



**COMMON COUNCIL  
AGENDA  
REGULAR STATED MEETING  
May 4, 2009  
7:30 P.M.**

**PLEDGE TO THE FLAG:** Hon. Rita Malmud

**INVOCATION:** Rev. Carol Huston  
Community Unitarian Church

**ROLL CALL:** City Clerk

**EMPLOYEE OF  
OF THE MONTH:** Mary Ann Solano  
Secretary  
Department of Finance

**APPOINTMENT:**

1. Communication from the Mayor regarding re-appointment to the White Plains City Court of a Full Time City Court Judge for a term of ten years.

**ADJOURNED**

**PUBLIC HEARING:**

2. Public Hearing in relation to the application submitted on behalf of 1133-300/1133-399 Westchester Avenue LLC, ("Applicant") owner of property known as 1133/1135 Westchester Avenue (Section 131.20, Block 1, Lot 1.1) containing environmentally sensitive features, for (A) a one (1) year extension of the previously approved amendment to the Special Permit/Site Plan for a four (4) story extended stay hotel granted by the Common Council by resolution adopted November 7, 2007; (B) an amendment to the aforementioned previously approved Special Permit/Site Plan for the construction of a new office building on the same property at 1133/1135 Westchester Avenue; and ( C) an application for a Special Permit for same under Sections 3.5.5 and 6.7.27 of the Zoning Ordinance of the City of White Plains to permit the utilization of the permitted building coverage percentage on that portion of the site which is located in the C-O (Campus Office) Zoning District.
3. Communication from the City Clerk

**PUBLIC HEARING:**

4. Public Hearing in relation to the application submitted on behalf of Prophecy for a one (1) year renewal of a Special Permit to operate a cabaret at 15 South Broadway.
5. Communication from Environmental Officer
6. Environmental Findings Resolution
7. Resolution of the Common Council of the City of White Plains approving the application submitted by Coughlan, Inc. for a one year renewal of a Special Permit to operate a Cabaret known as The Prophecy Restaurant/Bar at 15 South Broadway (Section 125.76, Block 1, Lot 4) subject to certain conditions contained herein.
8. Public Hearing on the Tax Budget of the City of White Plains for Fiscal Year 2009 - 2010.

**FIRST READING  
ORDINANCES:**

9. Communication from Corporation Counsel in relation to an amendment to a previously adopted ordinance entitled, "Ordinance authorizing the Mayor to enter into a contract with Complus Data Innovations, Inc., to provide full service parking ticket processing services for a term of five years," to reflect the third year cost for processing as \$2.80.
10. Ordinance amending an ordinance entitled, "Ordinance authorizing the Mayor to enter into a contract with Complus Data Innovations, Inc. to provide full service parking ticket processing services for a term of five years."
11. Communication from Commissioner of Public Works requesting authorization to apply for and submit applications for grants pursuant to the Federal Economic Stimulus Program for various energy efficiency and alternate fuel vehicle projects.
12. Resolution of the Common Council of the City of White Plains authorizing the Mayor to direct the Commissioner of Public Works to apply for and submit applications for grants pursuant to the Federal Economic Stimulus Program.
13. Communication from Commissioner of Public Works in relation to an Inter-municipal Agreement between the City and the New York Power Authority
14. Ordinance of the Common Council of the City of White Plains authorizing the Mayor to direct the Commissioner of Public Works to enter into an Energy Services Program Agreement, formerly known as an Energy Efficiency Technologies Agreement, with the New York State Power Authority.
15. Communication from Commissioner of Public Works in relation to the closure of certain streets and appropriate parking restrictions for the following events to be held in the City: Semi-Annual Rising Stars Sidewalk Sales; Memorial Day Parade; White Plains Clean and Green; White Plains City Fest 2009 Block Party; Juneteenth Parade and Festival; White Plains Child Safety Day; The Taste of Downtown White Plains; Columbus Parade and Festival; Hispanic Day Parade and Festival; White Plains New Year's Eve Event Spectacular.

