site plan approvals for a private elementary and secondary school special permit use and accessory nursery school; and

WHEREAS, in accordance with the Zoning Ordinance, the Common Council reclaimed jurisdiction of the Special Permit/Site Plan application based on its substantial public importance; and

WHEREAS, the Environmental Officer in his correspondence, dated August 29, 2011, recommended that the Common Council: (a) designate itself to serve as the Lead Agency to conduct an environmental review of the Initial Project; (b) determine that the Initial Project is a Type I Action under SEQR regulations;

(c) find that the Initial Project, when compared to the SEQR criteria of environmental significance listed in 6 NYCRR 617.7 of the SEQR regulations, may have significant adverse impacts on the environment; (d) determine that the Applicant prepare a Draft Environmental Impact Statement (DEIS) to systematically assess potential impacts, alternatives and measures to mitigate potential impacts; and (e) schedule a scoping meeting to receive comments regarding the scope of issues to be addressed in the DEIS to be held October 3, 2011, in the Common Council Chambers, City Hall, 255 Main Street, White Plains, NY, immediately following the regularly scheduled Common Council meeting which commences at 7:30 p.m. and establish a period to receive written comments; and

WHEREAS, at its September 6, 2011 meeting, the Common Council adopted an environmental findings resolution entitled "ENVIRONMENTAL RESOLUTION OF THE COMMON COUNCIL DECLARING ITSELF AS LEAD AGENCY FOR THE ENVIRONMENTAL REVIEW OF THE APPLICATION SUBMITTED BY THE FRENCH AMERICAN SCHOOL OF NEW YORK FOR A SPECIAL PERMIT TO DEVELOP A PRIVATE ELEMENTARY AND SECONDARY SCHOOL WITH ACCESSORY NURSERY SCHOOL OR DAY CARE CENTER AT 400 RIDGEWAY, WHITE PLAINS ("PROPOSED ACTION"); FINDING THE ACTION TO BE A TYPE I ACTION UNDER THE WHITE PLAINS ZONING ORDINANCE AND NY STATE ENVIRONMENTAL QUALITY REVIEW ACT REGULATIONS; FINDING THAT THE PROPOSED ACTION MAY HAVE A SIGNIFICANT ADVERSE IMPACT ON THE ENVIRONMENT; DETERMINING AND DIRECTING THAT A DRAFT ENVIRONMENTAL IMPACT STATEMENT ("DEIS") BE PREPARED BY THE APPLICANT; DIRECTING THE CIRCULATION TO INVOLVED AGENCIES AND THE PUBLIC OF THE APPLICANT'S PROPOSED DRAFT SCOPING DOCUMENT, DATED MAY 20, 2011; AND SCHEDULING A PUBLIC SCOPING SESSION AFTER THE COMMON COUNCIL MEETING OF OCTOBER 3, 2011;" and

WHEREAS, at its October 3, 2011 meeting, the Common Council held a public scoping session regarding the Draft Scoping Document, and, following the closure of the public scoping session, adopted a resolution to extend the time to receive written comments beyond the established ten (10) day comment period until 5:00 p.m., November 4, 2011; and

WHEREAS, at its meeting on December 5, 2011, the Common Council adopted the "French American School of New York Scoping Document," dated November 29, 2011, ("Scoping Document") that reflected the comments of the Common Council after the November 21, 2011 work session, comments of City Staff, public statements presented at the public scoping session, and written comments submitted by November 4, 2011, which Scoping Document was posted on the City's website; and

WHEREAS, the Commissioner of Planning submitted to the Common Council a communication dated May 29, 2012, attaching a list entitled "FASNY PRELIMINARY DRAFT ENVIRONMENTAL IMPACT STATEMENT COMPLETENESS REVIEW," which details the portions of the FASNY Preliminary DEIS that were not complete with respect to the adopted Scoping Document and/or were not adequate with regard to scope and content; and

WHEREAS, based on the above, the Environmental Officer in a letter, dated June 6, 2012, recommended that the Common Council: (1) determine that the FASNY Preliminary DEIS, dated May 9, 2012,

was not adequate for the reasons listed in the "FASNY PRELIMINARY DRAFT ENVIRONMENTAL IMPACT STATEMENT COMPLETENESS REVIEW;" and (2) request that FASNY address the inadequacies identified in the completeness review; and

WHEREAS, at its June 11, 2012 meeting, the Common Council adopted an environmental resolution entitled "RESOLUTION OF THE WHITE PLAINS COMMON COUNCIL (COMMON COUNCIL) ADOPTING ENVIRONMENTAL FINDINGS ISSUED UNDER THE NEW YORK STATE ENVIRONMENTAL QUALITY REVIEW ACT, (SEQR), REGARDING THE APPLICATION SUBMITTED BY THE FRENCH AMERICAN SCHOOL OF NEW YORK (FASNY) FOR A SPECIAL PERMIT TO DEVELOP A PRIVATE ELEMENTARY AND SECONDARY SCHOOL WITH ACCESSORY NURSERY SCHOOL OR DAY CARE CENTER AT 400 RIDGEWAY, WHITE PLAINS, WHICH DETERMINES THAT THE REVISION NO. 1 PRELIMINARY DEIS, DATED MAY 9, 2012, SUBMITTED BY FASNY IS NOT COMPLETE AND NOT ADEQUATE FOR ACCEPTANCE BY THE COMMON COUNCIL FOR PURPOSES OF COMMENCING PUBLIC REVIEW, FOR THE REASONS LISTED IN THE "FASNY PRELIMINARY DRAFT ENVIRONMENTAL IMPACT STATEMENT COMPLETENESS REVIEW," DATED MAY 29, 2012, ATTACHED HERETO, AND REQUESTING THAT THE APPLICANT ADDRESS THE DEFICIENCIES IDENTIFIED IN THE COMPLETENESS REVIEW;" and

WHEREAS, FASNY subsequently submitted revisions to the Preliminary DEIS, which revisions were reviewed by City staff; and

WHEREAS, FASNY submitted a revised Preliminary DEIS, dated July 9, 2012; and

WHEREAS, as stated in the July 31, 2012 communication from the Commissioner of Planning, the City staff representing the Departments of Planning, Traffic, Public Safety, Public Works, Building and Law, Environmental Officer and outside counsel Steven Silverberg found that the document was complete with respect to scope and content and recommended that the Common Council make such determination and take such actions as are required by SEQR; and

WHEREAS, based on the recommendations of City staff and the Environmental Officer, and based upon the Common Council's review of the revised Preliminary DEIS, at its meeting of August 6, 2012, the Common Council adopted a resolution entitled "RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF WHITE PLAINS AS LEAD AGENCY UNDER THE NEW YORK STATE ENVIRONMENTAL QUALITY REVIEW ACT, (SEQR), REGARDING THE APPLICATION SUBMITTED BY THE FRENCH AMERICAN SCHOOL OF NEW YORK (FASNY) FOR A SPECIAL PERMIT TO DEVELOP A PRIVATE ELEMENTARY AND SECONDARY SCHOOL WITH ACCESSORY NURSERY SCHOOL OR DAY CARE CENTER AT 400 RIDGEWAY, WHITE PLAINS, ACCEPTING THE DRAFT ENVIRONMENTAL IMPACT STATEMENT ("FASNY DEIS") AS ADEQUATE WITH RESPECT TO ITS SCOPE AND CONTENT FOR THE PURPOSE OF COMMENCING PUBLIC REVIEW, AND SCHEDULING A PUBLIC HEARING AND TAKING SUCH OTHER ACTIONS AS ARE REQUIRED BY SEQR," which resolution:

- (a) accepted the Final FASNY DEIS as complete and adequate with respect to its scope and content for the purpose of commencing public review in accordance with 6 NYCRR 617. (3) and (4);

- (b) authorized and directed the Environmental Officer to cause the Final FASNY DEIS to be made available to involved agencies, interested parties and the public, including placing a copy at the White Plains Public Library located at 100 Martine Avenue, White Plains, NY in accordance with 6 NYCRR 12(b)(1), (3) through (6);
- (c) directed the Environmental Officer to cause a Notice of Completion of the Final FASNY DEIS to be published in accordance with 6 NYCRR 617.12(a)(2)(iii);
- (d) scheduled a public hearing regarding the Final FASNY DEIS to be held on September 19, 2012 at 7:00 p.m., in the Common Council Chambers, White Plains Municipal Building, 255 Main Street, White Plains, New York with adjournment to October 17, 2012 at the same time, for the purpose of receiving public comments on the Final FASNY DEIS in accordance with 6 NYCRR 617.9(a)(3) and (4) and 617.12(a) and (b); and
- (e) scheduled a written comment period for 10 days following the close of the adjourned public hearing to 5:00 p.m. on October 29, 2012, for the purpose of receiving such written comments regarding the Final FASNY DEIS in accordance with 6 NYCRR 617.9(4); and

WHEREAS, a copy of the Final FASNY DEIS was placed at the White Plains Public Library, in accordance with 6 NYCRR 617.12(b)(5) and on the City's website; and

WHEREAS, public hearings on the Final FASNY DEIS were held on September 19, 2012 and October 17, 2012, and further adjourned to and continued on November 13, 2012 for the purpose of receiving public comment; and

WHEREAS, the written comment period was extended to November 23, 2012; and

WHEREAS, the transcripts of the public hearing and the written comments were posted on the City's website; and

WHEREAS, based on the Final FASNY DEIS and comments thereon indicating that the Initial Project may have significant adverse impacts on the environment, pursuant to 6 NYCRR 617.9(5)(I) a final Environmental Impact Statement ("Final FEIS") was prepared; and

WHEREAS, pursuant to 6 NYCRR 617.9(b)(8), an FEIS consists of the DEIS by incorporation or by reference, any necessary corrections or revisions to the DEIS, copies or a summary of substantive comments received during the public comment period on the DEIS indicating their source, and the Lead Agency's responses to substantive comments; and

WHEREAS, the Commissioners of Public Safety and Public Works, and the Deputy Commissioner of Parking for Transportation Engineering, and outside consultants Susan Habel, Management Associate, TRC Engineers, Inc., traffic, air quality and noise consultants, and outside counsel Steven Silverberg, Esq., ("City

Staff") worked with representatives of FASNY to develop a draft FEIS, dated July 21, 2013, which was submitted to the Common Council on July 25, 2013, ("DFEIS") and which contains: (a) a description of the project as it has been modified by FASNY ("Modified Proposed Project" or "Project Modifications") in response to the comments on the Final FASNY DEIS; (b) copies and summaries of substantive comments received on the Final FASNY DEIS and on the Modified Proposed Project contained in the DFEIS and the source of the comments; and (c) the proposed, draft Lead Agency responses to the Final FASNY DEIS comments prepared by City Staff; and

WHEREAS, consistent with SEQR regulations at 617.9(b)(8), Chapters 1 and 2 of the DFEIS contain the Modified Proposed Project developed by FASNY in response to substantive comments made during the public review and comment period on the DEIS; and

WHEREAS, in addition to FASNY's Modified Proposed Project, FASNY provided in the DFEIS additional description and analysis for three access options; and

WHEREAS, the three access options were referred to herein and in the DFEIS as:

- (a) Modified Proposed Project/Ridgeway ("MPP/Ridgeway");
- (b) Modified Proposed Project/North Street ("MPP/North Street");
- (c) Modified Proposed Project/Bryant Avenue ("MPP/Bryant Avenue"); and

WHEREAS, Chapters 1 and 2 of the DFEIS were each divided into parts as follows:

- (a) Chapter 1.0 Modified Proposed Project;
- (b) Chapter 1.1 Modified Proposed Project/Ridgeway;
- (c) Chapter 1.2 Modified Proposed Project/North Street;
- (d) Chapter 1.3 Modified Proposed Project/Bryant Avenue;
- (e) Chapter 2.0 Environmental Analysis;
- (f) Chapter 2.1 Environmental Analysis: Modified Proposed Project/Ridgeway;
- (g) Chapter 2.2 Environmental Analysis: Modified Proposed Project/North Street;
- (h) Chapter 2.3 Environmental Analysis: Modified Proposed Project/Bryant Avenue; and

WHEREAS, the Final FASNY DEIS is included in the DFEIS by reference; and

WHEREAS, the draft Lead Agency's responses to comments on the Final FASNY DEIS and to the Modified Proposed Project for

each access option as prepared by City Staff were contained in Chapter 3, subchapters 3.1 through 3.21 of the DFEIS, dated July 21, 2013, and corresponded to the topic category chapters included in the Final FASNY DEIS; and

WHEREAS, where the Initial Project or its environmental review was modified by the Modified Proposed Project or where modified or additional impacts were identified in relation to the Modified Proposed Project under its three access options, these are responded to in the respective Chapter 3 subchapters; and

WHEREAS, if the Modified Proposed Project did not modify or create any information or impacts beyond those identified in the Final FASNY DEIS, then the responses in Chapter 3 subchapters 3.1 through 3.21 referenced the Final FASNY DEIS; and

WHEREAS, the DFEIS also included the following:

- (a) Appendix A: Traffic Management Plan (as proposed by FASNY);
- (b) Appendix B: Habitat Restoration Report;
- (c) Appendix C: Applicant's Memo on Zoning;
- (d) Appendix D: Dam Modification Report;
- (e) Appendix E: Traffic;
- (f) Appendix F: Air Quality Idling Analysis;
- (g) Appendix G: Zoning Use Table;
- (h) Appendix H: MPP/North Stormwater Analysis; and

WHEREAS, the DFEIS also included Volume 2, dated July 15, 2013, containing all public comments received at the hearings or in writing on the Final FASNY DEIS; and

WHEREAS, although not required by NY SEQOR regulations, the DFEIS, dated July 21, 2013, and submitted to the Common Council, as Lead Agency, on July 25, 2013, was posted on the City's website on August 2, 2013, to provide the public an opportunity to see the DFEIS; and

WHEREAS, the Common Council, as Lead Agency, reviewed the DFEIS submitted to it on July 23, 2013, and by the resolution adopted September 16, 2013, made modifications to the following responses to substantive comments contained in Chapter 3 prepared by City Staff: (1) subchapter 3.4 Introduction, 3.4-2, 3.4-6, 3.4-14, and 3.4-17; (2) subchapter 3.11-Introduction, 3.11-2, 3.11-3, 3.11-7, 3.11-8, 3.11-18, 3.11-19, 3.11-21 through 3.11-23, 3.11-27, 3.11-30, 3.11-34, 3.11-38, 3.11-42, 3.11-52 through 54, 3.11-56, 3.11-57, 3.11-59 through 3.11-62, 3.11-68, 3.11-76, 3.11-87, 3.11-88, 3.11-97 through 3.11-99, 3.11-123, 3.11-131, 3.11-141; and (3) subchapter 3.12-1, 3.12-2, 3.12-3, 3.12-8; and

WHEREAS, the Common Council, as Lead Agency, added Appendix I "Technical Review" Memorandum from TRC Engineers, Inc., dated

September 13, 2013 to the DFEIS; and

WHEREAS, City Staff recommended that the Common Council, as Lead Agency for the environmental review of the FASNY Application, having taken a hard look at the DEIS, the substantive comments on the DEIS, and the DFEIS: (1) accept the DFEIS, as amended by the modifications to responses in Chapter 3 subchapters 3.4, 3.11 and 3.12 and the addition of Appendix I "Technical Review", prepared by TRC Engineers, Inc., to be complete, being adequate and accurate pursuant to SEQR regulations at 617.9(b)(8); and (2) determine the DFEIS, as amended by the modifications to responses in Chapter 3 subchapters 3.4, 3.11 and 3.12 and the addition of Appendix I, to be the final Environmental Impact Statement ("Final FASNY FEIS") required under SEQR regulations at 617.9(5); and

WHEREAS, at its September 16, 2013 meeting, the Common Council, as Lead Agency, adopted a resolution entitled "RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF WHITE PLAINS AS LEAD AGENCY UNDER THE NEW YORK STATE ENVIRONMENTAL QUALITY REVIEW ACT (SEQR), REGARDING THE APPLICATION SUBMITTED BY THE FRENCH AMERICAN SCHOOL OF NEW YORK (FASNY) FOR A SPECIAL PERMIT TO DEVELOP A PRIVATE ELEMENTARY AND SECONDARY SCHOOL WITH ACCESSORY NURSERY SCHOOL OR DAY CARE CENTER, AND ACCESSORY STRUCTURES AT 400 RIDGEWAY, WHITE PLAINS, ACCEPTING THE FINAL ENVIRONMENTAL IMPACT STATEMENT ("FASNY FEIS") AS COMPLETE, FINDING IT TO BE ADEQUATE AND ACCURATE WITH RESPECT TO ITS SCOPE AND CONTENT, AND AUTHORIZING THE ENVIRONMENTAL OFFICER TO TAKE SUCH ACTIONS NECESSARY TO MAKE THE FASNY FEIS AVAILABLE TO THE PUBLIC AND DISTRIBUTE NOTICES ACCORDINGLY," which resolution included the following resolved clauses:

1. RESOLVED, that, based on the foregoing reasons and pursuant to SEQR regulations at 617.9(b)(8) and 617(b)(5), the Common Council, as Lead Agency, hereby recognizes and acknowledges the responses contained in Chapter 3 subchapters 3.1 through 3.21 of the Final FASNY FEIS as defined herein above to be the responses of the Common Council of the substantive comments received during the public comment period on the Final FASNY DEIS; and
2. RESOLVED, that the Common Council hereby recognizes that Chapters 1 and 2 of the DFEIS, including subchapters 1.0 through 1.3 and 2.0 through 2.3, provide FASNY's description and environmental analysis of its proposed modifications to the Initial Project described in the Final FASNY DEIS, which Project Modifications have been made by FASNY to address substantive comments on the Final FASNY DEIS; and
3. RESOLVED, that the Common Council determines that, although the Modified Proposed Project and the three access options described and analyzed in Chapters 1 and 2 do not represent the Lead Agency responses to substantive comments, it is appropriate to include FASNY's description and environmental analysis of the Modified Proposed Project and access options in the Final FASNY FEIS; and



4. RESOLVED, that the Common Council hereby accepts the Final FASNY FEIS as complete and finds that it is adequate and accurate, and responds to comments received regarding the Final FASNY DEIS; and
5. RESOLVED, that the Common Council hereby accepts the Final FASNY FEIS, dated July 21, 2013, for consideration in making environmental findings; and
6. RESOLVED, that the Common Council hereby authorizes and directs the Environmental Officer to cause the Final FASNY FEIS to be made available to involved agencies, interested parties and the public, including placing a copy at the White Plains Public Library located at 100 Martine Avenue, White Plains, NY in accordance with 6 NYCRR 12(b)(1),(3) through (6) and on the City's website; and
7. RESOLVED, that the Environmental Officer is hereby authorized to distribute the Final FASNY FEIS as required by SEQR; and
8. RESOLVED, that the Environmental Officer is hereby authorized to distribute appropriate notices and make such filings as required by SEQR; and

WHEREAS, Pursuant to Article 8 of the New York Environmental Conservation Law - the State Environmental Quality Review Act, and its implementing regulations at 6 NYCRR Part 617 ("SEQR"), the Common Council of the City of White Plains (the "Common Council"), as Lead Agency for the Application, prior to making a decision on an action, and after a reasonable period for public review and consideration of the Final Environmental Impact Statement of no less than 10 days (6 NYCRR Part 617.11(a)), must file a written findings statement and make a decision whether or not to approve the action, which is the subject of the environmental review; and

WHEREAS, the Commissioners of Public Safety and Public Works, and the Deputy Commissioner of Parking for Transportation Engineering, and outside consultants Susan Habel, Management Associate, TRC Engineers, Inc., traffic, air quality and noise consultants, and outside counsel Steven Silverberg, Esq., ("City Staff") have prepared a draft Findings Statement for the Common Council's consideration; and

WHEREAS, the proposed action reviewed in this Findings Statement ("Findings Statement") is composed of the initial Special Permit/Site Plan application for a private elementary and secondary school with accessory nursery school submitted by the Applicant, dated July 15, 2011 and described in the DEIS, as modified by the Applicant for each of three access options, and described by the Applicant in Chapters 1 and 2 of the Final Environmental Impact Statement ("Modified Proposed Project" and "Project Modifications"); and

WHEREAS, pursuant to SEQR regulations, the proposed Findings Statement must:

- (1) consider the relevant environmental impacts, facts and conclusions disclosed in the final EIS;
- (2) weigh and balance relevant environmental impacts with social, economic and other considerations;
- (3) provide a rationale for the agency's decision;
- (4) certify that the requirement of Part 617 have been met;
- (5) certify that consistent with social, economic and other essential considerations from among the reasonable alternatives available, the action is one that avoids or minimizes adverse environmental impact to the maximum extent practicable, and that adverse environmental impacts will be avoided or minimized to the maximum extent practicable by incorporating as conditions to the decision those mitigative measures that were identified as practicable. [6 NYCRR 617.11(d)]; and

WHEREAS, the Findings Statement includes the following Parts:

Part I contains a description of the Initial Project described in the DEIS, and the Project Modifications with each of the three access options described in Chapter 1 subchapters 1.1-1.3 and Chapter 2 subchapters 2.1-2.3 of the FEIS;

Part II provides a summary and background of the review procedures and process;

Part III contains a statement of the environmental conditions, expected impacts, and findings;

Part IV contains the Certification of Findings required by SEQR regulations; and

WHEREAS, as described in this Findings Statement, the Common Council has thoroughly reviewed and considered the environmental record ("Environmental Record"), which serves as a basis for the Findings, including, but not limited to the following:

1. The initial application dated July 15, 2011, for which the Common Council reclaimed jurisdiction from the Board of Appeals by resolution, dated August 1, 2011, pursuant to Zoning Ordinance Section 6.2.3 on a finding that the special permit use is of "substantial public importance" ("Initial Project");
2. The Draft Environmental Impact Statement ("DEIS"), dated July 9, 2012, and accepted by the Common Council as complete for purposes of public review on August 6, 2012;
3. The public hearing record from the DEIS public hearing held on September 19, 2012, adjourned to and continued on October 17, 2012, and further adjourned to and

continued on November 13, 2012;

4. Written comments received on the DEIS through the end of the written comment period on November 30, 2012;
5. The draft Final Environmental Impact Statement, dated July 21, 2013, with modifications by the Common Council through September 12, 2013;
6. Written comments on the draft Final Environmental Impact Statement dated July 21, 2013, and received through September 12, 2013;
7. The Final Environmental Impact Statement accepted by the Common Council as adequate and accurate, pursuant to SEQR regulations at 6 NYCRR 617.9(b)(8) on September 16, 2013, and filed with the White Plains City Clerk on September 24, 2013;
8. The proposed Findings Statement submitted for the Common Council's consideration; now, therefore, be it.

RESOLVED that based on consideration of the Environmental Record, the Common Council adopts the attached "FINDINGS STATEMENT ISSUED UNDER THE STATE ENVIRONMENTAL QUALITY REVIEW ACT, ENVIRONMENTAL CONSERVATION LAW SECTION 8-101. ET SEQ. REGARDING THE APPLICATION SUBMITTED ON BEHALF OF THE FRENCH-AMERICAN SCHOOL OF NEW YORK ("APPLICANT" or "FASNY") IN RELATION TO SPECIAL PERMIT AND SITE PLAN APPROVAL AND RELATED APPROVALS FOR A PRIVATE ELEMENTARY AND SECONDARY SCHOOL, AND AN ACCESSORY NURSERY SCHOOL, TO BE LOCATED ON THE PROPERTY OF THE FORMER RIDGEWAY COUNTRY CLUB, SUCH PROPERTY CONSISTING OF FOUR PARCELS (SECTION-BLOCK-LOTS SBL 131.14-9-3, SBL 131.14-2-3, SBL 131.10-1-6 and SBL 131.10-3-43) AND HAVING AN ADDRESS OF 400 RIDGEWAY, WHITE PLAINS ("APPLICATION");" and, be it further

RESOLVED, that the Common Council authorizes the Environmental Officer to distribute the Findings and any appropriate notices and filings as required by SEQR.

FINDINGS STATEMENT ISSUED UNDER THE STATE ENVIRONMENTAL QUALITY REVIEW ACT, ENVIRONMENTAL CONSERVATION LAW SECTION 8-101. ET SEQ. REGARDING THE APPLICATION SUBMITTED ON BEHALF OF THE FRENCH-AMERICAN SCHOOL OF NEW YORK ("APPLICANT" or "FASNY") IN RELATION TO SPECIAL PERMIT AND SITE PLAN APPROVAL AND RELATED APPROVALS FOR A PRIVATE ELEMENTARY AND SECONDARY SCHOOL, AND AN ACCESSORY NURSERY SCHOOL, TO BE LOCATED ON THE PROPERTY OF THE FORMER RIDGEWAY COUNTRY CLUB, SUCH PROPERTY CONSISTING OF FOUR PARCELS (SECTION-BLOCK-LOTS SBL 131.14-9-3, SBL 131.14-2-3, SBL 131.10-1-6 AND SBL 131.10-3-43) AND HAVING AN ADDRESS OF 400 RIDGEWAY, WHITE PLAINS ("APPLICATION").

#### INTRODUCTION

Pursuant to Article 8 of the New York Environmental Conservation Law - the State Environmental Quality Review Act and

its implementing regulations at 6 NYCRR Part 617 ("SEQR"), the Common Council of the City of White Plains (the "Common Council"), as Lead Agency for the Application, prior to making a decision on an action, and after a reasonable period for public review and consideration of the Final Environmental Impact Statement of no less than 10 days (6 NYCRR Part 617.11(a)), must file a written findings statement and make a decision whether or not to approve the action, which is the subject of the environmental review. The proposed action reviewed in this Findings Statement ("Findings Statement") is composed of the initial Special Permit/Site Plan application for a private elementary and secondary school with accessory nursery school submitted by the Applicant, dated July 15, 2011, and described in the DEIS, as modified by the Applicant for each of three access options, and described by the Applicant in Chapters 1 and 2 of the Final Environmental Impact Statement ("Modified Proposed Project" and "Project Modifications").

The Findings contained in the Findings Statement must:

1. Consider the relevant environmental impacts, facts and conclusions disclosed in the final EIS;
2. Weigh and balance relevant environmental impacts with social, economic and other considerations;
3. Provide a rationale for the agency's decision;
4. Certify that the requirements of Part 617 have been met;
5. Certify that consistent with social, economic and other essential considerations from among the reasonable alternatives available, the action is one that avoids or minimizes adverse environmental impacts to the maximum extent practicable, and that adverse environmental impacts will be avoided or minimized to the maximum extent practicable by incorporating as conditions to the decision those mitigative measures that were identified as practicable. (6 NYCRR 617.11(d)).

As described in this Findings Statement, the Common Council has thoroughly reviewed the environmental record, including, but not limited to the following:

1. The initial application, dated July 15, 2011, for which the Common Council reclaimed jurisdiction from the Board of Appeals by resolution, dated August 1, 2011, pursuant to Zoning Ordinance Section 6.2.3 on a finding that the special permit use is of "substantial public importance" ("Initial Project");
2. The Draft Environmental Impact Statement ("DEIS"), dated July 9, 2012, and accepted by the Common Council as complete for purposes of public review on August 6, 2012;
3. The public hearing record from the DEIS public hearing

held on September 19, 2012, adjourned to and continued on October 17, 2012, and further adjourned to and continued on November 13, 2012;

4. Written comments received on the DEIS through the end of the written comment period on November 30, 2012;
5. The draft Final Environmental Impact Statement, dated July 21, 2013, with modifications by the Common Council through September 12, 2013, which together constitutes the SEQR record;
6. Written comments on the draft Final Environmental Impact Statement, dated July 21, 2013, were received through September 12, 2013; and
7. The Final Environmental Impact Statement accepted by the Common Council as adequate and accurate, pursuant to SEQR regulations at 6 NYCRR 617.9(b)(8) on September 16, 2013, and filed with the White Plains City Clerk on September 24, 2013; together the Environmental Record.

This Findings Statement includes the following Parts:

Part I contains a description of the Initial Project as described by FASNY in the DEIS, and the Project Modifications with each of the three access options as described by FASNY in Chapter 1 subchapters 1.1-1.3 and Chapter 2 subchapters 2.1-2.3 of the FEIS.

Part II provides a summary and background of the review procedures and process.

Part III contains a statement of the environmental conditions, expected impacts, and findings.

Part IV contains the Certification of Findings required by SEQR regulations.

#### PART I: PROPOSED PROJECT AND PROPOSED ACTION DESCRIPTION

##### NAME OF ACTION:

French-American School of New York

##### LOCATION:

The project site is approximately 129.69 acres and is located on four parcels of land on the north side of Ridgeway in White Plains, Westchester County, NY, bounded by Ridgeway on the south, Bryant Avenue on the north, private residential properties and a portion of North Street on the east, and private residential properties and the Burke Rehabilitation Hospital on the west, and includes the following four land parcels:

Parcel A: SBL 131.14-9-3 &pm;27.74 acres

Parcel B: SBL 131.14-2-3 &pm;14.05 acres

Parcel C: SBL 131.10-1-6 &pm;15.58 acres

Parcel D: SBL 131.10-3-43 &pm;72.32 acres

LEAD AGENCY:

Common Council  
City of White Plains  
255 Main Street  
White Plains, New York 10601

DATE FINAL EIS FILED:

The draft FEIS was posted on the City's website on August 2, 2013. The draft FEIS, with the modifications by the Common Council, was accepted on September 16, 2013, filed with the City Clerk and distributed on September 24, 2013, and posted on the website on September 24, 2013. The notice of the FEIS was filed in the NYS DEC Environmental News Bulletin on September 25, 2013.

SEQR CLASSIFICATION:

The Initial Project itself, and as subsequently modified by the Applicant, represents a locally determined Type I Action under the White Plains Zoning Ordinance at Section 4.4.25 in that it involves a site or property that contains environmentally sensitive features including wetland areas, a portion of which is the NY State designated freshwater wetland G-7, on-site ponds, streams, erodible soils and steep slope areas. The Initial Project, and as subsequently modified by the Applicant, further represents a Type I Action under SEQR regulations 6 NYCRR 617.4(b)(6)(i) in that it represents an activity that meets or exceeds the threshold of a project that involves physical alteration of 10 acres.

DESCRIPTION OF THE PROJECT SITE:

The Project Site was purchased by FASNY from the former Ridgeway Country Club in January 2011. The Property consists of four parcels (Parcel A, Parcel B, Parcel C and Parcel D) with road access at 400 Ridgeway from both Ridgeway and Hathaway Lane. The Project Site is located within the southeastern portion of the City of White Plains. It is in a residential neighborhood that includes single family homes, public and private schools, houses of worship, and institutional uses such as the YWCA. The Project Site is located within the R1-30 Zoning District. Private secondary and elementary schools are special permit uses within the R1-30 Zoning District. Nursery Schools in conjunction with a private secondary or elementary school are permitted accessory uses in the R1-30 Zoning District. The Project Site is an environmentally sensitive site under the City's Municipal Code Section 3.5 and the City of White Plains Zoning Ordinance Section 4.4.25 and, at approximately 129.69 acres, is the second largest privately owned substantially open space property in the City of White Plains. It is located in the Mamaroneck River Watershed, and has been identified in the Watershed Advisory Committee 4 (WAC-4) Management Plan, dated January 2001, to be part of a "wetland system on the north and south sides of Ridgeway Avenue in White Plains, including an over 24 acre NY State-designated

wetland No. G-7 north of Ridgeway Avenue and the wetland at Club Pointe residential complex south of Ridgeway Avenue," which the WAC-4 Plan identifies as of "extraordinary functional value to water quality in the subwatersheds of the Mamaroneck and Sheldrake rivers and Mamaroneck Harbor".

The FASNY property is currently improved with the facilities of the former Ridgeway Country Club including a clubhouse, annex building, swimming pool, eight tennis courts located along the Ridgeway frontage, an 18-hole golf course, and approximately 180 parking spaces in parking lots on Parcel A and Parcel D. The Project Site is not being maintained as a golf club at this time.

#### FASNY DESCRIPTION OF THE INITIAL PROJECT: CAMPUS

The following is a summary of the Initial Project as described by FASNY in the Application and DEIS.

FASNY proposed to construct a new campus for its Nursery/Pre-Kindergarten/Kindergarten, Lower School (Grades 1 to 5), Middle School (Grades 6 to 8) and High School (Grades 9 to 12) ("School") on approximately 45.88 acres of the project site ("Campus"). Approximately 83.81 acres of the site was proposed to be maintained as open space to be known as the "Greens to Green Conservancy at FASNY".

The School would serve a maximum of 1,200 students and have approximately 225-250 staff. It would include the following School buildings totaling approximately 230,863 square feet with 428 parking spaces all located on Parcels A and D, with athletic fields and recreation facilities located on Parcels A, B and D:

1. Lower School, Grades N-5, located on Parcel D;
2. Middle School, Grades 6-8, located on Parcel A;
3. High School, Grades 9-12, located on Parcel A, in adaptive reuse of existing club house;
4. Gymnasium/Performing Arts facility, located on Parcel A;
5. Green House, located on Parcel A and propagation greenhouse on Parcel C; and
6. Small out buildings located on Parcel D.

Under the Initial Project, the project site would also include athletic fields on Parcels A and B. The athletic facilities would include a softball diamond, six tennis courts, and a six-lane running track on the western side of Parcel A. One baseball field would be located on Parcel B. Two of the athletic fields would be artificial turf multi-purpose playing fields. There would be no lighting of the fields and no permanent bleachers. Parcel D would include an artificial turf multipurpose field to the north of the proposed Lower School building and three play areas. FASNY proposed allowing the use of its athletic fields by outside organizations for limited periods of time when the fields were not in use by FASNY.

Primary driveway access for the Middle School, High School, Performing Arts Center, Gym and athletic fields would be from Ridgeway at the proposed new Driveway A. There would be a second access from Hathaway Lane (Driveway C). The main parking lot would be located north of Driveway A near Gedney Esplanade. Vehicles exiting the secondary Driveway C would be required to proceed north on the main driveway and exit the Campus on Hathaway Lane at Driveway B. FASNY staff would be utilized to direct traffic. There would be no access to or egress from either Parcel A or B onto Hathaway Lane north of Parcel A. No vehicles would be permitted to drop off students or park on Hathaway Lane or Gedney Esplanade. FASNY proposed to enforce the prohibition of access to or egress from Hathaway Lane north of Parcel A through a proposed Traffic Management Plan.

Primary driveway access to the Nursery/Lower School would be from Hathaway Lane onto Parcel D. Driveway D would be the northerly main access to the Nursery/Lower School and Driveway E would provide access to a parking lot serving the Nursery/Kindergarten wing.

At a full enrollment for the School of 1,200 students, for the Initial Project FASNY estimates 272 students from K-5 to take buses and anticipated 21 buses. For Grades 6-12, FASNY estimates 191 students would take buses and anticipated 11 buses. An additional shuttle van would transport staff and students from commuter railroad stations. Passenger vehicles would queue to pick up students from K-5 in six 10-foot-wide queuing lanes in front of the Lower School. Students would be picked-up at curbside and FASNY staff would direct all traffic on-site to ensure safety of the drop-off/pick-up period. Parents dropping off and picking up Nursery School students would park and walk into the Lower School to pick up children. Proposed School regular hours were:

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Nursery, Pre-K, Kindergarten	8:45 AM	3:00 PM*
Lower School (1-5)	8:15 AM	3:15 PM*
Middle School (6-8)	8:00 AM	2:45 PM*
High School (9-12)	7:45 AM	3:30 PM*

(\* FASNY has alternative scheduling for Wednesday that includes an earlier dismissal for all grade levels.)

According to the DEIS (see Table 11-16), attendance at after-school activities varies, but is generally approximately 75 students for Nursery/Pre-Kindergarten/Kindergarten, 73 students for Grades 1 to 5 and 154 students for Grades 6-12 (based on a total 2010-11 student enrollment of approximately 825 students).



## FASNY DESCRIPTION OF THE INITIAL PROJECT: CONSERVANCY

The Conservancy was proposed to encompass 83.81 acres of the site. None of the Conservancy would be located on Parcel A. It would encompass Parcel B north of the proposed ball field, all of Parcel C and Parcel D north of the Lower School and multipurpose field. The proposal is to create a natural low intensity open space with new plantings and low-disturbance, eco-sensitive trails in an eco-system with outdoor learning spaces.

FASNY proposed that the Conservancy be open to the public from dawn to dusk. FASNY would maintain and secure the Conservancy. Three small parking lots were proposed to provide parking for the public.

In the DEIS, FASNY's stated intention is to "enter into a permanent, irrevocable conservation easement on the Conservancy that would allow educational uses and minor accessory structures, (e.g., storage sheds) associated with FASNY, but prohibit any residential subdivision on the Property" (DEIS, S-8). "A third-party, independent beneficiary that has not yet been identified, but could potentially be a land trust organization and/or the City of White Plains, would be named in the conservation easement" to enforce the conservation easement, if necessary (DEIS, S-8).

FASNY proposed a Conservancy Master Plan to direct open space use and ecological restoration. "The principal goal for the design for the Conservancy is the reestablishment of natural habitat types on the Property" (DEIS, S-8). FASNY states that implementation of the Conservancy Master Plan would be in two stages. Stage 1, which would be completed simultaneous with receipt of the first certificate of occupancy, would include:

1. Creating the three small parking lots;
2. Enhanced maintenance and security;
3. Entry features and signage;
4. Outdoor classrooms;
5. FASNY gardens;
6. "[M]aintenance of existing golf cart paths as walking trails with additional mowed paths within the Conservancy;"
7. Removal of invasive species;
8. Introduction of native species in the former fairways and greens; and
9. Hiring a Conservancy "steward" to coordinate restoration of the habitat areas in alignment with FASNY's educational mission.

Stage 2 would include the following actions described as "aspirational," that being those which FASNY intends to

implement, but for which funding has not yet been secured:

1. Habitat restoration;
2. Wetland restoration;
3. Stream restoration;
4. Propagation greenhouse;
5. Community garden;
6. Seating areas;
7. Shade structures and storage sheds;
8. Rehabilitated bathrooms;
9. Observation deck and floating pier; and
10. Woodland boardwalk and outlook.

#### FASNY DESCRIPTION OF THE INITIAL PROJECT: OFF SITE

FASNY recognizes in the DEIS that Ridgeway is a City Collector Street. FASNY states that its proposed roadway improvements are to "avoid or minimize potential traffic impacts to the maximum extent practicable." FASNY listed the following roadway improvements in the DEIS:

1. Ridgeway and Driveway A - Ridgeway improvements would include a left-turn lane and a right-turn lane into Driveway A. The new intersection created would be signalized.
2. Ridgeway and Fairway Drive - "Do Not Block" pavement markings would be installed on Ridgeway at Fairway Drive to prevent eastbound vehicle queues at Ridgeway/New Project signalized intersection from blocking access to/from Fairway.
3. Ridgeway and Hathaway - Modifications to Ridgeway would include an eastbound left-turn lane and a westbound right-turn lane into Hathaway, including signaling this intersection.
4. Hathaway Lane - Hathaway Lane would be widened to accommodate a south-bound left-turn and right-turn lane, and a new lane for north-bound vehicles.
5. Mamaroneck Avenue and Ridgeway - Modifications would include the addition of a new northbound right turn lane and the upgrade of the signal to an adaptive traffic signal control system with updated signal timing plan.
6. Mamaroneck Avenue and Hutchinson River Parkway Northbound ramps - Modifications would include upgrade to an adaptive traffic signal control system with

updated signal timing plan. Restripe the eastbound and westbound approaches to provide an additional 50-foot long left-turn storage lane.

7. North Street and Ridgeway - Modifications would include upgrade to an adaptive traffic signal control system, restriping the eastbound approach to provide a left-turn lane and shared right-turn/through lane and extend queuing lane for northbound left-turn onto Ridgeway by 20 feet.
8. North Street and Rosedale - Modifications would include upgrade to an adaptive traffic signal control system with updated signal timing plan.
9. Old Mamaroneck Rd. and Ridgeway - Modifications would include upgrade to an adaptive traffic signal control system with updated signal timing plan.
10. Mamaroneck Ave. and Hutchinson River Parkway (South) - Modifications would include installation of new signal equipment with an adaptive traffic signal control system and back of queue detectors on the off-ramp.

#### FASNY DESCRIPTION OF THE INITIAL PROJECT: CONSTRUCTION PHASING

The DEIS describes a phasing of construction for the Initial Project, with two primary phases. Phase I, which was proposed to be conducted between Spring 2013 and Fall 2014, includes:

1. All of the improvements, including buildings, parking areas, playing fields, and stormwater basins on Parcel A and Parcel B;
2. All off-site roadway improvements; and
3. Stage 1 of the Conservancy.

Phase II, which was proposed to be conducted between Spring 2018 and Fall 2019, includes:

1. All of the improvements, including buildings, parking areas, playing field, playgrounds, and stormwater basins on Parcel D; and
2. Stage 2 of the Conservancy.

FASNY has drafted a proposed Construction Management Protocol that would be subject to the review and approval of the Common Council subject to the advice and recommendations of the City Commissioners of Public Works, Public Safety, Building, Planning, and the Environmental Officer.

#### DESCRIPTION OF THE INITIAL PROJECT REQUIRED APPROVALS:

The Initial Project involves several related approval actions, which are included as part of the environmental review:

1. Approval by the Common Council of a Special Permit and

Site Plan for the development of a private elementary and secondary school, and accessory nursery school for the entire 129.69 acre FASNY property, including new curb cuts on Ridgeway;

2. Referral to Westchester County Planning Board pursuant to General Municipal Law §239-m;
3. Tree Removal Permit for removal of any tree greater than 8" in diameter;
4. Approval by the Commissioner of Public Works of the Stormwater Pollution Prevention Plan ("SWPPP"), and filing of the SWPPP and MS4 Acceptance with the New York State Department of Environmental Conservation;
5. Approval by the City's Commissioner of Public Works and the Westchester County Department of Public Works of the proposed connections to the City's water supply and sanitary sewer lines, and the County's sanitary sewer main;
6. Approval by the Common Council of certain modifications to City streets; and
7. All other necessary actions and approvals by other governments and agencies related to the implementation of the above actions, including approval by Westchester County and New York State of modifications to utilities or certain roadways located in the City.

#### FASNY DESCRIPTION OF THE MODIFIED PROPOSED PROJECT:

FASNY made a number of Project Modifications to the Initial Project discussed in the DEIS, as a result of public, City staff and City consultants' comments on the DEIS (the "Modified Proposed Project"). The Project Modifications were made by FASNY with the objective of avoiding or further mitigating potential adverse impacts identified in the DEIS for the Initial Project. The Project Modifications are described in Chapter 1 of the FEIS. FASNY's environmental analysis of those Project Modifications is provided in Chapter 2 of the FEIS. They are further reviewed in the Responses to Comments Section of the FEIS (Chapter 3, subchapters 3.1-3.21) and are summarized below. The first section below provides a summary of the Project Modifications that apply regardless of which primary access to the site is considered.

