

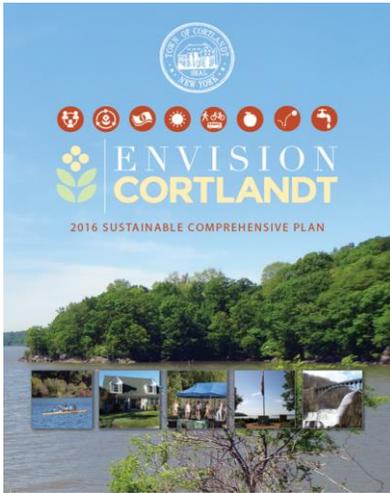
# **Sustaining Places**

**Linda D. Puglisi**  
*Town of Cortlandt*

**Thomas M. Roach**  
*City of White Plains*

**Michelle Robbins, AICP**  
*Town of Cortlandt*

**Andrew V. Tung, ASLA, Esq., LEED AP**  
*Divney Tung Schwalbe, LLP*



“Sustainability is the promise to our children and grandchildren that they will inherit a tomorrow that is at least as good as today and hopefully better. Achieving this promise will call for the participation of each and every one of us. Our Town has a long-standing record of environmental stewardship exemplified by our leadership in protecting open space, natural resources, and smart growth practices. The Town Board and I are fully committed to this important effort and we look forward to your participation in becoming a sustainable community.”

- Linda D. Puglisi  
Cortlandt Town Supervisor

**Introduction**

In December 2013, Cortlandt was awarded a New York State Energy Research and Development Authority (NYSERDA) Cleaner, Greener Communities (CGC) grant in the amount of \$175,000. This grant provided the funds for the Town to complete its first Sustainable Comprehensive Plan, *Envision Cortlandt*. *Envision Cortlandt* supports the adoption of sustainable planning and development practices that are innovative and create multiple community benefits. Cortlandt is one of the first communities in Westchester County to develop a Sustainable Comprehensive Plan.

*THE VISION*

*The Town of Cortlandt’s identity is strongly linked to its historical roots and the Hudson River. The Town wishes to embrace and enhance these strengths while planning for its future as a diverse, vibrant, economically strong, and interconnected community. The 2016 Cortlandt Sustainable Comprehensive Plan also known as Envision Cortlandt, provides a roadmap towards an economically, environmentally, and socially sustainable future. The Plan promotes the enhancement of a dynamic local economy with mixed-use town centers, multimodal transportation options, a revitalized waterfront, and a strengthened sense of place.*

**The Plan**

*Envision Cortlandt* is more than a plan; it presents a framework and strategy for the Town to achieve its vision: to grow in a more economically, environmentally, and socially sustainable way. It includes policy recommendations, guidelines, best practices, and metrics for plans small and large. The Plan addresses topics including local and regional sustainability, housing, transportation, infrastructure, economic development, resiliency, and technology.

*Envision Cortlandt* evolved out of decades of grass roots community planning efforts and initiatives ranging from small neighborhood plans such as the *Verplanck Waterfront Master Plan* and *Montrose Enhancement Plan (MEP)* to *Solarize Croton-Cortlandt* and the *Cortlandt Green Team*.



**Verplanck Waterfront Master Plan**  
This Verplanck Waterfront Master Plan was prepared for the New York State Department of State with funds provided under Title 11 of the Environmental Protection Fund.



Public Workshop May 19, 2015

### Eight Sustainability Principles

*Envision Cortlandt* contains nine chapters. The first chapter, "Sustainability," provides an overview of the Town's sustainability. Sustainability chapter also introduces the eight sustainability principles developed by the MPC to help engage the community in sustainable actions. These principles are symbolized by icons which signify the core elements of the Town's unique vision for policies link to one or more of these principles.



## Four Key Planning Strategies

*Envision Cortlandt* contains four key planning strategies, which were developed to help the Town implement its sustainability strategy.

- **Cortlandt Boulevard Area (CBA)** — This strategy would strengthen the role of the CBA as a downtown center by permitting as-of-right mixed-use, compact development along the corridor and encouraging streetscape improvements, infrastructure investments, walkability, and Complete Street principles. This approach to downtown planning is critical to help strengthen this commercial center and create a sense of place within the Town for residents and visitors.
- **Medical-Oriented District (MOD)** — This strategy would create a MOD that builds on the existing medical institutions in Town including the New York Presbyterian Hudson Valley Hospital Center. The goal is to encourage economic development and provide a range of housing options that allow for a continuum of care (aging in place) by centralizing medical services, increasing connectivity to services and jobs and providing walkable, neighborhood-scale ancillary uses around the hospital campus.
- **Transit-Oriented District (TOD)** — This strategy would allow for the creation of a TOD within approximately ½ mile of the Cortlandt Train Station. The TOD would promote smart growth practices such as compact development, a mix of uses integrated into a walkable neighborhood, and quality public transportation options with the goal of reducing auto-dependence, traffic congestion, air pollution, and greenhouse gas emissions.
- **Waterfront Sustainability District (WSD)** — This strategy would promote waterfront dependent uses and compact mixed-use development along the Verplanck and Annsville waterfronts. The goal of the WSD is to ensure flood resiliency and protection of the shoreline while creating new walkable riverfront housing communities and promoting new uses that create economic opportunities for waterfront tourism, waterfront light industrial uses, and public access to the Hudson River.