16. Ordinance of the Common Council of the City of White Plains authorizing the closure of certain portions of public streets and designating May 25 through May 31, 2009, June 13, 2009, September 9 through September 13, 2009, and October 4 and 18, 2009 as the White Plains Downtown "Rising Star Sidewalk Sales" days; May 30, 2009 as White Plains Clean and Green Day; May 31, 2009 as a White Plains City Fest 2009 Block Party Event; June 27, 2009 as White Plains Child Safety Day; and September 13, 2009 as the Taste of Downtown White Plains Event, events sponsored by the City of White Plains and the White Plains Business Improvement District.
17. Ordinance of the Common Council of the City of White Plains authorizing the closure of certain portions of public streets and appropriate parking restrictions on December 31, 2009 and January 1, 2010, for the City's Downtown New Year's Eve Spectacular sponsored by the White Plains Downtown Business Improvement District (BID).
18. Ordinance of the Common Council of the City of White Plains authorizing the closure of certain public streets and appropriate parking restrictions on Monday, May 25, 2009 for a Memorial Day Parade; Saturday, June 13, 2009 for a Juneteenth Parade and Festival; Sunday, October 4, 2009, for a Columbus Day Parade and Festival; and Sunday October 18, 2009 for an Hispanic Day Parade and Festival.
19. Communication from Commissioner of Public Works in relation to the closure of a portion of a certain City street for the Annual Spring Exhibition of the Westchester Arts Council.
20. Ordinance of the Common Council of the City of White Plains authorizing the closure of a portion of Mamaroneck Avenue on Friday, May 15, 2009 for the Annual Spring Exhibition of "Rubbish! Arts and the Ecosystem" sponsored by the Westchester Arts Council.
21. Communication from Commissioner of Public Safety in relation a license agreement between the City and the County of Westchester for the use of a foam trailer to extinguish fires.
22. Ordinance of the Common Council of the City of White Plains authorizing the Mayor or his designee to enter into a license agreement with the County of Westchester for the use of a foam trailer to be used to extinguish fires.
23. Communication from Commissioner of Public Safety in relation to a license agreement with the County of Westchester to permit the location of a trailer containing shelter supplies to be utilized during a disaster or emergency to be housed within the City of White Plains.
24. Ordinance of the Common Council of the City of White Plains authorizing the Mayor or his designee to enter into a license agreement with the County of Westchester for the provision of a container or trailer containing shelter supplies to be utilized during a disaster and/or emergency.
25. Communication from the Mayor in relation to a Community Development Rehabilitation Grant in the amount of \$30,000 for Slater Center to make the necessary improvements and changes to accommodate the relocation of the Ecumenical Food Pantry to the Slater Center, 2 Fisher Court.

26. Ordinance authorizing a Community Development Rehabilitation Program Grant not to exceed \$30,000 to Slater Center, Inc. for improvements to the storage areas and multipurpose room at Slater Center to accommodate the relocation of the Ecumenical Food Pantry to the Slater Center, 2 Fisher Court.
27. Communication from Commissioner of Planning in relation to an ordinance amending the Zoning Ordinance with respect to establishing new and increasing existing fees charged for applications made pursuant, *inter alia*, to Sections 6, 7, 9.5, 10.3.5, 10.3.6 and 10.3.7 of the Zoning Ordinance.
28. Communications from Westchester County Planning Board  
29. Environmental Officer
30. Ordinance amending an ordinance entitled, "The Zoning Ordinance of the City of White Plains" at Section 11.5 with respect to fees charge for applications made pursuant to Sections 6, 7, 9.5, 10.3.5, 10.3.6 and 10.3.7 of the Ordinance.
31. Communication from Commissioner of Finance in relation to a transfer of funds from Reserve for Financing to increase funding of the unemployment component of the Self Insurance Fund.
32. Ordinance authorizing the transfer of funds from the Reserve for Financing to increase the contribution to the Self Insurance Fund in both the General Fund and Library Fund Budgets for Fiscal Year 2008 - 2009 and to amend the Fiscal Year 2008 - 2009 Self Insurance Fund Budget.
33. Communication from Commissioner of Finance in relation to an amendment to the Fiscal Year 2008 - 2009 Self Insurance Budget to reflect an additional contribution from the Community Development Fund for an increase in its unemployment insurance payments.
34. Ordinance authorizing an amendment to the Fiscal Year 2008 - 2009 Self Insurance Fund Budget to reflect an additional contribution from the Community Development Fund for an increase in its unemployment insurance payments.
35. Communication from Director, Youth Bureau, in relation to additional funds from the County of Westchester for the Workforce Investment Act Youth Employment Services Out-of-School Program.
36. Ordinance amending an ordinance entitled, "An ordinance authorizing the Mayor to enter into a contract with the County of Westchester (Office of Workforce Investment) to receive up to \$247,352 in funding for an Out-of-School Youth Program under the Workforce Investment Act (WIA)."
37. Communication from Director, Youth Bureau, in relation to a donation in the amount of \$1,500 to cover the cost of the Annual National Volunteer Recognition Month.
38. Ordinance of the Common Council of the City of White Plains authorizing the Mayor to accept, on behalf of the City of White Plains Youth Bureau, a donation from Walmart to cover costs of the Annual National Volunteer Recognition Month.