The Initial Project described in the DEIS proposes to use Ridgeway and Hathaway Lane as the access points for the School. Chapter 16, "Alternatives," of the DEIS included an analysis of providing access to the Lower School only from North Street. However, in comments on the DEIS by City staff and members of the public, alternate access locations for all or a part of the School were raised, coming into the project site from either Bryant Avenue or North Street. These two alternative access locations (the "Modified Proposed Project/Bryant Avenue" and "Modified Proposed Project/North Street"), and a modified Ridgeway access option (the "Modified Proposed Project/Ridgeway") are presented by FASNY in Chapter 1, subchapters 1.1 through 1.3,

and Chapter 2, subchapters 2.1 through 2.3, of the FEIS. The Modified Proposed Project and access options described in the FEIS do not represent the position of the Common Council, as Lead Agency. The responses by the Common Council to the Initial Project and to the Modified Proposed Project by access option are presented in the Lead Agency responses to comments in Chapter 3 of the FEIS. These responses are not, and do not in any way represent the findings of the Common Council with respect to any potential adverse impacts the Initial Project or the Modified Proposed Project by access option might have on the environment or how such impacts might be mitigated.

#### FASNY MODIFIED PROPOSED PROJECT: OVERALL

The following is a list of the key elements of the Project Modifications, which constitute the Modified Proposed Project by each access option. Following the description of the overall Project Modifications are three sections, which summarize the Project Modifications specific to each of the three access options which are Ridgeway, North Street, or Bryant Avenue:

1. Mandatory busing is introduced to reduce vehicle trips, with FASNY estimating that bus ridership by 75% of the students in Grades 1 to 12 would result in total vehicular trip reduction of approximately 50% during the AM peak hour and approximately 51% during the PM peak hour. FASNY proposes to fully implement a program of mandatory busing to achieve the reduction in traffic to and from the Campus. With the busing program, FASNY estimates that the number of vehicle trips (passenger cars and school buses) entering and exiting the Site would decrease from 837 in the morning in the Initial Project to 417 (a 50% reduction) in the morning in the Modified Proposed Project, and from 957 to 466 (a 51% reduction) in the afternoon. The number of buses would increase from the 32 buses and 1 shuttle van estimated in the DEIS to 46 buses (22 short and 24 long buses) and 1 shuttle van. Trip reduction represents the number of trips reduced, not the number of vehicles, so that pick-up and drop-off trips would increase from 66 bus/shuttle trips under the DEIS to 94 bus/shuttle trips under the Modified Project. The trip reduction would result from the reduction in the number of passenger vehicles with more students riding buses.

FASNY estimates 23% of students in grades N-K will ride buses, and 77% will arrive by private passenger vehicles. This estimate does not change from the DEIS and is not affected by the mandatory busing program. In the DEIS, FASNY estimated 63% of students in Grades 1-5 would take the bus. This increases to 75% with the mandatory busing program in the Modified Proposed Project. In the DEIS, FASNY estimated 33.5% of students in Grades 6-12 would take the bus. With the mandatory busing program in the Modified Proposed Project, FASNY states this will also increase to 75% of students in these grades. (See Table 2.1-7 of the FEIS).

2. Setbacks for all parking areas, athletic fields and the

tennis courts are increased to comply with the Zoning Ordinance definition of "accessory uses," "accessory structures" and the dimensional requirements at Section 5.3. A minimum of 75 feet to adjoining streets and residential properties has been established, which exceeds the Zoning Ordinance dimensional requirement in certain cases of side and rear yards adjacent to residential properties. Such as along the rear property line of homes fronting on Murchison. A landscape plan has been prepared for the interior, perimeter, and entrances of the Campus. The landscape plan includes a variety of indigenous deciduous, evergreen, and ornamental trees and shrub species.

3. The Lower School has been reoriented to improve access to sunlight for passive solar.
4. North-south and east-west pathways are proposed within the Property. An east-west bicycle/pedestrian path has been added to the Conservancy to allow more direct access across the Project Site from the Gedney neighborhood to the White Plains High School. Bicycle racks are proposed to be installed at the 3 major pedestrian entrances (North Street, Bryant Avenue, and at the east-west bike path entrance), within the small gravel parking areas in the Conservancy, and on the Campus. The number of small gravel parking areas has been reduced to 2 from 3, both to be located on Parcel D. The east-west bicycle trail would cross Parcel B along the current alignment of Robinhood Road. Bicyclists and pedestrians could then proceed along Robinhood Road (off the Property) to a location on Hathaway Lane where the east-west bicycle trail would meet Parcel D at a point between Robinhood Road and Heather Lane. There is no connection trail provided on Parcel D connecting the eastern terminus of the east-west bicycle trail on Parcel B to the western terminus of this bicycle trail on Parcel D. (See FEIS Figure 1.0-22a-c).
5. School start times for Nursery School, Lower School and Upper School have been modified with the proposed Upper School time going from 7:45AM to 8:00 AM to reduce overlap of peak traffic associated with White Plains High School.
6. The proposed Lower School reorientation on the site would result in greater setbacks to residential properties along Ridgeway to the south from 108 feet to between 115 feet and 210 feet.
7. The proposed Middle School orientation on the site would result in increased setbacks to Gedney Esplanade from 290 feet to 330 feet.
8. The size of on-site parking lots and the overall number of parking spaces on the project site would be reduced with total parking spaces being reduced from 428 to 378 spaces. This reduction in parking spaces varies

slightly by access option. The setback from the parking lot on Parcel A to 57 Hathaway Lane has increased from 30 feet to 75 feet or greater depending on access option.

9. FASNY no longer proposes to permit the use of athletic fields by outside organizations.
10. Buildings will be designed and constructed to meet LEED Silver or better rating. The architectural design of School buildings has been revised to integrate various Green Building Measures.
11. Separate bus and passenger vehicle circulation paths are proposed on Parcel A for High School and Middle School and on Parcel D for Nursery/Lower School.
12. The addition of traffic signals on Ridgeway at either Driveway A or Hathaway Lane is no longer proposed.
13. FASNY states it will retain ownership and control of the Conservancy, would maintain it, and provide full-time security as part of the School security program.
14. FASNY would enter into a conservation easement, which would allow educational uses and minor accessory structures, but would prohibit residential subdivision or other non-educational uses of the Property. As stated in the DEIS, the Conservancy would be open to the public from dawn to dusk.
15. FASNY commits to implement more Conservancy elements during Phase I. More detail has been provided regarding the phasing of Conservancy elements, especially with respect to those Conservancy elements to be completed as part of Phase I of the Campus, including 40-50 acres of meadow habitat restoration. A list of the elements of the Conservancy that FASNY is committing to implement is provided on page 1.0-23 of the FEIS.
16. FASNY proposed demolition of the existing legally non-conforming club house and development of a new High School with the setback from Ridgeway increased from 53 feet to 115 feet, to increase green space along Ridgeway, allowing for an additional sidewalk and landscaping along the School's Ridgeway frontage. The existing barn and pool would remain and would continue to be legally non-conforming at approximately 36 feet from Ridgeway.
17. The ball field proposed on Parcel B in the Initial Project would be moved to Parcel D north of the Nursery/Lower School to comply with the Zoning Ordinance requirement that accessory uses be located on the same parcel as the principal use. As a result of this relocation, the size of the Campus has increased from 45.88 acres to 47.17 acres. The size of the Conservancy decreases by different amounts under the different access alternatives, which place this ball

field at different locations on Parcel D. These are discussed under each of the access alternatives. The FASNY gardens, which constitute part of the landscaping and are not an accessory use, would be relocated from Parcel D to Parcel B beyond the 75 foot setback.

18. The propagation greenhouse has been relocated from Parcel C to Parcel D to comply with the City's Zoning Ordinance requirement for accessory uses to be located on the same parcel as principal uses.
19. Preferred parking spaces for electric and low-emission vehicles have been designated closest to the walking path to the academic quadrangle on Parcel A and within the northern parking area adjacent to the Lower School on Parcel D. Each of these areas would have 220 Volt charging stations for use by FASNY Staff, students, or visitors.
20. On-Site circulation of automobiles, pedestrians, and school buses has been reconfigured to provide more separation of the different modes. The circulation differs between the Ridgeway access option and the North Street and Bryant Avenue options.
21. FASNY's Traffic Management Plan has been expanded to address FASNY's mandatory busing program and provide more detail on how movement of vehicles and people on the Campus would be coordinated, and special events handled, as well as how overall design of the Site would address operational safety and emergency access requirements without reliance on staff monitors.

#### FASNY MODIFIED PROPOSED PROJECT/RIDGEWAY ACCESS OPTION

In Chapter 1.1 of the FEIS, FASNY proposes the following Project Modifications specific to the Ridgeway access option ("Modified Proposed Project/Ridgeway" or "MPP/Ridgeway"), in addition to the overall Project Modification listed herein above (see also FEIS Figure i-2).

1. The three existing curb-cuts along Ridgeway, the visitor parking lot, and the driveway that links them would be eliminated and replaced with one curb-cut to provide access to a service area adjacent to the High School. Driveway A access from Ridgeway would be maintained as an unsignalized entrance.
2. The size of the Conservancy would be decreased slightly from 83.81 acres to 82.49 acres due to the relocation of the ball field from Parcel B to Parcel D.
3. Site Circulation Plans for MPP/Ridgeway are provided in the FEIS as follows:
  - a. Driveway A would be one-way (entrance only). Driveway A would also provide emergency access to the buildings on Parcel A and the service area, including refuse and recycling storage and pick



up.

- b. Driveway B would be two-way off Hathaway Lane and would serve as the primary exit drive from Parcel A buildings to Hathaway Lane. Driveway B would also serve as the primary access for buses serving the Middle School and High School.
- c. Driveway C would be one-way and only for buses serving the High School and Middle School.
- d. Driveway D would be two-way off Hathaway, opposite Driveway B, and would provide primary access for buses serving the Lower School. Driveway D would also access a secondary parking lot, and serve as the exit for buses and cars from Parcel D. Emergency access to the Lower School is also via Driveway D.
- e. Driveway E would be a two-way driveway serving the Nursery through Kindergarten wing of the Lower School.

A dedicated driveway for drop-off/pick-up activity has been provided looping around the Lower School. This eliminates the six queuing lanes in the Initial Project.

- 4. Hathaway Lane remains open as a public street under the MPP/Ridgeway access option.
- 5. The MPP/Ridgeway maintains the legally non-conforming parking lot on the eastern corner of Ridgeway and Hathaway Lane.
- 6. The access road from Ridgeway onto Parcel A and the driveway circling the Lower School on Parcel D are proposed to accommodate 80 and 70 parked cars for special events respectively, while providing sufficient required space for emergency vehicle access.
- 7. A landscaped roundabout would be installed at Ridgeway and Hathaway Lane, which would provide for traffic flow along Ridgeway and into the Campus and Hathaway Lane without the need for the signal or the left-turn and right-turn lanes off Ridgeway included in the Initial Project.
- 8. The roadway modifications and intersection improvements at Ridgeway and Mamaroneck Avenue proposed in the DEIS would be modified by reducing existing northbound lane widths and the median width to create a northbound right-turn lane within the existing pavement width and a reduced queuing area. FASNY proposes to install the following pedestrian improvements: (1) high visibility crosswalks, (2) pedestrian signal heads with countdown clocks, (3) ADA-compliant sidewalk ramps, and (4) traffic signs indicating presence of a pedestrian crossing.

9. The north-south trailway connection would be by sidewalk along the western side of Hathaway Lane from Ridgeway. The trail would continue along the eastern side of Parcel B and connect with the east-west bicycle/pedestrian trail. The pedestrian trail on Parcel B would also connect across Heatherbloom Road to Parcel C and extend to Bryant Avenue. There is no pedestrian or bicycle connection provided on Parcel A from either Ridgeway or Hathaway Lane at Gedney Esplanade to the crossing connection to the Parcel B trails. (See Figure 1.0-22a).
10. The ball field on Parcel B would be relocated to Parcel D just north of the Lower School.
11. The athletic fields on Parcel A would have generally the same orientation as in the Initial Project, but be located further from the residential rear property lines, maintaining a minimum 75 foot separation to the properties fronting on Murchison Drive.

#### FASNY MODIFIED PROPOSED PROJECT/NORTH STREET ACCESS OPTION

The DEIS evaluated an alternative access to the Lower School from North Street. In the comments on the DEIS, examination of access to the site from North Street for both the Upper School and Lower School was proposed as an alternative to access from Ridgeway and Hathaway Lane. Creating a Campus access off of North Street was therefore studied as part of the FEIS ("Modified Proposed Project/North Street" or "MPP/North Street").

The MPP/North Street has the following key elements:

1. The new driveway would enter Parcel D from North Street opposite White Plains High School (see Figure i-3). North Street is an arterial street owned by Westchester County. Three design alternatives were evaluated for the entrance at this location: (1) an offset intersection with no change to the existing White Plains High School driveway access to North Street; (2) a roundabout that would require modifications to the White Plains High School driveway and to North Street; and (3) a new aligned intersection that would require moving the White Plains High School access to North Street further north.
2. On the FASNY Project Site, a gate house and turn-around would be provided near the entrance to North Street, to control access to the Project Site. The new driveway would run approximately 3,000 linear feet from North Street to the Campus, connecting to internal driveways and parking lots north of the Lower School. It would create approximately 75,000 square feet of new impervious area.
3. The only access to the School from Ridgeway would be an access to a small parking lot (15 spaces) and to the service area. Emergency access would continue to be available from Ridgeway.

4. The total number of parking spaces on the Campus would be reduced from 428 in the DEIS to 366 spaces. The parking lot serving the Upper School would be reduced to 80 spaces and would be 110 feet from Gedney Esplanade and 100 feet from 57 Hathaway Lane.
5. The legally non-conforming parking lot on the eastern corner of Parcel D at Ridgeway and Hathaway Lane would be eliminated, and a conforming parking lot with a minimum 75 foot setback from residential properties on Ridgeway would replace it.
6. Hathaway Lane would be discontinued and demapped as a public street from Ridgeway to south of 57 Hathaway Lane. The closing of Hathaway Lane would allow FASNY to implement a site circulation plan for the Upper School and Lower School that would further separate automobiles, school buses, and pedestrians. Pedestrian and bicycle access would be provided by a pathway along the western edge of Parcel A.
7. Private vehicle passenger pick-up and drop-off for the Lower School would occur on the northerly side of the School with queuing on a driveway surrounding the multi-purpose ball field.
8. Emergency access to the site and to surrounding public streets would continue to be provided through the site from Ridgeway to Hathaway as indicated in Figure i-4 of the FEIS.
9. FASNY proposes to relocate the ball field that was shown on Parcel B in the DEIS to a location further north on Parcel D, approximately below the Middale Subdivision. The relocation of the ball field to the proposed location on Parcel D necessitates the encroachment of the new driveway on a City of White Plains 50-foot "restrictive" wetland buffer, while avoiding the City of White Plains 50-foot "protective" wetland buffer and the 100-foot New York State wetland buffer.
10. The discontinuance of Hathaway Lane as a public street allows FASNY to reconfigure athletic fields and facilities to further increase setbacks to adjoining residential properties.
11. The approximately 24-foot wide new driveway running through Parcel D would be approximately 75 feet from the rear property lines of the 6 houses on Southdale Road.
12. FASNY's traffic analysis indicates that moving the site access to North Street would reduce the volume of traffic traveling east along Ridgeway between Mamaroneck Avenue and North Street during the AM peak hour from approximately 350 vehicles under the MPP/Ridgeway to approximately 42 vehicles. Many of the vehicles that previously used Ridgeway would instead

travel along the Hutchinson River Parkway to North Street. The vehicles would then become through traffic along North Street south of White Plains High School.

13. With the MPP/North Street, no physical modifications to intersections on Mamaroneck Avenue, including Mamaroneck Avenue and Ridgeway, would be required. The traffic signal at Mamaroneck Avenue and Ridgeway would have an updated signal timing plan.
14. Adaptive signal controls at intersections along Mamaroneck Avenue are not proposed by FASNY under this access option.
15. A signal at Mamaroneck Avenue and the Hutchinson River Parkway ramps is not proposed by FASNY as Project-generated traffic would be significantly reduced on Mamaroneck Avenue.
16. The eastbound Bryant Avenue approach at North Street would be restriped to provide a 100-foot long left turn lane, and a new signal timing plan would be implemented.
17. A new signal timing plan would be implemented for the North Street and Ridgeway intersection and for the Hutchinson River Parkway north and south bound ramps at North Street.

#### FASNY MODIFIED PROPOSED PROJECT/BRYANT AVENUE ACCESS OPTION

Access from Bryant Avenue to the FASNY School were presented in the FEIS in response to the public comments on the DEIS. Due to the presence of environmentally sensitive features, particularly wetland and drainage issues on Parcel C, consideration of any development on Parcel C has not been pursued. Access to the Project Site from a driveway off of Bryant Avenue onto Parcel D was studied. The access option presented in the FEIS shows a new driveway entering Parcel D at a new intersection just east of Hathaway Lane (see Figure i-5). The northern-most end of Hathaway Lane would be discontinued and a new public road within FASNY's Parcel D would be created that would connect to the FASNY driveway and then to the new intersection at Bryant Avenue ("Modified Proposed Project/Bryant Avenue" or "MPP/Bryant Avenue") (see Figure i-6). The MPP/Bryant Avenue has the following key elements:

1. A traffic signal would need to be installed at the intersection of Bryant Avenue and the realigned Hathaway Lane.
2. The new driveway would be approximately 3,000 linear feet. It would create approximately 75,000 square feet of new impervious area.
3. This access driveway would pass through the northern portion of Parcel D, and then become the same as the driveway access in the MPP/North Street access option from a point approximately perpendicular to the western

City designated wetland on Parcel D. From that point it would follow the same alignment as proposed for MPP/North Street.

4. Certain traffic impacts would result from moving the Project Site access to Bryant Avenue including impacts to the intersections of Mamaroneck Avenue at Bryant Avenue, and North Street at Bryant Avenue. FASNY has proposed the following mitigation measures:
  - a. At Mamaroneck Avenue, a new signal timing plan or installation of adaptive signal controls would be required. Alternatively, a northbound right-turn lane onto Bryant Avenue would be required to return to the No Build operating conditions during the AM peak hour.
  - b. At North Street and Bryant Avenue, a new signal timing plan would need to be implemented. In addition, Bryant Avenue would need to be restriped to provide a 100-foot long left-turn lane on the eastbound approach.
5. In the MPP/Bryant Avenue, the layout of FASNY's Campus would be identical to that of MPP/North Street, and would have the same key elements as are stated herein above for MPP/North Street numbers 2 through 8, 10, and 12 through 15.
6. The baseball field on Parcel D would be at a different location than in the MPP/North Street. It would shift approximately 225 feet to the southeast to accommodate the new driveway location.

## PART II. REVIEW PROCEDURES AND PROCESS

Part II provides a summary and background of the review procedures and process.

1. At its August 1, 2011 meeting, the Common Council received the following documents submitted by FASNY in support of its Application ("Application Materials"):
  - a. Submission Letter addressed to the White Plains Board of Appeals executed by Michael D. Zarin, Esq., Zarin & Steinmetz, Attys, counsel to FASNY, dated July 15, 2011;
  - b. Application to the Board of Appeals, executed by Patrick Croze, dated May 19, 2011;
  - c. Building Permit Long Form, executed by Patrick Croze, dated May 19, 2011;
  - d. Full Environmental Assessment Form Part 1, executed by Graham Trelstad, AKRF, Inc., dated July 15, 2011;
  - e. Proposed Scoping Document, dated May 20, 2011;

- f. Survey Review of Title and Easements affecting City of White Plains, prepared by John Meyer Consulting, PC, signed by Thomas M. Schmidt, L.S., dated July 15, 2011;
  - g. Stormwater Pollution Prevention Plan, dated May 20, 2011;
  - h. Survey of Property, sheets SU-1 and SU-2, prepared by John Meyer Consulting, PC, signed by Thomas Schmidt, licensed land surveyor, dated January 19, 2011;
  - i. Site Plan Drawings, sheets SP1 through SP 32, prepared by John Meyer Consulting, PC, signed by Diego Villareale, PE, dated February 15, 2011; and
  - j. Architectural Drawings, sheets A1 through A8, prepared by James Rogers, 3rd, dated July 15, 2011.
2. Pursuant to Section 6.2 of the Zoning Ordinance, the Board of Appeals is the approving agency for special permits and site plans for private elementary or secondary schools and permitted accessory uses.
  3. Pursuant to Section 6.2.3 of the Zoning Ordinance, "the Common Council may, by adoption of a resolution, reclaim jurisdiction as approving agency for any special permit use upon the finding that, in the Common Council's absolute discretion, such special permit use is of substantial public importance."
  4. At its meeting of August 1, 2011, the Common Council adopted a resolution entitled: "RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF WHITE PLAINS RECLAIMING JURISDICTION AS APPROVING AGENCY FROM THE BOARD OF APPEALS FOR THE APPLICATION SUBMITTED BY THE FRENCH AMERICAN SCHOOL OF NEW YORK ("FASNY APPLICATION") FOR APPROVAL OF A SPECIAL PERMIT TO CONSTRUCT AND OPERATE A PRIVATE ELEMENTARY AND SECONDARY SCHOOL WITH ACCESSORY NURSERY SCHOOL OR DAY CARE CENTER AT 400 RIDGEWAY DUE TO THE SUBSTANTIAL PUBLIC IMPORTANCE OF THE FASNY APPLICATION" by which resolution the Common Council reclaimed jurisdiction of the FASNY Application as approving agency pursuant to Section 6.2.3 of the Zoning Ordinance.
  5. Among the Application Materials submitted as part of the FASNY Application was the Long Environmental Assessment Form, which identified at Section B.25 other local, regional and State approvals required as part of the FASNY Application.
  6. At its August 1, 2011 meeting the Common Council adopted a further resolution entitled: "RESOLUTION OF THE COMMON COUNCIL DECLARING ITS INTENT TO SERVE AS LEAD AGENCY FOR THE ENVIRONMENTAL REVIEW OF THE APPLICATION SUBMITTED BY THE FRENCH AMERICAN SCHOOL OF

NEW YORK FOR A SPECIAL PERMIT TO DEVELOP A PRIVATE ELEMENTARY AND SECONDARY SCHOOL WITH ACCESSORY NURSERY SCHOOL OR DAY CARE CENTER AT 400 RIDGEWAY, WHITE PLAINS."

7. Notices regarding the Common Council's intent to serve as lead agency were sent to other involved or approval agencies including the White Plains Department of Public Works, New York State Department of Environmental Conservation and the Westchester County Departments of Health and Public Works.
8. The Environmental Officer received no objections to the White Plains Common Council serving as lead agency, received correspondence from the Westchester County Departments of Health and Public Works, and the White Plains Commissioner of Public Works consenting to the designation of the White Plains Common Council to serve as Lead Agency for the coordinated environmental review of the Proposed Action.
9. The Environmental Officer in his correspondence, dated August 29, 2011, recommended that the Common Council:  
(a) designate itself to serve as the Lead Agency to conduct an environmental review of the Initial Proposed Action; (b) determine that the Proposed Action is a Type I Action under SEQR regulations; (c) find that the Initial Proposed Action, when compared to the SEQR criteria of environmental significance listed in Section 617.7 of SEQR regulations, may have significant adverse impacts on the environment; (d) determine that the Applicant prepare a Draft Environmental Impact Statement (DEIS) to systematically assess potential impacts, alternatives and measures to mitigate potential impacts; and (e) schedule a scoping meeting to receive comments regarding the scope of issues to be addressed in the DEIS, to be held October 3, 2011, in the Common Council Chambers, City Hall, 255 Main Street, White Plains, NY, immediately following the regularly scheduled Common Council meeting, which commenced at 7:30 PM. and established a period to receive written comments.
10. Having received consent for the Common Council to act as lead agency from the other agencies, and the communication from the Environmental Officer, at its September 6, 2011 meeting, the Common Council adopted an environmental findings resolution entitled "ENVIRONMENTAL RESOLUTION OF THE COMMON COUNCIL DECLARING ITSELF AS LEAD AGENCY FOR THE ENVIRONMENTAL REVIEW OF THE APPLICATION SUBMITTED BY THE FRENCH AMERICAN SCHOOL OF NEW YORK FOR A SPECIAL PERMIT TO DEVELOP A PRIVATE ELEMENTARY AND SECONDARY SCHOOL WITH ACCESSORY NURSERY SCHOOL OR DAY CARE CENTER AT 400 RIDGEWAY, WHITE PLAINS ("PROPOSED ACTION"); FINDING THE ACTION TO BE A TYPE I ACTION UNDER THE WHITE PLAINS ZONING ORDINANCE AND NY STATE ENVIRONMENTAL QUALITY REVIEW ACT REGULATIONS; FINDING THAT THE PROPOSED ACTION MAY HAVE A SIGNIFICANT ADVERSE IMPACT ON THE

ENVIRONMENT; DETERMINING AND DIRECTING THAT A DRAFT ENVIRONMENTAL IMPACT STATEMENT ("DEIS") BE PREPARED BY THE APPLICANT; DIRECTING THE CIRCULATION TO INVOLVED AGENCIES AND THE PUBLIC OF THE APPLICANT'S PROPOSED DRAFT SCOPING DOCUMENT, DATED MAY 20, 2011; AND SCHEDULING A PUBLIC SCOPING SESSION AFTER THE COMMON COUNCIL MEETING OF OCTOBER 3, 2011".

11. At its October 3, 2011 meeting, the Common Council held a public scoping session regarding the Draft Scoping Document, and, following the closure of public scoping session adopted a resolution to extend the time to receive written comments beyond the established ten (10) day comment period until 5:00 PM, November 4, 2011.
12. At its meeting on December 5, 2011, the Common Council adopted the "French-American School of New York Scoping Document," dated November 29, 2011, ("Scoping Document") that reflected the comments of the Common Council after the November 21, 2011 work session, City Staff, statements presented at the public scoping session, and written comments, submitted by November 4, 2011, which document was posted on the City's website.
13. FASNY then prepared a Preliminary Draft Environmental Impact Statement, dated May 9, 2012, to City staff for review.
14. The Commissioner of Planning subsequently submitted to the Common Council a communication, dated May 29, 2012, attaching a list entitled "FASNY PRELIMINARY DRAFT ENVIRONMENTAL IMPACT STATEMENT COMPLETENESS REVIEW," which details the portions of the FASNY Preliminary DEIS that were not complete with respect to the adopted Scoping Document and/or were not adequate with regard to scope and content.
15. Based on the above, the Environmental Officer in a letter, dated June 6, 2012, recommended that the Common Council determine that the FASNY Preliminary DEIS, dated May 9, 2012 was not adequate for the reasons listed in the "FASNY PRELIMINARY DRAFT ENVIRONMENTAL IMPACT STATEMENT COMPLETENESS REVIEW," and request that FASNY address the inadequacies identified in the completeness review.
16. At its June 11, 2012 meeting, the Common Council adopted an environmental resolution entitled "RESOLUTION OF THE WHITE PLAINS COMMON COUNCIL (COMMON COUNCIL) ADOPTING ENVIRONMENTAL FINDINGS ISSUED UNDER THE NEW YORK STATE ENVIRONMENTAL QUALITY REVIEW ACT, (SEQR), REGARDING THE APPLICATION SUBMITTED BY THE FRENCH AMERICAN SCHOOL OF NEW YORK (FASNY) FOR A SPECIAL PERMIT TO DEVELOP A PRIVATE ELEMENTARY AND SECONDARY SCHOOL WITH ACCESSORY NURSERY SCHOOL OR DAY CARE CENTER AT 400 RIDGEWAY, WHITE PLAINS, WHICH DETERMINES THAT THE REVISION NO. 1 PRELIMINARY DEIS, DATED MAY 9, 2012 SUBMITTED BY FASNY IS NOT COMPLETE



AND NOT ADEQUATE FOR ACCEPTANCE BY THE COMMON COUNCIL FOR PURPOSES OF COMMENCING PUBLIC REVIEW, FOR THE REASONS LISTED IN THE "FASNY PRELIMINARY DRAFT ENVIRONMENTAL IMPACT STATEMENT COMPLETENESS REVIEW," DATED MAY 29, 2012, ATTACHED HERETO, AND REQUESTING THAT THE APPLICANT ADDRESS THE DEFICIENCIES IDENTIFIED IN THE COMPLETENESS REVIEW".

17. FASNY subsequently submitted revisions to the Preliminary DEIS, which revisions were reviewed by City staff, and FASNY submitted a revised Preliminary DEIS, dated July 9, 2012.
18. As stated in the July 31, 2012 communication from the Commissioner of Planning, the City staff representing the Departments of Planning, Traffic, Public Safety, Public Works, Building and Law, Environmental Officer and Outside Counsel Steven Silverberg found that the document was complete with respect to scope and content, and recommended that the Common Council make such determination and take such actions as are required by SEQR.
19. Based on the recommendations of City staff and the Environmental Officer, and based upon the Common Council's review of the revised Preliminary DEIS, at its meeting of August 6, 2012, the Common Council adopted a resolution entitled "RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF WHITE PLAINS AS LEAD AGENCY UNDER THE NEW YORK STATE ENVIRONMENTAL QUALITY REVIEW ACT, (SEQR), REGARDING THE APPLICATION SUBMITTED BY THE FRENCH AMERICAN SCHOOL OF NEW YORK (FASNY) FOR A SPECIAL PERMIT TO DEVELOP A PRIVATE ELEMENTARY AND SECONDARY SCHOOL WITH ACCESSORY NURSERY SCHOOL OR DAY CARE CENTER AT 400 RIDGEWAY, WHITE PLAINS, ACCEPTING THE DRAFT ENVIRONMENTAL IMPACT STATEMENT ("FASNY DEIS") AS ADEQUATE WITH RESPECT TO ITS SCOPE AND CONTENT FOR THE PURPOSE OF COMMENCING PUBLIC REVIEW, AND SCHEDULING A PUBLIC HEARING AND TAKING SUCH OTHER ACTIONS AS ARE REQUIRED BY SEQR," issuing a Notice of Completion of the DEIS, which determined that the Revision No. 3 FASNY Preliminary DEIS, dated July 9, 2012, (hereinafter "DEIS") was complete and conformed to the scope and content of the Scoping Document adopted by the Common Council on December 5, 2011 and addressed the items contained in the Completeness Review and Resolution adopted by the Common Council on June 11, 2012, and:
  - a. Accepted the DEIS as complete and adequate with respect to its scope and content for the purpose of commencing public review in accordance with 6 NYCRR 617.9(a)(3) and (4);
  - b. Authorized and directed the Environmental Officer to cause the DEIS to be made available to involved agencies, interested parties and the public, including placing a copy at the White Plains Public Library located at 100 Martine Avenue,

White Plains, NY in accordance with 6 NYCRR 617.12(b)(1), (3) through (6);

- c. Caused the Environmental Officer to publish a Notice of Completion of the DEIS in accordance with 6 NYCRR 617.12(a)(2)(iii);
  - d. Scheduled a public hearing regarding the DEIS to be held on September 19, 2012 at 7:00 PM, in the Common Council Chambers, White Plains Municipal Building, 255 Main Street, White Plains, New York with adjournment to October 17, 2012 at the same time, for the purpose of receiving public comments on the DEIS in accordance with 6 NYCRR 617.9(a)(3) and (4) and 617.12(a) and (b); and
  - e. Scheduled a written comment period for 10 days following the close of the adjourned public hearing to 5:00 PM on October 29, 2012 for the purpose of receiving such written comments regarding the Final FASNY DEIS in accordance with 6 NYCRR 617.9(a)(4)(iii).
20. A notice of the scheduled public hearing was submitted to the NYS Department of Environmental Conservation Environmental Notice Bulletin (ENB) on August 8, 2012 for appearance in the August 15, 2012 edition of the ENB.
21. A copy of the DEIS was filed with NYS Department of Environmental Conservation on or about August 15, 2012, placed at White Plains Public Library, in accordance with 6 NYCRR 617.12(b)(5) and on the City's website, and public hearings on the DEIS were held on September 19, 2012 and October 17, 2012, and further adjourned to and the continuation held on November 13, 2012 for the purpose of receiving public comment.
22. The written comment period was extended to November 30, 2012 and the transcripts of the public hearing and the written comments were posted on the City's website.
23. Since the FASNY Application has not been withdrawn and based on the DEIS and comments thereon indicating that the Initial Project may have significant adverse impacts on the environment, pursuant to 6 NYCRR 617.9(a)(5)(i) a final Environmental Impact Statement ("FEIS") was prepared.
24. Pursuant to 6 NYCRR Part 617.9(b)(8), an FEIS consists of the DEIS by incorporation or by reference, any necessary corrections or revisions to the DEIS, copies or a summary of substantive comments received during the public comment period on the DEIS indicating their source, and the Lead Agency's responses to substantive comments.
25. The Applicant initially submitted a preliminary draft of the FEIS, dated February 22, 2013, which preliminary

draft was reviewed by the Commissioners of Traffic, Public Safety and Public Works, and outside consultants Susan Habel, Management Associate, TRC, Inc., traffic, air quality and noise consultants, and outside Counsel Steven Silverberg, Esq., ("City Staff"). City Staff reviewed the preliminary draft FEIS, dated February 22, 2013 and, after several rounds of review and revisions, submitted the draft FEIS, dated July 21, 2013, to the Common Council for its review on July 25, 2013. The Common Council took a hard look at the draft FEIS.

26. City Staff received comments from the Common Council on the FEIS, dated July 21, 2013 and made the revisions to the draft FEIS accordingly. The final FEIS, incorporating the modifications to responses requested by the Common Council, was accepted as complete, being adequate and accurate on September 16, 2013 by resolution entitled: by resolution entitled: RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF WHITE PLAINS AS LEAD AGENCY UNDER THE NEW YORK STATE ENVIRONMENTAL QUALITY REVIEW ACT, (SEQR), REGARDING THE APPLICATION SUBMITTED BY THE FRENCH AMERICAN SCHOOL OF NEW YORK (FASNY) FOR A SPECIAL PERMIT TO DEVELOP A PRIVATE ELEMENTARY AND SECONDARY SCHOOL WITH ACCESSORY NURSERY SCHOOL OR DAY CARE CENTER AT 400 RIDGEWAY, WHITE PLAINS, ACCEPTING THE FINAL ENVIRONMENTAL IMPACT STATEMENT ("FASNY FEIS") AS ADEQUATE AND ACCURATE WITH RESPECT TO ITS SCOPE AND CONTENT FOR THE PURPOSE OF COMMENCING PUBLIC REVIEW, AND SCHEDULING A PUBLIC HEARING AND TAKING SUCH OTHER ACTIONS AS ARE REQUIRED BY SEQR.
27. In accordance with 6 NYCRR 617.12(b)(1), (3) through (6), the Common Council authorized and directed the Environmental Officer to cause the FEIS to be made available to involved agencies, interested parties and the public, including placing a copy at the White Plains Public Library located at 100 Martine Avenue, White Plains, NY in accordance with 6 NYCRR 617.12(b)(1), (3) through (6) and on the City's website, and authorized the Environmental Officer to distribute notices and filings as required by SEQR.
28. City Staff provided the Applicant with adopted modifications to the draft FEIS, which the Applicant incorporated into a final document that was made available to the public at the White Plains Library and on the City's website. The final FEIS took the form and content as outlined below.
29. Consistent with SEQR regulations at 617.9(b)(8), Chapters 1 and 2 of the FEIS contain descriptions of the modifications to the Initial Project made by FASNY in response to substantive comments made during the public review and comment period on the DEIS, referenced hereinabove, which modifications are referred to herein and in the FEIS as the "Modified Proposed Project" or "Project Modifications".

30. In addition to FASNY's Project Modifications, the FEIS provides additional description, analysis and responses to three access options, which the three access options are referred to herein and in the FEIS as:
  - a. Modified Proposed Project/Ridgeway ("MPP/Ridgeway");
  - b. Modified Proposed Project/North Street ("MPP/North Street"); and
  - c. Modified Proposed Project/Bryant Avenue ("MPP/Bryant Avenue").
31. The FEIS is structured to provide a description and environmental review of the Modified Proposed Project with each of the three access options listed hereinabove in Chapters 1 and 2 of the FEIS.
32. Chapters 1 and 2 of the FEIS are each divided into parts as follows:
  - a. Chapter 1.0: Modified Proposed Project;
  - b. Chapter 1.1 Modified Proposed Project/Ridgeway;
  - c. Chapter 1.2 Modified Proposed Project/North Street;
  - d. Chapter 1.3 Modified Proposed Project/Bryant Avenue;
  - e. Chapter 2.0 Environmental Analysis;
  - f. Chapter 2.1 Environmental Analysis: Modified Proposed Project/Ridgeway;
  - g. Chapter 2.2 Environmental Analysis: Modified Proposed Project/North Street; and
  - h. Chapter 2.3 Environmental Analysis: Modified Proposed Project/Bryant Avenue.
33. The DEIS is included in the FEIS by reference.
34. The Lead Agency's responses to the DEIS and the Modified Proposed Project for each access option are contained in Chapter 3, subchapters 3.1 through 3.21 of the FEIS and correspond to the topic category chapters included in the DEIS.
35. Each Chapter 3 sub-chapter provides Lead Agency responses prepared by City Staff to comments on the DEIS received during the public hearings and written comment period, which responses incorporate responses to FASNY's Modified Proposed Project to the extent that it modifies the DEIS Initial Proposed Project.
36. Where the DEIS Initial Project or its environmental

review is modified by the Modified Proposed Project (as analyzed by FASNY in Chapter 2 of the FEIS) or where modified or additional impacts have been identified in relation to the Modified Proposed Project under its three access options, these are also responded to in the Chapter 3 subchapters.

37. Where the Modified Proposed Project does not modify or create any information or impacts beyond those identified in the DEIS, then the responses in subchapters 3.1 through 3.21 reference the DEIS.
38. The FEIS also includes the following:
  - a. Appendix A: Traffic Management Plan (as proposed by FASNY);
  - b. Appendix B: Habitat Restoration Report;
  - c. Appendix C: Applicant's Memo on Zoning;
  - d. Appendix D: Dam Modification Report;
  - e. Appendix E: Traffic;
  - f. Appendix F: Air Quality Idling Analysis;
  - g. Appendix G: Zoning Use Table;
  - h. Appendix H: MPP/North Stormwater Analysis; and
  - i. Volume 2: Public Comments.
39. There have been no supplements to the DEIS since its acceptance as complete on August 6, 2012.
40. The Commissioners of Traffic, Public Safety and Public Works, and outside consultants Susan Habel, Management Associate, TRC, Inc., traffic, air quality and noise consultants, and outside Counsel Steven Silverberg, Esq., ("City Staff") worked with representatives of FASNY to develop a draft FEIS, dated July 21, 2013 (inclusive of changes made by City Staff and consultants through July 21, 2013, and submitted to the Common Council on July 25, 2013, which contains: (a) a description of the project as it has been modified in response to the prior comments; (b) copies and summaries of substantive comments received on the DEIS and the source of the comments; (c) the Applicant's responses to the comments; and (d) the proposed, draft Lead Agency responses to the DEIS comments. The draft FEIS was posted on the City website on August 2, 2013. An Appendix I "Technical Review" Memorandum from TRC Engineers, Inc., dated September 12, 2013 was added to the draft FEIS by the Common Council and posted on the City's website on September 13, 2012. The draft FEIS was accepted on September 16, 2012.
41. The FEIS was filed with NYS DEC in the Environmental

News Bulletin on September 17, 2013, filed with the City Clerk and distributed on September 24, 2013, placed on the City's website on September 24, 2013, and all other required notices were distributed and filed on September 24, 2013.

### PART III: STATEMENT OF ENVIRONMENTAL CONDITIONS, EXPECTED IMPACTS AND FINDINGS

As Lead Agency, the Common Council makes the following findings in regard to the environmental conditions and expected impacts of the FASNY Initial Project as modified by the Modified Proposed Project in relation to each of the three access alternatives.

Potentially significant adverse impacts of the Initial Project and the Modified Proposed Project for each of the three access alternatives that were not already addressed in the DEIS are identified in the FEIS response to comments in FEIS Chapter 3, subchapters 3.1 through 3.21. The Findings contained in this Findings Statement make the necessary determinations as to whether the potentially significant adverse impacts identified in relation to the Initial Project as modified by the Project Modifications, or any new potentially significant adverse impacts created by the Project Modifications, have been avoided or mitigated to the maximum extent practicable and, if so, under what conditions or by what procedures such mitigation would be achieved. This includes determining which, if any, of the Modified Proposed Project access options to the Project Site can be achieved with avoidance or mitigation to the maximum extent practicable of all potentially significant adverse impacts, and under what circumstances.

The Findings contained in this Finding Statement are organized according to the topic and order presented in the Scoping Document, the DEIS, and the FEIS Chapter 3. For each topic (referenced alphabetically) the Findings Statement presents the: (1) Summary of Existing Conditions; (2) Expected Impacts of the Project; and (3) Findings related to that topic. The Findings for each topic are further divided, where appropriate, into four groupings: (1) Initial Project analyzed in DEIS; (2) Modified Proposed Project/Ridgeway analyzed in Chapter 3 of the FEIS; (3) Modified Proposed Project/North Street analyzed in Chapter 3 of the FEIS; and (4) Modified Proposed Project/Bryant Avenue analyzed in Chapter 3 of the FEIS. At the end of the Findings Statement is a summary of the conclusions reached by the Common Council as Lead Agency and the certification required by the SEQEA regulations.

#### A. FINDINGS REGARDING CONSISTENCY WITH COMPREHENSIVE PLAN AND LAND USE REGULATIONS:

**SUMMARY OF EXISTING CONDITIONS:** The approximately 129 acre FASNY project site is an environmentally sensitive site as defined and described in the City's Municipal Code at Section 3.5 and in the Zoning Ordinance 4.4.25. Although conservation developments are not permitted in the R1-30 Zoning District under Section 5.7 of the Zoning Ordinance, clustering of development to preserve environmentally sensitive features is permitted on

environmentally sensitive sites in all Zoning Districts pursuant to Section 4.4.25.4.5 of the Zoning Ordinance. The environmentally sensitive features on the Project Site are located primarily on two of the four parcels, Parcels C and D, and include wetlands. In addition, there are portions of the Project Site on all parcels that have steep slopes and portions that experience impacts from storm water runoff that must be managed and, as a result, preclude or limit potential development in certain areas. Most of the steep slope areas are not natural but represent alterations to the topography for the prior use as a golf course, such as at sand traps.

The FASNY property is currently improved with the facilities of the former Ridgeway Country Club including, but not limited to, a clubhouse, annex building, swimming pool and eight tennis courts located along the Ridgeway frontage, an 18-hole golf course, and approximately 180 parking spaces on Parcels A and D. The project site is not being maintained as a golf club at this time. The current clubhouse contains 53,735 square feet of gross floor area, and its height is 32.46 feet at 2.5 stories.

#### Comprehensive Plan:

The 1997 Comprehensive Plan, as amended through 2006, contains among its strategies for the golf courses: "If development is proposed for the Westchester Hills or Ridgeway site, encourage uses of special clustering techniques that will assure the preservation of significant environmental features and create a linear open space system through the sites."

This was reaffirmed in the 2006 Plan Update where the Update states: If the courses cannot be maintained as private courses, though clearly not a preferred scenario, the Plan envisions residential development at the City's lowest residential density clustered to preserve open space and environmental features and providing public access to public and quasi-public areas including trailways linked to the City's open space network."

Among its strategies for Outer Area Neighborhoods, the Comprehensive Plan 2006 Update includes the following two strategies regarding open space properties: "Make open spaces accessible to the public and link them to open space corridors, parks, schools and community facilities, wherever possible", and "Ensure that any new development, whether a single family home or multiple unit development, is compatible with the surrounding density and enhances the character of the neighborhood".

The Comprehensive Plan also addresses the importance of pedestrian traffic: "Pedestrian traffic should continue to be a consideration in the review of all development plans." The City's outside project consultant, Susan Habel, also noted in her communication on the DEIS, dated November 21, 2012, that the "City is also seeking to establish throughout the City bicycle access and promote bicycle, pedestrian and public transit options. These must all be considered in evaluating the impact of the Proposed Project on the street system." As recently as June 3, 2013, the Common Council adopted a "Complete Streets" policy, which promotes and requires consideration in approvals of the compatibility of the City's streets with multiple means of

transportation, including bicycling, pedestrian activity, public transit, as well as traditional use of streets for passenger and commercial vehicles.

The Comprehensive Plan identifies Ridgeway as a Collector Street. A Collector Street is defined in the City's "Requirements for the Approval of Subdivision Plans" as follows:

"2.14 Street, Collector means a street the primary purpose of which is to collect a moderate amount of traffic from minor streets and carry it to arterial streets."

An arterial roadway is defined as follows:

"2.13 Street, Arterial means a street which carries large amounts of traffic with a high volume of through traffic and connects to regional highways."

Zoning Ordinance:

The Zoning Ordinance, as amended to date, is applicable to the FASNY Special Permit/Site Plan Application. Section 6 specifically addresses special permit uses and approvals thereof. Section 7 specifically addresses site plans and approvals thereof. All special permit approvals are subject to Section 6.5 Special Permit Standards, and Section 6.5 provides that all special permit uses must comply with the requirements of Section 7.5 Site Plan Standards. At its meeting of December 6, 2010, the Common Council amended the Zoning Ordinance at Sections 2.4, 4.4.25, 6.4.3, 7.4.5 and 10.4.5 to further assure the protection of environmentally sensitive sites and features by, among other things, expanding the buffer areas around such features.

Section 6.5 of the Zoning Ordinance requires that the approving agency for any special permit use approval, which includes the approval of a private secondary or elementary school, "shall attach such additional conditions and safeguards to any special permit as are, in its opinion, necessary to insure initial and continual conformance to all applicable standards and requirements [of the Ordinance]."

Other Land Use Regulations:

Since the acceptance of the Comprehensive Plan in 1997, the Common Council and Planning Board have also been working to establish a linear open space system throughout the city by, among other things:

1. Declaring the Greenway south of Gedney Way as parkland;
2. Requiring the creation of a pedestrian trail in the open space surrounding 1133 Westchester Avenue as part of an amendment to its site plan approval;
3. Determining not to sell certain parcels of City-owned land, which can become part of a linear open space system;
4. Reviewing all site plan and special permit applications



to determine if there is potential for linear open space linkages, including, most recently (2013) by the Planning Board in the German School full environmental review and special permit amendment and subdivision approval; and

5. Adopting a "Complete Streets" policy on June 3, 2013.

Other actions by the Common Council related to preservation of the environment include adoption of the following:

1. Local Law Introductory No. 3 of 2007 adding a new Chapter 7-10 entitled "Flood Damage Prevention;"
2. Ordinance of the Common Council of the City of White Plains repealing Chapter 7-7 of the Municipal Code of the City of White Plains and adding a new Chapter 707 entitled "Prohibition of Illicit Discharges, Activity and Connection to the City of White Plains' Municipal Separate Storm Sewer System (MS4);
3. Ordinance of the Common Council amending the Municipal Code to add a new Chapter 3-6 entitled "Storm Water Management and Erosion and Sediment Control;
4. Local Law Introductory No. 4 of 2007 amending Chapter 9-4 of the Municipal Code entitled "Subdivisions to require, inter alia, for a storm water pollution prevention plan (SWPPP) for preliminary and final subdivision plat approvals; and
5. Ordinance amending the Zoning Ordinance Sections 5.7.4.2, 5.7.4.3, and 7.3.5 by adding a new section to require a storm water pollution prevention plan (SWPPP) consistent with the requirements of Chapter 3-6 of the Municipal Code.

#### A-1. EXPECTED IMPACTS REGARDING COMPREHENSIVE PLAN AND ZONING:

##### Initial Project

The design of FASNY's Initial Project described in the DEIS concentrates development of the proposed School on Parcel A, located between Ridgeway and Gedney Esplanade, and at the southern portion of Parcel D. The expected impacts of the Initial Project include:

1. The Ridgeway access to the Project Site will bring large numbers of vehicles to Ridgeway in a manner that is inconsistent with the stated role of Ridgeway in the Comprehensive Plan as a Collector Street, rather than an arterial roadway
2. The following aspects of the Initial Project do not comply with dimensional and accessory use requirements of the Zoning Ordinance:
  - a. Since the four parcels, which make up the FASNY property, are designated on the City's records as

four separate lots, dimensional standards applicable to a lot must be applied to each lot individually. Therefore, accessory uses such as the ball field on Parcel B and the greenhouse on Parcel C are located on parcels without the principal uses.

- b. The small parking area on Parcel C is located on a parcel without a principal use and no application has been submitted for an off-site satellite parking lot under Section 8.5.2 of the Zoning Ordinance.
  - c. Setbacks of accessory uses, such as tennis courts and certain ball fields from streets do not meet Zoning Ordinance requirements.
  - d. Setbacks of certain structures (e.g. baseball backstop) from streets do not meet Zoning Ordinance requirements.
  - e. Setbacks of parking lots from streets do not meet Zoning Ordinance requirements.
  - f. Setback of Middle School is not sufficient to qualify for exception to height limitation under Section 4.4.15 of the Zoning Ordinance.
  - g. Legally non-conforming tennis courts are being demolished. New tennis courts, as shown do not meet Zoning Ordinance setback requirements. Furthermore, tennis courts require a separate special permit and no application has been submitted for a special permit for these tennis courts.
  - h. Certain athletic fields and parking lots do not comply with Zoning Ordinance Section 4.4.7 "Use of 'Yards'".
  - i. Shared use or lease of athletic fields by outside organizations, except for occasional, informal use, is not permitted as an accessory use under the Zoning Ordinance.
  - j. Special permits are also required for the proposed outdoor basketball, tennis courts, and swimming pool, which is dimensionally legally non-conforming and no application has been submitted for these additional special permits.
3. The design of the Initial Project necessitates that FASNY seek zoning determinations from the Common Council for the Initial Project regarding the following:
- a. Dimensions of parking spaces and aisle widths for parking lots under Zoning Ordinance Section 8.7.1.5.3.

- b. The number of parking spaces to be required for the elementary and secondary school under Zoning Ordinance Sections 8.3 and 6.5.4.
  - c. The adequacy and appropriateness of landscaping pursuant to Zoning Ordinance Section 4.4.19.
  - d. The appropriateness of lighting pursuant to Zoning Ordinance Section 4.4.20.
- 4. The proposed Conservancy located on those portions of the site not defined as the "Campus" and representing approximately 83 acres of the site is not adequately defined to determine if it is a use or accessory use under the Zoning Ordinance and what regulations should apply.
  - 5. The Initial Project is consistent with Zoning Ordinance Section 4.4.25 and Section 3.5 of the Municipal Code, in that it avoids environmentally sensitive features and buffers, including wetlands, stream corridors, buffer areas and naturally occurring steep slopes or rock outcroppings.
  - 6. Although preserving cart paths as trails and creating mowed lawn paths are proposed in the Initial Project for the golf course portion of the Project Site on Parcels B, C and D, no linear open space system is planned through the site. No linear open space system is established through Parcel A or the southern portion of Parcel D. No linkages are provided to City resources such as the High School and YWCA. No bicycle paths are provided. No coordinated system of open space connections and linkages is provided.

A-1 FINDINGS: Based on its review of the Environmental Record, the Lead Agency makes the following Findings regarding the Comprehensive Plan, Zoning and Land Use Policy in relation to the Initial Project. These Findings incorporate the conditions and requirements, if any, necessary for the mitigation of potential significant adverse impacts where such impacts can be effectively mitigated.

FINDING A-1.1: The Initial Project does not comply with the Comprehensive Plan strategies for creating open space linkages cited in the FEIS in response to comments on the DEIS and restated herein above under Existing Conditions. The City's open space system has been and will continue to evolve over time. The City's Comprehensive Plan clearly directs the City to develop a coordinated system of open spaces and open space linkages to preserve and protect the open space character of the City. Although the Initial Project proposes the preservation of a significant amount of open space on the Project Site, it does not address open space linkages. The lack of a coordinated system of open space linkages is also inconsistent with the City's adopted "Complete Streets" policy.

FINDING A-1.2: The Initial Project creates significant, unmitigated adverse impacts on the residential properties

abutting Parcels A, B and D, by locating development in the southern portion of the site with minimal setbacks for athletic fields and parking lots from abutting single family residential properties and city streets. The locating of the FASNY facilities with only minimal setbacks does not represent the intent of the Comprehensive Plan in referencing "clustering techniques" to preserve the environmental and open space character of the site as contemplated in the Comprehensive Plan, as amended. While the Initial Project creates a large area of open space in the so called Conservancy, it does so by sacrificing existing open space adjacent to a number of residential properties abutting Parcels A and D, contrary to the intent of the Comprehensive Plan.

FINDING A-1.3: The Initial Project has a significant adverse impact on the character and operation of Ridgeway as a Collector Street, as identified in the Comprehensive Plan and defined in the City's "Requirements for the Approval of Subdivision Plans", which impact cannot be mitigated with the volume and timing of FASNY traffic as proposed.

FINDING A-1.4: The Initial Project does not comply with many of the dimensional and accessory use requirements of the Zoning Ordinance as listed herein above under Expected Impacts (a. through i.) and in the communication submitting comments on the DEIS from the City's outside project consultant, Susan Habel, dated November 21, 2012, and from the Commissioner of Building, dated November 23, 2012. The Zoning Ordinance has been determined by the Common Council to be consistent with the goals, objectives and strategies of the City's Comprehensive Plan, as amended to date. The Zoning Ordinance states at Section 1.1 Purposes, as its first purpose: "To guide the future growth and development of the City in accordance with a well considered plan, which plan is embodied in this Ordinance." The well considered plan referred to here is the Comprehensive Plan, as amended to date. The Zoning Ordinance is its implementing tool. The Initial Project fails to comply with the Zoning Ordinance as described in the communications cited herein above. The Applicant has not submitted an application for variances to the Board of Appeals under Section 10.3.5 of the Zoning Ordinance. Nor did the Applicant appeal the Commissioner of Buildings' interpretation of the Zoning Ordinance, set forth in his November 23, 2012 communication pursuant to Section 10.3.6 of the Zoning Ordinance, within the statutory time frame. Unless variances are obtained from the Board of Appeals pursuant to Section 10 of the Ordinance, the Initial Project does not comply with the Zoning Ordinance and, therefore, creates an unmitigated significant adverse impact.

FINDING A-1.5: The potential impacts of the Conservancy cannot be determined based on the information provided in the DEIS on the Initial Project. From the DEIS, it is not clear whether the Conservancy would be a use or accessory use under the Zoning Ordinance, or be part of the FASNY School use. More information on the Conservancy than is provided in the DEIS was needed on the use, operation, maintenance, security and management of the Conservancy for the Initial Project. This information is provided in the FEIS but only in relation to the Modified Proposed Project, which also modifies the size and layout of the Conservancy. Before an assessment can be made as to

the Conservancy's impacts in relation to the Initial Project can be made, more information on its use and operation is required.

FINDING A-1.6: The location of parking lots on Parcels A and D are not in compliance with the Zoning Ordinance and create significant adverse impacts on abutting and surrounding residential properties that are not, and cannot be mitigated to the maximum extent practicable merely by the use of landscaping as proposed in the Initial Project. The number of parking spaces (428) shown on the Initial Project is subject to the approval of the approving agency, in this case the Common Council, under Section 8.3 and 5.6.4 of the Zoning Ordinance. The Applicant has not demonstrated in the Initial Project that the number of parking spaces has not been mitigated to the maximum extent practicable.

FINDING A-1.7: The non-conforming parking lot on the northeastern corner of Ridgeway and Hathaway Lane is currently unlit. The Initial Project shows lighting in this parking area. The proposed lighting intensifies the impact of the dimensionally non-conforming accessory parking lot and will have a significant adverse impact on the residence abutting the parking area to the east.

FINDING A-1.8: To mitigate, to the maximum extent practicable, any adverse impacts of lighting, all lighting shall be consistent with Section 4.4.20 of the Zoning Ordinance. If lighting is found to be necessary for public safety reasons as in the recently approved lighting for the new parking lot at 800 North Street for the German School, to mitigate any potential significant adverse lighting impacts, the lighting shall be low bollard lighting.

FINDING A-1.9: In the Initial Project, the landscaping required under the minimum requirements of Section 4.4.19 of the Zoning Ordinance does not adequately mitigate significant adverse impacts of the School uses and accessory uses on abutting neighbors. Section 4.1.2 of the Zoning Ordinance state that "In interpreting and applying this Ordinance, the requirements contained herein are declared to be the minimum requirements necessary for the protection and promotion of the public health, safety, morals, comfort, convenience and general welfare." Where landscaping is being used to mitigate adverse impacts to the maximum extent practicable, meeting the minimum requirements of Section 4.4.19 is not sufficient. Additional landscaping, over and above that required by the Zoning Ordinance is necessary in this instance to mitigate certain adverse visual and light impacts. Among other things regarding landscaping, FASNY shall provide as part of any Special Permit/Site Plan approval process a detailed landscaping plan, covering species, location, installation, and maintenance of all landscaping on the property, which Special Permit/Site Plan approval shall provide that the landscaping plan and its implementation shall be monitored by appropriately designated City staff and/or consultants.

FINDING A-1.10: FASNY needs to obtain all special permits required under the Zoning Ordinance for the principal elementary and secondary school uses as well as the accessory outdoor basketball and tennis court structures, and swimming pool which

is legally dimensionally nonconforming, and a determination from the Common Council as approving agency under Sections 6 and 8 of the Zoning Ordinance of the number of parking spaces required for the secondary and elementary school uses.

FINDING A-1.11: Based on the failure of the Initial Project to: (1) maintain the character of Ridgeway as a Collector Street; (2) comply with the dimensional, accessory use and accessory special permit structure standards and requirements of the Zoning Ordinance; and (3) comply with the Comprehensive Plan open space policy as demonstrated in the Findings A-1 through A-10, the Initial Project has not avoided or mitigated, to the maximum extent practicable, the significant adverse impacts resulting from the inconsistencies of the Initial Project with the City's Comprehensive Plan goals and objectives and Zoning Ordinance requirements.

A-2. EXPECTED IMPACTS REGARDING COMPREHENSIVE PLAN AND ZONING:  
Modified Proposed Project: Ridgeway (MPP/Ridgeway)

1. MPP/Ridgeway replaces proposed traffic signals on Ridgeway at either Driveway A or Hathaway Lane with a left turn area at the Parcel A Driveway and a roundabout at Hathaway Lane. The addition of traffic signals proposed in the Initial Project is no longer proposed in the MMPP/Ridgeway. FASNY further proposes a mandatory busing program to reduce traffic volumes to and from the site, modifications to the intersection at Mamaroneck Avenue and Ridgeway to reduce lane widths to 10.5 feet just south of the intersection to permit the creation of a right turn lane within the existing paved area, and alternate traffic modifications on North Street, no longer proposing the northbound left turn lane pocket be extended at North Street and Ridgeway Avenue.
2. Subject to applying for all required special permits and requesting all required determinations from the Common Council, the MPP/Ridgeway conforms to the Zoning Ordinance use and dimensional requirements.
3. MPP/Ridgeway provides a minimum 75 foot linear open space along the periphery of Parcel A and Parcel D.
4. The 75 foot open space buffer on Parcel A is not accessible to the public, nor is the 75 foot open space buffer along the Campus portion of Parcel D. A sidewalk is provided along the Ridgeway frontage and the western side of Hathaway Lane on Parcel A. No sidewalk or walkway is provided along Hathaway Lane or Gedney Esplanade north of Parcel A.
5. The MPP/Ridgeway does not impact any wetlands, watercourses, natural steep slopes or rock outcroppings, or their respective buffers.
6. In the FEIS Chapter 1.0 "Modified Proposed Project", FASNY provided additional information on the proposed Conservancy, clarifying that, under the Modified

Proposed Project for all access options it would be owned by FASNY and used for educational purposes as part of the school use. It is proposed to be open to the public with management, security and obligation to maintain the property resting with FASNY. This would be provided in an agreement subject to the approval of the City's Corporation Counsel prior to the issuance of a Building Permit for any portion of the site. The requirement for such agreement and its approval by the Corporation Counsel shall be a condition of any Special Permit/Site Plan approval.

A-2 FINDINGS: Based on its review of the Environmental Record, the Lead Agency makes the following Findings regarding the Comprehensive Plan, Zoning and Land Use Policy in relation to the Modified Proposed Project/Ridgeway. These Findings incorporate the conditions and requirements necessary for the mitigation of potential significant adverse impacts where such impacts can be effectively mitigated.

FINDING A-2.1: Although FASNY has proposed different modifications to Ridgeway than were proposed in the Initial Project, including, but not limited to a roundabout at Hathaway Lane, modified curb cuts, a mandatory busing program, modifications to the right turn lane onto Ridgeway from Mamaroneck Avenue, and fewer modifications at North Street and Ridgeway, based on comments received on the DEIS and responses made in the FEIS, including the comments of the Department of Public Safety that the proposed roundabout will create a safety problem and could adversely affect police, fire and emergency vehicle response times, and based on the adverse impacts on pedestrians, especially school children, and cyclists due to modifications to Mamaroneck Avenue at Ridgeway necessitated by the proposed right turn lane, the Applicant's modifications to Ridgeway do not avoid or mitigate, to the maximum extent practicable, potential significant adverse impacts to: (1) the Comprehensive Plan designated role of Ridgeway as a Collector Street; (2) the safety issues raised by the Department of Public Safety; and (3) local pedestrian and vehicular movements on the segment of the local street Hathaway Lane between Ridgeway and Gedney Esplanade due to traffic entering and leaving the Project Site and to FASNY students and staff crossing Hathaway Lane between Parcels A and D.

FINDING A-2.2: MPP/Ridgeway addresses the issue of over concentrating the School on the southern portion of the site by creating a minimum 75 foot buffer from all residential properties abutting Parcels A, B and D to all athletic facilities and parking lots, and by reducing the number of parking spaces on the property from 428 to 378. The size and location of parking is of particular concern in that large parking lots abutting residential properties are not consistent with the character of a single family residential neighborhood. In the MPP/Ridgeway, although the number of parking spaces has been reduced from 428 to 378 and the location of the parking lots, as shown in the Initial Project, have been modified to some extent, including relocating them a minimum of 75 feet from abutting residential properties and streets, the potential significant adverse impacts of the parking lots abutting residential properties on Parcels A

and D, have not been mitigated, to the maximum extent practicable, as further reductions in lot sizes, number of parking spaces and adjustments in locations could be achieved. Although the landscaping of the parking lots complies with the minimum requirements of Section 4.4.19 of the Zoning Ordinance, the landscaping does not serve to mitigate the parking lot impacts to the maximum extent practicable since the legally non-conforming parking lot on Parcel D is located very close to the abutting residence on Ridgeway and this impact is not proposed to be mitigated in MPP/Ridgeway as it is in MPP/North Street and MPP/Bryant.

FINDING A-2.3: To comply with Section 6 of the Zoning Ordinance, FASNY needs to obtain all special permits required under the Zoning Ordinance for both the principal elementary and secondary school uses, as well as the accessory outdoor basketball and tennis court structures, and the swimming pool, which is legally nonconforming, and obtain a determination from the Common Council, as approving agency under Sections 6 and 8 of the Zoning Ordinance, of the number of parking spaces required for the secondary and elementary school uses.

FINDING A-2.4: As noted in Finding A-1.2 herein above, unless variances are obtained pursuant to Section 10 of the Zoning Ordinance, failure to comply with the Zoning Ordinance, including obtaining all necessary special permits for uses and structures, shall constitute an unmitigated significant adverse impact. MPP/Ridgeway does comply with the use, dimensional, and accessory use requirements of the Zoning Ordinance as listed herein above under Expected Impacts (a. through j.). For MPP/Ridgeway to be in compliance with the special permit requirements of the Zoning Ordinance for the tennis court, basketball court, and swimming pool, FASNY is required by the Zoning Ordinance to submit as part of its Special Permit/Site Plan application, applications for these structures.

FINDING A-2.5: The traffic volume to and from the FASNY School will still have a significant adverse impact on the primary purpose of Ridgeway as a Collector Street, as identified in the Comprehensive Plan and defined in the City's "Requirements for the Approval of Subdivision Plans."

FINDING A-2.6: MPP/Ridgeway identifies an east-west bicycle path across Parcel D from Hathaway Lane to North Street across from the High School. The bike path begins on Hathaway Lane north of the pedestrian access point on Parcel D as shown on FEIS Figure 1.0-5. This east-west bike path was added by FASNY as a measure to help mitigate the adverse impacts on the surrounding neighborhoods and to address the Comprehensive Plan open space linkages objectives. Although an important modification to the project, further measures are needed to mitigate potential adverse impacts of increased vehicular traffic from the FASNY School on auto/bicycle road sharing and safety in the Affected Area, particularly on the arterial (Bryant Avenue and North Street) and collector (Ridgeway) streets near to the FASNY School, where youth are biking to schools, such as White Plains High School, and to facilities like the YWCA. As currently proposed by FASNY in the MPP/Ridgeway, cyclists on Ridgeway would need to go through the roundabout and use Hathaway from Ridgeway



to access the proposed east-west bicycle pathway. However, the roundabout and the portion of Hathaway from Ridgeway to Gedney Esplanade would also be carrying all of the FASNY traffic both entering and exiting the Campus. The Common Council finds that such potential adverse impacts can be mitigated by providing an alternate north-south bicycle route through the FASNY site which, in conjunction with the east-west bicycle route proposed by FASNY on Parcel D, will enable cyclists as well as pedestrians to avoid or limit use of the arterial and collector streets cited above. To enable this mitigation in the MPP/Ridgeway, any Special Permit/Site Plan approval should provide for, in addition to the proposed east-west pedestrian and bicycle pathways across Parcel D, pedestrian paths as proposed and a north-south bicycle pathway through (1) the proposed publicly accessible Conservancy from Bryant Avenue to Gedney Esplanade, and through (2) the Campus area from Ridgeway to Gedney Esplanade, with connection to the proposed east-west bicycle path on Parcel D. Such bicycle and pedestrian paths could be located within the 75 foot setback along the western property line of Parcel A, and thus not affect the operation or security of the FASNY Campus area. This would facilitate pedestrian and bicycle access to and through the FASNY property to mitigate traffic/cyclist safety and traffic movement impacts, and would support the creation of a coordinated trailway system as articulated in the City's Comprehensive Plan. The primary north-south and east-west bicycle and pedestrian linkages would need to be maintained year-round. Provision for the bicycle and pedestrian trailways and linkages described in this Finding, including year-round maintenance, should be incorporated in a Conservancy Master Plan the essential elements of which Plan would be subject to the approval of the Common Council as part of any Special Permit/Site Plan approval.

FINDING A-2.7: Any agreement on the ownership, operation, security and maintenance of the Conservancy must be set forth in a detailed Conservancy Master Plan, the essential terms of which must be approved as part of any Special Permit/Site Plan approval. Any Special Permit/Site Plan shall further provide a condition that the final Conservancy Master Plan be subject to the technical review and final acceptance by the City's Corporation Counsel and appropriately designated City staff and/or consultants prior to the issuance of a Building Permit, for any portion of the site, that it satisfies the terms of any Special Permit/Site Plan approval.

MPP/Ridgeway access option provides greater detail on the ownership, operation, security and maintenance of the Conservancy. Under FASNY ownership and as part of the school grounds, the Conservancy will not be a separate use. For the MPP/Ridgeway, FASNY proposes to permit, and a restrictive covenant/easement on the use of the property would so provide, for public access to and through the Conservancy portion of the site for pedestrians and cyclists on designated pathways. The restrictive covenant/easement, as proposed, would prohibit use of the property for any non-educational use other than the public access described herein and in FINDING A-2.6. For MPP/Ridgeway, FASNY proposes to provide pedestrian paths on Parcels B, C and D, and a bicycle pathway running east-west on Parcel D. As proposed, only pedestrian pathways would run north-south. No bicycle pathway is proposed running north-south and no pedestrian or

bicycle pathways are proposed within the Campus portion of the site on Parcel A or lower Parcel D, thus providing no pathways from Ridgeway to Gedney Esplanade. A sidewalk is proposed to be provided on Hathaway Lane. As described in Finding A-2.6, the Common Council finds that FASNY's proposed public access for MPP/Ridgeway does not adequately mitigate adverse impacts on residents, including youth cycling to nearby schools and facilities such as White Plains High School and the YWCA, and to the character of the surrounding neighborhood from FASNY's traffic and operation. Any Special Permit/Site Plan approval shall approve the essential terms of any proposed restrictive covenant/easement governing the public access to and through the Project Site, including within the Conservancy and within the Campus western setback on Parcel A, and shall provide that the final restrictive covenant/easement be approved by the Corporation Counsel prior to the issuance of any Building Permits for any portion of the site. The Conservancy development is planned in two Stages or Phases. Stage 1 would be implemented in coordination with, and as a condition to, receiving Certificates of Occupancy for Phase 1 of the Campus development. Stage 2 implementation includes longer term actions to be taken by FASNY as funding becomes available. Any Special Permit/Site Plan approval shall provide that no Certificate of Occupancy shall be issued for Phase I of the Campus development until Stage 1 of the Conservancy is completed; and shall further provide that no Building Permit shall be issued for Phase II of construction on the Campus until Stage 1 of the Conservancy development is complete.

FINDING A-2.8: The dimensionally non-conforming parking lot on the eastern corner of Ridgeway and Hathaway Lane is currently not illuminated. Like the Initial Project, MPP/Ridgeway shows the addition of lighting in this parking area, which it proposes to maintain as legally non-conforming. The proposed lighting intensifies the impact of the dimensionally non-conforming accessory use and, as proposed, will have significant adverse impacts on the residence abutting the parking area. Any Special Permit/Site Plan approval must provide for no lighting of this parking area, as is the current condition, unless determined necessary by the Commissioner of Public Safety for safety reasons, in which case low bollard lighting should be provided for safety purposes, as in the German School Special Permit/Site Plan approval.

FINDING A-2.9: To ensure that lighting impacts are mitigated to the maximum extent practicable, any Special Permit/Site Plan approval shall include a condition that all lighting subject to review under the Zoning Ordinance would be subject to the final review and acceptance by the appropriately designated City staff and/or consultants prior to the issuance of any Certificate of Use or Occupancy.

FINDING A-2.10: Like the Initial Project, in MPP/Ridgeway, the landscaping required under the minimum requirements of Section 4.4.19 of the Zoning Ordinance does not adequately mitigate significant adverse impacts of the School uses and accessory uses on abutting neighbors. As stated herein above, Section 4.1.2 of the Zoning Ordinance states that "In interpreting and applying this Ordinance, the requirements

contained herein are declared to be the minimum requirements necessary for the protection and promotion of the public health, safety, morals, comfort, convenience and general welfare." Where landscaping is being used to mitigate adverse impacts to the maximum extent practicable, meeting the minimum requirements of Section 4.4.19 is not sufficient. Additional landscaping, over and above that required by the Zoning Ordinance is necessary in this instance to mitigate certain adverse visual and light impacts. Among other things regarding landscaping, a detailed landscaping plan covering species, location, installation, and maintenance of all landscaping on the site must be approved as part of any Special Permit/Site Plan approval process. Any such Special Permit/Site Plan approval of the landscaping plan and its implementation shall include a requirement that it be monitored by appropriately designated City staff and/or consultants.

FINDING A-2.11: Although the MPP/Ridgeway does comply with the Zoning Ordinance dimensional and accessory use and structure standards as described in the Findings herein above, based on Findings A-2.1, A-2.3, and A-2.5 through A-2.10 listed herein above, MPP/Ridgeway does not avoid or mitigate to the maximum extent practicable significant adverse impacts resulting from lack of compliance with the City's Comprehensive Plan goals and objectives and the Zoning Ordinance requirements as demonstrated by its failure to: (1) preserve the Comprehensive Plan designated role of Ridgeway as a Collector Street; (2) protect the safety of Ridgeway and the delivery of emergency services based on issues raised by the Department of Public Safety with regard to the roundabout; (3) provide adequate protection of local pedestrian and vehicular movements on the segment of the local street Hathaway Lane between Ridgeway and Gedney Esplanade due to traffic entering and leaving the Project Site and to FASNY students and staff crossing Hathaway Lane between Parcels A and D; and (4) address the City's Comprehensive Plan open space linkage objectives to provide connectivity between Ridgeway, public facilities such as the High School and YWCA, and Bryant Avenue.

A-3. EXPECTED IMPACTS REGARDING COMPREHENSIVE PLAN AND ZONING:  
Modified Proposed Project/North Street: (MPP/North Street)

1. MPP/North Street eliminates access from Ridgeway onto the Project Site for all but trash/recycling collection, deliveries, and a small parking lot for administrators.
2. Subject to applying for all required special permits and requesting all required determinations from the Common Council, the MPP/North Street conforms to the Zoning Ordinance use and dimensional requirements, except with respect to the location of the large ball field on Parcel D near Southdale Road, and the fact that the access road from North Street passes through the City regulated wetland restrictive buffer. A restrictive buffer area is defined in Section 2 of the Zoning Ordinance "as regulated under Section 4.4.25 of the Zoning Ordinance, an area surrounding a wetland, water resource, or aquifer recharge area defined in Section 3.5.2 of the Municipal Code with thresholds

defined in Section 3.5.3 thereof, or a 'protective buffer area' as defined in this Ordinance, in which the placement of 'buildings', 'structures,' and 'parking lots' are prohibited; and in which roads, driveways, residential parking, and site alterations as described in Section 3.5.4(1) of the Municipal Code shall be avoided to the maximum extent practicable, with landscaping required pursuant to Section 4.4.19 of this Ordinance." The Commissioner of Public Works has provided the following list of expected impacts of the MPP/North Street from the placement of a baseball field on the northerly end of Parcel D near Southdale Road, and the expected impacts from the proposed roadway on Parcel D out to North Street, which was realigned on plan #CIP-1, dated 06/27/2013, to accommodate the ball field. Some of DPW's concerns with the latest configuration are:

- a. The area in question, Parcel D, is partially in a NYS DEC regulated location, protected under the Freshwater Wetlands Act.
- b. Substantial cut and fill for the ball field to be located north of the wetlands is proposed.
- c. Slopes to the field drop more than 200 feet in a 100 foot distance; with high retaining walls approximately 400 feet long.
- d. Water is directed in a narrow channel behind residences on Northdale and Southdale Road, in lieu of the existing, relatively gentle sweep across several acres, away from the houses.
- e. Water quality is also degraded with the field as the channeled water is moving at a much higher velocity.
- f. The field will add significant impervious area; clay infield, baselines, pathways, etc.
- g. The field drawing does not show the reasonable expected area necessary for a typical school field, including, but not limited to, backstop fencing, sideline protective fencing, dugout team benches or bleachers, location for minimal spectators.
- h. Locations for parking for spectators or a concrete path to proposed school parking lots within the Campus area is not provided. The impact of roughly 1,000 feet of additional impervious material is not calculated.
- i. Due to the field location, the driveway to North Street is relocated well within the 100 foot wetland buffer and will most likely encroach into the 50 foot restrictive buffer at points.

The ball field presents such significant problems and complications that the present Stormwater Pollution Prevention Plan (SWPPP) materials cannot be considered to be accepted.

3. Stormwater basin relocation is necessary to place the ball field at this location, as well as the addition of another stormwater basin due to the additional impervious surface.
4. Section 4.4.25.5.5 of the Zoning Ordinance specifically addresses impacts to steep slopes on environmentally sensitive sites. This section is applicable to the proposed alteration of Parcel D near Southdale Road to enable the construction of the proposed ball field. This section provides:

25.5.5 For a rock outcropping or steep slope area, to the maximum extent practicable, the following avoidance, minimization and mitigation measures shall apply, as determined appropriate by the approving agency:

25.5.5.1 Avoid impacts or minimize and mitigate the degree to which the proposed development of the area creates an unnatural shape to the slopes on the site;

4.4.25.5.5. Avoid impacts or minimize and mitigate the degree to which the proposed development of the site would impact rock outcroppings and steep slopes, through terracing, landscaping, retaining walls or otherwise;

4.4.25.5.5.3 Avoid impacts or minimize and mitigate the degree to which the proposed development of the site would impact the views of the steep slope and surrounding areas;

4.4.25.5.5.4 Avoid impacts or minimize and mitigate the degree to which the proposed development would impact erosion and the stability of the steep slope, both during and after construction.

The location and design of the ball field do not conform to Section 4.4.25.5.5 of the Zoning Ordinance.

5. The minimum 75 foot linear open space along the western side of Parcel A includes a publicly accessible trail with linkage to the open space trails on Parcels B and C. The Parcel B walking trails do not connect across Hathaway to the Parcel D east-west bicycle trail. There is no access to a north-south trail on Parcel D until north of the Campus. There is no planned system of interconnected pedestrian and bike trails among and between the four parcels.
6. In the FEIS Chapter 1.0 "Modified Proposed Project," FASNY provides additional information on the proposed

Conservancy, this information cited hereinabove under MPP/Ridgeway applies equally to MPP/North Street.

7. The MPP/North Street has further reduced the number of parking spaces on the Project Site from 428 to 366 spaces. The parking lot to the north of the Middle School and Performing Arts buildings has been reduced to 80 parking spaces. The parking on Parcel D has been removed from the 75 foot setback area and is no longer non-conforming.
8. Like MPP/Ridgeway, MPP/North Street proposes a mandatory busing program, which requires 75% of students in grades 1st to 12th to ride buses.
9. A portion of Hathaway Lane would be closed and discontinued, becoming part of the FASNY Project Site, with a parking area located partially within the former right of way. Emergency vehicle access would be maintained to and through the Project Site.
10. MPP/North Street increases the High School setback from Ridgeway by demolishing the existing clubhouse and locating the new building outside the 75 foot front yard setback. The annex building and swimming pool would remain and would still be dimensionally non-conforming.
11. A new separate bus drop-off area would be created on Parcel A for the upper schools and on Parcel D for the Lower School.
12. Like MPP/Ridgeway, MPP North Street provides a minimum 75 foot linear open space along the periphery of Parcel A and Parcel D.

A-3 FINDINGS: Based on its review of the Environmental Record, the Lead Agency makes the following Findings regarding the Comprehensive Plan, Zoning and Land Use Policy in relation to the Modified Proposed Project/North Street. These Findings incorporate the conditions and requirements necessary for the mitigation of potential significant adverse impacts where such impacts can be effectively mitigated.

FINDING A-3.1: Unlike MPP/Ridgeway, MPP/North Street eliminates vehicular access to the Project Site from Ridgeway, except for a service entrance and 15 space parking lot, thereby preserving the role of Ridgeway as a Collector Street, consistent with the City's Comprehensive Plan.

FINDING A-3.2: MPP/North Street partially mitigates the adverse impacts of the FASNY School on the open space character of the area by providing public access to the site by creating a north-south pedestrian trail, which links the sidewalk on Ridgeway on the Project Site to Bryant Avenue sidewalks via north-south pedestrian pathways in the Conservancy on Parcels B, C and D and a pedestrian pathway through the western setback area of the Campus on Parcel A, with links to the east-west pedestrian and bicycle pathways to other community facilities such as White

Plains High School and the YWCA. The sidewalk on the north side of Ridgeway along the Project frontage is proposed to connect to a publicly accessible pedestrian trail along the western side of Parcel A to Gedney Esplanade, across from Parcel B. Parcel B provides pedestrian access north-south across Heatherbloom Road to Parcel C, and across Parcel C to Bryant Avenue. There is a pedestrian trail entrance to Parcel D across from Robinhood Lane and the east-west bike path on Parcel D at Hathaway Lane near Heather Lane. However, like MPP/Ridgeway, the pathways are not fully coordinated in a planned system of trail linkages among the four parcels in both east-west and north-south directions. Furthermore, although FASNY proposes a pedestrian pathway for MPP/North Street running north-south through the western setback portion of Parcel A in the Campus and connecting across Gedney Esplanade to the Conservancy pedestrian pathways of Parcels B, C or D, no bicycle pathway is proposed thus providing no bicycle pathway from Ridgeway to Bryant Avenue. Further measures are needed to mitigate potential adverse impacts of increased vehicular traffic on auto/bicycle road sharing and safety in the area of the MPP/North Street access, and particularly on the arterial (Bryant Avenue and North Street) and collector (Ridgeway) streets near the FASNY School and White Plains High School during AM and PM peak periods, where youth are biking to/from schools, such as White Plains High School, and to/from facilities like the YWCA. As currently proposed by FASNY in the MPP/North Street, cyclists on Ridgeway would have no access to the proposed FASNY's east-west bicycle pathway that enables cyclists to access the High School and YWCA but only from interior neighborhood streets. The Common Council finds that such potential adverse impacts can be mitigated by providing a north-south bicycle route through the FASNY Conservancy Parcels B, C and/or D and through the proposed western setback on Parcel A where pedestrian pathways have already been proposed, which in conjunction with the east-west bicycle route proposed by FASNY on Parcel D, will enable cyclists as well as pedestrians to avoid or limit use of the arterial and collector streets cited above. To enable this mitigation in the MPP/North Street, access option, any Special Permit/Site Plan approval should require that, in addition to the proposed east-west pedestrian and bicycle pathways across Parcel D, pedestrian and bicycle connections should be provided through (1) the proposed publicly accessible Conservancy from Bryant Avenue to Gedney Esplanade with a connection to the proposed east-west bicycle and pedestrian pathways, and through (2) the Campus area from Ridgeway to Gedney Esplanade within the setback area on the western side of Parcel A through which a pedestrian pathway is already proposed, with connection to the north-south bicycle and pedestrian pathways in the Conservancy described in (1) herein above. Such bicycle and pedestrian paths would facilitate pedestrian and bicycle access to and through the open space portions of the FASNY property to mitigate traffic/cyclist safety and traffic movement impacts, and would support the creation of a trailway system as articulated in the City's Comprehensive Plan. The primary north-south and east-west bicycle and pedestrian linkages would need to be maintained year-round. Provision for the bicycle and pedestrian trailways and linkages including year-round maintenance, should be incorporated in a Conservancy Master Plan which Plan would be subject to the approval of the Common Council as part of any Special Permit/Site Plan approval.

The MPP/North Street access option provides greater detail on the ownership, operation, security and maintenance of the Conservancy. Under FASNY ownership and as part of the school grounds, the Conservancy will not be a separate use. For the MPP/North Street, FASNY proposes to permit, and a restrictive covenant/easement on the use of the property would so provide, for public access to and through the Conservancy portion of the site for pedestrians and cyclists on designated pathways. The restrictive covenant/easement, as proposed, would prohibit use of the property for any non-educational use other than the public access. Any Special Permit/Site Plan approval must approve the essential terms of any proposed restrictive covenant/easement governing the public access to and through the Project Site and shall provide that the final restrictive covenant/easement be approved by the Corporation Counsel prior to the issuance of any Building Permits for any portion of the site. The Conservancy development is planned in two Stages or Phases. Stage 1 would be implemented in coordination with, and as a condition to, receiving Certificates of Occupancy for Phase 1 of the Campus development. Stage 2 implementation includes longer term actions to be taken by FASNY as funding becomes available. Any Special Permit/Site Plan approval shall provide that no Certificate of Occupancy shall be issued for Phase I of the Campus development until Stage 1 of the Conservancy is completed; and shall further provide that no Building Permit shall be issued for Phase II of construction on the Campus until Stage 1 of the Conservancy development is complete.

FINDING A-3.3: MPP/North Street addresses the issue of over concentrating the FASNY School on the southern portion of the site by: creating a minimum 75 foot buffer along all residential properties abutting Parcels A, B and D to all athletic facilities and parking lots; by further reducing the number of parking spaces on the property from 428 to 366; and reducing the size of the parking lot on the north side of Parcel A and on Parcel D, by proposing the discontinuance of Hathaway Lane from Ridgeway to the southern edge of 57 Hathaway Lane. Any de-mapping of Hathaway lane would require that FASNY provide, as a condition of any Special Permit/Site Plan approval and at its own expense, for continued street access for those properties that would have their access limited by the de-mapping, in a manner that does not infringe on the property rights of those affected property owners, including, but not limited to, any rights they may have to the center line of Hathaway Lane as a result of any such discontinuance. The proposed discontinuance of this portion of Hathaway Lane requires separate approval of the Common Council, after a duly noticed public hearing, pursuant to Section 152 of the Charter of the City of White Plains.

The number of parking spaces and the size and location of parking areas is of particular concern in that large parking lots are generally not consistent with the character of a single family residential neighborhood. The parking lot on Parcel A is proposed by FASNY to be reduced to 80 parking spaces and moved further from 57 Hathaway Lane; and a central parking area located partially in the discontinued portion of Hathaway Lane and not adjacent to any residences is proposed by FASNY to be created. The parking lot on Parcel D has also been reduced in size and pulled further from the abutting residential properties, and is



no longer legally nonconforming. Pursuant to Sections 8.3 and 6.5-4 of the Zoning Ordinance, the appropriate number of parking spaces and their location must be determined by the Common Council, as approving agency, as part of any Special Permit/Site Plan approval. This determination shall take into consideration the number of students and staff for the special permit elementary and secondary school use and accessory nursery school use, the distance of parking lots and driveways from single family residences necessary to provide mitigation of the adverse impacts of noise, fumes and lights, the techniques of providing parking permitted in the Zoning Ordinance, including, among others satellite parking, stacked parking, waiver of partial improvements. The requirement being, as stated in Section 6.5 of the Zoning Ordinance to "comply with the Section 6.5 standards, in addition to the 'site plan' standards in Section 7.5". In the case of parking for private elementary and secondary schools, at Section 8.3 of the Zoning Ordinance, the Common Council is specifically made responsible for determining the number of parking spaces to be required pursuant to Section 6.5.4 under Section 8. The Applicant has based its parking spaces on a student body of 1200 students and necessary staff. The Applicant has not demonstrated an allocation or distribution of parking on the Project Site for any other level of students and staffing. The Common Council, pursuant to the Zoning Ordinance, shall make a determination as to the number of parking spaces required, size of such spaces and aisle widths, and the location on the site and method such parking shall be provided, based on its determination of the number of students and staff that can be accommodated on the Project Site while mitigating to the maximum extent practicable all significant adverse impacts. Any Site Plan/Special Permit application shall adjust parking to reflect the student and staffing size reflected in Section J of these Findings for the North Street access option, which parking modifications shall be considered as part of any Special Permit/Site Plan approval. Options for consideration to reduce adverse parking impacts include a further reduction in the number of parking spaces based on modification to the size of the student body and staff, size of such spaces and aisle widths, relocation of spaces further away from residences, and alternative methods of parking, as noted above, of satellite parking, partial waiver of construction of parking spaces and stacked parking.