39. Communication from Personnel Officer in relation to an amendment to the hourly pay scales portion of the Compensation and Leave Plan to reflect the new Federal minimum wage requirement to \$7.25 per hour effective July 1, 2009.
40. Ordinance amending Section 2-5-80 of the White Plains Municipal Code by amending the hourly pay scale.
41. Communication from Chairman, Traffic Commission, in relation to amendments to the Traffic Ordinance at various locations around the City.
42. Ordinance amending the Traffic Ordinance of the City of White Plains in relation to On Street Parking, Meter Zones, No Parking, One Hour Parking, Two Hour Parking, Fifteen Minute Parking and Designated Handicapped Parking Spaces-Streets (Non-Metered).
43. Ordinance amending an ordinance entitled, "An ordinance amending the Traffic Ordinance of the City of White Plains in relation to On Street Parking, Meter Zones, No Parking, One Hour Parking, Three Hour Parking - Monday through Friday, No Standing, No Parking 10:00 A.M. to 11:00 A.M., Monday through Friday, Stop Intersections, Yield Intersections, and Right Turns Prohibited."

#### RESOLUTIONS:

44. Communication from Corporation Counsel in relation to a request submitted on behalf of North Street Community, LLC, for an amendment to the Zoning Ordinance regarding Planned Senior Residential Development District to increasing the percentage in Section 5.8.5.2 for assisted living beds and domiciliary care facilities from 35% to 45%, and to authorize stacked attendant parking and automated mechanized parking in the Planned Senior Residential Development District.
45. Communication from Planning Board  
46. Commissioner of Building
47. Resolution of the Common Council of the City of White Plains scheduling a public hearing for June 1, 2009 in relation to an ordinance amending the Zoning Ordinance of the City of White Plains submitted by North Street Community, LLC to amend Section 5.8.5.2 of the Zoning Ordinance to increase the ratio of the number of assisted living beds to independent living units in the Planned Senior Residential Development District from 35% to 45% and to authorized stacked attendant parking and automated mechanized parking in the Planned Senior Residential Development District.
48. Communication from Executive Director, Urban Renewal Agency, in relation to scheduling a public hearing for June 1, 2009 on an amendment to the Urban Renewal Plan for the Central Renewal Project, Project No. R-37 Plan Modification No. 49, to extend the Central Renewal Plan for a period of ten (10) years, effective July 7, 2009.
49. Resolution setting a public hearing for June 1, 2009, on Urban Renewal Plan Modification No. 49, a proposed amendment to Section C(2)(c) of the Urban Renewal Plan for the Central Renewal Project, Project No. N.Y. R-37, to extend the regulations and controls of the Plan for 10 years from July 6, 2009 to July 5, 2019, with respect to properties in the Central Renewal Project Area owned by the City of

White Plains or the White Plains Urban Renewal Agency, or conveyed to a private redeveloper for which a Certification of Completion has not yet been issued by the White Plains Urban Renewal Agency.