FINDING A-3.4: Varying setback standards is permitted under Section 4.4.25 of the Zoning Ordinance to protect environmentally sensitive features. FASNY's proposal to locate the access road from North Street through a portion of the wetland restrictive buffer of the City regulated wetland on Parcel D does not protect environmentally sensitive features and their buffers to the maximum extent practicable. Pursuant to Section 2.4 Definition of "Restrictive Buffer", the construction of " roads, driveways, residential parking, and site alterations as described in Section 3.5.4(1) of the Municipal Code shall be avoided to the maximum extent practicable. " In this case, the significant adverse impact has not been avoided, to the maximum extent practicable, because the roadway can be removed from the restrictive buffer and placed outside all buffer areas with the removal of the ball field, which the Commissioner of Public Works has demonstrated will itself have a significant adverse storm water impact that

cannot be adequately mitigated through an approvable Stormwater Pollution Prevention Plan. Therefore, the road through the restrictive wetland buffer represents a significant adverse impact on this environmentally sensitive area, which can be fully avoided by relocating the roadway out of the wetland buffers but cannot be mitigated in its proposed alignment. (For more findings see Sections B. Geology, Soils and Topography and C. Wetlands, Hydrology and Stormwater of this Findings Statement)

FINDING A-3.5: As noted in Finding A-1.2 herein above, failure to comply with the Zoning Ordinance, unless variances are obtained pursuant to Section 10 of the Zoning Ordinance, constitutes an unmitigated significant adverse impact. MPP/North Street does comply with the dimensional and accessory use requirements of the Zoning Ordinance as listed herein above under Expected Impacts (a. through j.) except for the location of the access road in the "restrictive buffer" of the wetland and the creation of steep slopes and significant retaining walls to establish the proposed ball field. (See Finding A-3.5 for discussion of access road impacts.)

FINDING A-3.6: MPP/North Street, like MPP/Ridgeway, identifies an east-west bicycle path across Parcel D from Hathaway Lane to North Street at the High School. The bike path begins on Hathaway Lane north of the pedestrian access point on Parcel D as shown on FEIS Figure 1.0-5. This east-west bike path was added as a measure to help mitigate the adverse impacts on the surrounding neighborhoods and adverse traffic/bicycle impacts on roadways such as Bryant Avenue, North Street and Ridgeway resulting from the increased FASNY School traffic, and to address the Comprehensive Plan open space linkages objectives and City "complete streets" policy. Although an important modification to the project, As noted in Finding A-3.2 with regard to MPP/North Street, it does not adequately mitigate the adverse impacts related to vehicle/bicycle and pedestrian safety and neighborhood character, it nor does it not address the objectives of the City's open space system and linkages policy and or the recently adopted "complete streets" policy. To address the potential adverse impacts to traffic/bicycle safety and movement and enable a planned system of trails and linkages, any Special Permit/Site Plan shall provide for a north-south bicycle path through the already identified setback area on the western side of Parcel A of the Campus and through Parcels B, C and/or D of the Conservancy, with better connections to pedestrian trails and the proposed east-west bicycle pathway through the publicly accessible Conservancy. (See Finding A-3.2 for further detail for MPP/North Street and Finding A-2.6 and A-2.7 for MPP/Ridgeway. See also Finding G-6).

FINDING A-3.7: MPP/North Street, like MPP/Ridgeway, provides greater detail on the ownership, operation, security and maintenance of the Conservancy. Under FASNY ownership and as part of the school grounds, the Conservancy will not be a separate use. MPP/Ridgeway Finding A-2.7 applies equally to MPP/North Street.

FINDING A-3.8: To mitigate, to the maximum extent practicable, any adverse impacts of lighting, all lighting shall be consistent with Section 4.4.20 of the Zoning Ordinance. If

lighting is found to be necessary for public safety reasons, like the recently approved lighting for the new parking lot at 800 North Street for the German School, to mitigate any potential significant adverse lighting impacts, the lighting be required to be low bollard lighting.

FINDING A-3.9: Like the Initial Project and MPP/Ridgeway, the landscaping required under the minimum requirements of Section 4.4.19 of the Zoning Ordinance does not adequately mitigate significant adverse impacts of the School uses and accessory uses on abutting neighbors. As stated herein above, Section 4.1.2 of the Zoning Ordinance states that "In interpreting and applying this Ordinance, the requirements contained herein are declared to be the minimum requirements necessary for the protection and promotion of the public health, safety, morals, comfort, convenience and general welfare." Where landscaping is being used to mitigate adverse impacts to the maximum extent practicable, meeting the minimum requirements of Section 4.4.19 is not sufficient. Additional landscaping, over and above that required by the Zoning Ordinance is necessary in this instance to mitigate certain adverse visual and light impacts. Among other things regarding landscaping, a detailed landscaping plan covering species, location, installation, and maintenance of all landscaping on the property must be approved in any Special Permit/Site Plan approval. Any such Special Permit/Site Plan approval of the landscaping plan and its implementation shall include a requirement that it be monitored by appropriately designated City staff and/or consultants.

FINDING A-3.10: To comply with Section 6 of the Zoning Ordinance, FASNY needs to obtain all special permits required under the Zoning Ordinance for the principal elementary and secondary school and accessory nursery school uses, as well as the accessory outdoor basketball and tennis court structures, and the swimming pool, which is legally nonconforming, and obtain a determination from the Common Council, as approving agency under Sections 6 and 8 of the Zoning Ordinance, of the number of parking spaces required for the secondary and elementary school uses.

FINDING A-3.11: The ball field proposed to be located near Southdale Road on Parcel D will have a significant adverse impact on the environment in that the proposed alteration to the site does not conform to the requirements of the Zoning Ordinance at Section 4.4.25.5.5 to protect steep slopes, in that: (1) it creates an unnatural shape to the existing slopes on the Project Site; (2) does not avoid, minimize or mitigate through the use of retaining walls, the degree of alteration of the natural slope; and (3) does not avoid or adequately mitigate the impact of the proposed alteration in the existing slope on the stability of the moderately erodible soils, which make up the existing slope. See also Section B; Geology, Soils and Topography and Section C: Wetland, Hydrology and Stormwater. The ball field near Southdale Road creates significant adverse impacts to stormwater flow on this portion of Parcel D and significant adverse impacts to existing slopes on the Project Site by the creation of artificial steep slopes and significant retaining walls, both in length and height.

FINDING A-3.12: Subject to the implementation of all conditions and requirements set forth in Findings A-3.1 through A-3.11 to avoid or mitigate, to the maximum extent practicable, potential significant adverse impacts of the MPP/North Street, and specifically excluding the approval of: (1) the proposed ball field on Parcel D near Southdale Road for which the Applicant has failed to demonstrate that significant adverse impacts can be avoided or mitigated; and (2) the access road from North Street passing through the City designated wetland buffer, as addressed in Findings A-3.4, A-3.5, and A-3.11, MPP/North Street is consistent with the City's Comprehensive Plan and Zoning Ordinance.

#### A-4. EXPECTED IMPACTS COMPREHENSIVE PLAN AND ZONING: Modified Proposed Project/Bryant Avenue (MPP/Bryant Avenue)

MPP/Bryant Avenue provides an access road running from Bryant Avenue to the Campus.

A-4 FINDINGS: Based on its review of the Environmental Record, the Lead Agency makes the following Findings regarding the Comprehensive Plan, Zoning and Land Use Policy in relation to the Modified Proposed Project/Bryant Avenue. These Findings incorporate the conditions and requirements necessary for the mitigation of potential significant adverse impacts where such impacts can be effectively mitigated.

FINDING A-4.1: All of the Findings for MPP/North Street related to the Modified Proposed Project south of the east-west portion of the MPP/North Street roadway linkage to North Street apply equally to the MPP/Bryant Avenue access option.

FINDING A-4.2: The MPP/Bryant Avenue access road does not impact any mapped wetlands or watercourses, or their respective buffers.

FINDING A-4.3: Any storm water impacts of the access road from Bryant Avenue and Hathaway, running south to the point at which it intersects with the alternative MPP/North Street access option roadway (see FEIS Figure i-5) cannot be assessed as there is insufficient information available regarding stormwater flow and management for this access roadway and for the proposed ball field location. The FEIS at Chapter 3.04 "Wetlands, Hydrology and Stormwater" states "A stormwater analysis for the MPP/Bryant Avenue has not been completed by FASNY to a sufficient level for the FEIS to address substantive issues raised by the Commissioner of Public Works and can therefore not be assessed and considered as an access option at this time." If this access option were to be considered further, a Supplemental Environmental Impact Statement assessing stormwater impacts must be prepared.

FINDING A-4.4: Any traffic impacts of the proposed intersection of a realigned Hathaway Lane and Bryant Avenue, and any traffic impacts of an access road from Bryant Avenue and a realigned Hathaway, running south to the point at which it intersects with the alternative MPP/North Street access option roadway (see FEIS Figure i-5) cannot be assessed as there is insufficient information available regarding traffic impacts for the proposed realigned intersection at Bryant Avenue, the access

roadway itself, and for the proposed ball field location. If this access option were to be considered further, a Supplemental Environmental Impact Statement assessing traffic impacts, in addition to stormwater impacts must be prepared. See also Section J: Traffic and Transportation with respect to MPP/Bryant Avenue.

FINDINGS B: FINDINGS REGARDING GEOLOGY, SOILS AND TOPOGRAPHY and

FINDINGS C: FINDINGS REGARDING WETLANDS, HYDROLOGY AND STORMWATER

#### SUMMARY OF EXISTING CONDITIONS:

The soil conditions on the property are identified in FEIS Figure 3.2-1 "Soil Erosion Classification" the on-site soils, as listed by the Natural Resource Conservation Service include slight to moderate erosion classifications, with an area of the project site not proposed for development being classified as highly susceptible to wind erosion. Key elements of the proposed Campus are located on the following soil classifications:

- |    |   |          |                    |
|----|---|----------|--------------------|
| 1. | All development on Parcel A (RdB and PnB soil types)      | Erosion: | slight             |
| 2. | Any development of Parcel B (PnB and RdB soil types)      | Erosion: | slight             |
| 3. | Any development of Parcel C (PnB, RdB, PnC soil types)    | Erosion: | slight to moderate |
| 4. | Parcel D Lower School and most of parking (ChB soil type) | Erosion: | slight             |
| 5. | Parcel D Parking areas near Hathaway (LcB soil type)      | Erosion: | moderate           |

6. Parcel D ball Erosion: moderate  
field on upper  
Parcel D (PNC  
and LcB soil  
types)

Soils LcB and RdB are soil types in Westchester and Putnam Counties known to contain hydric soils.

As stated in FEIS Response 3.4-7 "Pursuant to the vast amount of hydric soils in and around the proposed infiltration practices (i.e. stormwater management practice (SMP) facilities), and further complicated by the high ground water table, additional soil testing for the SMP's were requested and performed in accordance with the current NYSDEC Stormwater Design Manual on April 17, 2012, and witnessed by DPW." The Commissioner of Public Works required that additional soil test borings be made and "in-situ soil permeability tests" conducted. Soil tests showed that LcB and RdB soil types containing hydric features were present on the site in the areas shown on FEIS Figure 3.2-1 "Soil Erosion Classification". A map showing the location of the borings is in the FEIS as Figure 3.3-1.

There is a NYS registered wetland, Wetland G-7 and its associated 100 foot buffer located on Parcel D. Also located on Parcel D adjacent to Wetland G-7 are wetland and buffer areas regulated by the City of White Plains under Section 3.5 of the Municipal Code and Section 4.4.25 of the Zoning Ordinance. The existing pond drains to NYS DEC wetland G-7 in the southeastern corner of Parcel D. Wetland G-7 drains to properties to the south through a pipe that is part of the City's drainage system that crosses under Ridgeway.

At the end of the pond, within the NYS Wetland G-7 area, is an earthen berm which has been classified by NYS DEC as a dam. The dam is classified by NYS DEC as a "Small Hazard Class 'A'" and "low Hazard" dam. NYS DEC classifies a dam as "small" if the height of the dam is less than 40 feet and the storage at normal water surface is less than 1,000 acre-feet. The dam has a height of approximately 12 feet and impounds approximately 33 acre-feet at normal water surface level.

A "Low Hazard" dam is defined as: "A dam failure is unlikely to result in damage to anything more than isolated or unoccupied buildings, undeveloped lands, minor roads such as town or county roads; is unlikely to result in the interruption of important utilities, including water supply, sewage treatment, fuel, power, cable or telephone infrastructure, and/or is otherwise unlikely to pose the threat of personal injury, substantial economic loss or substantial environmental damage" (Section 673.5(b)(1) of the NYS Dam Safety Regulations.

As shown in the drainage plans in the SWPPP prepared for the Initial Project, there are several sub-surface piped drainage conveyances on the Project Site. There is also ground water flow through the site. This network is summarized in FEIS Response 3.4-2, and detailed in the Initial Project SWPPP. As stated in

FEIS Response 3.4-2, "The sub-surface drainage network was established many years ago. Review of USGS maps and historic aerial photographs shows that the portion of the Site west of Hathaway, which contains the largest sub-surface pipe system, has not contained a surface watercourse since at least the 1950s, and likely since the early part of the 20th century when the golf course was first constructed."

Design point #7 in the Initial Project SWPPP is shown as a low point along the south side of Heatherbloom Road at the northern property line of Parcel B. There is no City stormwater infrastructure at this location. Stormwater generally infiltrates the site at this point.

The initial discussion of the condition of existing stormwater infrastructure on the project site was provided in the SWPPP submission for the Initial Project. Any such SWPPP submission for the Modified Proposed Project must provide detailed information on the condition of the existing stormwater infrastructure, including the condition of the 30 inch and 36 inch RCP and the twin 30 inch culvert crossing Ridgeway. Any such SWPPP must include the condition of all stormwater infrastructure related to the Project Site regardless of the selected access option.

#### EXPECTED IMPACTS: Initial Project and Modified Proposed Project for All Options

The expected impacts regarding geology, soils, topography, wetlands, hydrology and stormwater of the FASNY Initial Project and Modified Proposed Project are essentially the same under all of the access scenarios, except with respect to certain significant adverse impacts of proposed changes in location and size of the ball fields, tennis courts and parking lots, and the proposed location of the access roadway. All versions of the project would construct portions of the proposed playing fields, parking areas, and a small portion of the Lower School on areas mapped by the NRCS as LcB and RdB soils.

Where FASNY proposes its School Campus development, the areas of hydric soils are currently mowed and were previously maintained as golf course holes. No ongoing wetland functions were found in these areas. Those areas in which wetland functions are shown, i.e. the mapped wetlands, are all protected by minimum 100 foot buffers. These wetlands and buffers are all proposed to be undisturbed, except in the MPP/North Street access option where FASNY proposes to locate the access road within the restrictive buffer area of a wetland regulated by the City under Section 3.5 of the Municipal Code and Section 4.4.25 of the Zoning Ordinance.

FASNY provided figures in the SWPPP prepared for the Initial Project ("Initial Project SWPPP") of the amount of cut-and-fill required for the Initial Project and the locations of same. The DEIS and Initial Project SWPPP also indicated that additional fill would be needed from off-site sources. To fully assess the impact of cut-and-fill on the Project Site and the need for the importation of fill from off-site sources, the Applicant must revise the submitted SWPPP ("Revised Proposed SWPPP") consistent

with the Modified Proposed Project.

The Initial Project SWPPP showed that the development of the Initial Project would increase the volume of stormwater runoff for the one year storm event. Additional information was requested on Design Point #7. The condition of the drainage pipes crossing Ridgeway and their capacity to handle the additional runoff were questioned in the review of the DEIS.

Also subject to modification will be the dam on Parcel D. Modifications to the dam required by NYS DEC or regulations of the City of White Plains must be made regardless of the approval of the Modified Proposed Project under any of the access options. The condition of the dam and its ability to handle additional runoff from the new development was questioned in the FEIS. The role and functioning of the dam falls under the regulations of the NYS Department of Environmental Conservation. Prior to proceeding with any review of a revised Special Permit/Site Plan application, a Revised Proposed SWPPP must be accepted as complete for purposes of review by the Commissioner of Public Works. Such Revised Proposed SWPPP must demonstrate any project impacts on the dam and how they will be addressed. In addition to other approvals required, including the SWPPP, a separate permit is also required to disturb erodible soils.

B. FINDINGS: Based on its review of the Environmental Record, the Lead Agency makes the following Findings regarding Geology, Soils and Topography in relation to the Initial Project and the Modified Proposed Project all access options. These Findings incorporate the conditions and requirements necessary for the mitigation of potential significant adverse impacts where such impacts can be effectively mitigated.

Since the differences between the Initial Project and the Modified Project for each access option is very little with respect to geology, soils and topography, the findings will be made jointly, with separate findings where differences exist.

FINDING B-1: The entire Project Site is an environmentally sensitive site. Significant potential stormwater impacts could result from the development of the site unless mitigated through properly designed and constructed stormwater management techniques and infrastructure.

FINDING B-2: The preliminary report of Carlin Simpson Associates, cited in the DEIS, indicated that although there are areas with soil types LcB and RdB, which may contain hydric inclusions, the native soils on the property could accommodate the construction of the buildings proposed by FASNY through the use of shallow spread footings. According to the City's Commissioner of Public Works such a blanket statement cannot be made, as it depends on the type and size of building and soil at the specific location. Since the size, shape and location of the proposed buildings on Parcels A and D are subject to approval as part of any Special Permit/Site Plan approval, to avoid significant adverse impacts that could be associated with the construction of School buildings in areas having LcB and RdB soil, prior to any Special Permit/Site Plan approval, FASNY must perform a detailed analysis of soil conditions and load bearing



capacity in relation to the size and type of each building and its foundations proposed to be constructed on any LcB or RdB soil type, or other soil types with hydric inclusions. Such analyses require acceptance by the Commissioners of Public Works and Building.

FINDING B-3: Since there are numerous soil types located on the Project Site with varying degrees of erodibility, to avoid significant adverse impacts that could be associated with the amount of cut-and-fill of differing soil types moved around the site, any Special Permit/Site Plan approval shall include a condition that requires the locations and estimates of amounts of soil to be moved be approved by the Commissioner of Public Works and included in the Construction Management Plan so that the amounts and types of soil moved on or brought to the Project Site can be confirmed and monitored during the construction process (See also Finding K-1 and K-2).

FINDING B-4: Consistent with Findings B-2 and B-3, to avoid significant adverse impacts that could be associated with fill brought to the site, any Special Permit/Site Plan approval must include a condition that:

1. All fill brought to the project site must first be tested not to exceed the Soil Cleanup Objective (SCO) numbers for any listed contaminants as shown on table 375-6.8(b) of the NYSDEC classification requirements for "Restricted-Residential" fill as defined by the NYS DEC Division of Environmental remediation's Brownfield and Superfund Regulations at 6 NYCRR Part 375, latest edition;
2. A licensed NYS professional engineer must evaluate the testing results and classify the soil accordingly; and
3. The documents must be presented to DPW for approval and acceptance, and a chain of custody established before any such fill can be brought to the site.

FINDING B-5: Subject to full compliance with all of the conditions and requirements set forth in Findings B-1 through B-4 hereinabove, and compliance with related conditions and mitigation requirements set forth in the Findings in this Findings Statement, with the exception of the unmitigated significant adverse impact from the location and design of the proposed baseball field on Parcel D as proposed in the MPP/North Street and in the MPP/Bryant Avenue, and with the exception of the access roadway proposed to be located in the wetland buffer, as proposed in MPP/North Street, and with the exception of any access roadway on the northern portion of Parcel D related to the MPP/Bryant Avenue access option, the potential significant adverse impacts to geology, soils and topography of the MPP/Ridgeway and MPP/North Street can be avoided or mitigated to the maximum extent practicable.

C. FINDINGS: Based on its review of the Environmental Record, the Lead Agency makes the following Findings regarding Wetlands, Hydrology and Stormwater in relation to the Initial Project and the Modified Proposed Project all access options.

These Findings incorporate the conditions and requirements necessary for the mitigation of potential significant adverse impacts where such impacts can be effectively mitigated.

Since the differences between the Initial Project and the Modified Project for each access option is very little with respect to wetlands, hydrology and topography, the findings will be made jointly, with separate findings where differences exist.

FINDING C-1: Although FASNY prepared a full Stormwater Pollution Prevention Plan for the Initial Project, dated April 2012 (DEIS Appendix D), FASNY must prepare a Revised Proposed SWPPP, consistent with the North Street Storm Water Analysis (Appendix H of the FEIS), to demonstrate all of the stormwater impacts it expects to have on the property, and all measures to avoid or mitigate such stormwater impacts through a comprehensively designed stormwater management system for the Modified Proposed Project specific to the access option on which FASNY proposes to base any revised application and consistent with the findings, requirements and conditions contained in this Findings Statement. Any such Revised Proposed SWPPP must reflect all the Project Modifications proposed by FASNY to the Initial Project SWPPP as reflected in the MPP/North Street Storm Water Analysis (Appendix H of the FEIS). Due to the size of the site and the several areas of construction thereon, the environmentally sensitive nature of the site, and the critical nexus between storm water management and location and design of project buildings, athletic fields and structures, internal roadways and parking areas, any Revised Proposed SWPPP must be extensive, inclusive and detailed.

FINDING C-2: To confirm that significant adverse impacts from stormwater flow will be avoided or mitigated to the maximum extent practicable, any such Revised Proposed SWPPP must also include supporting documentation for all design points and their defined drainage points as reflected in Appendix H of the FEIS. In particular, FASNY shall be required to conduct additional investigation and further elaborate on "Design Point 7" described in the DEIS as it states that "stormwater either accumulates and infiltrates into the ground or conveyed by an underdrain system to an unknown location," even though the proposed Project improvements would not alter conditions within the drainage area for "Design Point 7" as existing pathways will be retained and minimal, if any, impervious surface areas will be added.

FINDING C-3: To confirm that significant adverse impacts from stormwater flow will be avoided or mitigated to the maximum extent practicable, as part of any Revised Proposed SWPPP, FASNY must further assess the existing condition and capacity of the existing stormwater infrastructure on the project site and shall be required to provide this information in any Revised Proposed SWPPP. The condition and capacity of the 30 inch and 36 inch RCP and the twin 30 inch culvert crossing Ridgeway must be televised by FASNY for DPW to review and evaluate, and, based on this outcome, the lines may require certain improvements at FASNY's expense. FASNY must ensure that any Revised Proposed SWPPP incorporates all mitigation measures.

FINDING C-4: To ensure that the mitigation measures put in

place as part of an approved SWPPP are maintained and sustained, as per the requirements of the City of White Plains and the NYSDEC, the long term operation and maintenance of the stormwater management practices required by any approved SWPPP must be maintained in accordance with the Maintenance Inspection Checklists that is required to be provided in Appendix G of the approved SWPPP. In addition, as per requirements of the City of White Plains, a stormwater maintenance agreement for all stormwater practices must be prepared by FASNY, approved by the Corporation Counsel and executed prior to the issuance of any certificate of use or occupancy for any component of the project.

FINDING C-5: To confirm that significant adverse impacts from stormwater flow will be avoided or mitigated to the maximum extent practicable, prior to the approval of any Special Permit/Site Plan approval, the Revised Proposed SWPPP must demonstrate that the proposed stormwater practices meet the City of White Plains and NYSDEC design standards that require on-site infiltration of runoff.

FINDING C-6: To confirm that significant adverse impacts will be avoided or mitigated to the maximum extent practicable for stormwater runoff along the properties on Murchison Place that abut the Project Site athletic fields, FASNY must address all stormwater management practices in the Revised Proposed SWPPP and ensure that there is no net increase in runoff and no new impacts to these residential properties. To mitigate overall adverse impacts of stormwater runoff on the site, the Applicant, must, to the maximum extent practicable, to reduce existing stormwater runoff and reduce impacts on these residential properties. Any approved SWPPP shall so provide.

FINDING C-7: To confirm that significant adverse impacts from stormwater flow will be avoided or mitigated to the maximum extent practicable, the Revised Proposed SWPPP is required to contain an updated sediment and erosion control plan with improvements to be utilized during construction in a manner that would ensure compliance with the NYS DEC General Permit. Furthermore, the Commissioner of Public Works must verify that the proposed permanent improvements and the interim improvements to be utilized during construction have been designed in accordance with the requirements of the NYSDEC SPDES General Permit No. GP-0-10-001, and with the City of White Plains and New York State Stormwater Management Design Manual.

FINDING C-8: FASNY must confirm in the Revised Proposed SWPPP that its proposal to provide water quantity and quality enhancements that exceed regulatory thresholds have been met.

FINDING C-9: The Applicant will need to comply at all times with the SWPPP approved by the Commissioner of Public Works pursuant to Section 3-6 of the Municipal Code.

FINDING C-10: Specific to the North Street Access Option: Shifting the baseball field north on Parcel D to just south of Southdale Road and running the access road through the designated wetland restrictive buffer area creates the following significant adverse environmental impacts on stormwater flow which, according to the Commissioner of Public Works cannot be mitigated to

eliminate or make acceptable the adverse impact:

1. Water is directed in a narrow channel behind residences on Northdale Road and Southdale Road, in lieu of the existing, relatively gentle sweep across several acres, away from the houses.
2. Water quality will be degraded with the field as the channeled water is moving at a much higher velocity.
3. The field will add significant impervious area, including clay infield, baselines, pathways, etc.
4. The field drawing does not show a reasonable area typical for a school field for backstop fencing, sideline protective fencing, dugout team benches or bleachers, and location for spectators for each team.
5. Locations for parking for spectators or a concrete path from the school parking lot to the ball field is not provided. The calculation of approximately 1,000 s.f. of additional impervious material is not calculated.
6. Stormwater basin relocation is necessary to place the ball field at this location, as well as the addition of a stormwater basin due to the additional impervious surface.

(For more findings see Section A-3 Comprehensive Plan and Land Use Regulations).

FINDING C-11: Specific to the North Street Access Option: To locate the ball field on Parcel D near Southdale Road, the Applicant proposes to create a series of significant retaining walls and site alterations including substantial cut and fill for the ball field to be located north of the wetlands as proposed with slopes to the ball field, which drop more than 200 feet in a 100 foot distance; with high retaining walls approximately 400 feet long. Such alteration to the site slopes creates an unmitigated significant adverse impact on the moderately erodible soils (PnC) and stormwater flow located in this area. FASNY has not demonstrated, in any information provided to the Department of Public Works, that these significant adverse impacts can be mitigated. Any Special Permit/Site Plan approval shall include a condition that the construction of a ball field as proposed by FASNY in the MPP/North Street is specifically prohibited due to the unmitigated significant adverse impacts that would be created.

FINDING C-12: Specific to the North Street Access Option: The removal of the ball field from Parcel D enables the relocation of the access road from North Street to the FASNY Campus outside of the wetland buffer and significantly reduces impervious surface, thereby avoiding the significant adverse impacts of the roadway if located in the wetland buffer as proposed by the Applicant.

FINDING C-13: Subject to full compliance with all of the conditions, findings and requirements set forth in Findings C-1

through C-12 hereinabove, and compliance with related conditions, findings and requirements set forth in other findings and conditions contained in this Findings Statement, the potential significant adverse impacts to wetlands, hydrology and stormwater of the MPP/Ridgeway and MPP/North Street can be avoided or mitigated to the maximum extent practicable, with the exception of the significant adverse impacts to the City designated wetland on Parcel D of the routing of the access roadway through the wetland restrictive buffer, which can be avoided by the redesign of the roadway and the elimination of the baseball field in the MPP/North Street access option. Insufficient information is provided on hydrology and stormwater runoff on the northern portion of Parcel D to assess the potential impacts of the MPP/Bryant Avenue access option in this area. (See also the Findings in Section B: Geology, Soils and Topography).

#### D. FINDINGS REGARDING VEGETATION AND WILDLIFE:

##### SUMMARY OF EXISTING CONDITIONS:

The Project Site is currently improved with an unmaintained golf course, which has not been in operation since 2011. The former fairways, greens and rough are planted with non-native golf course species, which have been historically manicured and maintained as a golf course. These areas are now mowed but not maintained for golf course use. The approximately 129 acre Project Site also includes tree clusters and environmentally sensitive features including; wetlands, wetland buffers, stream corridors, and some steep slopes. Most of the steep slopes are the result of alterations to the topography to create sand traps and other contours appropriate for the golf holes. The Red Maple Swamp on Parcel D has been degraded and shows invasion by non-native plants. There are some significant tree stands located among the golf holes.

##### EXPECTED IMPACTS: Initial Project and Modified Project All Access Options

The impacts on the Project Site will come from two principal sources: (1) construction of the FASNY School on the Campus portion of the Project Site, which varies by access option; and (2) changes to the Project Site as a result of the conversion of approximately 73 to 84 acres of the Project Site from former golf course to a meadow environment planted with indigenous regional species, to be operated as an educational resource and nature conservancy, with trailways and public access.

The construction of the Campus on Parcel A and the southern portion of Parcel D will result in the alteration of most of the existing vegetation in this area of the Project Site. Some trees are proposed to be preserved in this area. Most of the vegetation will be the result of new landscaping to be provided and maintained by the Applicant. Current vegetation on Parcel A consists primarily of landscaping introduced by Ridgeway Country Clubhouse related specifically to the former golf course use.

In Stage I of the construction of the Conservancy, as modified from the Initial Project and described in the FEIS for the Modified Proposed Project, existing vegetation will be

altered in the following principal areas:

1. 40 to 50 acres of golf course fairways and greens will be converted to a meadow habitat representative of this region within a three year period.
2. Trees lining the perimeter of the Conservancy and along former fairways will be maintained.
3. An invasive species management program will be implemented.
4. Open water within the existing ponds will be maintained through the use of the existing and repaired aeration system.
5. A 20 to 30 foot strip around the large pond would be maintained in a "no mow" strip to discourage geese from congregating on the upland areas adjacent to the pond.
6. Pedestrian pathways and educational locations will be created.
7. Two small gravel parking areas will be created.
8. Under the Modified Proposed Project for all access options, an east-west bicycle path will be created on Parcel D from Hathaway Lane to North Street across from White Plains High School. As identified in Findings A-2.6, A-2.7, A-3.2, A-3.6, G-6 and G-7, a north-south bike path is also necessary to mitigate potentially significant adverse impacts and the Construction Management Plan and Conservancy Master Plan must reflect that this bicycle path must also be completed as part of Stage 1 of the Conservancy.
9. Any required improvements related to the Dam.

In Stage II of the implementation of the Conservancy, also as modified by the Modified Proposed Project from the Initial Project, the principal modifications to the Conservancy include:

1. Construction of ADA compliant walking trails and seating areas.
2. Wetland habitat restoration at the large pond and in the southeastern corner of Parcel D, subject to funding and NYS DEC permits.
3. Stream restoration on Parcel C and D also subject to funding and NYS DEC permits.
4. Construction of an observation deck and/or pier on the large pond, and construction of a wetland boardwalk and outlook subject to funding and White Plains and NYS DEC permits.
5. Construction of propagation greenhouse on Parcel D.

6. Construction of a shade structure on Parcel D.

The construction of the FASNY School and Conservancy will displace most current wildlife on the site, including, but not limited to, raccoons, mice and rats.

D. FINDINGS: Based on its review of the Environmental Record, the Lead Agency makes the following Findings regarding Vegetation and Wildlife in relation to the Initial Project and the Modified Proposed Project all access options. These Findings incorporate the conditions and requirements necessary for the mitigation of potential significant adverse impacts where such impacts can be effectively mitigated.

Since the differences between the Initial Project and the Modified Project for each access option is very little with respect to Vegetation and Wildlife, the findings will be made jointly, with separate findings where differences exist.

FINDING D-1: To avoid or mitigate significant adverse impacts from construction to the maximum extent practicable, any Special Permit/Site Plan approval shall require approval of a Construction Management Plan pursuant to the City's Construction Management Protocol. The final Construction Management Plan shall be subject to review and acceptance by the City staff and/or consultants appropriately designated by the Common Council in any Special Permit/Site Plan approval.

FINDING D-2: Due to the environmental sensitivity of the Project Site and the potential for significant adverse impacts related to stormwater runoff and protection of environmental features to mitigate potential adverse impacts, any modifications to the Project Site in the area proposed to be developed with the Conservancy shall be subject to approval in any Special Permit/Site Plan approval along with a Conservancy Master Plan to be reviewed and accepted by the appropriately designated City staff and/or consultants prior to the approval of the Construction Management Plan and the Conservancy Master Plan. To ensure that the vegetation and wildlife on the area to be disturbed and on surrounding properties is protected to the maximum extent practicable during construction and development of the Conservancy, no excavation, demolition or other disturbance of the land can be allowed until the final Construction Management Plan and final Conservancy Master Plan have been accepted by the City staff designated pursuant to Finding D-1 herein above.

FINDING D-3: To avoid or mitigate, to the maximum extent practicable, significant adverse impacts of the displacement of mice, rats and other vermin from the Project Site onto nearby properties due to construction on the Project Site and alteration of the land on the Conservancy portion of the Project Site to a new habitat, any Special Permit/Site Plan approval shall include a condition that the Construction Management Plan include a requirement that FASNY retain the services of an exterminator to: (1) treat the existing club house building on Parcel A prior to any demolition activity; (2) use baiting and trapping as necessary; and (3) closely monitor the Project Site, including soliciting information from abutting property owners throughout

the construction phase to ensure that there is no increase in the rodent population during construction that would affect homeowners. Any Special Permit/Site Plan approval shall provide that if such an increase is detected, FASNY shall provide further treatment of the Project Site and the properties of affected homeowners.

FINDING D-4: The Applicant has proposed for its landscaping plan to include a mix of over 700 trees and significant shrubs, thereby providing a significant net increase in both the number and diversity of trees and other plant species on the Project Site. The Applicant states that the Conservancy would transform that portion of the Project Site into a heterogeneous mix of native habitats. If properly managed, this could result in an improvement of the habitat diversity and sustainability of the preserved Conservancy area. However, management and maintenance of such a large and diverse habitat area requires knowledge and training not currently available among FASNY staff or City staff. To ensure that the development, maintenance and management of the Conservancy benefits both FASNY and the City of White Plains, including particularly the residents most proximate to the area, and to avoid potential adverse impacts of an unmanaged or poorly managed site, any Special Permit/Site Plan approval shall provide that the Conservancy Master Plan include a requirement that FASNY retain, and maintain in its service, a professional in land management with expertise in native habitat management, selected with input from and final approval by the appropriately designated City staff and/or consultants.

FINDING D-5: Subject to full compliance with all of the conditions, findings and requirements set forth in Findings D-1 through D-4 hereinabove, and compliance with related conditions, findings and mitigation requirements set forth in other findings contained in this Findings Statement, with the exception of the unmitigated significant adverse impacts to hydrology, wetlands and stormwater due to the location and design of the baseball field on Parcel D for the MPP/North Street access options and the location of the MPP/North street access roadway in the City designated wetland, the potential significant adverse impacts to vegetation and wildlife of the MPP/Ridgeway and MPP/North Street can be avoided or mitigated to the maximum extent practicable. Mitigation measures for the MPP/Bryant Avenue access option in the northern portion of Parcel D cannot be determined as insufficient information has been provided in the FEIS to thoroughly examine this access option.

## E. FINDINGS REGARDING HISTORIC AND CULTURAL RESOURCES

### SUMMARY OF EXISTING CONDITIONS:

Within the Primary Impact Area defined in the 2011 Scoping Document there is one NYS and National Register site, that being the New York Presbyterian Hospital. The City of White Plains has listed the following properties in its 1977 Comprehensive Plan as Historic Resources:

1. Old Ridgeway School;
2. Westchester Hills Golf Club;



3. Burke Rehabilitation Center;
4. New York Presbyterian Hospital; and
5. C.V. Rich Mansion/Woman's Club of White Plains.

There are many distinctive homes in the Gedney Farms and other surrounding neighborhoods that add to the character of this residential area. Ridgeway Country Club was never listed by the City or any Federal or State agency as a historic resource, although it has been a major facility in the community since the 1920's. Ridgeway Country Club made several modifications to its club house and grounds over the period it operated as a golf club.

#### EXPECTED IMPACTS: Initial Project and Modified Project All Access Options

The Modified Proposed Project, under its North Street and Bryant Avenue access options, does not directly impact any of the above listed historic resources. Under the MPP/Ridgeway access option, the volume of traffic on Ridgeway, the roundabout, and the parking lot on Parcel D may create a traffic impact on the Old Ridgeway School, Women's Club, and Westchester Hills Golf Club. Under the MPP/Ridgeway there will be a visual impact as well as on the Old Ridgeway School from the roundabout and the adjacent parking lot on Parcel D.

E. FINDINGS: Based on its review of the Environmental Record, the Lead Agency makes the following Findings regarding Historic and Cultural Resources in relation to the Initial Project and the Modified Proposed Project all access options. These Findings incorporate the conditions and requirements necessary for the mitigation of potential significant adverse impacts where such impacts can be effectively mitigated.

Since the differences between the Initial Project and the Modified Project for each access option is very little with respect to Historic and Cultural Resources, the findings will be made jointly, with separate findings where differences exist.

FINDING E-1: Under the MPP/Ridgeway access option, although FASNY has proposed different modifications to Ridgeway than were proposed in the Initial Project, including demolition of the existing clubhouse and construction of a new building at the required 75 foot setback, a roundabout at Hathaway Lane, modified curb cuts, a mandatory busing program, modifications to the right turn lane onto Ridgeway from Mamaroneck Avenue, and fewer modifications at North Street and Ridgeway, the traffic volume to and from the School will still have a significant adverse impact on the primary purpose of Ridgeway as a Collector Street for the minor streets feeding into it, as identified in the Comprehensive Plan and defined in the City's "Requirements for the Approval of Subdivision Plans." The change in function and character of Ridgeway would also have a significant adverse impact on the three locally identified historic resources located on Ridgeway: Westchester Hills Golf Course, the Woman's Club and Old Ridgeway School House. The proposed roundabout and proximity of the parking lot to the residence occupying the Old Ridgeway School

House will have an adverse visual impact on that historic resource in the MPP/Ridgeway access alternative.

FINDING E-2: Under the MPP/North Street and MPP/Bryant Avenue access options, there would be no adverse impacts to the character of Ridgeway as a Collector Street. Traffic volumes to and from the Project Site would enter from either North Street or Bryant Avenue, and would largely access the site from roads other than Ridgeway. The Applicant projects approximately 40 vehicles to be on Ridgeway to access North Street under the MPP/North Street access option. Therefore there should be no significant adverse impacts on the identified historic sites resulting from either of those alternatives.

FINDING E-3: There are no other significant adverse impacts on historic resources.

FINDING E-4: Subject to full compliance with all of the conditions, findings and requirements set forth in Findings E-1 through E-3 herein above, and compliance with related conditions, findings, and mitigation requirements set forth in other findings contained in this Findings Statement, the potential significant adverse impacts to historic and cultural resources of the MPP/North Street and MPP/Bryant Avenue access options can be avoided or mitigated to the maximum extent practicable. However, the proximity of the roundabout and the parking lot to the Old Ridgeway School House residence in the MPP/Ridgeway access option has adverse impacts on that property.

#### F. FINDINGS REGARDING VISUAL IMPACT AND COMMUNITY CHARACTER:

##### SUMMARY OF EXISTING CONDITIONS:

As stated hereinabove, the approximately 129 acre FASNY Project Site is an environmentally sensitive site as defined and described in the City's Municipal Code at Section 3.5 and in the Zoning Ordinance 4.4.25. Although conservation developments are not permitted in the R1-30 Zoning District under Section 5.7 of the Zoning Ordinance, clustering of development to preserve environmentally sensitive features is permitted on environmentally sensitive sites in all Zoning Districts pursuant to Section 4.4.25.4.5 of the Zoning Ordinance. The environmentally sensitive features on the Project Site are located primarily on two of the four parcels, Parcels C and D, and include wetlands. In addition, there are portions of the Project Site on all parcels that have steep slopes, and portions that experience impacts from storm water runoff that must be managed and preclude or limit potential development in certain areas. Most of the steep slope areas are not natural but represent alterations to the topography for the golf course, such as at sand traps.

The FASNY property is currently improved with the facilities of the former Ridgeway Country Club including a clubhouse and annex building of approximately 53,735 s.f. gross floor area, swimming pool and eight tennis courts located along the Ridgeway frontage, an 18-hole golf course, and approximately 180 parking spaces on Parcels A and D. The project site is not being maintained as a golf club at this time. The current clubhouse is

32.46 feet tall with 2.5 stories.

#### EXPECTED IMPACTS: Initial Project and Modified Project All Access Options

Potential adverse visual impacts of the Modified Project under all access options are the design, size, location on the site, and layout of the buildings, structures, athletic facilities, parking areas and roadways.

The visual impacts of the proposed uses from the Initial Project and the Modified Proposed Project under all access options are generally the same, although the location and size of certain structures affecting visual character are modified in the Modified Proposed Project, including the location and size of parking lots and athletic facilities. In all cases the development of the school will change the visual character of the entire site. The modifications to the Initial Project, represented by the Project Modifications in response to the DEIS review, comments and FEIS responses, are what is described here as the expected impacts.

The new FASNY Campus will expand on the number and size of buildings and structures currently located on Parcels A and D, from one principal building to five. The single club house with annex facilities will be replaced with a High School building and a portion of the annex facilities containing primarily classrooms and administrative offices of approximately 69,813 s.f.. Also proposed to be located on Parcel A is the Middle School building of approximately 43,662 s.f., and a performance arts and gymnasium building of 49,561 s.f.. The swimming pool facilities will be retained. Athletic fields will replace portions of the golf course on Parcels A and D. Tennis courts will be relocated and reduced in number on Parcel A. A Lower School building of 67,821 s.f. will be located on Parcel D, which is currently improved only with golf course, wetlands and wetland buffers, a dimensionally nonconforming, unlighted parking lot and "caddie shack". On Parcel D in the MPP/Ridgeway, FASNY proposes expanding the dimensionally nonconforming parking lot and adding additional parking facilities and relocating the baseball field from Parcel B to Parcel D to the north of the Lower School, along with another multipurpose field. In the MPP/North Street and MPP/Bryant Avenue access options, the dimensionally nonconforming parking is removed and parking is located a minimum of 75 feet from all residential uses on both Parcel A and Parcel B. An east/west bike path is proposed to be provided across Parcels B and D to North Street in all Modified Proposed Project access options. Although no buildings or structures would be located on Parcels B and C, the visual character of these parcels and the northern portions of Parcel D would be altered by the establishment of open meadows where the golf course holes are currently located. North/south and east/west pedestrian trails would be provided on Parcels A, B, C and D, although not systematically interconnected for the MPP/North Street and MPP/Bryant Avenue access options. No trails would be provided on Parcel A for the MPP/Ridgeway access option.

The location and height of FASNY Campus buildings on Parcels A and D in the Modified Proposed Project are permitted under

zoning. The nature of the use of the buildings as private elementary and secondary school with accessory nursery school are special permit and permitted accessory uses in both the zoning district (R1-30) in which the FASNY school is proposed to be located and in the surrounding residential zoning district (R1-12.5). However, the visual character of the Modified Proposed Project, under all access options, will "change the views of the Project Site for the affected properties [and] would include partial views of buildings and structures" (FEIS, 3.7-7).

F. FINDINGS: Based on its review of the Environmental Record, the Lead Agency makes the following Findings regarding Visual Impact and Community Character in relation to the Initial Project and the Modified Proposed Project all access options. These Findings incorporate the conditions and requirements necessary for the mitigation of potential significant adverse impacts where such impacts can be effectively mitigated.

Since the differences between the Initial Project and the Modified Project for each access option is very little with respect to Historic and Cultural Resources, the findings will be made jointly, with separate findings where differences exist.

FINDING F-1: To mitigate potential significant adverse visual and community character impacts on adjacent land and buildings of the Modified Proposed Project buildings, walls and fences, and parking lots under each access option, any Special Permit/Site Plan application must:

1. Fully comply with the Comprehensive Plan and Zoning Ordinance;
2. Demonstrate a design and character of buildings and structures consistent with high standards of quality design of the homes in the surrounding residential neighborhood;
3. Locate buildings, athletic fields and structures in a manner and at a maximum possible distance, no case less than 75 feet, from adjacent residential properties in the surrounding residential area;
4. Demonstrate in a detailed Site Landscaping Plan the screening through landscaping and, as appropriate, fencing for all buildings, structures, and athletic fields, with a requirement in the Site Landscaping Plan for site location of landscaping to maximize the screening of athletic fields and structures, parking areas, and the plan for the maintenance of all new landscaping and the maintenance of all landscaping to be preserved;
5. Demonstrate in a detailed Conservancy Master Plan, the process and timetable for the conversion of Parcels B, C, and portions of D from a golf course to a regional meadow habitat conservancy, and the plan for the maintenance and management of the proposed Conservancy; and

Provide a conservation easement agreement, acceptable to the Corporation Counsel of the City of White Plains, ensuring the continued use, maintenance and management of the Conservancy as a managed natural open space (See also FINDING D-4). Any Special Permit/Site Plan approval shall provide that the final Conservancy Master Plan be subject to the technical review and final acceptance by the City's Corporation Counsel and appropriately designated City staff and/or consultants, prior to the issuance of a Certificate of Occupancy for any portion of the site, and that it satisfies the terms of any Special Permit/Site Plan approval. Any Special Permit/Site Plan approval shall approve the essential terms of the restrictive covenant/easement and shall further provide that the final restrictive covenant/easement governing the public access to and through the Project Site must be accepted by the Corporation Counsel prior to the issuance of any Building Permits for any portion of the site. The Conservancy development is proposed in two Stages or Phases. Stage 1 would be implemented in coordination with, and as a condition to, receiving Certificates of Occupancy for Phase 1 of the Campus development. Stage 2 implementation includes longer term actions to be taken by FASNY as funding becomes available. Any Special Permit/Site Plan approval shall provide that no Certificate of Occupancy shall be issued for Phase I of the Campus development until Stage 1 of the Conservancy is completed; and shall further provide that no Building Permit shall be issued for Phase II of construction on the Campus until Stage 1 of the Conservancy development is completed and accepted by the City as complete.

(See also Findings D-1 and D-2)

FINDING F-2: No minimum number of parking spaces is established in Section 8.3 of the Zoning Ordinance for special permit private elementary and secondary school uses. Section 8.3 refers the approving agency to Section 6.5.4 of the Zoning Ordinance. In determining the number of parking spaces for the private secondary and elementary school use, the Common Council is guided by the provisions of Section 6.5.4 which provides that "'Parking lots' will be of adequate size for the particular special permit 'use,' properly located and suitably screened from adjoining residential 'uses,' and the entrance and exit drives must be laid out so as to achieve maximum convenience and safety." To mitigate to the maximum extent practicable potential significant adverse visual impacts of parking areas, roadways and drives within the Project Site on adjacent and nearby residential properties, any Special Permit/Site Plan must address the following:

1. Limit the number, size and aisle widths of on-site parking spaces for the elementary and secondary special permit uses to the minimum number necessary to serve the needs of the FASNY elementary and secondary school use. The number of parking spaces required for the accessory nursery school is established in Section 8.3 of the Zoning Ordinance at one parking space per 1,000 square feet of building area; and
2. To the maximum extent practicable, locate all parking areas the maximum distance possible from adjacent

residential properties, in no case less than 75 feet;

3. To the maximum extent practicable limit the area of use of the legally non-conforming parking on the northeastern corner of Ridgeway and Hathaway Lane; and
4. Avoid to the maximum extent practicable the placement of parking on the northerly side of Parcel A where it is visible from the homes fronting on the local streets, Hathaway Lane and Gedney Esplanade.

FINDING F-3: To mitigate potential significant adverse visual and community character impacts related to the entrance and exit drives, including their convenience and safety, and to mitigate potential significant adverse visual impacts of traffic, any revised Special Permit/Site Plan application must demonstrate, to the satisfaction of the Common Council as approving agency, that circulation on the Project Site and at the entrance and exit points, for each Modified Proposed Project access option, is designed to provide maximum convenience, meet all the requirements of the Department of Public Safety with respect to public safety, including emergency access to and throughout the site for police, fire and other emergency vehicles, while providing maximum separation and screening of the driveways and access roads from residential properties. Any Special Permit/Site Plan approval shall include conditions ensuring the implementation of any public safety measures or requirements.

FINDING F-4: Under the MPP/North Street and MPP/Bryant Avenue, the Applicant proposes a roadway into the lower Campus portion of the site from either North Street (MPP/North Street) or Bryant Avenue (MPP/Bryant Avenue), and a ball field just south of Southdale Road. As discussed under Section B: Geology, Soils and Topography, and Section C: Wetlands, Hydrology and Stormwater, the proposed ball field for the MPP/North Street will have an unmitigable significant adverse impact on steep slopes and stormwater conditions. This will also have an adverse visual impact for residents on Southdale Road. Although it is not possible to assess the ball field in the MPP/Bryant Avenue access option due to insufficient information, the visual impact of the ball field on the residents of Southdale would be negative.

FINDING F-5: Subject to full compliance with all of the conditions, findings and requirements set forth in Findings F-1 through F-4 hereinabove, and compliance with related conditions, findings and mitigation requirements set forth in other findings contained in this Findings Statement, the potential significant adverse impacts to visual and community character of the MPP/North Street and MPP/Bryant Avenue can be avoided or mitigated to the maximum extent practicable in the Campus area, but have not been avoided or mitigated on the northern portion of the Project Site due to the proposed location of the ball field in each access option. The adverse visual and community character impacts have not been mitigated with the entrance to the Project Site coming off Ridgeway as this is inconsistent with Ridgeway's character as a Collector Street as described in the Comprehensive Plan and has an additional adverse impact on the Old Ridgeway School House residence adjacent to the dimensionally

nonconforming parking area, which is proposed to be retained in use and illuminated.

## G. FINDINGS REGARDING COMMUNITY SERVICES AND FACILITIES

### SUMMARY OF EXISTING CONDITIONS:

While operated as a golf club, Ridgeway Country Club relied upon the emergency services of the City and used the City for its garbage and recycling collection.

EXPECTED IMPACTS: Initial Project and Modified Project All Access Options

Based on its record at existing schools, the proposed FASNY School use would generate demand for emergency services with approximately 1 to 2 calls per month for emergency services.

Although Ridgeway Country Club used the City's garbage and recycling collection services, FASNY has stated its intention to use a private carter to collect all solid waste and recycling.

FASNY will utilize the services of school buses for those eligible students residing in White Plains attending the school. New York State Education Law requires the White Plains School District to provide busing to public and private school students in Grades K to 8 who live more than two miles and less than fifteen miles from the school.

FASNY proposes to have a nurse's office in the Upper School on Parcel A and in the Lower School on Parcel B. FASNY has stated its intention to request that health services be provided by the White Plains School District, as allowed under NYS Education Law, and in conformance with the City School District's current practices for other private schools.

NYS Education Law Section 912 requires school districts to reimburse other school districts for health services provided to its own residents who attend nonpublic schools in other communities. The Law further provides that where students attending a non-public school actually live in another public school district, the two public school districts must enter into a written contract governing the services to be provided and the reimbursement for such services. FASNY believes that any additional costs to the White Plains School District to provide health services to FASNY would be offset by reimbursements to the White Plains School District from the host school districts where FASNY students live.

G. FINDINGS: Based on its review of the Environmental Record, the Lead Agency makes the following Findings regarding Community Services and Facilities and in relation to the Initial Project and the Modified Proposed Project all access options. These Findings incorporate the conditions and requirements necessary for the mitigation of potential significant adverse impacts where such impacts can be effectively mitigated.

Since the differences between the Initial Project and the Modified Project for each access option is very little with

respect to Historic and Cultural Resources, the findings will be made jointly, with separate findings where differences exist.

FINDING G-1: The demand for assistance for City emergency services from the FASNY School does not represent a significant adverse impact that requires mitigation. (See also Finding F-3)

FINDING G-2: The proposed roundabout at Ridgeway and Hathaway Lane does not provide for the efficient movement of Public Safety vehicles and emergency vehicles along Ridgeway and Hathaway Lanes creating the potential for emergency service delays. To avoid or mitigate this significant adverse impact to the emergency services, the roundabout cannot be constructed as proposed by FASNY and demonstrated in its MPP/Ridgeway access option.

FINDING G-3: To avoid or mitigate to the maximum extent practicable significant adverse impacts on the delivery of public safety services, the Department of Public Safety has stated its requirement that the Project Site be accessible to Public Safety emergency vehicles as required under NYS Fire Code regulations at Chapter 5, Section 503, regardless of access option. To ensure that the accessibility for emergency vehicles is provided to the satisfaction of the Commissioner of Public Safety, FASNY must provide onsite and street network access meeting the requirements of NYS Fire Code cited hereinabove. The access roadways, meeting the dimensional standards in Section 8 of the Zoning Ordinance and NYS Fire Code regulations at Chapter 5, Section 503 must be shown on any revised Special Permit/Site Plan application and approved as part of any Special Permit/Site Plan approval, and the roadways both internal and external to the site must have at least 20 feet of unimpeded access. This width does not apply to lanes used for queuing for drop off or pick up of students as these cannot be counted as lanes for purposes of the NYS Fire Code Chapter 5, Section 503. Any Special Permit/Site Plan approval would further need to include a requirement that no Certificate of Occupancy will be issued until all of the emergency access lanes for the affected portions of the School buildings or facilities are in place.

FINDING G-4: If Hathaway Lane is closed from Ridgeway to Gedney Esplanade due to development of the Project Site under either the MPP/North Street or MPP/Bryant Avenue, to avoid the significant adverse impact due to the loss of emergency vehicle access through this portion of Hathaway Lane, FASNY must design, construct and maintain an alternate emergency access roadway through the site from Ridgeway to Hathaway Lane north of Gedney Esplanade. The design and construction of the emergency vehicle access and the plan for its continued maintenance shall be subject to and a requirement of any Special Permit/Site Plan approval. As part of any Special Permit/Site Plan approval process the design, construction and maintenance plan for the emergency vehicle access must be reviewed and accepted by appropriately designated City staff and/or consultants, with any comments thereon delivered to the Common Council for approval.

FINDING G-5: To avoid or mitigate to the maximum extent practicable any significant adverse impacts related to refuse or recycling collection from the FASNY School, FASNY must prepare a



Solid Waste Management Plan. The Solid Waste Management Plan shall indicate the location of solid waste and recycling collection on the Project Site, the frequency of collection, and the access route for a truck to reach the collection area(s). Furthermore, FASNY would need to must show on the site plan application the location of the collection area(s) and the routes by which these area(s) can be accessed through and between buildings, which locations must be acceptable to the Commissioner of Public Works and be approved as part of the Special Permit/Site Plan approval process.

FINDING G-6: Although privately owned, the Conservancy is proposed by FASNY to be open to the public from dawn to dusk each day. The Conservancy is not public property. Under FASNY ownership and as part of the school grounds, the Conservancy will not be a separate use under the Zoning Ordinance. Public access to and through the property in the Conservancy portion of the site for pedestrians and cyclists on designated pathways will be permitted and provided for in a proposed restrictive covenant/easement. The restrictive covenant/easement would prohibit use of the property for any non-educational use other than the public access to be secured and defined in the restrictive covenant/easement. The burden for security and the protection of those using the Conservancy rests with FASNY. To ensure that the proposed benefits of are maintained and to mitigate any adverse impacts from FASNY's operation, maintenance, security and management of the Conservancy, the proposed restrictive covenant/easement and an agreement on the ownership, operation, security and maintenance of the Conservancy must be incorporated into a detailed Conservancy Master Plan, the essential terms of which must be approved as part of any Special Permit/Site Plan approval. A restrictive covenant/easement must also be provided for public access via pedestrian and bicycle pathways through the western setback area of the Campus on Parcel A, from Ridgeway to Gedney Esplanade,, within which in MPP/North Street and MPP/Bryant Avenue FASNY has proposed a pedestrian pathway, to enable public access, by pedestrians and cyclists from Ridgeway to Bryant Avenue, serves to mitigate adverse impacts on traffic and bicycle safety and movements, particularly on the arterial streets Bryant Avenue and North Street, and the collector street Ridgeway, and to mitigate adverse impacts to neighborhood character. The essential terms of any restrictive covenant/easement for public access across Parcel A must also be approved as part of any Special Permit/Site Plan approval. Any Special Permit/Site Plan approval shall further provide that the final restrictive covenant/easement document governing the public access to and through the Project Site must be accepted by the Corporation Counsel prior to the issuance of any Building Permits for any portion of the site. (See also Findings A-.2.7, A-3.6, and F-1.)

FASNY G-7: Although FASNY is proposing to provide mowed grass and gravel pathways, and maintain certain golf cart paths within the Conservancy in the Initial Project and in the Modified Proposed Project, the pathways do not represent a coordinated trailway system that could link other open space resources and community resources together, and the proposed pathways do not provide safe surfaces for the east-west and north-south bicycle pathways which have been identified as important mitigation

measures in Findings A-2.6, A-2.7, A-3.2, A-3.6, and G-6. For example, in the Initial Project no linkages are provided to City resources such as the High School and YWCA from Ridgeway and neighborhood streets. No bicycle paths are provided, and no coordinated system of open space connections and linkages is provided. With the Modified Proposed Project, FASNY has added an east-west bike path on Parcel D, and in the MPP/North Street and MPP/Bryant Avenue has added a north-south pathway along the western side of Parcel A, within the 75 foot setback, connecting to Parcel B across Gedney Esplanade and to Parcel C at Heatherbloom. FASNY has also added a sidewalk along the Ridgeway frontage. These pathways and the east-west bike path are improvement, but not sufficient, in linking open space areas to one another and to community resources. There is no planned system of interconnected pedestrian or bicycle pathways from Ridgeway to Bryant Avenue, and no north-south bicycle pathway between Ridgeway and Bryant Avenue to address, along with the east-west pathway, mitigation of the potential adverse traffic/bicycle interaction impacts of the School on Bryant Avenue, North Street and Ridgeway due to FASNY's increased traffic. The City's Comprehensive Plan establishes objectives for the City of enhancing open space and creating linkages between open space and community resources. Without such linkages, the Conservancy becomes primarily accessible only by car or bus, and is not integrated into the fabric of the neighborhood character.. In addition to the High School and YWCA, there are numerous houses of worship and the German School within a short biking or walking distance from residences to the west and north of the Project Site. Any Special Permit/Site Plan application must include a pedestrian and bicycle pathway plan for the Project Site. FASNY should work with the City's Departments of Planning, Recreation and Parks, Public Works and Public Safety, the Deputy Commissioner of Parking for Transportation Engineering and the Environmental Officer to design a comprehensive, coordinated pedestrian pathway and bike trail plan interconnecting the Project Site to the neighborhoods and community resources in the area, such as schools. Any final Trailway Linkages Plan must be approved by the Common Council as part of any Special Permit/Site Plan approval, and should be incorporated into the Comprehensive Plan.

FINDING G-8: Subject to full compliance with all of the conditions, findings and requirements set forth in Findings G-1 through G-7 hereinabove, and compliance with related conditions, findings and mitigation requirements set forth in other findings contained in this Findings Statement, the potential significant adverse impacts to community services and facilities of the MPP/Ridgeway, MPP/North Street and MPP/Bryant Avenue can be avoided or mitigated to the maximum extent practicable.

## H. FINDINGS REGARDING INFRASTRUCTURE

### SUMMARY OF EXISTING CONDITIONS:

While operated as a golf club, Ridgeway Country Club relied upon the municipal infrastructure for water, sewer and utilities.

EXPECTED IMPACTS: Initial Project and Modified Project All Access Options

The Project Modifications to the Initial Project described in Chapters 1 and 2 of the FEIS do not create any significant changes in the demand for water, gas or electric utilities over that described in the DEIS. The Department of Public Works has indicated that the water supply system "appears to have adequate capacity" to meet FASNY needs. However, the Department of Public Works has indicated that the sanitary sewer system serving the Project Site would require modifications to accommodate the anticipated sanitary flow volumes from the Initial Project and the Modified Proposed Project. Backflow prevention devices and full metering of water through a master municipal meter are also necessary. ConEdison has indicated that adequate electrical service and gas service exists in the vicinity of the site.

H. FINDINGS: Based on its review of the Environmental Record, the Lead Agency makes the following Findings regarding Infrastructure in relation to the Initial Project and the Modified Proposed Project all access options. These Findings incorporate the conditions and requirements necessary for the mitigation of potential significant adverse impacts where such impacts can be effectively mitigated.

Since the differences between the Initial Project and the Modified Project for each access option is very little with respect to public infrastructure, the findings will be made jointly, with separate findings where differences exist.

FINDING H-1: Based on the review by the City's Department of Public Works of the water demand projected to be generated by the Initial Project for 1200 students and associated staff, which demand has not been increased in the Modified Proposed Project, there do not appear to be any potential significant adverse impacts on the City's water system infrastructure. This determination is subject to the Department of Public Works' review of any final detailed design calculations, which review shall be based upon, among other things, a final determination on the total number of students and staff at the FASNY School in accordance with the Findings in Section J. These calculations must be submitted at the time of revised Special Permit/Site Plan application. The proposed water service is proposed to be provided to the Project Site from an existing water main in Ridgeway. Any Special Permit/Site Plan approval shall include requirements that any new water service and any required modifications to the existing water service shall be made, as required by the Commissioner of Public Works, at the expense of FASNY, and that work shall be conducted pursuant to the standards and permits of the Department of Public Works.

FINDING H-2: As part of the review and approval by the Department of Public Works of the water system infrastructure modifications to accommodate the Modified Proposed Project, which would be essentially the same for all access options and which review and approval must take place prior to any Special Permit/Site Plan approval, the Applicant's MEP of record (EOR) for the mechanical systems of the buildings must submit the more detailed design calculations based upon, among other things, a final determination on the total number of students and staff at the FASNY School, which includes consideration of the existing and proposed slope of the respective piping systems, as well as

the "half-full" volume capacities, to arrive at the proposed necessary size of the service lines.

FINDING H-3: To avoid any significant adverse impacts on water quality, backflow prevention devices are required to be installed on the fires and domestic water services, and one master water meter must be provided for the Project Site. To ensure the continued safe operation of the backflow devices, FASNY must provide to the City a contract, acceptable to the City of White Plains and approved by the Corporation Counsel, for the maintenance of the new and existing private fire hydrants by an outside firm. Furthermore, any individual water meters that may use municipal water for existing and/or proposed irrigation systems are required to be converted to private sub-meters, and the water consumption readings routed through the master water meter. Any Special Permit/Site Plan approval shall incorporate these requirements.

FINDING H-4: In the FEIS, FASNY has indicated its intent to continue use of the existing irrigation system during the time the Conservancy plantings are being established, and then to discontinue or diminish use of the system. Potential adverse impacts could result from the abandonment of the system, such as during periods of drought when the meadows may become a fire hazard if not irrigated. Furthermore, FASNY is committing to substantial landscaping throughout the Campus portion of the Project Site, which may or may not be irrigated from this existing system. To avoid potential significant adverse impacts from the discontinuance or diminishment of the existing irrigation system, FASNY must provide in the Conservancy Master Plan a detailed statement of how it will maintain and water the Conservancy area during its establishment and on an ongoing basis. FASNY would also need to provide, as part of the Modified Proposed Project Landscaping Plan, a detailed plan for the watering and maintenance of all landscaping within the Campus Area. Any Special Permit/Site Plan approval must incorporate these requirements.

FINDING H-5: To avoid any adverse impacts to the City in relation to its obligations for the payment of water charges to the New York City Water District, any Special Permit/Site Plan approval shall require, and FASNY must ensure, that all water using the municipal water system would be fully metered and FASNY shall be required to pay the water usage rate applicable to it based on its volume of usage.

FINDING H-6: Based on the review by the City's Department of Public Works of sewage generation from the Project Site projected for the Initial Project, which demand has not been increased in the Modified Proposed Project and is based on a 1200 students and associated staff, there is the potential for significant adverse impacts on the City's sanitary sewer system infrastructure unless avoided by modifications to the existing system. To avoid these impacts, unless the student enrollment is decreased to a level not requiring modifications, the existing sanitary sewer collection system serving the Project Site must be modified by FASNY, at its sole expense, to accommodate the anticipated sanitary flow volumes, including reconstructing the existing sewer lines in Ridgeway from Hathaway Lane to the midpoint of the

Project Site on Ridgeway. The final analysis of sewer system capacity shall be based upon the final number of students and staff approved for any FASNY school as required in any Special Permit/Site Plan approval.

FINDING H-7: To mitigate any downstream impacts of increased sanitary flow from the Project Site, an issue raised by the Westchester County Department of Planning, FASNY must work with the City's Department of Public Works and County Department of Public Works to meet the County standards of offsetting new sanitary flows at a ratio of three to one. These mitigation measures must also be shown by FASNY on the detailed sanitary system design modifications and must be designed and constructed to meet all necessary regulations. The cost of all such improvements related to FASNY's usage shall be borne by FASNY. The final analysis of sewer system capacity shall be based upon the final number of students and faculty approved for any FASNY school as required in any Special Permit/Site Plan approval.

FINDING H-8: If Hathaway Lane is discontinued and conveyed to FASNY, as proposed by FASNY in both the MPP/North Street and MPP/Bryant Avenue access options, to mitigate any significant adverse impacts to the City infrastructure, FASNY must provide the City with an easement over the former Hathaway Lane and over any other public infrastructure for access to and maintenance of all municipal water and sewer infrastructure, and other utilities located in the current right of way or elsewhere on the Project Site, at dimensions and alignment determined by the Commissioner of Public Works.

FINDING H-9: If Hathaway Lane is discontinued and conveyed to FASNY as proposed by FASNY in both the MPP/North Street and MPP/Bryant Avenue access options, to avoid significant adverse impacts on the City, in relation to maintenance of City streets and snow and refuse/recycling removal, and on the single family residence at 57 Hathaway Lane in relation to access to the home, the entire length of Hathaway Lane must be discontinued and a new driveway alignment provided to the residence at 57 Hathaway Lane connecting the existing driveway out to the Gedney Esplanade/Hathaway Lane intersect, in a manner approved in any Special Permit/Site Plan approval and at FASNY's sole expense.

FINDING H-10: Based on information provided to the Applicant by ConEdison, there do not appear to be any potential significant adverse impacts related to capacity or delivery of gas or electrical service to the Project Site

FINDING H-11: Any supplemental information required by the Commissioner of Public Works must be provided by FASNY on request, and in an expeditious manner, to enable the Department of Public Works the necessary time to fully plan for all upgrades to municipal systems, including County systems, necessary to be undertaken by FASNY. The comments from the Department of Public Works cited in the FEIS are subject to revision as additional construction details are provided or plan revisions are made.

FINDING H-12: Roadway improvements are proposed by FASNY for MPP/Ridgeway, MPP/North Street and MPP/Bryant Avenue.

1. The proposed roadway improvement, for MPP/Ridgeway at the corner of Ridgeway and Mamaroneck Avenue, of a right turn lane within the existing paved right-of-way will have an unmitigated significant adverse impact on pedestrians crossing Mamaroneck Avenue on the south side of Ridgeway, adversely affecting safety and sight distances, as well as adversely impacting bicycle access along this portion of Mamaroneck Avenue. Traffic impacts at Old Mamaroneck Road and Hazelton are only partially mitigated by proposed signal timing changes proposed by FASNY. The roundabout at Ridgeway and Hathaway Lane will, as noted, have adverse public safety impacts that have not been mitigated. Modifications to Hathaway Lane roadway width on a portion of the street may create new adverse impacts.
2. The proposed roadway improvements for the North Street access option do not mitigate significant adverse impacts at the intersection of Bryant Avenue and North Street unless the full construction of the 100 foot long left turn lane on Bryant Avenue is undertaken and funded by FASNY, and the intersection with White Plains High School and the FASNY Project Site is constructed in a manner that maintains this intersection at a LOC C during peak hours. The location and design of this intersection, if it involves School District property, is subject to the approval of the White Plains School Board and any other required NYS department or agency. Any modifications to North Street require the approval of Westchester County.
3. There is insufficient information to assess potential significant adverse roadway infrastructure impacts from the Bryant Avenue access option.

FINDING H-13: Subject to full compliance with all of the conditions, findings and requirements set forth in Findings H-1 through H-12 hereinabove, and compliance with related conditions, findings and mitigation requirements set forth in other findings contained in this Findings Statement, the potential significant adverse impacts on public infrastructure of the MPP/Ridgeway as proposed cannot be mitigated; the MPP/North Street can be mitigated at the sole cost and expense of the Applicant; and MPP/Bryant Avenue cannot be assessed as not enough information is available on the roadway infrastructure impacts of this access option.

## I. FINDINGS REGARDING SOCIOECONOMIC CHARACTER AND FISCAL IMPACTS

### SUMMARY OF EXISTING CONDITIONS:

While operated as a golf club, Ridgeway Country Club paid municipal property taxes and relied upon the municipal services, including, but not limited to, emergency services, and municipal infrastructure for water, sewer and utilities.

EXPECTED IMPACTS: Initial Project and Modified Project All Access Options

The expected socioeconomic and fiscal impacts of the establishment of the French-American School on the former Ridgeway Country Club site in White Plains include a number of factors. The three principal factors noted in Chapter 10 of the DEIS that apply equally to the Initial Project and the Modified Proposed Project for all access options are:

1. Construction employment as well as purchase of goods and services from local businesses by construction workers.
2. Additional annual purchases by the FASNY students and staff of goods and services from local businesses.
3. The City School District not needing to provide educational services to school age children of FASNY families who choose to move to White Plains.
4. Employment of some local residents on a permanent basis by FASNY.

FASNY, as a not-for-profit educational institution, will not be subject to property tax or sales tax on most purchases, including construction purchases. Construction workers and FASNY employees will be subject to sales tax for local personal purchases.

The number of FASNY families who move to White Plains and buy homes may increase the demand for such homes and increase their value, but that is not necessarily the case, and cannot be determined to be a benefit in terms of property tax generation, as the same homes could also be sold to a household without children, or with children over public school age.

I. FINDINGS: Based on its review of the Environmental Record, the Lead Agency makes the following Findings regarding Socio-Economic Character and Fiscal Impacts in relation to the Initial Project and the Modified Proposed Project all access options. These Findings incorporate the conditions and requirements necessary for the mitigation of potential significant adverse impacts where such impacts can be effectively mitigated.

Since the differences between the Initial Project and the Modified Project for each access option is very little with respect to Socio-Economic Character and Fiscal Impacts, the findings will be made jointly, with separate findings where differences exist.

FINDING I-1: Construction worker salary and wages will have a positive regional effect for the period of construction. It is not possible to project what impact this will have on White Plains as the number of workers who would be White Plains residents cannot be projected. Some revenue will come to the City through sales tax, primarily on food items, purchased while workers are working at the Project Site. The impact of construction worker purchases will not have a significant adverse or positive impact on the City of White Plains or its residents. Construction impacts are also temporary.

FINDING 1-2: Some revenue will come to the City through sales tax from purchases made by students and staff at local businesses during school days. This will depend on the extent to which students and staff leave the Project Site. This is conjectural. The impact of student and staff purchases in White Plains will not have a significant adverse or positive effect on the City of White Plains or its residents.

FINDING 1-3: Benefits to the City School District from not needing to educate students from families moving to White Plains to have their students attend FASNY is also purely conjectural as the number of such students cannot be predicted (see FEIS Response 3.10-5). The impact on public school attendance cannot be accurately assessed, but it is not expected to have a significant adverse or positive effect on the City of White Plains or its residents in the case of other private schools and nursery schools.

FINDING 1-4: As noted in the FEIS, projections of FASNY families' impact on home purchase prices is also conjectural. The market affecting home purchase prices is much broader and affected by more variables in White Plains and in the surrounding neighborhoods than FASNY. Housing location choices are affected by location of employment, services, schools (there are multiple public and private school alternatives in White Plains). Neither significant adverse or positive effects on home sales in the City of White Plains related specifically to the location of the FASNY School in White Plains can be projected.

FINDING 1-5: Subject to full compliance with all of the conditions, findings and requirements set forth in Findings I-1 through I-4 hereinabove, and compliance with related conditions, findings and mitigation requirements set forth in other findings contained in this Findings Statement, any potential impacts to socioeconomic character and fiscal impacts of the MPP/Ridgeway, MPP/North Street and MPP/Bryant Avenue are either conjectural or are not significant adverse impacts.

## J. FINDINGS REGARDING TRAFFIC AND TRANSPORTATION

### SUMMARY OF EXISTING CONDITIONS:

The former Ridgeway Country Club located on the Project Site has not been in operation since 2011. The clubhouse is being maintained but is not open to the public. The former golf course is being mowed and maintained free of hazards. There is only limited traffic to and from the site related to the maintenance of the facility.

### EXPECTED IMPACTS: Initial Project and Modified Project All Access Options

The expected traffic impacts of the Initial Project are described in the DEIS, accepted on August 6, 2012, and the traffic impacts for each of the Modified Proposed Project three access options, are described in the FEIS, accepted on September 16, 2013. As described in the Initial Project, and restated in the Modified Proposed Project, FASNY seeks to develop and operate on the Project Site a private 1200 student elementary and



secondary school and an accessory nursery school, with accessory performing arts and gym facilities, athletic fields and structures, including tennis courts, and an educational nature conservancy. The traffic impacts of the Initial Project and the Modified Proposed Project three access options are described in this section and findings are made related thereto.

The scope of the traffic analysis for the Initial Project in the DEIS was determined in the Scoping Document approved by the Common Council on December 5, 2011, after a public comment period. Pursuant to the Scoping Document, the traffic analysis was conducted on a macro- and micro-level and generally followed standard traffic procedures and methodology. The macro-level analysis included a detailed capacity analysis at 28 intersections. The micro-level included more detailed analysis and simulation of traffic for the original Proposed Project on-site and at the intersections of Ridgeway and Mamaroneck Avenue and Ridgeway and North Street using the VISSIM micro-simulation modeling tool. For the MPP/North Street, the VISSIM micro-simulation tool was used to analyze FASNY's proposed intersection of the FASNY driveway and WPHS driveway on North Street. The scope of the analysis for the additional MPP/North Street which was not included in the DEIS, was developed in coordination with the City staff. Additionally, all information has been made available to the public as part of the DEIS or the FEIS, as well as a posting of the FEIS and VISSIM on the City's website while it was still in draft form.

Based on public comment on the DEIS and responses thereto in the FEIS, FASNY presents as an alternative to the Initial Project, the Modified Proposed Project in which it incorporates a significant trip volume reduction strategy to reduce vehicle trips by approximately 50 and 51 percent in the AM and PM peak hours, respectively, primarily through a proposed mandatory busing program generating 75% bus ridership for students in grades 1st through 12th.

There are three Modified Proposed Project vehicular access alternatives examined by FASNY in Chapters 1 and 2 of the FEIS. Instead of accessing the Project Site via a signalized access road and signalized intersection at Ridgeway and Hathaway, as described in the DEIS for the Initial Project, in the FEIS FASNY describes the three following access alternatives: (1) a modified access alternative (MPP/Ridgeway) with access from Ridgeway at a roundabout at Hathaway Lane, and, for certain vehicles at Driveway A, but with no traffic signals; (2) a modified access alternative from North Street near the existing White Plains High School signalized intersection with North Street, which alternative requires, under the preferred scenario, moving the existing High School access point further north to align with the FASNY Project Site and installation of a new signalized intersection and a signal on the High School access drive (MPP/North Street); and (3) a modified access alternative from Bryant Avenue, which alternative requires relocating Hathaway Lane to create a new alignment with Bryant Avenue and an access road into the FASNY Project Site (MPP/Bryant Avenue). Both the MPP/North Street and the MPP/Bryant Avenue involve the discontinuance of Hathaway Lane between Ridgeway and the property line of the residence at 57 Hathaway Lane.

The implementation of the trip volume reduction strategy (mandatory busing program) proposed by FASNY for all three of the Modified Proposed Project access options, involves a number of variables, the values of which are unknown at this time including, but not limited to, the number of students eligible to be bused under the mandatory busing program by sending school districts, the size of the buses the sending school districts will utilize, the number of buses that will be sent by each sending school district, the grade level distribution of students at FASNY in relation to busing eligibility, the number of grades that will be bused at the same time by sending school districts and the effect on ride sharing rates and student occupancy in passenger vehicles based on higher bus occupancy rates. Other variables over which FASNY has some control are: the timing of the arrival/departure of the students by car, the timing of staff arrivals/departures, circulation on the Project site, and, based on school starting and dismissal times, how the peak FASNY periods and hours align with existing and projected increases in roadway system traffic. Since not all of this information is available to FASNY or to the City of White Plains at this time, as it is subject to the determinations of the public school districts with obligations to bus students from their communities to private schools for certain grades and for certain distances, the number of students eligible for busing will vary depending upon the communities in which the FASNY students reside during any particular school year. The busing policies are not uniform among school districts.

J. FINDINGS: Based on its review of the Environmental Record, the Lead Agency makes the following Findings regarding Traffic and Transportation in relation to the Initial Project and the Modified Proposed Project all access options. These Findings incorporate the conditions and requirements necessary for the mitigation of potential significant adverse impacts where such impacts can be effectively mitigated.

Since the differences between the Initial Project and the Modified Project for each access option is very little with respect to Traffic and Transportation, the findings will be made jointly, with separate findings where differences exist.

#### Mandatory Busing Program

FINDING J-1: Based on its review of the comments on the DEIS regarding traffic impacts, including the comments contained in the Technical Review of the City's traffic consultant TRC Engineering, Inc., dated November 20, 2012; the report from the Commissioner of Traffic (now Deputy Commissioner of Parking for Transportation Engineering), dated November 23, 2012; and communication from the outside project consultant, dated November 21, 2012, FASNY undertook substantial revisions to its traffic analysis and project traffic proposal, which are described in the FEIS. In addition to examining three access options to the Project Site, FASNY has proposed in the FEIS to achieve a significant reduction in trips entering and leaving the Project Site through the implementation of a mandatory busing program to reduce total trips by approximately 50% in the AM and PM. The mandatory busing program calls for 75% of the students in Grades 1st through 12th to ride buses. Bus ridership for N/K students is

set at 23%. The existing bus ridership rates as described in the DEIS are 14% for N/K, 63% for Lower School Grades 1st -5th and 24% for Upper School Grades 6th -12th. The Common Council finds that there are a significant number of variables necessary to the implementation of the mandatory busing program that cannot be accurately predicted and/or are not under the control of FASNY. These variables include, but are not limited to, the following:

1. Number of FASNY students eligible for busing (the FEIS indicates that for the 2010-11 school year student population of 825, only 73% of students were bus eligible);
2. Number of students attending FASNY from sending districts that provide busing to private schools;
3. Distance sending districts will bus;
4. Number of buses sending districts will send in relation to eligible grade levels;
5. The timing of the arrival/departure of the students by bus and car, the wait time and wait location on site for buses picking up students from the Lower School grades 1st through 5th on Parcel D, and for the buses picking up students at the Upper School on Parcel A, with different start and ending times for different grades;
6. The effect of changes in arrival/departure times and patterns on peak hour impacts;
7. The ride sharing and student occupancy in passenger vehicles and buses and how this will be affected by required busing (for example German School with a busing program has a student occupancy rate for its Upper School of 1.3 in private cars where FASNY now has 1.65 for grades 6th-12th);
8. The effect of after-school activities on both arrival and departures of FASNY and non-FASNY students;
9. The effect of how the peak FASNY periods and hours align with existing and projected increases in roadway system traffic and direction of arrival and departure; and
10. Busing policies that are not uniform among public school districts, for example;
  - a. sending public school districts may drop off separately for each private school (such as German School and FASNY) or may combine drop-off and pick-up at a single point;
  - b. students may be combined from several private schools in one route; and
  - c. the application procedures for busing may vary by

school district.

As noted in FEIS Response 3.11-40, both the mandatory busing program and the proposed Traffic Management Plan assume specified levels of busing can be achieved and sustained over time. However, since not all of the information needed to design and enforce the mandatory busing program is available and/or in the control of FASNY, the Common Council, finds that, as Lead Agency for the environmental review of this Project, it cannot depend on such high rates of bus occupancy, which have not been previously achieved or sustained by FASNY, as assurance that such a program of mandatory busing with the proposed student body size of 1200 students can be achieved and sustained to mitigate to the maximum extent practicable the significant adverse impacts of the FASNY School trip generation on the surrounding roadway network and on circulation within the Project Site, even with the on-site and off-site roadway improvements or alterations proposed for the access options.

FINDING J-2: For all Modified Proposed Project access options, the actual trip generation and bus usage will influence the amount of parking needed on site and the amount of vehicle storage necessary, such as queuing of cars and buses, layover areas for buses, and parking for parents of N/K students who take their children into and pick them up from within the Lower School building. Although FASNY believes that the site plans for the MPP/Ridgeway, MPP/North Street, and MPP/Bryant Avenue provide sufficient bus storage and queuing on-site and that parking and queuing will not spill back to local roadways or block internal circulation, it is not known how many buses will actually come to the Project Site over the pick-up and drop-off periods, or what size buses these will be. The queuing area and storage area needs for buses can, therefore, not be definitively determined. Therefore, to avoid significant adverse impacts on-site and off-site from too many buses queuing or waiting on the Project Site, in any revised application for Special Permit/Site Plan approval, FASNY must demonstrate on the plans and the Transportation Management Plan must utilize a conservative estimate of bus demand of one (1) bus per ten (10) students. This is the bus/student ratio used by the German School. This ratio should also be applied in the calculation of bus trip generation.

Peak Hour: AM

FINDING J-3: FASNY has used the following traffic distribution analysis and school hours for its Modified Proposed Project. As indicated in FASNY's discussion in Chapter 2.1, arrivals for Grades 6-12 would occur just before the 8:00 AM start time for Middle and High School; Grades 1-5 arrivals would occur just before the 8:30 AM Lower School start time; and grades N-K arrivals would occur just before the 9:00 AM N/K start time. The FASNY traffic impact study from the DEIS was revised for each start time for each of the three access options (Ridgeway, North Street and Bryant Avenue) to look at the peak hour of trips generated by the Modified Proposed Project with the revised start times. According to FASNY's analysis, the peak AM hour occurs between 8:00 AM and 9:00 AM, incorporating the peak school arrival periods for the Lower School (1st - 5th) and N/K. However, the 8:00 AM to 9:00 AM peak hour described by FASNY for

the Modified Proposed Project does not include any of the Grade 6-12 arrivals and is outside the peak hour period for surrounding roadway traffic at critical intersections such as Bryant Avenue and North Street, and Mamaroneck Avenue and Ridgeway. Based on its review of the Environmental Record, the Common Council finds that the critical trip generation peak hour, which shows the most realistic combined impacts from the Modified Proposed Project and the area roadway network is a peak hour, which is within 15 minutes on each side of the roadway peak hour and which includes student and faculty arrivals for Grades 6-12 and Grades 1-5 or 89% of the student body. This peak hour is 7:30 to 8:30 AM. Overlaying the arrivals for the Lower and Upper Schools (Grades 1st through 12th) from 7:30 to 8:30 AM on the peak AM hour of the area roadway network provides a trip generation and level of service analysis that is more accurate in describing future conditions with the Project. Even though the number of passenger car trips is greater for the number of students for grades N/K, the N/K trips are not included in this time frame as those trips occur after the roadway peak period, generally between 8:45 and 9:00 AM when there is greater capacity in that system and on the Project Site. The Common Council further finds that the traffic impacts will vary according to the access option analyzed, each of which are described and findings made herein below.

Peak Hour: PM

FINDING J-4: FASNY has identified the PM peak hour as 2:45 to 3:45 PM. This peak hour is not the peak hour for the surrounding roadway system, although it is part of the peak period for school buses throughout the City. Within this peak hour, even with the mandatory busing program, there is a very heavy half-hour period, from 3:15 to 3:45 in which 84% of all PM peak hour traffic arrives and departs the Project Site. The Common Council finds that, the 393 vehicles (buses and cars) arriving and departing the Project Site in this half-hour period will create a significant adverse impact on traffic circulation on the Project Site and adjacent roadways that can potentially not be mitigated to the maximum extent practicable with the mandatory busing program and will require other mitigation measures, such as a reduction in the number of students attending the FASNY School, to adequately mitigate this adverse traffic impact.

FINDING J-5: In addition to the variables affecting the ability of FASNY to achieve a sustained 75% mandatory busing rate for Grades 1st through 12th, listed in Finding J-1 herein above, there are also a number of variables outside FASNY's control, which will affect the number of passenger vehicles coming to the Project Site in the PM for student pick up or after school activities. These include, but are not limited to:

1. The number of non-FASNY vehicles coming to the Project Site for after school activities;
2. The number of FASNY students who will participate in after school activities and the number of activities available seasonally;
3. The number of student drivers leaving in the PM peak

hour; and

4. The dispersion of trips onto the area roadway network which will change as families of FASNY students move more locally, as projected by FASNY.

Based on these variables, the Common Council finds that the proposed mandatory busing program presumes more control over student bus ridership, pick-up and drop-off, and vehicle trips to and from the site in the PM peak hour than can be reasonably achieved. Thus the potential significant adverse impacts from traffic cannot be presumed to be mitigated by the level of 75% busing in the mandatory busing program proposed to be achieved by FASNY.

#### Modified Proposed Project/Ridgeway:

FINDING J-6: FASNY has proposed in the FEIS an alternative access to the Project Site for a school of 1200 students than that described in the DEIS. The modifications to the Initial Project for alternate access from Ridgeway are described in Chapter 1.1 of the FEIS and further discussed in Chapter 2.1. The principal modifications to the Initial Project with this access from Ridgeway and Hathaway Lane are:

1. Implementation of a mandatory busing program to reduce trip generation by approximately 50%;
2. Removal of the traffic signals on Ridgeway at the Parcel A access point and at Hathaway Lane, replacing the first with a left turn lane and the latter with a roundabout;
3. Reduction in the number of parking spaces on Parcels A and D by 50 spaces or 12%;
4. Redesign of the site circulation to separate bus and passenger vehicle interaction and pick-up/drop-off areas on both Parcel A and Parcel D;
5. Increase in the queue capacity and providing a queuing lane for the Lower School surrounding the Lower School Building;
6. Changes to the start and dismissal times for the Upper School, Lower School and N/K grades;
7. Provision of sidewalks on the northerly side of Ridgeway and westerly side of Hathaway Lane along the school property;
8. Separation of all parking lots a minimum of 75 feet from residential uses, except for the dimensionally non-conforming parking lot on the easterly side of Hathaway Lane at Ridgeway; and
9. Creation of a northbound right turn lane on Mamaroneck Avenue at Ridgeway within the existing paved area subject to Westchester County approval.