50. Communication from Commissioner of Building in relation to a request submitted on behalf of CorePlus Properties, LLC, CPP Bloomingdale LLC and ROF Core 120 Bloomingdale LLC, for a one year extension of a previously approved site plan to construct The Venue on Bloomingdale Road, a proposed retail development.
51. Communications from Design Review Board  
 52. Commissioner of Planning  
 53. Planning Board  
 54. Commissioner of Public Safety  
 55. Commissioner of Public Works  
 56. Commissioner of Traffic  
 57. Traffic Commission  
 58. Commissioner of Parking  
 59. Environmental Officer
60. Environmental Findings Resolution
61. Resolution of the Common Council of the City of White Plains extending for one (1) year the amended Special Permit/Site Plan Approval, originally granted on May 5, 2008 to CorePlus Properties, LLC and CPP Bloomingdale LLC ("Applicant") for amended site plan approval under Section 7 of the Zoning Ordinance of the City of White Plains ("Zoning Ordinance") to construct approximately 46,833 square feet of new retail use to the existing site, currently developed with an approximately 141,427 square foot office building, and for a Special Permit under Section 6 of the Zoning Ordinance to establish restaurants and outdoor dining associated with such restaurants for approximately 6,000 square feet, for a total of approximately 52,833 square feet of retail/restaurant use, for the new development to be known as "The Venue" to be located at the approximately 5.8 acre site at 120 Bloomingdale Road, an environmentally sensitive site under Section 4.4.25 of the Zoning Ordinance (Section 131.21, Block 3, Lot 2.1).
62. Communication from Commissioner of Building in relation to a request submitted on behalf of Hamilton Condominiums, for a one year extension of a previously approved site plan to construct a thirteen story, eighty-six unit residential condominium at 116 - 120 Church Street.
63. Communications from Design Review Board  
 64. Commissioner of Planning  
 65. Planning Board  
 66. Commissioner of Public Safety  
 67. Commissioner of Public Works  
 68. Commissioner of Traffic  
 69. Traffic Commission  
 70. Commissioner of Parking  
 71. Environmental Officer
72. Environmental Findings Resolution

73. Resolution of the Common Council of the City of White Plains extending for an additional one year the Special Permit approval originally granted to ASB Management Inc. and Spaulding & Slye Colliers International for Hamilton Park LLC by resolution adopted June 6, 2005 and extended by resolutions adopted August 7, 2006, July 9, 2007, and April 7, 2008 to construct a thirteen (13) story (125 feet in height), eighty-six (86) unit, residential condominium building, with three (3) stories above grade and one (1) story below grade to be used to provide one hundred and forth-five (145) off-street parking spaces for a project to be known as the Hamilton Condominiums at 116-120 Church Street (Section 125.67, Block 3, Lot 1) in the RM-0.35 Zoning District.
74. Communication from Commissioner of Planning in relation to an amendment to the Affordable Rental Housing Program Rules and Regulations and the Affordable Home Ownership Program Rules and Regulations to adjust family income limits to reflect the 2009/10 family income limits for Westchester County.
75. Resolution amending the Affordable Housing Program Rules and Regulations and the Affordable Home Ownership Program Rules and Regulations of the City of White Plains initially adopted March 2003 and June 4, 2004, respectively, to adjust family income limits to reflect the 2009/10 family income limits for Westchester County based on family size.
76. Resolution of the Common Council of the City of White Plains supporting the introduction and adoption of New York State Legislation to amend the Tax Law in relation to authorizing the City of White Plains to impose an additional one-quarter of one percent Sales and Compensating Use Tax.

#### REFERRAL:

77. Communication from Commissioner of Building in relation to an application submitted on behalf of Antipasti Restaurant, 1 North Broadway, for a one year renewal of a Special Permit for Cabaret Use
78. Communication from Commissioner of Building in relation to an application submitted on behalf of the White Plains Housing Authority to amend the Zoning Ordinance by remapping an approximately 5.11 acre portion of the Winbrook Community from RM-0.35 to B-3, extending the Central Parking Area to encompass the entire Winbrook Community, as well as amending the Comprehensive Plan to increase the number of and diversity of the dwelling units and adding commercial spaces for retail and support services.

#### ITEMS FOR INFORMATION:

79. Communication from the City Clerk transmitting a request submitted on behalf of Calano & Calano Realty Corp. and Keith J. Ahlers, owners of a building located at 14 Mamaroneck Avenue, to withdraw a petition to amend the Municipal Code to add "Electronic Message Board Ordinance."
80. Communication from Commissioner of Finance transmitting the Interim Financial Report for the Third Quarter Ending March 31, 2009.