Some of these mitigation measures, such as 2, 3, 4, 5, 6, 7, and 8, help to reduce the otherwise significant adverse impacts on area residents. However, the Common Council notes that it has found in Findings J-1 and J-2 that the mitigation measure involving the mandatory busing program, is not sufficiently within the control of FASNY to achieve the necessary bus occupancy rate of 75% for Grades 1st through 12th. Mitigation Measure 2, involving the creation of a roundabout, creates new unmitigated significant adverse public safety impacts by creating potential delays in response time for emergency vehicles and difficulties for emergency vehicles in turning movements through the roundabout. Mitigation Measure 9, involving a 90 foot northbound right turn lane at Mamaroneck Avenue and Ridgeway, creates new significant unmitigated adverse public safety impacts related to pedestrian safety, particularly for the children crossing to the Ridgeway elementary school, creates limitations on sight distances, and adversely impacts the character of Ridgeway as a Collector Street. Furthermore, construction of the proposed right-turn lane at Mamaroneck Avenue and Ridgeway would require narrowing of lanes on Mamaroneck Avenue and eliminating the existing paved and delineated shoulder which serves as a bicycle lane and walking area, and improves sight distances for pedestrians, particularly school children at the south east corner pedestrian waiting area of the intersection. The Common Council finds these significant adverse impacts are not sufficiently mitigated by the installation of the pedestrian safety improvements (pedestrian countdown signal, high visibility crosswalks, ADA compliant pedestrian ramps, and "Yield to Pedestrians" signage) proposed by FASNY.

FINDING J-7: Although FASNY does not believe that the proposed traffic signal at the Hutchinson River Parkway Southbound Ramps and Mamaroneck Avenue, and the "back of queue" detectors requested by NYS Department of Transportation to ensure safe functioning of Mamaroneck Avenue and Hutchinson Parkway mainline, are necessary because of its projected traffic volume reduction from implementation of the mandatory busing program, the Common Council finds that since the mandatory busing program has been found in Findings J-1 and J-2 not to be achievable and sustainable with a the high degree of certainty necessary to assure its effectuation due to the number of factors and variables involved in its implementation that are outside FASNY's control, the requirement for the traffic signals and/or signal modifications proposed in the DEIS should be subject to the determination of the NYS Department of Transportation. Such determinations by the NYS Department of Transportation must be obtained prior to any Special Permit/Site Plan approval.

FINDING J-8: None of the Ridgeway access mitigation measures address the unmitigated significant adverse impact that full access to the Project Site from Ridgeway and Hathaway Lane has on the role of Ridgeway as a Collector Street, not an arterial roadway, as identified in the City's Comprehensive Plan; and, furthermore, the site circulation mitigation measures on Parcel A and on the lower portion of Parcel D and the Hathaway Lane pedestrian and vehicular road crossings identified in the Modified Proposed Project/Ridgeway do not achieve the degree of mitigation shown in the Campus area under the Modified Proposed Project/North Street and the Modified Proposed Project/Bryant

Avenue access options, which further reduce parking lot sizes and modify parking lot locations, including removing the dimensionally non-conforming parking on Parcel D, and provide further separation of buses and passenger vehicles, eliminate all student pick-up/drop-off, bus and faculty circulation and access from Ridgeway, and eliminate the roundabout, thereby avoiding their associated significant adverse impacts. These site circulation modifications in the MPP/North Street and MPP/Bryant Avenue are, in part, the result of the discontinuance of Hathaway Lane from Ridgeway to its intersection with Gedney Esplanade and the conveyance of the land, subject to easements for all municipal utilities and emergency access, to FASNY. The discontinuance of a public street is subject to the requirements of Section 152 of the White Plains Charter and requires a public hearing and 2/3rds vote of the Common Council.

FINDING J-9: As noted in FEIS Response 3.11-22. FASNY's revised analysis presented in Chapter 2.1 reflects the existing signal timing provided by the City. The existing conditions analysis reflected traffic conditions observed at the intersection of Ridgeway and Old Mamaroneck Road. As stated in the FEIS response, the traffic analysis indicates that there might be a significant adverse impact with the MPP/Ridgeway at Ridgeway and Old Mamaroneck Road. FASNY proposes that with the signal phasing changes presented in Chapter 2.1, the impact would be mitigated with all movements operating at LOS C or better. However, as stated in the FEIS, these changes may not be possible with the existing signal controllers. In particular, the Hazelton Drive movements need to be protected. For the MPP/Ridgeway access option, FASNY proposes to mitigate the potential significant adverse impacts with implementation of the mandatory busing program. However, as indicated in Findings J-1 and J-2, there are too many variables and factors outside the control of FASNY to rely upon the mandatory busing program for assured mitigation of such potentially significant adverse impacts to the maximum extent practicable. Furthermore, the revised traffic analysis indicates that to mitigate the significant adverse impact of this aspect of the MPP/Ridgeway even if the mandatory busing program could be fully implemented, among other things, new adaptive signal controllers should be installed.

FINDING J-10: Based on the DEIS Initial Project design and the MPP/Ridgeway design, all Project-generated trips along Hathaway Lane would occur between Ridgeway and the Project Site driveways and not north of Gedney Esplanade. Under the MPP/Ridgeway, Hathaway Lane south of the Project driveways would be widened to provide one 12-foot travel lane in each direction to accommodate Project-generated trips. The Common Council finds that the widening of only a portion of this block of Hathaway Lane could create a potentially hazardous traffic condition due to the sudden change in geometry and traffic patterns.

FINDING J-11: FEIS Chapter 2.1 provides FASNY's analysis of operating conditions at the Project Site driveways on Hathaway Lane under the MPP/Ridgeway. Based on that analysis, FASNY concluded that the Project Site driveways would operate at acceptable levels of service, and would not affect local traffic using Hathaway Lane. Furthermore, since vehicles exiting the Project Site would not be allowed to exit north on Hathaway Lane



no traffic increases are projected by FASNY in the Gedney Farms neighborhood. However, during the period when students are being dropped off or picked up, FASNY acknowledges that there could be short duration backups on Hathaway Lane, which FASNY acknowledges must be controlled so that it did not divert non-FASNY Hathaway traffic to other neighborhood streets. The Common Council finds that the number of vehicles and therefore the duration of such backups will be greater than projected by FASNY, since FASNY's projections are based on implementation of the mandatory busing program. FASNY's traffic analysis in Table 2.1-10 indicates 194 vehicles (cars and buses) entering the site within the 30 minute period from 3:15 to 3:45 PM and 199 vehicles leaving, under an implemented mandatory busing program. The Common Council finds that this volume of traffic will be greater due to the inability of FASNY to achieve and sustain over time the implementation of the 75% busing necessary for the mandatory busing program to work at the trip generations projected, as discussed in Findings J-1 and J-2. Thus the potential significant adverse impacts to traffic going through Hathaway from the MPP/Ridgeway will likely cause diversion of such traffic to nearby local residential streets, resulting in adverse impacts to these local streets that are not mitigated to the maximum extent practicable.

FINDING J-12: For the MPP/Ridgeway, FASNY agreed to include the installation of adaptive signal controllers along Mamaroneck Avenue at three intersections (i.e., Mamaroneck Avenue at Ridgeway, Gedney Esplanade, and Gedney Way) which would improve traffic flow on Mamaroneck Avenue and could result in less cut-through traffic. Although these adaptive signal controllers would benefit traffic flow on Mamaroneck Avenue, the Common Council finds that significant adverse impacts remain for the following elements of the MPP/Ridgeway proposal: (1) the roundabout on Ridgeway; (2) the northbound right turn lane at Ridgeway; (3) the impact of MPP/Ridgeway on the character of Ridgeway as a collector street; and (4) the impact of traffic going into and out of the site, and potentially backing up onto Hathaway Lane due to the higher traffic generation anticipated since the implementation and sustainability of the mandatory busing plan cannot be assured, which significant adverse impacts are not mitigated to the maximum extent practicable by the MPP/Ridgeway.

#### Modified Proposed Project/North Street

FINDING J-13: Alternative access to the Project Site from North Street, as shown by FASNY in Chapters 1.2 and 2.2 of the FEIS and reviewed in Chapter 3, proposes bringing all traffic to and from the Project Site, with the exception of a small, approximately 15 space, lot off of Ridgeway and two small gravel lots for the Conservancy, via an entrance from North Street just north of the White Plains High School/North Street intersection. The access road would run approximately 3,000 feet to the FASNY Campus. Under the North Street access option, FASNY proposes that the City discontinue Hathaway Lane from Ridgeway to the property at 57 Hathaway Lane while providing emergency vehicle access to and through the Project Site from Ridgeway to Hathaway Lane at Gedney Esplanade. Assuming 1200 students and implementation of the mandatory busing program, in FEIS Table 2.2-2, FASNY estimates that in the AM and PM, FASNY related traffic on Ridgeway would be reduced by approximately 198 and 210 vehicles,

respectively, between Mamaroneck Avenue and Hathaway Lane, with about 80 FASNY related vehicles remaining on Ridgeway to North Street. The Common Council finds that the relocation of the Project Site access to North Street results in a significant reduction in Project related traffic volumes on Ridgeway, which volumes are consistent with its role as a Collector Street and which do not necessitate any northbound right turn lane at Mamaroneck Avenue. Since Hathaway Lane would be closed at Ridgeway, there would be some diversion of local resident traffic to Murchison Place, Gedney Esplanade and Hotel Drive, extending the travel routes for these area residents. However, cut-through traffic now on Hathaway Lane from Bryant Avenue would likely be reduced as the convenience of the cut-through would be lost. The installation of the adaptive signal controllers along Mamaroneck Avenue at three intersections (i.e., Mamaroneck Avenue at Ridgeway, Gedney Esplanade, and Gedney Way) which FASNY agreed to provide as part of the MMP/Ridgeway (See Finding J-12) would improve traffic flow on Mamaroneck Avenue and could result in less cut-through traffic. The Common Council finds that these adaptive signals would also reduce traffic impacts, contributed to by FASNY's operation, at the three intersections listed above in the MPP/North Street. The Common Council further finds that a demand actuated adaptive signal at the intersections of Ridgeway and North Street, FASNY's access road, and North Street and Bryant Avenue would also reduce traffic impacts at these North Street intersections contributed to by FASNY's operation. All traffic signals must be tied to the City's traffic control system at FASNY's expense.

FINDING J-14: In the FEIS, FASNY analyzes three possible access methods on North Street each of which are described and findings made herein below:

1. Under the first option, the access from North Street into the Project Site would leave the access to the White Plains High School at its current location, leaving the two driveways at an offset from one another but putting the entire intersection under one signal control. This scenario would result in the need to split the traffic signal phasing from the left turns from North Street, which would then add to the overall delays and queuing experienced at the intersection. If split phasing was not provided, there would be significant adverse conflicts between left turning vehicles. This option is not supported by City staff, TRC Engineers, Inc., and FASNY due to its significant adverse impacts which cannot be mitigated to a safe level. The Common Council concurs in this finding.
2. Under the second option, the White Plains High School driveway would be shifted to align with the FASNY driveway and a roundabout would be put in at this location. This option is not supported by City staff, TRC Engineers, Inc., and FASNY because the size and design of roundabout required would need to be a two-lane hybrid roundabout, would be at or near its capacity, and would create safety hazards and confusion. Westchester County, which has jurisdiction over North Street also expressed serious concerns about

a roundabout at this location.

3. Under the third option, if it is necessary to relocate the White Plains High School driveway to align it with the FASNY North Street access driveway, the White Plains High School driveway would be shifted in a northerly direction to align with a new intersection at the FASNY driveway and a new signal with adaptive signal control would be installed which would cover all movements, plus the possible addition of a traffic signal on the High School access road on the High School property, should the White Plains Board of Education deem it as appropriate, to improve traffic flow during peak periods. According to FEIS Table 2.2-9 FASNY concludes that all vehicle movements would operate at LOS C or better. In this scenario the southbound North Street left-turn lane must be lengthened and the proposed northbound left turn lane to access the Project Site must be longer than shown in FASNY's drawing. Further since new pedestrian crosswalks are proposed, right turn movements on red may need to be prohibited across the crosswalks. As noted, this aligned demand actuated traffic signal also suggests the need for the installation of an internal traffic signal on the High School access driveway. City staff and TRC Engineers, Inc. recommend that the signal phasing and a determination of whether to install an internal traffic signal on the High School access driveway must be adjusted and analyzed with a report to the Common Council prior to any Special Permit/Site Plan approval. The Common Council concurs in this recommendation. The Common Council finds that North Street access options 1 and 2 hereinabove do not mitigate significant adverse traffic impacts of the MPP/North Street alternative to the maximum extent practicable. Access option 3, including: (1) the reconstructed High School driveway aligned with the FASNY driveway; (2) the aligned adaptive traffic signal on North Street at the intersection of the FASNY driveway and High School driveway; (3) the proposed internal traffic signal; (4) the adjusted queue lengths for the northbound and southbound left turn lanes; (5) pedestrian crosswalk improvements with the prohibition of right on red across the crosswalks; and (6) adaptive traffic signals at the intersections of North Street and Bryant Avenue, and North Street and Ridgeway with phasing adjustments as necessary, would mitigate the significant adverse traffic impacts specifically of this new intersection to enable it to operate at acceptable levels of service and safety and would mitigate adverse impacts at the intersections of North Street and Bryant Avenue and North Street and Ridgeway. However, the Common Council notes that the determination of the installation and location of an internal traffic signal on the High School access roadway, should the White Plains Board of Education deem as appropriate the installation of such an internal traffic signal, requires prior approval from the White Plains Board of Education. The Common

Council, therefore, further finds that FASNY must provide as part of any revised Special Permit/Site Plan application a plan, acceptable to the Commissioner of Public Works and Deputy Commissioner of Parking for Transportation Engineering, regarding the adaptive traffic signal and phasing, and a determination from the White Plains Board of Education to permit the relocation of the High School internal driveway and any associated parking, should it be necessary to realign the FASNY and High School driveways and plans for the installation on the High School's North Street access driveway of an internal traffic signal should the White Plains Board of Education deem as appropriate the installation of an internal traffic signal. FASNY would also need to provide that this signal internal to the High School property would be maintained and its operation funded by FASNY. Any revised Special Permit/Site Plan approval would also need to identify such other approvals as may be required from the NYS Department of Education with respect to the school property and Westchester County with respect to North Street modifications.

FINDING J-15: In its Chapters 1 and 2 of the FEIS, particularly Chapter 2.2 at page 2.2-12 FASNY discusses a Sensitivity Analysis which it conducted for some intersections in relation to the MPP/North Street. FASNY states that this Sensitivity Analysis indicates that trip generation could increase by 28% over the 417 trips (total of in and out in peak hour) that is projected in Table 2.1-9 for the AM Peak Hour 8:00 to 9:00 AM and states that busing could commensurately drop to 55% without requiring any additional mitigation measures. However, the Sensitivity Analysis contained only limited information in Appendix E and was only performed for a limited number of locations. It does not account for a difference in trip distribution. Due to these limitations, the Sensitivity Analysis cannot be accepted as fully predictive of a condition with a 28% increase in trip generation and 55% busing level at a student body size of 1200 students. Furthermore, at the time of its application to the Common Council, the FASNY School had an overall busing rate for grades N-12 of 36.9% (with 825 students). The lowest busing rate was 18% for N/K students. The busing rate for 1st through 12th grades was 42%.

FINDING J-16: For the MPP/ North Street access option, assuming the busing rate remains the same for grades N/K as it was at the time of FASNY's application (18%), the Common Council finds that it is reasonable to expect that FASNY can implement a busing program that will achieve:

1. A busing ratio of at minimum 50% for grades 1st through 12th an increase of 8% over the 42% in 2010, while seeking to achieve an even higher rate for grades 1st through 12th;
2. Student body distributed among grades in approximately the same ratio as 2010 application, or, as provided in Findings J-22 and J-24 and restated herein (2) a percentage distribution that does not (a) lower the

minimum percentage of 50% for bus ridership for grades 1 through 12, (b) increase the percentage of N/K students above 21% and/or (c) increase the trip generation for any peak hour above 530 trips, as provided in these Findings. Any Special Permit/Site Plan approval shall require, and the Transportation Management Plan described herein below in Finding J-24 shall provide, that, although the overall student cap for the entire School is 950 students, (1) in Phase I, which includes the opening and operation of only the Upper School (High School and Middle School Grades 6 through 12,) (a) enrollment shall not exceed 750 students, and trip generation shall not exceed 530 trips, and (2) no Building Permit shall be issued for the construction of the Phase II Lower School (grades 1 through 5) until FASNY has demonstrated to the satisfaction of the appropriately designated City staff and/or consultants that the additional enrollment for grades 1 through 5, when combined with grades 6 through 12, shall not exceed in any peak hour the 530 trips provided for in these Findings. In no case shall the total number of students in Phase I exceed 750 students and in no case shall the total number of students N through 12th grades in Phases I and Phase II exceed 950 students under the Proposed Special Permit/Site Plan. Any Special Permit/Site Plan approval shall further provide that the Management Plan shall include the methodology to calculate trip generation using actual Phase I data on trip generation, bus utilization rates, bus occupancy ratios, car-pooling ratios and other data obtained from Phase I traffic counts, in order to determine prior to issuance of a Building Permit for Phase II the permitted enrollment in Phase II which shall in no case exceed 950 students under the Proposed Special Permit/Site Plan.

3. Car-pooling rate of at least 1.5 for grades 1st through 12th, while maintaining 1.3 for N/K students;
4. A maximum trip generation of 530 vehicle trips in any AM or PM peak hour;
5. A maximum number of 950 students and associated staff;
6. Regulation of staff arrival and departure times to reduce trips in peak hours; and
7. Transportation Management Plan that sets forth all requirements for monitoring and enforcing items 1-5 hereinabove.

FINDING J-17: The Common Council further finds that, for the MPP/North Street access option, with items 1 through 6 hereinabove in Finding J-16, and with (1) the installation by FASNY at its cost of the 100 foot eastbound left turn lane on Bryant Avenue at the intersection of Bryant Avenue and North Street; (2) an adaptive signal; and (3) timing adjustments at Bryant Avenue and North Street as determined necessary by the appropriately designated City staff, the Bryant Avenue/North

Street intersection would function at an overall LOS D with improvements to level of service for the major turning movements; this being an improvement over the LOS E found for the No Build condition which includes the already approved German School student cap increase, North Street Communities completion and background growth of 3% to 2019 and 0.5% thereafter, no FASNY and no 100 foot eastbound left turn lane. All traffic signals shall be required to be tied to the City's traffic control system.

FINDING J-18: Based on an analysis of the trip generation and the number of students and associated staff provided by FASNY in Chapter 2.1 and 2.2, the Common Council further finds that for the MPP/North Street access option, the upper limit of 530 vehicle trips (in and out in any one hour peak period) should be able to be achieved with a student body size of up to 950 students with at least 50% busing for grades 1st through 12th and all of the elements listed therein. To ensure that vehicles trips into and out of the Project Site can be properly monitored, any Special Permit/Site Plan approval shall include a requirement that a trip detection system, including trip detector sensors that can measure the trip generation and bus usage of the FASNY School with, as appropriate, video monitoring, and all connected to the City detection system, be installed on the FASNY access roadway near the entrance to the FASNY Project Site from North Street to record trip counts and provide that information directly to the City's traffic control system on a continuous basis.

FINDING J-19: During the AM and PM peak hours, traffic on North Street south of Ridgeway would increase by approximately 112 and 130 vehicles, respectively from the Project related traffic on this portion of North Street in the MPP/Ridgeway. In FEIS Chapter 2.2, FASNY analyzed the gaps that would be available to vehicles exiting Club Pointe Drive and Maplemoor Lane as representative of the gaps for all unsignalized intersections along the portion of North Street south of Ridgeway. In both of its scenarios the levels of service (LOS) for left and right turning movements for both AM and PM Peak Hour decline from A and B levels to primarily B or C during FASNY's peak AM and PM hours of 8:00 - 9:00 AM and 2:45 PM - 3:45 PM. The Common Council finds this peak hour analysis to be appropriate for these unsignalized intersections for the MPP/North Street at a maximum student body size of 950 with minimum 50% busing and maximum trip generation of 530 trips during any hour and the other elements listed in J-16. Under this scenario, the delay increases are acceptable for limited periods of time thus not constituting unmitigated significant adverse traffic impacts. However, since the LOS could be lower if the vehicle trips exceed 530 during any hour, any Special Permit/Site Plan approval shall provide a condition that the Transportation Management Plan require that if any of these unsignalized intersections deteriorate below level C for either turning movement in the FASNY AM or PM peak hour, FASNY shall be required to develop mitigation measures with the City's Commissioner of Public Safety and Deputy Commissioner of Parking for Transportation Engineering.

FINDING J-20: On North Street south of Ridgeway most of the vehicles will be passenger vehicles as buses are not permitted on the Hutchinson River Parkway. FASNY related traffic will also

increase at the Hutchinson River Parkway ramps, which have limited vehicle stacking room. FASNY proposed implementing traffic signal timing changes in the FEIS, as mitigation of the significantly greater FASNY traffic that will be coming on and off the Hutchinson River Parkway. However, based on review by City staff and consultants, the Common Council finds that these changes could result in the loss of some of the coordination between the signals and could adversely impact queue lengths. Therefore, any proposed changes to signal timing at the Hutchinson River Parkway ramps at North Street must be approved by the NYS Department of Transportation prior to any Special Permit/Site Plan approval by the Common Council, and any conditions of the NYS Department of Transportation, or County of Westchester with regard to North Street, shall be made requirements of any Special Permit/Site Plan approval.

FINDING J-21: The intersection of Bryant Avenue and North Street is a particularly sensitive and important intersection in the City particularly in the AM peak periods, as many people pass through this intersection on the way to work or on the way to the High School. The Bryant Avenue/North Street intersection is regularly observed to operate with long delays and queues, particularly during times of peak White Plains High School activity. FASNY notes in Chapter 2.2 of the FEIS that under the 2019 Build conditions, without any improvements, there would be significant impacts at North Street and Bryant Avenue. Taking a detailed look at the operation of this intersection, including a more detailed look at the capacity calculations, adjusting for the new "No Turn on Red" on the eastbound approach and accounting for existing pedestrian conflicts, updating lane widths to match field conditions, and revising the PHF by movement, this intersection operates, as noted in J-17 at LOS E under the No Build condition, which includes existing conditions plus the impact of already approved projects such as the German School and North Street Communities and the background growth rate assigned for the roadway system of 3% to adjust for reoccupancy of commercial buildings and a 0.5% additional background growth. This No Build LOS E is lower than that reported in the FEIS, which was LOS D, with an increased delay of 10 seconds. Adding the Build condition and assuming implementation of the 50% busing program with a maximum of 530 trips (total of in and out during one hour peak period), a student body size of 950 students, and the other elements listed in J-16, with only the signal timing improvements discussed by FASNY in the FEIS, the intersection and all major turning movements would decline to a lower LOS E or F, with the exception of the Bryant Avenue westbound LOS. The Common Council finds that the North Street/Bryant Avenue intersection is a critical intersection in the City and will fail to operate at an acceptable level of service, thereby creating a significant adverse impact that has not been mitigated to the maximum extent practicable if only the proposed signal timing adjustments are made, even with the reduced 950 students, maximum of 530 trips during any peak hour, and the other elements listed in J-16.

FINDING J-22: For the MPP/North Street access option, in the FEIS, FASNY proposes additional improvements at the North Street/Bryant Avenue intersection with the restriping of eastbound Bryant Avenue to paint in a 100 foot left-turn lane (Figure 1.2-11 only shows a 50 foot left turn lane). Due to the

lane widths and intersection configuration at this location, proper widening and alignment of an eastbound 100 foot left turn lane cannot be achieved merely with restriping lanes on Bryant Avenue; a full construction of this lane is required. The Common Council finds that, based on a review of the information in the FEIS and factual corrections to the data, the Synchro 7 analysis demonstrates that this intersection would operate at an overall LOS E and LOS E for the major turning movements in the 2019 No Build condition (existing condition plus German School, North Street Communities and background growth), but would improve to an overall LOS D and LOS D for the major turning movements in the Build condition if the new eastbound 100 foot left turn lane improvement is properly installed along with an adaptive signal, and if the FASNY trip generation from the Modified Proposed Project/North Street is maintained at a level of no more than 530 trips in and out during the peak AM hour, with N/K traffic being required to arrive after 8:30 AM. All traffic signals shall be required to be tied to the City's traffic control system.

Based on its findings in this Section J., the Common Council finds that, since FASNY's reduction in passenger vehicle traffic is dependent on the success of the 75% busing in the mandatory busing program, and since successful implementation of the mandatory busing program at 75% cannot be relied upon to be achievable and sustainable due to factors outside the control of FASNY discussed in the Findings hereinabove, other mitigation measures must be undertaken which are within the control of FASNY and/or have a margin for successful implementation. The Common Council finds that a sustainable level of trips in and out of the site during the AM peak hour can be achieved and sustained by implementation of the following through the Transportation Management Plan which shall be approved as part of any Special Permit/Site Plan approval:

1. Establish a busing program for busing of 50% of students in grades 1st through 12th, while striving to achieve 75% and maintaining the existing busing level of 18% for N/K grades and applying an average of 10 students per bus as used in the 2013 German School student body increase approval.
2. Maintain an overall car-pooling rate of no less than 1.5 for grades 1st through 12th and overall no less than 1.3 for N/K through 12th, as used in the 2013 German School student body increase approval.
3. Limit the number of students attending FASNY to no more than 950 students
4. Maintain approximately the same distribution among N/K (21%), Lower School (1-5) (36%), and Upper School (6-12) (43%) as shown in the DEIS, or, as provided in Findings J-16 and J-24, and restated herein, (2) a percentage distribution that does not (a) lower the minimum percentage of 50% for bus ridership for grades 1 through 12, (b) increase the percentage of N/K students above 21% and/or (c) increase the trip generation for any peak hour above 530 trips, as provided in these Findings. Any Special Permit/Site



Plan approval shall require, and the Transportation Management Plan described in Finding J-24 shall provide, that, although the overall student cap for the entire School is 950 students, (1) in Phase I, which includes the opening and operation of only the Upper School (High School and Middle School Grades 6 through 12,) (a) enrollment shall not exceed 750 students, and trip generation shall not exceed 530 trips, and (2) no Building Permit shall be issued for the construction of the Phase II Lower School (grades 1 through 5) until FASNY has demonstrated to the satisfaction of the appropriately designated City staff and/or consultants that the additional enrollment for grades 1 through 5, when combined with grades 6 through 12, shall not exceed in any peak hour the 530 trips provided for in these Findings. In no case shall the total number of students in Phase I exceed 750 students and in no case shall the total number of students N through 12th grades in Phases I and II exceed 950 students under the Proposed Special Permit/Site Plan. Any Special Permit/Site Plan approval shall further provide that the Management Plan shall include the methodology to calculate trip generation using actual Phase I data on trip generation, bus utilization rates, bus occupancy ratios, carpooling ratios and other data obtained from Phase I traffic counts, in order to determine prior to issuance of a Building Permit for Phase II the permitted enrollment in Phase II, which shall in no case exceed 950 students under the Proposed Special Permit/Site Plan.

5. Maintain a peak hour trip generation rate of no more than 530 trips for any AM or PM peak hour period (total of in and out) for all vehicle types.
6. Regulate the hours of staff arrival and departure to minimize trip generation in the AM and PM peak hours.
7. Provide for all monitoring and regulations of traffic and parking in a Transportation Management Plan to be approved as part of any Special Permit/Site Plan Approval.

FINDING J-23: The establishment of an effective monitoring program is critical to ensuring that the number of trips generated by the FASNY School remain within the parameters established as not having a significant adverse impact on the surrounding roadway network, residences and neighborhoods. Therefore, the Common Council finds that an enforceable Transportation Management Plan is imperative. Essential to such a Plan and its monitoring program is the installation of a trip detection system including trip detector sensors that can measure the trip generation and bus usage of the FASNY School including, as appropriate, video monitoring, all connected to the City. Sensors must be placed at the entrance and exit points of the Project Site to count the number of vehicles (buses and cars) entering and exiting the Project Site on an hourly and daily basis. These sensors shall be required to be connected to the City's Central Traffic Control System so that there is convenient

access to the data. The Transportation Management Plan shall establish a review program for the number of trips, separated by direction in and out of the Project Site and direction of travel upon exiting the site, that are actually being generated. This data will enable both FASNY and the City to assess both off-site and on-site traffic circulation, queuing, parking and pedestrian safety.

FINDING J-24: The design and implementation of an effective Transportation Management Plan is critical to the avoidance or mitigation of significant adverse traffic impacts from the FASNY School. The Transportation Management Plan must be acceptable to appropriately designated City staff and/or consultants and shall be subject to approval by the Common Council as part of any Special Permit/Site Plan approval. The Traffic Management Plan shall include, among other things:

1. Number of students attending school by grade with cap of 950 students in N-12, while maintaining approximately the same distribution among N/K (21%), Lower School (1-5) (36%), and Upper School (6-12) (43%) as shown in the DEIS. with any increases in upper school attendance of 3% or greater between upper, middle and lower schools requiring a review of trip generation and trip distribution; , or as provided in Findings J-16 and J-22 and restated herein (2) a percentage distribution that does not (a) lower the minimum percentage of bus ridership of 50% for grades 1 through 12, (b) increase the percentage of N/K students above 21% and/or (c) increase the trip generation for any peak hour above 530 trips, as provided in these Findings. Any Special Permit/Site Plan approval shall require, and the Transportation Management Plan described in this Finding J-24 shall provide, that, although the overall student cap for the entire School is 950 students, (1) in Phase I, which includes the opening and operation of only the Upper School (High School and Middle School Grades 6 through 12,) (a) enrollment shall not exceed 750 students, and trip generation shall not exceed 530 trips, and (2) no Building Permit shall be issued for the construction of the Phase II Lower School (grades 1 through 5) until FASNY has demonstrated to the satisfaction of the appropriately designated City staff and/or consultants that the additional enrollment for grades 1 through 5, when combined with grades 6 through 12, shall not exceed in any peak hour the 530 trips provided for in these Findings. In no case shall the total number of students in Phase I exceed 750 students and in no case shall the total number of students N through 12th grades in Phases I and Phase II exceed 950 students under the Proposed Special Permit/Site Plan. Any Special Permit/Site Plan approval shall further provide that the Management Plan shall include the methodology to calculate trip generation using actual Phase I data on trip generation, bus utilization rates, bus occupancy ratios, car-pooling ratios and other data obtained from Phase I traffic counts, in order to determine prior to issuance of a building permit for

Phase II the permitted enrollment in Phase II, which shall in no case exceed 950 students under the Proposed Special Permit/Site Plan.

2. Student Attendance policies.
3. Faculty attendance policies and parking locations and requirements.
4. Requirements for parental compliance with School busing and driving policies.
5. Community of residence of students and whether busing is provided by home district, and for what grades.
6. List of locations of bus drop-offs if other than campus and how students reach campus.
7. List of exceptions to bus ridership and number of students receiving exemption for each year.
8. Number and size of buses transporting students by grade.
9. Number of students riding buses by grade.
10. Number of student drivers authorized and any limitations thereto.
11. Number of students carpooling and carpooling ratios by N/K, Lower and Upper School.
12. Number of trips detected (for each direction - in and out) during peak AM and PM periods and peak AM and PM hours.
13. Bus ridership program for busing of 50% of students in Grades 1st through 12th, while maintaining the existing busing level of 18% for N/K grades and applying an average of 10 students per bus as used in the 2013 German School student body increase approval.
14. Car pool plan with overall car-pooling rate of no less than 1.5 for grades 1st through 12th and overall rate no less than 1.3 for N/K through 12th, (as used in the 2013 German School student body increase approval).
15. Trip generation rate cap for any peak hour of no more than 530 trips (total of in and out) for all vehicle types.
16. Regulation of arrival and departure times of staff.
17. Methodology for calculating bus ridership and trip generation.
18. Plan for site circulation control and enforcement.
19. Method for preventing cut through traffic.

20. On-site Monitoring Procedures.
21. Trip Generation Monitoring Procedures and Enforcement.
22. Location and amount of parking for students, teachers, parent pick up and visitors.
23. Snow Storage Locations.
24. List of Special Events, dates and timeframes.
25. A Parking Management Plan for Special Events that locates parking as far as possible from adjoining residential properties on both Parcel A and D.

FINDING J-25: The MPP/North Street and the MPP/Bryant Avenue access alternatives presented by FASNY in Chapters 1 and 2 of the FEIS and reviewed in Chapter 3 of the FEIS include the discontinuance of Hathaway Lane from Ridgeway to Gedney Esplanade to achieve the efficiencies and improvements to the site circulation and design shown in Chapters 1 and 2 of the FEIS, and to mitigate significant adverse parking and circulation impacts that exist in the MPP/Ridgeway and in the Initial Project. The discontinuance of this portion of Hathaway Lane requires a separate action by the Common Council under Section 152 of the White Plains Charter. Section 152 provides as follows:

Whenever the common council shall contemplate the discontinuance of any street, it shall cause a notice to be published for ten days in the official newspaper of the City of its intention so to do, and that all persons interested may be heard in reference thereto at a time stated in such notice. If it shall be determined to discontinue the street, and any person shall claim to be damaged by such discontinuance, such alleged damages, unless agreed to by the commissioner of public works and approved by the common council, must be ascertained and determined in the manner provided by law for ascertaining damages for lands taken for the opening of streets. An ordinance discontinuing any street shall require the affirmative vote of two-thirds (2/3) of all the members of the common council.

Absent the discontinuance of this roadway segment and transfer such right-of-way to FASNY, the Campus portion of the MPP/North Street access option and the Bryant Avenue access option would need to be revised. SEQR regulations provide in such instances, pursuant to 6 NYCRR 617.9(a)(7)(i) ('a') and ('c'), that a change in the circumstances necessitating a change in the project "may require a supplemental EIS, limited to the specific significant adverse environmental impacts . . . inadequately addressed in the EIS that arise from: ('a') changes proposed for the project; or . . . ('c') a change in circumstances related to the project".

Modified Proposed Project/Bryant Avenue

FINDING J-26: Although the FEIS Chapters 1.3 and 2.3 provide some information on the MPP/Bryant access alternative, and although MPP/North Street and MPP/Bryant are identical for the

portion of the Modified Proposed Project located on the FASNY Campus portion of the Project Site and generally south of Southdale Road, the potential significant adverse traffic impacts of the MPP/Bryant Avenue access alternative on the northern portion of Parcel D and at the proposed reconfigured intersection(s) of Bryant Avenue and Hathaway Lane have not been analyzed in the Environmental Record at a level of detail necessary to permit environmental findings and determinations to be made with respect to this access option by this Lead Agency. Pursuant to 6 NYCRR 617.9(a)(7), if FASNY wishes to have the MPP/Bryant Avenue access alternative considered by the Common Council, the Common Council, as Lead Agency, pursuant to 6 NYCRR 617.9(a)(7), must require the preparation of a supplemental Environmental Impact Statement for this access alternative limited to the specific significant adverse impacts not adequately addressed in the EIS due to "('a') changes proposed for the project" and "('c') changes in circumstances related to the project" by the actions of the White Plains Board of Education, which potential significant adverse impacts include: (1) potential impacts to soils and topography, and hydrology and stormwater impacts identified in Sections B and C; and (2) potential significant traffic impacts at Bryant Avenue and Mamaroneck Avenue, Bryant Avenue and Hathaway Lane, Hathaway Lane and the Project access road, and Bryant Avenue and North Street. As noted in J-25, if the discontinuance of Hathaway Lane from Ridgeway to Gedney Esplanade is not approved by the Common Council MPP Bryant Avenue "may require a supplemental EIS, limited to the specific significant adverse environmental impacts . . . inadequately addressed in the EIS" (6 NYCRR 617.9(a)(7)(i) ('a') and ('c')), to assess the environmental impacts of the redesign of the Campus site circulation, parking and internal roadway layout.

#### SUMMARY

##### FINDING J-27: MPP/RIDGEWAY

Subject to full compliance with all of the conditions, findings and requirements set forth in Findings J-6 through J-12 hereinabove, and compliance with related conditions, findings and mitigation requirements set forth in other findings contained in this Findings Statement related to traffic impacts, the Common Council finds that the potential significant adverse traffic impacts of the MPP/Ridgeway have not been mitigated by FASNY under this access scenario to the maximum extent practicable, which mitigation would require, among other things, reducing the trips to and from the Project Site generated by the Project to an amount that would:

1. Not require the northbound right-turn lane on Mamaroneck Avenue which causes significant safety and community character impacts;
2. Not generate a level of traffic adversely impacting the community character of Ridgeway as a Collector Street (see Section A: Comprehensive Plan and Land Use Regulations);
3. Not create unmitigated significant adverse on-site

circulation and parking impacts affecting adjacent and surrounding single family residential properties;

4. Not create unmitigated significant adverse impacts on Hathaway Lane for non-FASNY and FASNY vehicles using this local roadway, including pedestrian crossing over Hathaway Lane between Parcel A and Parcel D, and potential backups of FASNY vehicles onto Hathaway Lane; and
5. Not create unmitigated safety hazards due to the size and configuration of the roundabout and potential congestion on the segment of Hathaway Lane potentially affecting emergency vehicle response times.

#### FINDING J-28: MPP/NORTH STREET

Most, but not all, of the potential significant adverse traffic impacts of the MPP/North Street can be avoided or mitigated to the maximum extent practicable by taking the following actions (1) through (4). Those significant adverse traffic impacts that have not been shown to be avoided or adequately mitigated are listed as 5 and 6:

1. If providing access to the Project Site for MPP/North Street requires the relocation of the White Plains High School signalized driveway intersection to align it with a new intersection at the FASNY North Street access driveway, FASNY must obtain approval from the White Plains Board of Education, and any other State or local officials or agencies from whom approval is required, such as Westchester County with respect to North Street, for the creation of the new MPP/North Street access intersection, to permit: (i) the relocation and reconstruction, at FASNY's sole cost and expense, of the driveway into White Plains High School from its current intersection location to a new intersection aligned with the FASNY access driveway, and the installation of an adaptive signal at this new intersection giving North Street access to the FASNY Project Site; and (ii) if deemed appropriate by the White Plains Board of Education, the installation on the relocated, reconstructed and reconfigured driveway on High School property of an internal traffic signal to be tied in to the City's traffic control system with all costs to be paid by FASNY, including all costs associated with the design and installation of the traffic improvements and signals, interim traffic management, security and safety, and such other related costs as deemed necessary and appropriate by the White Plains Board of Education, such approvals to be obtained prior to consideration by the Common Council of any revised application for Special Permit/Site Plan approval. FASNY would also need to install adaptive signals at the intersections of North Street and Bryant Avenue and North Street and Ridgeway. All traffic signals shall be required to be tied to the City's traffic control system.

2. Construction of any and all traffic improvements described in Findings J-13 through J-25 applicable to the MPP/North Street alternative which improvements, including adaptive signals and, as deemed necessary and appropriate by the Deputy Commissioner of Parking for Transportation Engineering, signal time adjustments to maintain appropriate levels of service on the City's roadway system all of these improvements to be undertaken at FASNY's sole cost and expense. Such improvements include but are not limited to:
  - a. Relocation of the White Plains High School access roadway to North Street and associated parking to realign this access roadway with an access to the FASNY property on North Street, referred to in Finding J-28(a) hereinabove;
  - b. Installation of a new adaptive signal at the new intersection of White Plains High School access to North Street and FASNY access to North Street, referred to in Finding J-28(a) hereinabove;
  - c. Installation on the White Plains High School access roadway of a signal tied to the City's traffic control system, if deemed appropriate by the White Plains School District;
  - d. Installation on the FASNY access roadway near its intersection with North Street a trip detector connected to the City's traffic control system to provide a continuous and up to date count of vehicles entering and exiting the site at all times;
  - e. Full construction at the intersection of Bryant Avenue and North Street a 100 foot long east bound left turn lane, not merely a restriping of the existing roadway;
  - f. Adjustment of queue lengths for the north and south bound left turn lanes at the new High School/FASNY intersection;
  - g. Adjustment of queue lengths at for the northbound left turn lane on North Street at Bryant Avenue;
  - h. Pedestrian crosswalk improvements with the prohibition of right on red across the crosswalks; and
  - i. Signal phasing adjustments, as deemed necessary by the Deputy Commissioner of Parking for Transportation Engineering to maintain optimal coordination in the City's traffic control system.
  - j. Adaptive signals at the intersections North Street and Bryant Avenue and North Street and Ridgeway.
  - k. Adaptive signals at the intersections of

Mamaroneck Avenue with Ridgeway, Gedney Esplanade,  
and Gedney Way.

3. Limitation of the number of trips generated by the FASNY School in and out in any one hour peak period to 530 trips. Based on the information provided by FASNY in the DEIS and FEIS on the current distribution of students by grades and performance in terms of busing, this can be accomplished by:
  - a. Capping the total number of students permitted for all grades N/K through 12th to 950 students;
  - b. Establishing a mandatory busing program which requires that no less than 50% of students for grades 1st through 12th be bused to school while striving to attain a higher rate, while maintaining a busing level for N/K students at the current level stated in the DEIS of 18%; and
  - c. Establishing trip generation cap of 530 trips during any AM or PM peak hour;
  - d. Establishing hours for teacher and staff arrival that reduce total trip generation within the AM or PM peak hour;
  - e. Establishing car-pooling standard of 1.5 students per passenger vehicle for grades 1st through 12th, while maintaining existing 1.3 ratio for N/K grades; and
  - f. Incorporating these controls and a plan for their implementation and sustainability in a detailed Transportation Management Plan as described in Finding J-24 herein above, which Transportation Management Plan shall be subject to approval as part of any Special Permit/Site Plan approval, subject to such conditions as the Common Council shall establish to ensure its effective implementation.
4. Implementation of the Campus traffic circulation and parking plan provided in Chapters 1.2 and 2.2 of the FEIS, subject to:
  - a. Further reduction in the number of improved teacher parking spaces consistent with the reduction in the student body size;
  - b. Relocation of parking on the northerly side of Parcel A further from the residence at 57 Hathway Lane;
  - c. Acceptance by the Commissioner of Public Safety prior to any Special Permit/Site Plan approval of an emergency vehicle access plan for the Project Site demonstrating that emergency vehicles can access, circulate on, and pass through the Project



Site in a manner that does not adversely affect emergency response times or traffic safety. This emergency access plan shall be approved by the Common Council as part of any Special Permit/Site Plan approval; and

- d. Incorporating in any Special Permit/Site Plan application and the Transportation Management Plan any other traffic and parking mitigation measures regarding the MPP/North Street as set forth in this Section J: Traffic and Transportation or any other Sections of this Findings Statement.
5. The location of the North Street access roadway to campus, running through the City designated wetland restrictive buffer represents a significant adverse impact on this wetland area, is inconsistent with Section 4.4.25 of the Zoning Ordinance, and is inconsistent with the objective of FASNY to create a Conservancy. The Common Council finds that this proposed location of roadway can be appropriately mitigated by the relocation of the roadway outside the wetland and its buffers by eliminating the proposed ball field south of Southdale Road and relocating the access roadway in this area.
6. As noted in Finding J-25, if the discontinuance of Hathaway Lane from Ridgeway to 57 Hathaway Lane is not approved by the Common Council, the Project Site traffic circulation, parking and site access must be redesigned, which project changes could require a supplemental EIS to assess these changes.

#### FINDING J-29: MPP/BRYANT AVENUE

Although the FEIS Chapters 1.3 and 2.3 provide some information on MPP/Bryant, and although MPP/North Street and MPP/Bryant are identical for the portion of the Modified Proposed Project located generally south of Southdale Road, as noted in Finding J-26, the potential significant adverse traffic impacts of the MPP/Bryant Avenue on the northern portion of Parcel D cannot be assessed or the mitigation measures evaluated based on the level of information available in the Environmental Record. Therefore, absent supplemental information demonstrating that additional impacts can be appropriately mitigated through a supplemental Environmental Impact Statement, this alternative cannot be approved.

#### K. FINDINGS REGARDING AIR QUALITY

##### SUMMARY OF EXISTING CONDITIONS:

The FASNY property is currently improved with the facilities of the former Ridgeway Country Club including, but not limited to, a clubhouse, annex building, swimming pool and eight tennis courts located along the Ridgeway frontage, an 18-hole golf course, and approximately 180 parking spaces on Parcels A and D. The project site is not being maintained as a golf club at this time. The current clubhouse contains 53,735 square feet of gross

floor area, and its height is 32.46 feet, and 2.5 stories.

EXPECTED IMPACTS: Initial Project and Modified Project All Access Options

The expected air quality impacts of the Initial Project and of the Modified Proposed Project for each access option differ. The impacts would be of two types: mobile, resulting from traffic to, from and within the site for both passenger vehicles and buses; and stationary, resulting from air quality impacts of the buildings to be constructed on the site. The construction phase itself will also have air quality impacts.

Mobile Source Impacts:

1. In the Initial Project described in the DEIS has 428 parking spaces. The afternoon peak period (2:15 PM to 4:00 PM) would be the worst-case because it would have 408 passenger vehicles and 33 buses (441 total) entering and queueing for pick-ups, and 33 buses and 685 passenger vehicles (718 total) exiting vehicles. There could also be an athletic event or other special event occurring at the same time. In the Initial Project the parking lot on Parcel A is proposed to be approximately 184 spaces and located approximately 25 feet from Gedney Esplanade and 30 feet from 57 Hathaway Lane. A small approximately 15 space parking lot would be located off Ridgeway.
2. In the MPP/Ridgeway the number of parking spaces is reduced to 378 total. The afternoon peak period vehicle trips (passenger vehicles and buses) from 2:45 PM to 3:45 PM is projected by FASNY, under its mandatory busing program, to be 201 passenger vehicles entering and queueing for pick-ups and 36 buses (237 total) and 319 passenger vehicles and 36 buses exiting the site. The queueing for the Upper School (grades 6th through 12th) would be on Parcel A west of and accessed from Hathaway Lane. The Lower School N/K-5 queueing would be accessed from Hathaway Lane through the Parcel D parking lot and around the Lower School. There could also be an athletic event or other special event occurring at the same time. The determination of the appropriate number of parking spaces for the private secondary school rests with the Common Council under Sections 8.3 and 6.5.4 of the Zoning Ordinance.
3. The 164 space Parking lot on Parcel A would be located above the Middle School and Performing Arts Center with a 75 foot minimum setback from Gedney Esplanade and from 57 Hathaway Lane. A small 13 space lot is proposed off of Ridgeway west of Hathaway Lane. The 171 space main parking lot on Parcel D would continue to maintain the dimensionally nonconforming parking, which extends into the front yard setback and would include access to the queueing driveway. This lot includes 17 required spaces for the Nursery School. A small 13 space parking lot would be located north of the main lot. Both lots would be accessed from Hathaway Lane. The determination

of the appropriate number of parking spaces for the private elementary school rests with the Common Council under Sections 8.3 and 6.5.4 of the Zoning Ordinance.

4. In the MPP/North Street and MPP/Bryant Avenue alternatives, the number of parking spaces is reduced to 367 total. In the MPP/North Street and MPP/Bryant Avenue alternatives, which are identical within the Campus area, the afternoon peak period vehicle trips (passenger vehicles and buses) is projected by FASNY, under its mandatory busing program, to be the same number of vehicles as in the MPP/Ridgeway, with the access from either North Street or Bryant Avenue. Queueing for the Upper School (grades 6th through 12th) would be at approximately the same location as under the MPP/Ridgeway. Queueing for the Lower School (N/K-5) would be around the multipurpose ball field above the Lower School.
5. An 80 space parking lot would be located on Parcel A above the Middle School and Performing Arts Center instead of the 164 space parking lot in the MPP/Ridgeway access option, with the same 75 foot minimum setback from Gedney Esplanade and from 57 Hathaway Lane. A 121 space parking lot would be located generally within an easterly portion of Parcel A and the discontinued right of way of Hathaway Lane. A 120 space parking lot (171 in MPP/Ridgeway access option) would be constructed on Parcel D for pick up of students from the Nursery School and Kindergarten. This would include the required 17 spaces for the Nursery School. The dimensionally non-conforming parking would be eliminated. There would be a 30 space parking lot adjacent to the High School building and a 15 space staff parking lot off of Ridgeway.

Stationary Sources: Stationary source air quality impacts are generally the same for the Initial Project and Modified Proposed Project. In FEIS Chapter 2.1, FASNY states that the MPP/Ridgeway "would have identical building mechanical systems as originally proposed." This applies equally to MPP/North Street and MPP/Bryant Avenue. Emissions sources would include 11 natural gas fired condensing boilers and 7 natural gas fired condensing hot water heaters associated with the heating and hot water systems and with the HVAC systems.

K. FINDINGS: Based on its review of the Environmental Record, the Lead Agency makes the following Findings regarding Air Quality in relation to the Initial Project and the Modified Proposed Project all access options. These Findings incorporate the conditions and requirements necessary for the mitigation of potential significant adverse impacts where such impacts can be effectively mitigated.

Regarding Mobile Source Air Quality Impacts:

FINDING K-1: The Initial Project raised concerns regarding potential adverse impacts due to: (1) the idling of buses and cars; (2) the location of the parking lots and their proximity to

residences; and (3) traffic backups that were shown for vehicles entering and exiting the Project Site Parcels A and D from Hathaway Lane for student pick up. FASNY acknowledges on FEIS page 21.-44 that "Emissions from vehicles using the parking lots could potentially affect ambient levels of pollutants at receptors adjacent to the lots." Air quality impacts identified in the review of the DEIS for the Initial Project have been modified by the Modified Proposed Project for all access options.

FINDING K-2: The determination by FASNY that the Afternoon Peak Period would have a greater air quality impact than the AM Peak Period, due to the queuing of vehicles (buses and cars) for student pick up applies to all Modified Proposed Project access options and is a reasonable determination and supported by the City's Air Quality consultants from TRC Engineering, Inc.

FINDING K-3: FASNY's Modified Proposed Project for all access options is dependent on the following to mitigate the potential significant adverse impacts to air quality from mobile air emissions: (1) the implementation of a mandatory busing program with 75% of students riding buses; and (2) strict enforcement of the anti-idling law with regard to both passenger vehicles and buses. These methods for reducing mobile air emissions raise two serious problems: (a) the Common Council has found in its findings under Section J: Traffic and Transportation that the proposed mandatory busing program with an objective of 75% busing is not likely to be able to be implemented and sustained as there are too many variables, many of which are outside the control of FASN; and (b) strict and continuous monitoring of compliance with the number of buses and student ridership, the length and waiting time of passenger vehicles and buses in queue lines, the location and number of layover areas on the Project Site, and the scheduling of school activities so as not to increase adverse air impacts during periods of student afternoon pick up are all variables affecting the ability of FASNY to enforce the anti-idling law. (See also Findings J-1 and J-2).

FINDING K-4: Although the number of parking spaces in the MPP/Ridgeway is reduced from the Initial Project, the MPP/Ridgeway does not mitigate, to the maximum extent practicable, adverse air quality impacts to nearby residential sensitive receptors due to the proximity to residential use on Hathaway and the size of the 164 space parking lot on Parcel A, and the proximity to residential uses on Ridgeway and the size of the 171 space parking lot on Parcel D.

FINDING K-5: The number of parking spaces in the MPP/North Street and MPP/Bryant Avenue access options is reduced further from MPP/Ridgeway. However, the 80 parking spaces on Parcel A, above the Middle School and Performing Arts Building could be relocated further from the residential use at 57 Hathaway Lane and thereby further mitigate this adverse impact.

FINDING K-6: With respect to the parking lots on the Project Site for the MPP/Ridgeway, MPP/ North Street, and MPP/Bryant Avenue, if the mandatory busing program and anti-idling laws are strictly monitored and enforced, the analysis of CO 1-hour and 8-hour concentrations would be below the federal ambient air

quality standard and criteria as identified by FASNY in the FEIS pages 2.1-43. However, since successful enforcement of the mandatory busing program is dependent on many variables not within the control of FASNY, as discussed in Section J: Traffic and Transportation, hereinabove, for all access options, to mitigate air quality impacts the number of vehicle trips to and from the Project Site should be reduced. This size reduction cannot be determined for MPP/Bryant Avenue as there is not enough information. For MPP/Ridgeway, it is demonstrated in the FEIS and in these Findings that MPP/Ridgeway has other significant adverse impacts, including the proximity of the non-conforming parking lot on Parcel D to the homes on Ridgeway and the proximity and size of the parking lot on Parcel A to the residential use at 57 Hathaway Lane and across Gedney Esplanade. For MPP/North Street the air quality impact would be mitigated by the reduced student body size of 950, the 50% mandatory busing for grades 1st through 12th, the other elements listed in J-22 through 24 and J-28, by reducing the size of the parking lot and relocating some parking spaces in the parking lot on Parcel A further from the residential use at 57 Hathaway Lane, and by reducing the size of the lot and relocating some of the parking spaces in the larger lot on Parcel D further from the residential uses on Ridgeway, including eliminating all dimensionally non-conforming spaces on Parcel D.

FINDING K-7: With respect to the idling of passenger cars and vehicles on the Project Site for the MPP/Ridgeway, MPP/North Street and MPP/Bryant Avenue, if the mandatory busing program and anti-idling laws are strictly monitored and enforced, the concentrations of CO, PM(10) and PM(2.5) at the pick-up times when the number of idling vehicles would be greatest would be below NAAQS maximum predicted concentrations and the incremental PM(2.5) concentrations would be below the NYS DEC's guidance criteria. However, since the Common Council has found in Section J: Traffic and Transportation that the mandatory busing program with a 75% bus ridership cannot reasonably be achieved and sustained as proposed, any Special Permit/Site Plan approval shall contain a condition that FASNY demonstrate that it can provide in the afternoon peak period for passenger car and bus pick up of students, departure of teachers and arrival of non-FASNY students for afterschool events with a mandatory busing program of 50%, with a maximum number of 530 vehicle trips in and out during the PM peak hour period.

#### Stationary Sources:

FINDING K-8: The mechanical systems for the buildings proposed to be developed by FASNY for the proposed private elementary and secondary school and accessory nursery school are the same for the Initial Project and Modified Proposed Projects for all access options. There have been some modifications made to the location and orientation of the Middle School, High School and Lower School. These modifications do not affect the emissions from these buildings.

FINDING K-9: Air Quality impacts of emissions from the 11 natural gas fired condensing boilers and seven natural gas fired condensing hot water heaters associated with the heating and hot water systems were analyzed for MPP/Ridgeway. Based on the

screening procedure, which analyzes fuel to be used, maximum size of development (Gross square footage), and height of the emissions stack in relation to distance and height of nearest buildings of similar height, the Common Council has not found any unmitigated significant adverse air quality impacts from these systems for the MPP/Ridgeway, MPP/North Street or MPP/Bryant Avenue..

FINDING K-10: Air Quality impacts of emissions from the HVAC systems for all buildings, which will utilize natural gas, were analyzed for MPP/Ridgeway. Based on the screening procedure, which analyzes fuel to be used, maximum size of development (Gross square footage), and height of the emissions stack in relation to distance and height of nearest buildings of similar height, the Common Council has not found any unmitigated significant adverse air quality impacts from the systems for the MPP/Ridgeway, MPP/North Street or MPP/Bryant Avenue.

#### Greenhouse Gas Emissions:

FINDING K-11: Although Greenhouse Gas emissions are generally assessed on a regional level, individual projects are contributory to the impacts of Greenhouse Gas emissions. The Common Council finds that the following factors related to the FASNY School will contribute to Greenhouse Gas emissions and must be mitigated to the maximum extent practicable:

1. FASNY's Greenhouse Gas emissions would be increased by the increase in student body size and associated staff and concentrated in one location in White Plains. The increase in Greenhouse Gas emissions related to travel would be from the incremental increase in student body size and staffing since the existing campuses are within the existing region for purposes of Greenhouse Gas impact assessment;
2. Construction of the Project would increase Greenhouse Gas emissions from transportation of workers and material/debris and soil to and from the Project Site, production of concrete and operation of equipment on the Project Site;
3. The emissions would come from boilers to operate the heating and water system and HVAC, and electricity to operate the school; and
4. Solid waste would be generated and would contribute to Greenhouse Gas emissions if placed in a landfill where methane is generated.

FINDING K-12: To mitigate, to the maximum extent practicable, the impacts of Greenhouse Gas emissions caused by the development and operation of the FASNY School, FASNY must address Greenhouse Gas mitigation in the following documents required as part of any revised Special Permit/Site Plan application for any Modified Proposed Project, regardless of access option, for review and approval by the Common Council with input from designated City staff:

1. Greenhouse Gas Reduction Plan as part of the Transportation Management Plan;
2. Greenhouse Gas Reduction Plan as part of the Coordinated Review Sustainability Checklist;
3. Greenhouse Gas Reduction Plan as part of the Construction Management Plan; and
4. Greenhouse Gas Reduction Plan as part of the Solid Waste Management Plan.

The Common Council acknowledges that FASNY has included in the FEIS the "LEED for School Project Checklist" and proposes to obtain minimum LEED Silver Certification. The City of White Plains requires that all new development seek minimum LEED Silver qualification, but does not require that the project obtain actual certification from the USGBC.

#### FINDING K-13: SUMMARY

1. The Initial Proposed Project has not mitigated all potential significant adverse impacts to air quality to the maximum extent practicable.
2. The Modified Proposed Project for all access options has mitigated potentially significant stationary air quality impacts to the maximum extent practicable.
3. The Modified Proposed Project for each access option have not mitigated potentially significant adverse mobile source air quality impacts based on the size of the school and the location and size of the parking lots and queuing areas in proximity to residential uses.
4. Based on the location and design of the parking, and bus and vehicle queuing under all MPP access options, additional mitigation of the adverse impacts from mobile source emissions could be attained by relocation of parking further from the residential use at 57 Hathaway Lane.
5. FASNY has proposed to mitigate Greenhouse Gas Emissions by implementing a "LEED for Schools" Project Checklist which will mitigate such impacts to the minimum level accepted by the City of White Plains for new construction.

#### L. FINDINGS REGARDING NOISE

##### SUMMARY OF EXISTING CONDITIONS:

The FASNY property is currently improved with the facilities of the former Ridgeway Country Club including, but not limited to, a clubhouse, annex building, swimming pool and eight tennis courts located along the Ridgeway frontage, an 18-hole golf course, and approximately 180 parking spaces on Parcels A and D. The project site is not being maintained as a golf club at this

time. Since the facility is closed there is very little noise emanating from the Project Site.

**EXPECTED IMPACTS: Initial Project and Modified Project All Access Options**

Noise impacts are anticipated from the FASNY School Campus. These impacts include noise from traffic to, from and on the Project Site, general background noise from activities of a school, and noise from athletic events. FASNY has made several modifications to the athletic fields from the Initial Project described in the DEIS. For the MPP/Ridgeway, the closest point of the baseball field on Parcel D to the residential properties across Hathaway Lane (left field) would be 75 feet. The home plate and the dugouts would be located approximately 310 feet from Hathaway Lane. For the MPP/North Street and MPP/Bryant Avenue, the closest point of the baseball field on Parcel D to the residential properties across Hathaway Lane would be about 150 feet. Home plate and the dugouts would be located approximately 400 feet from Hathaway Lane. For the MPP/North Street, the distance from the ball field to the homes on Southdale Road would be approximately 80 feet with home plate about 330 feet from Southdale Road. For the MPP/Bryant Avenue, the closest point of the baseball field on Parcel D to the residential properties on Southdale Road would be 83 feet. Home plate and the dugouts would be located approximately 405 feet from residential properties on Southdale Road.

For the Modified Proposed Project, all athletic fields on Parcel A have been pulled back to at least 75 feet from the property line of abutting residential properties. The home plate for the small baseball field on Parcel A has been located further to the east for MPP/North Street and MPP/Bryant Avenue.

L. FINDINGS: Based on its review of the Environmental Record, the Lead Agency makes the following Findings regarding Noise in relation to the Initial Project and the Modified Proposed Project all access options. These Findings incorporate the conditions and requirements necessary for the mitigation of potential significant adverse impacts where such impacts can be effectively mitigated.

**Conservancy:**

FINDING L-1: No potentially adverse noise impacts are anticipated from within the Conservancy to be located on Parcels B, C and the upper portion of Parcel D. FASNY has committed in the FEIS Chapters 1 and 2 that the Conservancy will not include activities expected to generate noise that would impact surrounding property owners. To ensure that the Conservancy is not used for activities that would have a significant adverse impact on surrounding residential properties by virtue of noise, the Conservancy Master Plan to be submitted as part of the Special Permit/Site Plan application and approved as part of any Special Permit/Site Plan approval must contain regulations for the operation and use of the Conservancy, including, but not limited to, the regulation of noise. These regulations must, among other things, include the following:



1. No activities in the Conservancy before dawn or after dusk;
2. The Conservancy shall be used as an outdoor classroom as part of the private elementary and secondary school special permit use and accessory nursery school use;
3. Conservancy parking shall be limited to the two proposed small gravel parking areas which shall be secured at dusk, and the campus parking lots, as shown on any revised Special Permit/Site Plan application and approved as part of any Special Permit/Site Plan approval;
4. Organized groups visiting the Conservancy must be approved by FASNY and any cars or buses must park on the Campus and have access the Conservancy from the Campus; and
5. Other than walking, jogging or bicycling, no organized athletic activities or motorized vehicles shall be permitted in the Conservancy, except for security and maintenance.

#### Athletic Events:

FINDING L-2: Under the MPP/Bryant Avenue access option, there is insufficient information regarding noise or other impacts of the driveway to Bryant Avenue to determine if it would have any significant adverse noise impacts. This information must be provided to the City and analyzed as part of a supplemental EIS if the Bryant Avenue access were to be further considered.

FINDING L-3: Under the MPP/North Street and MMPP/Bryant Avenue access options, noise levels at the baseball field proposed to be located on the upper portion of Parcel D near Southdale Road (Receptor 9) for the MPP/North Street option, were assessed by FASNY using the existing (ambient) noise levels from Receptor 8, which is at the residence at 57 Hathaway Lane. According to the FEIS Table 2.2-17, the proposed Build condition for this ball field generates an increase in noise level from 49.8 (Existing) to 50.6 (Build), or an increase of only 0.8. However, FEIS Table 2.2-16 and accompanying text show the existing noise levels to be at 41.2 at the residences along Southdale Road and the residences along northern Hathaway Lane. This leads to an increase of 9.4, significantly above the 6 dBA increase considered to represent a significant noise increase impact under NYS DEC thresholds. FEIS Table 2.2-15 "Measured Existing Noise Levels (in dBA) also lists "South of Southdale Road between Middle Road and North Street" as 41.2. Receptor 8 at the rear of 57 Hathaway Lane is listed here with an existing noise level of 47.4 instead of 49.8. For the reasons stated herein, The Common Council finds the increase in noise levels with the ball field on the upper portion of Parcel D as shown in both the MPP/North Street and MPP/Bryant Avenue access alternatives will have a significant adverse impact on the residences along Southdale Road and FASNY has not provided adequate proposed mitigation measures.

FINDING L-4: Regarding the noise impacts of athletic events at the ball fields located on Parcel A and Parcel D, excluding the ball field proposed near Southdale Road, which has been shown in Finding L-3 to have significant adverse impacts that have not been mitigated by FASNY, the FEIS "Cumulative Noise Effects of the Modified Proposed Project (dBA)" Table 2.1-22 shows that noise levels from athletic events will be the same or lower than shown for the Initial Project in the DEIS for Receptor sites 1, 2, 5, 6, and 7 and the increases do not exceed 6 dBA for any of the time periods (AM, PM, Evenings, Late Night, Weekends) (see FEIS Figure 2.1-21). The significant decrease for Receptors 6 and 7 is the relocation of the ball field from Parcel B to Parcel D in the Modified Proposed Project for all access options. The noise level increases due to athletic event noise at Receptor 3 (AM and Evening), Receptor 4 (PM, Evening, Weekends), and Receptor 8 (Weekends) exceed an increase of 6 dBA, ranging from 6.0 to 14.0 dBA. The noise level range is between 40.1 and 56.7 dBA for receptor locations 1 through 8. While noise from athletic events, when they would occur during times with the lowest background noise levels would likely result in noticeable and, in the case of increases over 6 dBA, even intrusive noise level increases, the relative noise level including all sources (traffic, parking lot noise, athletic events and mechanical equipment) would make the noise from athletic events less noticeable. In the case of the Receptor locations with a dBA over 6 for certain time frames, the total noise level for each of those receptors for each of those time frames would be:

Receptor 3 (Murchison)	PM	+6.0 dBA over existing	1.5 dBA under total noise level
	EV	+6.4 dBA over existing	0.9 dBA under total noise level
Receptor 4 (Murchison)	PM	+9.0 dBA over existing	1.5 dBA under total noise level
	EV	+9.2 dBA over existing	0.6 dBA under total noise level
	WE	+14 dBA over existing	0.2 dBA under total noise level

Receptor 8 (57 WE  
Hathaway)

=10.5 dBA over  
existing

0.6 dBA under  
total noise  
level

In all these instances the athletic noise will be the dominant factor.

Although the cumulative noise level for each receptor never exceeds the NYS DEC maximum threshold of residential areas of 65 dBA, the variable noise level for athletic activities and events at the identified locations during the identified time periods could have significant adverse impacts for which FASNY must provide adequate mitigation as described in Findings L-5 through L-7.

FINDING L-5: As a measure to mitigate the potential significant adverse impacts of noise from athletic activities and events, by limiting use of its athletic fields, FASNY has agreed that it will not make any of its fields open to outside use, this must be reflected in any Special Permit/Site Plan application and made a condition of any Special Permit/Site Plan approval.

FINDING L-6: To mitigate adverse noise impacts from athletic and other outdoor events, FASNY has agreed and any Special Permit/Site Plan approval shall include the following requirements:

1. No public address (PA) system be utilized at any athletic or other events to be held on the FASNY Project Site;
2. No outdoor concerts shall be held on the Project Site;
3. No outdoor events are to be permitted after sundown;
4. Daytime outdoor musical events, if not part of the regular School curriculum, shall be prohibited;
5. No backstops or spectator seating will be placed on the portions of the fields nearest to residences; and
6. No lighting of athletic fields or structures shall be permitted.

FINDING L-7: Regarding the proposed tennis courts on Parcel A, based on typical noise levels from a tennis court, the proposed tennis courts would generate noise levels of about 50 dBA or less at the nearest property line. Noise generated by FASNY tennis courts would be similar to the noise generated by the tennis courts when they were being used by the Ridgeway Country Club, although those courts were located further to the east. FASNY's proposed area for the tennis courts was also previously part of the golf course driving range, which was a noise source. In the Modified Proposed Project the tennis courts are a minimum of 75 feet from residential property lines and streets, as opposed to 45 feet in the Initial Project presented

in the DEIS. The potential noise from the tennis courts does not exceed that shown in FEIS Table 2.1-22. The primary impact of the tennis courts would be on properties located on the south end of Murchison and in the vicinity on Ridgeway. To mitigate any potential significant adverse impacts, particularly from increases in sound levels by more than 6 dBA and short duration sounds, such as the sound of racket/ball interaction or cheers from spectators, on residential sensitive receptors, all athletic fields and structures, including the tennis courts, should not be lit and should be closed for use at dusk. This mitigation measure shall be included in any revised Special Permit/Site Plan application and made a condition of the approval of any Special Permit/Site Plan.

#### Traffic and Parking:

FINDING L-8: For the MPP/Ridgeway, for the one hour period measured, Table 2.1-22 of the FEIS indicates parking lot noise to be below existing noise levels for the AM and PM periods (8 AM to 9 AM, and 2 PM to 3 PM for all receptor locations). However, this does not capture the PM peak hour for the School pick up of 2:45PM to 3:45PM as shown in FEIS Table 2.1-10. Further, Table 2.1-10 assumes implementation of the mandatory busing plan to reduce the number of vehicles entering and exiting the Project Site. As noted in Findings for Air Quality, the PM peak hour has a greater air quality impact due to the number of vehicles accessing the Project Site, queuing for student pickups, and exiting the site during the 2:45 PM to 3:45 PM peak hour. According to Table 2.1-10, the 2:00 PM to 3:00 PM period for which sound is measured in Table 2.1-22 misses the impact of 393 of the 466 vehicles (buses and passenger cars) during the PM peak trip generation hour for the School stated by FASNY. Furthermore, the noise analysis for MPP/Ridgeway indicates no noise impacts at Receptor 8 in the AM or PM based on a note to Table 2.1-21 that "The MPP/Ridgeway would not generate any traffic on roadways adjacent to these locations, and would thus not result in any noise increment due to vehicular traffic." However, Receptor 8 is at the residence at 57 Hathaway Lane which will experience noise level increases due to vehicular traffic on both Hathaway Lane and on Parcels A and D. Based on the information provided in the FEIS, vehicular noise generated by the MPP/Ridgeway could have significant adverse impacts at the location of Receptor 8 if traffic volumes were measured during the PM peak hour for the School. Table 2.1-22 further indicates only a small increase in noise level at Receptors 1 and 2, near the intersection of Hathaway Lane and Ridgeway. Table 2.1-21 shows a larger increase from existing conditions to FEIS projected future build conditions for the PM peak hour. However, although the MPP/Ridgeway shows noise reduction in relation to the Initial Project described in the DEIS, this analysis has two major problems which make it impossible to determine if potentially significant adverse noise impacts have been mitigated adequately at Receptors 1, 2, and 8. These three locations represent the principal locations that would be impacted by the MPP/Ridgeway with its principal access to the School at Hathaway Lane. Those two problems are:

1. The discrepancy in PM peak hour (2:00 PM to 3:00 PM versus 2:45 PM to 3:45 PM) for which noise levels are

estimated and peak hour school traffic impacts are described (see Tables 2.1-22 and 2.1-21 v.s. Table 2.1-10; and

2. The note on Table 2.1-21 that states the MPP/Ridgeway would not generate traffic on roadways adjacent to Receptor 8.

Based on this review of the FEIS, the Common Council finds that FASNY has not demonstrated mitigation of potential significant noise impacts during the PM peak hour established by FASNY as 2:45 PM to 3:45 PM.

FINDING L-9: In the MPP/North Street access option, there would not be access to the Project Site from Ridgeway, other than emergency access and a small, approximately 15 space parking lot, and Hathaway would be closed as a public street and access to the Project Site. According to FEIS Table 2.2-16 noise level increases for the proposed new access road over existing conditions would range from 0.2 to 3.7 along Hathaway, Southdale Road and Ridgeway. The Common Council finds that there is a reduction in noise levels along Ridgeway under the MPP/North Street access option, and the increases along Hathaway Lane and Southdale Road range from 1.5 to 3.7, below the 6 dBA identified by NYS DEC as having a significant noise impact. These noise impacts do not include the impact of the proposed ball field location on the northern portion of Parcel D under the MPP/North Street.

FINDING L-10: Shorter duration noise events, such as the sound of bat/ball interaction, or a car horn, beeper or radio could generate noise greater than the modeled Leq(1h) noise levels. These short duration noises are unavoidable in athletic events. However, such short duration noise events related to car radios, beepers, horns, etc. can become a significant nuisance. To mitigate the impact of noise from such sources, FASNY must provide in its Transportation Management Plan, which must be submitted by FASNY as part of any revised Special Permit/Site Plan application and be subject to approval by the Common Council as part of any Special Permit/Site Plan approval, that those persons regularly driving to and from the Project Site, shall receive instructions directing them to respect the residents adjacent to the School by limiting use of devices which cause short duration noise events while they are on School property, including, but not limited to, car horns, beepers or radios.

FINDING L-11: FASNY has provided in the DEIS and reiterated in the FEIS that the FASNY School will conduct a number of evening and weekend events that will attract people and passenger vehicles to the Project Site. Since ambient noise levels are lower during these time periods, especially in residential neighborhoods, the increase in noise levels from cars coming to and leaving these events will generate noise level changes greater than those modeled for the Leq(1h) noise levels. To mitigate the impact of noise from such evening and weekend events, FASNY must provide information on the estimated number of cars coming to and leaving these events in its Transportation Management Plan, which information must be submitted as part of any revised Special Permit/Site Plan application and shall be

subject to approval by the Common Council as part of any Special Permit/Site Plan review process. The Transportation Management Plan must also provide that FASNY shall post on its website for each academic year a list of all the planned events outside school hours, and shall update that list on a regular basis as determined in any Special Permit/Site Plan approval.

FINDING L-12: To further mitigate noise levels from cars coming to and leaving evening events, the Traffic Management Plan must include, and FASNY must enforce, parking locations for such events at the maximum distance possible from residential uses abutting the Project Site on Ridgeway and Hathaway Lane.

#### Mechanical Equipment:

FINDING L-13: Mechanical equipment noise levels were analyzed in the DEIS. Comparing future noise levels with the Proposed Project noise levels associated with mechanical noise generated from the boilers and air-cooled chillers with existing noise levels, at all sites, the maximum increase in Leq(1) noise level would not exceed NYSDEC's threshold for a significant noise level increase of 6.0 dBA at any of the abutting homes. Based on the analysis in the DEIS, with all mechanical equipment noise mitigation measures described in the DEIS being installed, mechanical equipment noise levels should meet the noise levels presented in the DEIS, which are lower than the White Plains Noise Ordinance limits. Subject to the implementation of all the noise mitigation measures described in the DEIS, the Common Council does not find any significant adverse noise impacts from the ordinary operation of the stationary mechanical equipment located on the Project Site.

FINDING L-14: Increases in future noise levels associated with Project mechanical systems (heating systems, chillers, emergency generator) were shown in the FEIS to be below the NYSDEC significant noise impact criterion of a 6 dBA increase, even during the late-night hours when ambient conditions are lowest. The calculated increases in future noise levels included the operation of the emergency generator, which normally would not be in operation. According to the City's engineering consultant "The acoustic design goal for mechanical noise should be to achieve the mechanical noise levels as presented in the DEIS at receptor locations in order to minimize potential impacts, even though the calculated levels are much lower than the allowable City ordinance limits." (FEIS Response 3.15-1) To mitigate any adverse impacts from mechanical equipment noise, any Special Permit/Site Plan approval must include manufacturer's sound data associated with such equipment which sound data must demonstrate that the system is designed to not exceed the NYSDEC threshold for a significant noise increase of 6 dBA or more at any nearby receptors and to comply with the City of White Plains Noise Control Law (no noise levels in excess of 55 dB on either the A-, B-, or C-weighted scales at the property line

FINDING L-15: Emergency generators must be tested regularly. Typically, they are tested once per month for approximately 15 minutes. The noise emissions from each generator is shown in Appendix K-3 of the DEIS. An impact evaluation from the generators is included in the mechanical equipment noise analysis

and summarized in Table 13-6 of the DEIS. Noise from the generator testing is a short duration noise that stands out from the background ambient noise levels. To mitigate the adverse impacts of noise from generator testing and as a courtesy to nearby residential neighbors, any Special Permit/Site Plan approval shall include a requirement that emergency generator testing shall be done midday on weekdays and FASNY shall publish on its website a list of regular testing times.

#### Construction Phases:

FINDING L-16: The Applicant has acknowledged in the DEIS, at pages 15-9 and 15-10, that noise from construction activity could result in potential significant adverse impacts during the period of construction. Construction period impacts are considered temporary under SEQRA. However, due to the extended period of construction anticipated for the two phases of this Project, construction noise impacts will be a longer term event. The noise impacts must be mitigated throughout the construction phases to the maximum extent practicable pursuant to the City's Construction Management Protocol. The Construction Management Protocol, which shall be incorporated as a condition of any Special Permit/Site Plan approval shall require, among its provisions, that the Applicant prepare, and have approved by the Commissioner of Building, Commissioner of Public Works, Commissioner of Planning, Deputy Commissioner of Parking for Traffic Engineering, and Environmental Officer prior to the issuance of any demolition, building or site disturbance permits, a detailed Construction Management Plan that will include requirements for noise mitigation during construction, and it shall apply to construction workers, including, but not limited to, parking and access to the Site; operations and sound attenuation of equipment; hours of operation; and use of buffering techniques to limit sound dispersion. The Construction Management Plan shall also detail how it will be enforced.

#### FINDING L-17: SUMMARY

1. No unmitigated significant adverse noise impacts are found to be associated with the Conservancy, subject to the conditions set forth in Finding L-1 hereinabove.
2. With respect to the MPP/Bryant Avenue access option, there is not enough information in the Environmental Record to assess the potential noise impact of the access road to Bryant Avenue.
3. The increase in noise levels with the location of a ball field on the upper portion of Parcel D as proposed by FASNY in both the MPP/North Street and MPP/Bryant Avenue access alternatives will have a significant adverse impact on the residences along Southdale Road, which has not been mitigated.
4. Although the cumulative noise level at the noise receptors on Parcel A and the lower portion of Parcel D never exceeds the NYS DEC maximum threshold for residential areas of 65 dBA, the variable noise level from athletic activities and events at the identified

locations during the identified time periods in Finding L-4 could have significant adverse impacts which require mitigation through, among other things, the following measures:

- a. Limit use of the FASNY athletic fields to FASNY athletic uses, this must be reflected in Special Permit/Site Plan application and shall be made a condition of any Special Permit/Site Plan approval;
- b. No public address (PA) system shall be utilized at any athletic or other events to be held on the FASNY Project Site;
- c. No outdoor concerts shall be held on the Project Site;
- d. No outdoor events are to be permitted after sundown and no athletic structures or facilities shall be lit;
- e. Daytime outdoor musical events, if not part of the regular School curriculum, shall be prohibited;
- f. No backstops or spectator seating will be placed on the portions of the fields nearest to residences; and
- g. No lighting of athletic fields or structures shall be permitted.

These mitigation measures must be included in any revised Special Permit/Site Plan application and made conditions and requirements of the approval of any Special Permit/Site Plan.

5. FASNY has not demonstrated mitigation of potential significant noise impacts during the PM peak hour established by FASNY as 2:45 PM to 3:45 PM
6. In the MPP/North Street and MPP/Bryant Avenue there would be a reduction in traffic noise on Ridgeway over both the Initial Project and the MPP/Ridgeway.
7. To mitigate the impact of noise from variable noise sources, FASNY must provide in its Transportation Management Plan, which must be submitted as part of any revised Special Permit/Site Plan application and be subject to approval by the Common Council as part of any Special Permit/Site Plan approval, that those persons regularly driving to and from the Project Site shall receive instructions directing them to respect the residents adjacent to the School by limiting use of devices which cause short duration noise events while they are on School property, including, but not limited to, car horns, beepers or radios.
8. To mitigate the impact of noise from evening and



weekend events, FASNY must provide information on the estimated number and parking location of cars coming to and leaving these events in its Transportation Management Plan, which Plan must be submitted as part of any revised Special Permit/Site Plan application and be subject to approval by the Common Council as part of any Special Permit/Site Plan review process. The Transportation Management Plan must also provide that FASNY post on its website for each academic year a list of all the planned events outside school hours, and shall update that list on a regular basis as determined in any Special Permit/Site Plan approval.

9. Subject to FASNY compliance with all of the conditions and requirements set forth in Findings L-13 through L-15 regarding mechanical equipment and generators, mechanical noise from stationary sources has been mitigated to the maximum extent practicable.
10. Subject to FASNY compliance with all of the conditions and requirements set forth in Findings L-16 and the Findings contained in Section N: Construction, herein below, and conditions in other sections related to construction and full compliance with all aspects of the Construction Management Protocol and Construction Management Plan approved by the Common Council in any Special Permit/Site Plan approval, significant adverse construction noise has been mitigated to the maximum extent practicable.

#### M. FINDINGS REGARDING HAZARDOUS MATERIALS

##### SUMMARY OF EXISTING CONDITIONS:

Although the Ridgeway Country Club had modified its grounds maintenance program in recent years to reduce the amount of fertilizer, insecticides and herbicides used on the golf course, the maintenance of the course over most of its over 80 year existence has involved varying forms of chemical treatments. FASNY conducted a Phase I and Phase II Environmental Site Assessment (ESA), which is contained in DEIS Chapter 14 and Appendix L. A pile of debris is located on Parcel D and may contain hazardous materials. No indication of new contaminant spills or releases were found.

##### EXPECTED IMPACTS: Initial Project and Modified Project All Access Options

FASNY states in Chapter 2.1 of the FEIS that construction of the Campus is expected to occur in two phases. Phase I will involve the construction of all the elements of the Upper School on Parcel A, including the Middle School, High School, Gymnasium, Performing Arts Building, Parcel A athletic fields and facilities, and parking and internal driveways. FASNY anticipates this construction to take 23 months. Stage I of the Conservancy would occur within Phase I of construction. FASNY projects a hiatus before commencement of construction of the Lower School on Parcel D of approximately 30 months, and an approximately 19 month construction period for the Lower School. The total time

period from commencement to completion of the Campus and Conservancy is, therefore, 6 years. As stated in FEIS Response 3.14-1, the DEIS indicates that "contaminant levels if left unmanaged could impact the site once the area is disturbed." FASNY proposes to disturb virtually the entire site through: (1) the construction of the buildings, parking areas, athletic facilities and on-site roadways on Parcels A and D; and (2) the grading and disturbance of the existing golf holes and vegetation on Parcels B, C and D to establish the Conservancy. The existing debris pile is proposed to be removed from the Project Site.

Expected impacts include:

1. Soil disturbance; and
2. Removal and temporary site-storage of construction materials containing hazardous materials.

M. FINDINGS: Based on its review of the Environmental Record, the Lead Agency makes the following Findings regarding Hazardous Materials in relation to the Initial Project and the Modified Proposed Project all access options. These Findings incorporate the conditions and requirements necessary for the mitigation of potential significant adverse impacts where such impacts can be effectively mitigated.

FINDING M-1: To mitigate, to the maximum extent practicable, potential significant adverse impacts from the disturbance of contaminated soil on the site, the following actions need to be taken by FASNY and documented in the Construction Management Plan, which shall be subject to approval as a condition of any Special Permit/Site Plan approval:

1. Classify all soils as soils to "remain in place" and soils "to be removed" during construction;
2. To manage disturbance of known contaminated soil and to provide for a contingency plan to address other sources or areas of contamination, if any, encountered during construction activities, ensure that all procedures involving disturbance of soil on the Project Site are documented in a "Construction Phase Environmental Health and Safety Plan (CHASP) approved by the Commissioner of Public Works, and made a part of the Construction Management Plan;
3. Ensure that all work involving disturbance of contaminated soils is under the supervision of licensed professionals with oversight by appropriately designated City staff and/or consultants;
4. Provide in the CHASP and Construction Management Plan that FASNY shall have responsibility for all work and costs associated with the preparation and implementation of the CHASP, including sampling and monitoring, and cost of supervision by licensed professionals;
5. Provide in the CHASP and Construction Management Plan

that, if the City does not have adequate staffing to ensure full oversight of soil disturbance activities, FASNY shall fund the cost of necessary licensed professional(s) to assist the City in such oversight; and

6. Ensure full compliance with all local, State and Federal requirements for health and safety when disturbing any soil on the site.

FINDING M-2: To mitigate potential significant adverse impacts from hazardous building materials, such as lead-based paint, asbestos, and PCB- or mercury-containing materials exposed and/or disturbed during the full or partial demolition of existing on-site facilities including interior and exterior renovations, or during new construction, prior to the full or partial demolition of any structure or renovations thereto, the following procedures shall be required to be completed and/or implemented:

1. A hazardous materials survey, including sampling for asbestos containing materials, completed and submitted to the Commissioner of Building for review;
2. Procedures for the removal, management, abatement, and disposal of hazardous building materials detailed in the Construction Management Plan;
3. Implementation of the procedures for the removal, management, abatement, and disposal of hazardous building materials to be undertaken in full compliance with all local, State and Federal regulations;
4. The Construction Management Plan shall provide that FASNY shall have responsibility for all work and costs associated with the removal, management, abatement, and disposal of hazardous building materials and the cost of supervision by licensed professionals;
5. If the City does not have adequate licensed staffing to ensure full oversight of the removal, management, abatement, and disposal of hazardous building materials, FASNY shall fund the cost of necessary licensed professional(s) to assist the Department of Building in such oversight and this shall be provided in the Construction Management Plan; and
6. If it is necessary to store building material containing hazardous materials on-site for any period of time, FASNY shall ensure that the location and method of storage has been pre-approved by the Commissioners of Building and Public Works, and is monitored daily by a licensed professional under the oversight of the appropriately designated City staff. This procedure must be documented in the Construction Management Plan.

All these procedures must be incorporated into the Construction Management Plan which be approved as part of any

Special Permit/Site Plan approval.

FINDING M-3: To mitigate potential significant adverse impacts from any hazardous materials in the debris pile currently located on Parcel D, the debris must be removed and transported off-Site for disposal at a location licensed to receive such materials. The procedure for the removal, transport and disposal of this debris must be approved by the appropriately designated City staff and/or consultants and detailed in the Construction Management Plan and approved as a condition of approval of any Special Permit/Site Plan approval. This shall include, but not be limited to, environmental monitoring of the material during loading, and inspection for evidence of contamination of the area underlying the debris pile. If contamination is observed, additional sampling must be undertaken by FASNY of the underlying area, appropriate regulatory agencies and City staff notified, and approved remedial action taken. To the extent any of this debris is located in the NYS registered wetland or its 100 foot buffer area, FASNY must comply with any additional regulations for removal and disposal of such material required by NYS DEC.

FINDING M-4: Subject to full compliance with all of the conditions, findings and requirements set forth in Findings M-1 through M-3 hereinabove, and compliance with related conditions, findings and mitigation requirements set forth in other findings contained in this Findings Statement, the potential significant adverse impacts from hazardous materials for the MPP/Ridgeway, MPP/North Street and MPP/Bryant Avenue can be avoided or mitigated to the maximum extent practicable.

#### N. FINDINGS REGARDING CONSTRUCTION

##### SUMMARY OF EXISTING CONDITIONS:

As noted, the Ridgeway Country Club has not been in operation since 2010. The golf course and area surrounding the club house are now maintained as mowed lawn.

##### EXPECTED IMPACTS:

Virtually the entire Project Site will be altered as a result of the construction of the FASNY School facilities on Parcels A and D, and the establishment of a meadow habitat on Parcels B, C and portions of D. Other impacts include impacts on, to or from:

1. Noise levels from construction, workers and delivery of materials to the Project Site;
2. Air quality;
3. Hours of operation of construction equipment;
4. Erosion and soil disturbance;
5. Pest and rodent problems;
6. Length of construction periods and phasing of construction;

7. Site and materials storage and security;
8. Site lighting during construction;
9. Local roadways by construction workers;
10. Abutting and nearby residents of dust;
11. Stormwater flow and management; and
12. Construction worker parking.

N. FINDINGS: Based on its review of the Environmental Record, the Lead Agency makes the following Findings regarding Construction in relation to the Initial Project and the Modified Proposed Project all access options. These Findings incorporate the conditions and requirements necessary for the mitigation of potential significant adverse impacts where such impacts can be effectively mitigated.

FINDING N-1: There are findings related to Construction in several of the Findings Sections, including particularly Findings Sections B, C, D, I, K, L, and M. All of these findings are deemed restated here and made a part of Finding Section N.

FINDING N-2: Without appropriate controls, the construction of the FASNY School could have significant adverse impacts on the Project Site and the surrounding community. To mitigate such significant adverse impacts, the construction of the project shall be regulated and controlled pursuant to a Construction Management Plan as required by the City's Construction Management Protocol, which shall be approved as part of any Special Permit/Site Plan approval. The Construction Management Protocol shall outline the topics to be addressed in the Construction Management Plan, including among other things, the Construction Phasing Plan (CPP), the Construction-Phase Environmental Health and Safety Plan (CHASP), the Erosion and Sedimentation Control Plan (ESCP), the site restoration plan (SRP), and the Stormwater Pollution Prevention Plan (SWPPP). The requirement of the Construction Management Plan shall be a requirement of any Special Permit/Site Plan approval. Such approval shall identify that the final Construction Management Plan, after full technical review shall be subject to acceptance by appropriately designated City staff and/or consultants prior to the issuance of any permits for demolition, construction or any excavation or alteration of the Project Site. Furthermore, designated staff and/or consultants, depending on the situation and jurisdiction, may issue a stop work order if, upon inspection, required practices are not being followed. The draft Construction Management Plan prepared by the Applicant and included in the DEIS is not approved.

FINDING N-3: As noted hereinabove, construction can cause significant adverse impacts on surrounding residential properties if not properly mitigated. To mitigate significant adverse impacts from construction, the Construction-Phase Environmental Health and Safety Plan (CHASP) shall be included in the Construction Management Plan and approved as part of the CMP. The CMP and CHASP shall outline measures to ensure that all excavated

soil and fill brought to the Project Site are properly handled. Fill being brought to the Project Site must be tested and test results reviewed and approved by the Commissioner of Public Works before the fill is placed on the Project Site. The Applicant shall be required to pay the cost of the appropriate testing and evaluation procedures regarding soil and all fill brought to the Project Site. The Construction Management Plan and CHASP shall include provisions for the handling and disposing of any contaminated soil encountered during any excavations on the Project Site and for the protection of workers and the surrounding community. This will include air quality monitoring if determined necessary by the appropriately designated City staff. The Stormwater Pollution Prevention Plan (SWPPP), also made a part of the Construction Management Plan, shall include strict erosion and sediment control measures, including control of dust. All of the requirements set forth in this Finding N-3 would, as a condition of any Special Permit/Site Plan approval, need to be required to be incorporated in the Construction Management Plan.

FINDING N-4: Impacts to the areas proposed to be within the Conservancy can constitute significant adverse impacts on surrounding residential properties if not properly mitigated. FASNY has stated that Conservancy construction would focus mainly on changes to land-management practices and selective habitat restoration, creation of the gravel parking lots and walking paths in Stage 1, and construction of the observation deck, boardwalk, propagation greenhouse, and shade structure in Stage 2. FASNY has stated that the construction of the Conservancy is not expected to generate significant impacts to neighboring properties, as extensive use of heavy equipment is not anticipated. However, FASNY states on page 1.0-25 of Chapter 1 of the FEIS the following with respect to the implementation of the meadow restoration program for Stage I of the Conservancy:

Implementation of a meadow restoration program requires replacement of golf course grasses with meadow species. There are several options for removal of golf course grasses: physical removal, application of herbicides, and blocking access to sunlight through ground-mounted black plastic. Through initial consultation with meadow restoration experts, FASNY has determined that physical removal of the golf grasses using a tractor could potentially create damage to the Site through introduction of invasive species. Application of black plastic to kill off underlying golf course grasses would take an extended period of time, and may be unsightly to neighboring residents. Targeted application of herbicides is the recommended practice. While FASNY is committed to minimizing or ceasing use of herbicides and pesticides on the Property, FASNY may choose to use limited chemical herbicides to initiate the meadow restoration. The chemical herbicide to be used would be glyphosate, which is marketed commercially as Round-Up. Round-Up is used by many homeowners to maintain gardens and lawns.

To mitigate any potential adverse impacts from the implementation of the meadow restoration program using chemical herbicide as described herein above, the Construction Management

Plan must contain a detailed protocol for the storage and application of the chemical herbicide that demonstrates to appropriately designated City staff and/or consultants that it will not have an adverse impact on groundwater, stormwater, soil in situ or soil that may be carried off-site by ground or stormwater. Further, the Construction Management Plan and Conservancy Master Plan must contain a section covering both Stage 1 and Stage 2 of the Conservancy implementation. The Conservancy development is planned in two Stages or Phases. Stage 1 would be implemented in coordination with, and as a condition to, receiving Certificates of Occupancy for Phase 1 of the Campus development. Stage 2 implementation includes longer term actions to be taken by FASNY as funding becomes available. No Building Permit shall be issued for Phase II of construction on the Campus until Stage 1 of the Conservancy development is completed and accepted by the City as complete. All of the requirements set forth in this Finding N-4 shall, as a requirement of any Special Permit/Site Plan approval, be required to be incorporated in the Construction Management Plan.

FINDING N-5: Impacts to the NYS DEC regulated wetland G-7 or its buffer could constitute a significant adverse impact on surrounding residential properties if not properly mitigated. To mitigate any potential adverse impacts to the NYSDEC protected wetland and 100 foot buffer, any work in the NYSDEC protected wetland or 100-foot buffer must be reviewed and approved by the NYSDEC, with copies of such approvals provided prior to the issuance of necessary permits for any such work as required by the City's Municipal Code Section 3.5.

FINDING N-6: The Common Council recognizes that construction of the Project will cause certain potentially significant adverse impacts during the construction period, including noise and vibration from construction equipment, construction vehicles, and delivery vehicles traveling to and from the Project Site. Noise levels caused by construction activities will vary, depending on the phase of construction -- demolition, excavations, foundation, construction of the structures, etc.-- and the specific task being undertaken. The extent to which these adverse impacts are significant depends on the manner and degree to which they are mitigated. The City of White Plains has recognized this in the Municipal Code. The Code requires that all construction activities be conducted in full compliance with its regulations (Municipal Code, Chapter 3-4, "Noise Pollution"), including local day and hour construction limitations. The hours of operation of construction as set forth in the White Plains Municipal Code, Chapter 3-4, "Noise Pollution," are as follows: construction activities shall occur only between the hours of 7:00 AM and 7:00 PM on weekdays, and between the hours of 9:00 AM and 7:00 PM on Saturdays. per the City of White Plains Municipal Code, Chapter 3-4, "Noise Pollution," loading or unloading of vehicles shall occur only between the hours of 8:00 AM and 10:00 PM on any day of the week. However, due to the location of the Project within a low density residential area with little ambient noise during evening hours, potential significant adverse noise impacts from deliveries should be limited to the same hours as construction for weekdays and weekends. The restriction of the hours for deliveries to the Project Site shall be a condition of any Special Permit/Site Plan approval.

The City also requires that construction projects adhere to the City's Construction Management Protocol. The Construction Management Plan required by that Protocol must be submitted to the City for review and approval as described in Finding N-2. The City and NYS and Federal requirements also mandate that certain classifications of construction equipment and motor vehicles be used to minimize adverse impacts. Thus, construction equipment to be permitted on the Project Site must meet specific noise emission standards. No blasting or rock chipping is presently contemplated to take place on the Project Site. However, to mitigate to the maximum extent practicable any potential significant adverse impacts of such activity, if blasting or rock chipping were found to be necessary, the Construction Management Plan must provide for the notification of property owners within 200 feet of the Property of any extraordinary noise that might occur. If blasting is required, the activity must comply with all applicable regulations, including Section 7-3-60 of the City's Municipal Code, "Rock Excavations," and City Department of Public Safety's blasting protocol, which shall be incorporated into the Construction Management Plan.

FINDING N-7: FASNY has indicated on page 15-4 of the DEIS, that at least the following construction equipment would be required for construction of the project: excavators, bulldozers, backhoes, graders, and dump trucks. The use of this equipment can constitute a significant adverse impact on surrounding residential properties if not properly mitigated. To mitigate the potential significant impacts of the operation and use of such equipment, and such other equipment as is determined necessary, all work, including but not limited to the erection, construction (including excavating), demolition, alteration or repair of any building or structure, the operation of any machinery, commercial motor vehicle, equipment, pump, or similar mechanical device, the loading or unloading of vehicles, or deliveries shall be performed in accordance with the City of White Plains Municipal Code, Chapter 3-4, "Noise Pollution" and the Construction Management Plan. The Construction Management Plan must include a detailed construction phasing plan (CPP), which CPP shall include, among other things, the types of equipment to be used during each phase, the permitted hours of operation, vehicle idling restrictions, the location and access to parking for construction workers, the route construction workers, equipment and dump/delivery trucks must take to the Project Site, the location of material stockpiles on the Project Site, including loading and unloading and staging areas, vehicle wash-down areas, and such other information as is deemed necessary. See also Findings Section L "Noise." As noted hereinabove, the requirements for and the content of the Construction Management Plan shall be a requirement of any Special Permit/Site Plan approval.

FINDING N-8: As noted in the FEIS (Response 3.15-3), construction operations will cause localized increases in mobile source emissions. This can constitute a significant adverse impact on surrounding residential properties if not properly mitigated. To mitigate the potentially significant adverse impact of such emissions, the Construction Management Plan shall include specific language, as provided by the Commissioner of Public Works, regarding use of ultra-low sulfur fuels for all on-Site



construction equipment, strict enforcement of idling regulations, including a prohibition of delivery truck and/or other equipment engines idling during loading, unloading or other inactive times. See also Findings Section K "Air Quality."

FINDING N-9: Despite the efforts of the City and its Departments to appropriately regulate construction and mitigate potential significant adverse impacts of construction on adjacent and nearby properties and roads, such as: (a) construction noise; (b) air quality impacts; (c) hours of operation of construction; (d) fugitive dust from soil disturbance and grading; (e) problems with erosion and sediment controls due to adverse weather conditions or maintenance problems; and (f) rodent and pest problems due to habitat disruptions, such impacts can constitute a significant adverse impact on surrounding residential properties if those responsible for construction activities on the Project Site are not thoroughly informed of and properly execute their responsibilities under the Construction Management Plan. Therefore, to minimize potential significant adverse impacts on nearby properties, the Construction Management Plan shall require that FASNY take the following actions with regard to informing properties owners within 200 feet of the Project Site of activities on the Site, and informing construction contractors and their workers of their responsibilities on the Site:

1. The principal contractors and construction manager for FASNY must be represented at the meetings with appropriately designated City staff to prepare the Construction Management Plan, and shall be fully advised of its contents and requirements.
2. After approval of the Construction Management Plan, and prior to the issuance of any building or excavation permits for each construction, FASNY and its construction management team, including representatives of all contractors and professionals involved in the construction of the Project, shall meet with the appropriately designated City staff along with any professionals retained by the City to assist in the monitoring of construction activities, to review the Project's Construction Management Plan, and all plans contained therein and required as a part thereof, to ensure that all responsible parties understand their responsibilities under the Construction Management Plan for the specific construction phase.
3. The Construction Management Plan, as required by the Protocol, may be updated as necessary.
4. After the approval of the Construction Management Plan, and after the coordination meeting(s) with FASNY and its construction management/contractor team for each construction phase, FASNY and its construction management/contractor team, along with the appropriately designated City staff and/or consultants designated in the Construction Management Plan who will be involved in the monitoring of the construction of the Project, shall hold an informational meeting open

to residents living within 200 feet of the Project Site to describe the construction process for the specified construction phase.

5. FASNY shall make copies of the Construction Management Plan available to the residents on-line and it shall be posted on the City's website. A hard copy of the Construction Management Plan for each phase shall be maintained in the Construction Office on-Site. Further, FASNY shall provide one or more methods for communication to a responsible person(s) designated in the Construction Management Plan (e.g., telephone number, e-mail address) for use by neighbors and/or the City of White Plains to communicate any concerns or observations during the construction period. The contact names, telephone numbers and/or e-mail addresses shall be posted on the Project Site in a location visible and accessible without entering any construction zone. FASNY shall share any communications received using these channels with the City of White Plains, the City officials designated in the Construction Management Plan, and shall coordinate with the City of White Plains on the appropriate response to the issue(s) raised. FASNY shall work with the City officials designated in the Construction Management Plan and surrounding neighborhood associations to schedule periodic meetings to inform the neighbors of scheduled Project construction and anticipated neighborhood impacts. FASNY shall coordinate a public outreach plan that would provide on-going information about the status of construction activities and the anticipated schedule of construction activities.
6. Authorization for the appropriately designated City staff to retain a building construction supervisor working under the direction of the Commissioner of Building and a licensed professional to monitor soil disturbance and stormwater impacts under the supervision of the Commissioner of Public Works, with funding for such positions by FASNY shall be provided for in the Construction Management Protocol, as part of any Special Permit/Site Plan approval.

FINDNG N-10: Uncontrolled erosion and sediment can constitute significant adverse impacts to surrounding residential properties if not properly mitigated. In accordance with SPDES General Permit GP-0-10-001 and the "New York State Standards and Specifications for Erosion and Sediment Control," (August 2005), an Erosion and Sediment Control Management Program must be established for the Proposed Project in the Project's "Erosion and Sedimentation Control Plans" (ESCP) and as a required part of the SWPPP. As part of the ESCP, a continuing maintenance program must be implemented for the control of sediment transport and erosion control during construction and throughout the useful life of the Project to ensure the proper functioning of the specific sediment and erosion control features that are implemented, including during adverse weather events.

The ESCP must, among other things, establish a Limit of

Disturbance (LOD) that must be staked out by a licensed land surveyor prior to the installation of any sediment and erosion controls. The LOD must be delineated with fencing to ensure that no activity takes place outside of the LOD in each phase of construction. All contractors disturbing soil must have a valid "trained individual" certificated from NYSDEC who must be present on-Site during all soil disturbing activities. The ESCP shall include a notation that any proposed modification to the LOD must be pre-approved by DPW. FASNY would be responsible for all fees associated with the review and approval of the SWPPP and for all City permits and inspections, The Applicant must pay all required costs for the City to review and approve the SWPPP pursuant to Chapter 3-6 of the Municipal Code.

FINDING N-11: Over time, disturbed soils can constitute an increasingly significant adverse impact on surrounding residential properties if not properly mitigated. To mitigate potential significant adverse impacts of disturbed soils due to any lapse in construction activity on the Project Site for a period exceeding 12 months, FASNY shall be required to submit a site restoration plan (SRP) and post a site restoration bond (Restoration Bond) in an amount established by the City to cover the cost to regrade and replant any disturbed areas. Such SRP must be accepted by the Tree Preservation Committee and made a part of the Construction Management Plan. This requirement shall be made a condition of any Special Permit/Site Plan approval.

FINDING N-12: Fugitive dust can constitute a significant adverse impact on surrounding residential properties if not properly mitigated. It must, therefore, be 'closely monitored and mitigated as directed in the ESCP and SWPPP. As summarized in Chapter 15 of the DEIS, these measures shall include, but are not limited to the spraying of water on dusty surfaces and using drainage diversion methods (silt fences) to minimize soil erosion during Site grading. The ESCP shall be included in the Construction Management Plan and enforced as part of the SWPPP through the Commissioner of Public Works. This requirement shall be made a requirement of any Special Permit/Site Plan approval.

FINDING N-13: Rodent and pest problems on construction sites can constitute significant adverse impacts on surrounding residential properties if not properly mitigated. To mitigate such adverse impacts, FASNY must provide, and any Special Permit/Site Plan approval shall require, a protocol for addressing rodent and pest problems, including retaining a pest control company and monitoring conditions on the Project Site and on adjacent properties. The protocol shall be included in the Construction Management Plan, and strictly enforced.

FINDING N-14: The location of staging areas in relation to residential properties adjacent to such areas can constitute significant adverse impacts on surrounding residential properties, particularly due to noise, if not properly mitigated. To mitigate any adverse impacts, the Construction Management Plan shall require that all materials and equipment staging areas be located a minimum of 75 feet from all residential property lines and street rights-of-way.

FINDING N-15: The parking of construction worker vehicles on

local neighborhood streets would have a significant adverse impact on surrounding residential properties and must be avoided. To avoid construction workers from parking on neighborhood streets, Any Special Permit/Site Plan approval shall require that FASNY provide to appropriately designated City staff and/or consultants an on-Site parking plan which includes the routing of construction worker vehicles to the Project Site, and which plan must be approved as part of the Construction Management Plan and strictly enforced. A construction worker parking plan must be approved for each phase of construction. The construction worker parking plan cannot include parking on City streets or accessing the Project Site via local streets.

FINDING-N-16: For MPP/Ridgeway, the estimates of the number of construction workers required for each sub-phase of the construction of the Modified Proposed Project are described in Chapter 1.0 of the FEIS. The Applicant estimates in Chapter 1.0 of the FEIS that over 500 construction workers will be on-Site at some point during Phase I, with approximately 330 to 390 on-Site at one time for most of Phase I; and approximately 400 construction workers on-Site at some point during Phase II, with approximately 190 on-Site for a substantial period of Phase II. FASNY states in FEIS Chapter 1.0 page 1.0-28, that "Construction workers for the initial phases will utilize the existing parking area on Parcels A and D." There are only 180 parking spaces at the former Ridgeway Country Club on Parcels A and D combined at this time. According the Chapter 1 of the FEIS, once the main parking area on Parcel A is established (Phase I-C), construction workers will park in that area. During Phase I-C, Chapter 1 of the FEIS estimates 360 workers on-Site. The new parking area is shown on the MPP/Ridgeway plans as accommodating only 164 spaces. Even when combined with the existing parking spaces on Parcel D, there are not enough spaces for the number of construction workers to be on the site based on the Modified Construction Schedule Figure 1.0-26. Based on the information provided in the FEIS, since FASNY has not demonstrated that it can accommodate construction worker parking on-Site for Phase I, the potential for significant adverse impacts of construction worker parking on surrounding local streets and neighborhoods have not been demonstrated in the FEIS to be mitigated to the maximum extent practicable. Since FASNY has not demonstrated that it can accommodate all construction worker parking on the Project Site through all sub-phases of Phase I construction of the Upper School Campus on Parcel A, FASNY must provide plans that demonstrate that parking for all construction workers in all sub-phases of Phase I can be accommodated on-Site, or at a reasonable off-site location with transportation from the off-site location to the Project Site that does not create additional adverse impacts. Such Construction Worker Parking Plan would then need to be specifically approved as part any Special Permit/Site Plan approval as described in FINDING N-21. The approved plans shall be incorporated in the Construction Management Plan.

FINDING N-17: For MPP/Ridgeway, during Phase II of construction, the Middle School and High School will be operating on Parcel A and the Lower School will be under construction on Parcel D. According to FEIS Table 2.1-9, with the mandatory busing program, 132 Staff will require parking and 65 other vehicles will enter but not leave Parcel A. In addition there

will be approximately 160 construction workers requiring parking on Parcel D, with a peak of 190 construction workers. This generates a peak need for 87 parking spaces. With 164 parking spaces on Parcel A for MPP/Ridgeway, the need for 197 spaces for school operations cannot be met, and the small existing lot on Parcel D of approximately 80 spaces and the proposed 30 space construction worker parking area cannot meet the construction worker need. Based on the information provided in the FEIS, since FASNY has not demonstrated that it can accommodate construction worker parking on-Site for Phase II, the potential for significant adverse impacts of construction worker parking on surrounding local streets and neighborhoods have not been demonstrated in the FEIS to be mitigated to the maximum extent practicable. As noted for MPP/Ridgeway Phase I in Finding N-16, since FASNY has not demonstrated that it can accommodate all construction worker parking on the Project Site through all sub-phases of Phase II construction of the Lower School on Parcel D, FASNY must provide plans demonstrating, as part of any revised Special Permit/Site Plan application, that parking for all construction workers in all sub-phases of Phase II can be accommodated on-Site, or at a reasonable off-site location with transportation from the off-site location to the Project Site that does not create additional adverse impacts. Such Construction Worker Parking Plan must then be specifically approved as part of any Special Permit/Site Plan approval. The approved plans shall be incorporated in the Construction Management Plan.

FINDING N-18: FASNY has not provided a construction worker parking plan for MPP/North Street and MPP/Bryant Avenue. The FEIS states at Chapter 1.0, page 1.0-27 "The construction phasing plan described below is specific to the MPP/Ridgeway. Construction phasing for the MPP/North Street and MPP/Bryant Avenue would be similar, but would include a separate sub-phase for construction of the new access driveway. The North Street or Bryant Avenue access driveway could ultimately be utilized during the course of construction as a construction entrance. However during the initial phases of construction that would involve earthwork, demolition, utility relocation and building foundations, Ridgeway and Hathaway Lane are proposed to serve as the primarily construction entrance. The new driveway from either North Street or Bryant Avenue would be constructed following the initial construction sub-phases and is anticipated to be open for construction access during the latter sub-phases of Phase I." Based on the information provided in the FEIS, FASNY has not provided a construction worker parking plan demonstrating that it can accommodate construction worker parking on-Site for Phase I or Phase II of the Campus construction on Parcels A and D for MPP/North Street or MMPP/Bryant Avenue. Construction worker parking on surrounding local streets and neighborhoods has not been demonstrated by FASNY to have been adequately. FASNY must provide plans demonstrating that parking for all construction workers in all sub-phases of Phase I and Phase II can be accommodated on-Site, or at a reasonable off-site location with transportation from the off-site location to the Project Site. Such Construction Worker Parking Plan would then need to be specifically approved as part of any Special Permit/Site Plan approval as described in FINDING N-21. The approved plans shall be incorporated in the Construction Management Plan.

FINDING N-19: In addition to the impacts addressed in Findings N-1 through N-18, the Lower School Construction Management Plan must ensure that arrivals of workers, materials, and equipment to the Project Site for construction of the Lower School are scheduled so as not to conflict with peak travel times for the operating Upper School and the surrounding roadway network.

FINDING N-20: During Phase I of construction, construction traffic would be lower than the projected combined traffic for the Upper School and Lower School but would be concentrated within a shorter period of time. During Phase II of construction, following implementation of all mitigation measures required by these Findings and based on FASNY operation of the Upper School, the combined Upper School and construction traffic would still be less than the projected combined traffic for the Upper School and Lower School but would be more concentrated in a shorter period of time. Although FASNY stated in the FEIS that it "believes that any of the mitigation that would be required for the full Upper School and Lower School traffic that would be in place upon completion of Phase I would be able to accommodate Phase II construction traffic and Upper School traffic," (Response 3.15-20), this must be in the Construction Worker Parking Plan prior to approval of any Special Permit/Site Plan and this Construction Worker Parking Plan shall be included as part of the approved Construction Management Plan.

FINDING N-21: FASNY proposes to access the Project Site for construction equipment, construction workers and deliveries from Ridgeway onto Hathaway Lane for all phases of the MPP/Ridgeway option and for most of Phase I under the MPP/North Street or MPP/Bryant Avenue access options. If not properly mitigated, the construction equipment, deliveries and workers coming and leaving the site from Hathaway and Ridgeway, and partially from North Street or Bryant Avenue, depending on the MPP access option, the travel routes of construction equipment, deliveries and construction workers to and from the Project Site, and the timing of such traffic will have significant adverse impacts on traffic on Ridgeway, Hathaway Lane, and streets accessing Ridgeway and/or the new access point(s) on North Street or Bryant Avenue, under the MPP/North Street or MPP/Bryant Avenue. To mitigate these potentially significant adverse construction traffic impacts, FASNY must provide a Construction Traffic Management Plan for approval by the Common Council as part of the approval of any Special Permit/Site Plan, which Construction Traffic Management Plan shall be included as part of the approved Construction Management Plan.

FINDING N-22: Subject to full compliance with all of the conditions, findings and requirements set forth in Findings N-1 through N-21 hereinabove, and compliance with related conditions, findings and mitigation requirements set forth in other findings contained in this Findings Statement, particularly in Sections B, C, D, I, K, L, and M, the potential significant adverse impacts from construction of the Project for the MPP/Ridgeway, MPP/North Street or MPP/Bryant Avenue can be avoided or mitigated to the maximum extent practicable only if such construction is in full compliance with an approved Construction Management Plan, including all component plans and requirements discussed in this

Findings Statement.

## O. FINDINGS REGARDING ALTERNATIVES

### SUMMARY OF EXISTING CONDITIONS:

As noted, the Ridgeway Country Club has not been in operation since 2010. The golf course and area surrounding the club house are maintained as mowed lawn.

### EXPECTED IMPACTS:

The potential impacts of alternatives vary by alternative. The alternatives considered in the DEIS were the following:

- 1A. Re-instatement in some form of the prior golf course special permit use;
- 1B. Single Family Homes, principal permitted use; and
- 1C. House of Worship, principal permitted use.

None of these alternatives meets the needs of FASNY, and therefore are not viable alternatives for FASNY. The Single Family Homes and House of Worship alternatives could also have potential significant adverse impacts.

The Modified Proposed Project three access options meet FASNY's needs in that each would enable the development on the Project Site of a private elementary and secondary school with accessory nursery school and accessory structures and athletic fields. These access alternatives could also have potential significant adverse impacts as discussed elsewhere in this Findings Statement.

O. FINDINGS: Based on its review of the Environmental Record, the Lead Agency makes the following Findings regarding the alternatives in relation to the Initial Project and the Modified Proposed Project all access options. These Findings incorporate the conditions and requirements necessary for the mitigation of potential significant adverse impacts where such impacts can be effectively mitigated.

### No Build Alternative: Private Golf Course

FINDING O-1: The failure of the private Ridgeway Golf Club suggests that the viability of a private golf club would depend on changes such as redesign of the golf course, with attendant issues of land disturbance; replacement of existing and addition of new recreational amenities; and possible addition of some number of single family residences.

FINDING O-2: The following impacts are likely to occur and/or continue if the use of the property remained a private golf club:

1. The open space character would be preserved, but possibly without public access, permanent preservation, or improvements to existing storm water management and

infrastructure.

2. Irrigation would be necessary, with a greater use of water for land maintenance than under the Initial Project and Modified Proposed Project access options.
3. Property taxes would continue to be paid, with a potential increase if investments in the golf club and golf course were to take place.
4. Peak hour, as well as overall, traffic would be significantly less.
5. Noise impacts, particularly early morning mowing, would continue as under the former Ridgeway Country Club.
6. Use of pesticides, herbicides and fertilizers would be likely to continue on the entire site at same or reduced level depending on golf course maintenance program utilized.

#### No Build Alternative: Single Family Home

FINDING O-3: FASNY projects that the MPP/Ridgeway would result in approximately 12.92 acres of impervious surface and the Single-Family Home Alternative would result in approximately 16.75 acres of impervious surface. The MPP/North Street or MPP/Bryant would result in an additional approximately 1.72 acres (75,000 s.f.) of impervious surface for the access road. In all FASNY School access alternatives the amount of impervious surface is estimated to be slightly less than for the Single-Family Home Alternative. The Common Council finds that the estimates for the Single-Family Home Alternative do not represent the maximum mitigation of impervious surface possible under Sections 4.4.25 and 5.7 of the Zoning Ordinance and Section 3.5 of the Municipal Code.

FINDING O-4: FASNY projects potential encroachment into wetlands and watercourses for single-family home construction. While this may not be true in the initial construction during which time applicants are subject to regular construction inspections, prevention of individual future encroachment is much more difficult to control with single-family home uses than it is with institutional and commercial uses.

FINDING O-5: The Common Council finds that fiscal impacts of a single-family home alternative vary significantly, to the degree that an analysis of such impacts is essentially speculative. Single-family homes pay property taxes and also produce a certain number of public school children, but both vary with the size and type of the house built. The estimated property taxes to be paid by single-family homes under the Single-Family Home Alternative would be based on the assessed value of the actual houses that would be built, and cannot be accurately determined at this time. It is recognized that a tax-exempt private elementary and secondary school with accessory nursery school does not pay property taxes.

FINDING O-6: Open Space is a requirement for single-family



homes, regulated by the Zoning Ordinance through permitted lot coverage. However, the amount and character of that open space varies based on design and could be less cohesive and might not provide for public access.

FINDING O-7: Demand for emergency services is likely to be more frequent if the Project Site is developed with single-family homes as compared with the FASNY School use.

FINDING O-8: Peak hour traffic is projected to be significantly less if single-family homes are constructed on the former Ridgeway Country Club site.

FINDING O-9: Enforcement of controls on individual homeowner's use of pesticides, herbicides and fertilizers, all of which have potential significant impacts on stormwater and soils, is much more difficult than is enforcement on larger tracts of land subject to special permit and site plan regulations and controls.

#### No Build Alternative: Houses of Worship

FINDING O-10: The impacts of a house of worship vary significantly depending on the specific proposal, and therefore cannot be accurately determined at this time.

#### SUMMARY OF NO BUILD ALTERNATIVES

FINDING O-11: The Common Council finds that, as stated in FEIS Response 3.16-3, "Although not assessed in detail, there do not appear to be any significant adverse impacts from any of the three No Build Alternatives that could not be mitigated. Some mitigation measures would affect the size, traffic impact, and environmental impact of these alternatives. Adjusting for size and mitigation of impacts, all three No Build Alternatives are presumed to be viable from an environmental perspective."

FINDING O-12: Although there are other permitted principal and special permit uses allowed for the Project Site, none of the alternatives meet FASNY's need for a private elementary and secondary school with accessory nursery school.

#### MODIFIED PROPOSED PROJECT ACCESS ALTERNATIVES

FINDING O-13: The three access alternatives - MPP/Ridgeway, MPP/North Street, MPP/Bryant - are addressed under each of the Findings topics in this Finding Statement.

#### Lower School at Bryant Avenue

FINDING O-14: The FEIS presents responses to the alternative of locating the Lower School adjacent to Bryant Avenue. The Common Council finds that:

1. The location of the Lower School on Parcel C would have insufficiently mitigated significant adverse impacts on the City regulated wetland and wetland buffer area as proposed by the Applicant. It is not possible to determine stormwater or traffic impacts as insufficient

information is provided for this alternative.

2. The location of the Lower School on Parcel D cannot be fully assessed because it is not possible to determine stormwater or traffic impacts as insufficient information is provided for this alternative. However, due to the proximity of single family homes which are sensitive receptors along the northern border of Parcel D and across Hathaway Lane from Parcel D in the same area, potentially significant adverse impacts of traffic, air quality, noise, construction, erosion and impacts to vegetation may occur. Without information, it is not possible to determine if these impacts can be mitigated.

#### P. FINDINGS REGARDING MITIGATION

##### SUMMARY OF EXISTING CONDITIONS:

As noted, the Ridgeway Country Club has not been in operation since 2010. The golf course and area surrounding the club house are maintained as mowed lawn.

##### EXPECTED IMPACTS:

Impacts are addressed in each of the topic sections.

P. FINDINGS: Based on its review of the Environmental Record, the Lead Agency makes the following Findings regarding Mitigation in relation to the Initial Project and the Modified Proposed Project all access options. These Findings incorporate the conditions and requirements necessary for the mitigation of potential significant adverse impacts where such impacts can be effectively mitigated.

FINDING P-1: The Findings regarding mitigation measures for each type of impact are addressed in each of the topic sections.

#### Q. FINDINGS REGARDING USE AND CONSERVATION OF ENERGY

##### SUMMARY OF EXISTING CONDITIONS:

Very little energy is being used at the Project Site at this time as the Ridgeway Country Club has not been in operation since 2010. The golf course and area surrounding the club house are maintained as mowed lawn.

##### EXPECTED IMPACTS:

Energy will be consumed in the construction process in the form of fossil fuel usage for construction equipment, trucks and other transport vehicles and construction worker vehicles. Energy will be consumed in the production of materials for construction. Some of these materials will be produced within the region, others will come from further distances.

The amount of energy consumed during the operation of the facilities for utilities, including, but not limited to, water, sewage, and electricity will depend on the measures used to

construct energy efficient buildings, and conserve energy during operation.

Q. FINDINGS: Based on its review of the Environmental Record, the Lead Agency makes the following Findings regarding Use and Conservation of Energy in relation to the Initial Project and the Modified Proposed Project all access options. These Findings incorporate the conditions and requirements necessary for the mitigation of potential significant adverse impacts where such impacts can be effectively mitigated.

FINDING Q-1: To mitigate significant adverse impacts in energy consumption during construction, FASNY shall be subject to all of the requirements and conditions set forth in the Findings N-1 through N-21, and such other Findings related to construction contained in this Findings Statement.

FINDING Q-2: FASNY has completed a LEED Project Checklist for the Modified Proposed Project, which is included in the FEIS as Figure 1.0-21. FASNY has committed to attaining a minimum LEED Silver certification for the Modified Proposed Project. The Common Council finds that this meets the City's minimum requirement for energy efficient construction and operation as described in Finding K-13 in this Finding Statement.

#### R. FINDINGS REGARDING GROWTH INDUCING IMPACTS

##### SUMMARY OF EXISTING CONDITIONS:

The Ridgeway Country Club has not been in operation since 2010. The golf course and area surrounding the club house are maintained as mowed lawn.

##### EXPECTED IMPACTS:

The location of the school in White Plains may bring new families to reside in the City whose children attend the French-American School. It is most likely that these new residents will occupy existing residential properties.

The French-American School is a special permit use and is regulated under Section 6 of the Zoning Ordinance. Section 6.1 provides that "[a]ll such "uses" are declared to possess characteristics of such unique and special form that each specific "use" must be considered as an individual case."

FASNY is not seeking a Zoning Ordinance amendment or variance for this Project.

R. FINDINGS: Based on its review of the Environmental Record, the Lead Agency makes the following Findings regarding growth inducing impacts in relation to the Initial Project and the Modified Proposed Project all access options. These Findings incorporate the conditions and requirements necessary for the mitigation of potential significant adverse impacts where such impacts can be effectively mitigated.

FINDING R-1: The approval of any special permit use does not create a precedent for approval of any other special permit use,

including one of the same type; as any such other special permit use must be evaluated on an individual basis. Any application for a special permit for a private elementary and secondary school with an accessory nursery school would be subject to all of the regulations of the White Plains Zoning Ordinance and Municipal Code, SEQRA and such other applicable Federal, State and local rules and regulations.

FINDING R-2: Based on other Findings made herein, particularly Findings in Section J: Traffic and Transportation, the proposed MPP/Ridgeway will have significant adverse impacts due to the size of the student body and the impact of this student body size on City roadway infrastructure at Mamaroneck Avenue and Hathaway Lane, Ridgeway character and purpose as a Collector Street, and efficient movement of emergency vehicles. In the MPP/North Street, the Common Council finds that potential significant adverse traffic impacts can be avoided or mitigated by: (1) limiting the size of the FASNY School student body to 950 students; (2) limiting the size in approximately the same grade proportion as the 2010 enrollment; (3) establishing a minimum of 50% busing requirement for grades 1st through 12th while maintaining no less than 18% busing for N/K; (4) allowing no more than 530 vehicle trips in and out of the Project Site during any one AM or PM peak hour period; (5) establishing hours for staff arrival that reduce total trip generation within the AM or PM peak hour; (6) providing for car-pooling at no less than 1.5 for grades 1st through 12th; (7) providing for all controls and methods of monitoring and enforcement in a Transportation Management Plan to be approved as part of any Special Permit/Site Plan approval. If FASNY seeks to increase its student body size in the future, it must follow the procedures for an amendment to its special permit/site plan approval, which would require that such increase be assessed on an individual case-by-case basis, as per the requirements of the Zoning Ordinance.

FINDING R-3: Subject to the terms, conditions and requirements of the Findings contained in this Findings Statement, which shall be incorporated into any Special Permit/Site Plan approval, the Modified Proposed Project for each access option will not create a demand for similar actions by other institutional special permit uses within White Plains.

FINDING R-4: Subject to the terms, conditions and requirements of the Findings contained in this Findings Statement, which shall be incorporated into any Special Permit/Site Plan approval, the Modified Proposed Project shall increase day time population of White Plains by the number of students and faculty at the school, and will increase trips on City, County and State roads. However, the Common Council does not anticipate that it will generate new population overall in the City as those families who may choose to live in White Plains to be closer to the FASNY School are likely to purchase or rent existing homes or apartments that would otherwise be sold or rented to other persons or families and occupied by them.

FINDING R-5: There are no unmitigated significant adverse impacts for growth in population of White Plains under the Initial Project or the MPP/Ridgeway, MPP/North Street or MPP/Bryant Avenue.

S. FINDINGS REGARDING THE IRREVERSIBLE AND IRRETRIEVABLE COMMITMENT OF RESOURCES

SUMMARY OF EXISTING CONDITIONS:

The Ridgeway Country Club has not been in operation since 2010. The golf course and area surrounding the club house are maintained as mowed lawn.

EXPECTED IMPACTS:

The basic irretrievable resource being committed in this Application is the land that will be dedicated to the FASNY School. In addition, trees are proposed to be removed. However, more trees are proposed to be planted than eliminated.

Construction of the Project and related improvements will require building materials, equipment, energy and human resources. These resources are committed to the construction and operation of the Project. During and after construction, this Project will also require consumption of additional utilities such as water and electricity. The Project will also require increases in such services as solid waste disposal, water, and sewage collection and treatment, and potentially police and fire protection over that demanded by the facility as it exists at this time.

S. FINDING: Based on its review of the Environmental Record, the Lead Agency makes the following Findings regarding the irreversible and irretrievable commitment of resources in relation to the Initial Project and the Modified Proposed Project all access options. These Findings incorporate the conditions and requirements necessary for the mitigation of potential significant adverse impacts where such impacts can be effectively mitigated.

FINDING S-1: Constructing the Proposed Project will result in the irreversible and irretrievable commitment of some resources. However, subject to implementation of all of the terms, conditions and requirements contained in this Findings Statement, including, among other things, the full implementation of the Construction Management Plan, and the development of a minimum LEED Silver certifiable project, the Proposed Project will commit the minimum amount of irreversible and irretrievable resources practicable, thereby avoiding or mitigating significant adverse impacts. Furthermore, FASNY has committed to the establishment of a meadow restoration program and preservation of land on the Project Site through the establishment of the over 80 acre Conservancy through a conservation easement and the implementation of the Conservancy Master Plan, which must be approved by the Common Council as part of any Special Permit/Site Plan approval, thus preserving land that might otherwise be subject to development.

T. FINDINGS RELATED TO ADVERSE ENVIRONMENTAL EFFECTS THAT CANNOT BE AVOIDED IF THE PROJECT IS IMPLEMENTED

SUMMARY OF EXISTING CONDITIONS:

The Ridgeway Country Club has not been in operation since 2010. The golf course and area surrounding the club house are maintained as mowed lawn.

EXPECTED IMPACTS:

The Modified Proposed Project will result in some environmental impacts, mostly short-term construction impacts, which include, but are not limited to, increases in noise levels due to the operation of construction equipment, the potential for fugitive dust and stormwater runoff.

The Modified Proposed Project will result in the loss of some trees and vegetation; however, FASNY has committed to the establishment of a meadow restoration program and preservation of land on the Project Site through the establishment of the Conservancy through a conservation easement and the implementation of the Conservancy Master Plan which must be approved by the Common Council as part of any Special Permit/Site Plan approval. The former clubhouse and several small structures on the property will also be demolished, with other portions maintained. As part of the LEED &copy; standards applicable to this project, demolition materials will be sorted and recycled as practicable.

T. FINDINGS: Based on its review of the Environmental Record, the Lead Agency makes the following Findings regarding adverse environmental effects that cannot be avoided in relation to the Initial Project and the Modified Proposed Project all access options. These Findings incorporate the conditions and requirements necessary for the mitigation of potential significant adverse impacts where such impacts can be effectively mitigated.

FINDING T-1: Any impacts identified in this Finding Statement that cannot be avoided must be mitigated to the maximum extent practicable by the terms, conditions and requirements of the Findings contained in this Findings Statement, which requirements, terms and conditions shall be incorporated into any Special Permit/Site Plan approval.

U. FINDINGS REGARDING POTENTIAL FOR CUMULATIVE IMPACTS RESULTING FROM TWO OR MORE OF THE POTENTIAL IMPACTS LISTED ABOVE

SUMMARY OF EXISTING CONDITIONS:

The Ridgeway Country Club has not been in operation since 2010. The golf course and area surrounding the club house are maintained as mowed lawn.

EXPECTED IMPACTS:

None.

U. FINDINGS: FINDING: Based on its review of the Environmental Record, the Lead Agency finds that:

FINDING U-1: No cumulative environmental impacts are foreseen for the Modified Proposed Project for the three access

options as modified by the terms, conditions and requirements of the Findings in this Findings Statement.

## CONCLUSION

In view of the foregoing the Common Council as Lead Agency finds that the Modified Proposed Project using North Street as the primary access, as further modified by these findings, and subject to the conditions contained herein, including but not limited to reduction of the proposed student body to 950 students, which is consistent with the projected needs of FASNY at least through the 2018-2019 school year and is also consistent with the reasonably projected compliance with mandatory bussing and other variables addressed herein, will avoid to the maximum extent practicable the significant adverse environmental impacts addressed in these findings.

## PART IV. CERTIFICATION OF FINDINGS

WHEREAS, having considered the Environmental Review Record, and having considered the preceding written facts, conclusions, terms, conditions and requirements in this Statement of Findings developed with respect to the Modified Proposed Project with access from North Street, the Common Council, as the Lead Agency, has:

1. Considered the relevant environmental impacts, facts and conclusions disclosed in the DEIS, accepted on August 6, 2012, the FEIS accepted on September 16, 2013, and this Findings Statement;
2. Weighed and balanced relevant environmental impacts with social, economic and other considerations; and
3. Provided a rationale for the Common Council's findings and decision; now, therefore, be it

RESOLVED, that the Common Council hereby certifies that it has complied with all the requirements of 6 NYCRR Part 617; and

A. Consistent with social, economic and other essential considerations from among the reasonable alternatives available, the Modified Proposed Project with access from North Street, as modified by these Environmental Findings, is the one that avoids or minimizes adverse environmental impacts to the maximum extent practicable, and that adverse environmental impacts are being avoided or minimized to the maximum extent practicable by incorporating as conditions to the Common Council's decision those mitigative measures that were identified herein; and

RESOLVED, that the Common Council of the City of White Plain adopts this

FINDINGS STATEMENT ISSUED UNDER THE STATE ENVIRONMENTAL QUALITY REVIEW ACT, ENVIRONMENTAL CONSERVATION LAW SECTION 8-101. ET SEQ. REGARDING THE APPLICATION SUBMITTED ON BEHALF OF THE FRENCH-AMERICAN SCHOOL OF NEW YORK ("APPLICANT" or "FASNY") IN RELATION TO SPECIAL PERMIT AND SITE PLAN APPROVAL AND RELATED APPROVALS FOR A PRIVATE ELEMENTARY AND SECONDARY SCHOOL, AND AN

ACCESSORY NURSERY SCHOOL, TO BE LOCATED ON THE PROPERTY OF THE FORMER RIDGEWAY COUNTRY CLUB, SUCH PROPERTY CONSISTING OF FOUR PARCELS (SECTION-BLOCK-LOTS SBL 131.14-9-3, SBL 131.14-2-3, SBL 131.10-1-6 AND SBL 131.10-3-43) AND HAVING AN ADDRESS OF 400 RIDGEWAY, WHITE PLAINS ("APPLICATION").

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