## Outreach

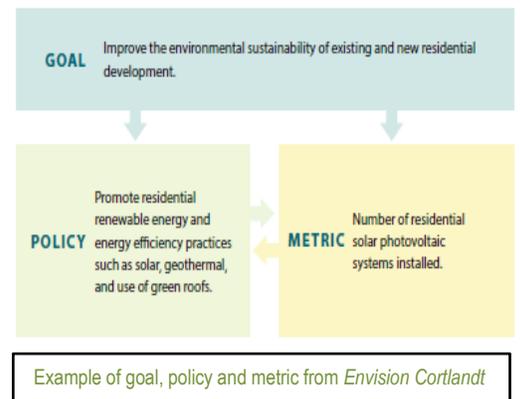
A critical element to the successful development of *Envision Cortlandt* was community engagement. This effort included numerous workshops, public meetings, and presentations lead by a diverse group of stakeholders known as the "Master Plan Committee" (MPC). The MPC also developed a survey that was accessible to residents on the Town website and in paper form from September 2014 to February 2015. The survey contained 28 multiple choice and open-ended questions. A total of 725 survey responses were recorded. The feedback was used to inform and produce a more inclusive Sustainable Comprehensive Plan. The MPC had three outreach objectives: produce a plan framework that reflects the Town's values, infuse the process with local knowledge, and create a base of supporters to assist with plan implementation.

## Implementation

The Town has embarked on the implementation stage of this plan and has established a Master Plan Implementation Committee (MPIC). The committee is currently working on a Citizen's Guide to *Envision Cortlandt* to help engage the community in its implementation. It is anticipated that the Citizen's Guide will be completed by mid-2016. In addition, the plan establishes identifiable metrics for numerous policies to help the Town measure its progress towards the goals set forth in the plan.

## Web Link to Envision Cortlandt

[http://www.townofcortlandt.com/documents/2016\\_mp/cortlandt%20master%20plan\\_40423\\_final\\_web%20march%2015%202016%20adopted.pdf](http://www.townofcortlandt.com/documents/2016_mp/cortlandt%20master%20plan_40423_final_web%20march%2015%202016%20adopted.pdf)



**LOCAL LAW NO. 3 OF 2015**  
**A LOCAL LAW ESTABLISHING A MORATORIUM ON**  
**CERTAIN USES UNDER THE ZONING ORDINANCE**

**SECTION ONE: LEGISLATIVE INTENT**

In 2013 the Town Board exercised its authority and appointed a Special Committee to prepare an updated Master Plan for the Town. Said Committee commenced meeting monthly in October of 2013.

The Town applied for a grant to provide professional guidance and assistance to the Master Plan Committee and was awarded said grant which allowed the Town to engage the services of a professional planning consultant who commenced working with the Master Plan Committee in early 2014.

The Master Plan Committee has been working diligently in preparing a Master Plan and it is anticipated that the proposed Master Plan will be presented to the Town Board at their October 2015 Town Board meeting. The Town Board will then engage in the approval and review process which is estimated to take 90 to 120 days.

The Master Plan contains many new and innovative approaches to creating various uses and concepts of new development idea concepts for various parts of the Town. Some of these proposals would require modification of existing provisions of the Zoning Ordinance and others would require the insertion of new provisions in their totality.

The Town Board is concerned that applications filed under the existing provisions of the Zoning Ordinance may be contrary to the vision set forth in the proposed Master Plan and should the proposed Master Plan be enacted, future development should be in accordance with said plan.

Recently a new proposal along the Hudson River Shoreline was filed and is in the Planning Board process. This use of the property is totally contrary to that envisioned by the Master Plan.

Another recent application proposes a use that requires the destruction of hundreds of trees.

While neither of these applications will be halted by this Moratorium, the need for this action is highlighted by them.

The uses sought by these applications are still envisioned under the Master Plan but in areas and under conditions that more appropriately address the environment and other community concerns.

It is with this and all many other issues in mind that the Town Board deems it appropriate to establish a moratorium on certain uses in areas of the Town pending the Town Board's adoption of the new Master Plan and associated Zoning Ordinance changes.

## **SECTION TWO: MORATORIUM**

No application shall be considered, nor approvals granted, by the Planning Board, Zoning Board or the Building Inspectors of the Town with respect to the following provisions of the current Town Zoning Ordinance:

- Section 307-94 – Community Betterment District;
- Section 307-61 – Junk Yards;
- Section 307-52 – Country Club;
- Section 307-53 – Tennis Club, Yacht Club or similar membership, sports and recreation club;
- Section 307-50 – University, College or Seminary;
- Section 307-59 – Hospital or Nursing Home; or similar such facilities.

Additionally, no new application shall be received or considered for any non-residential development except for a change in use of existing buildings within one-half mile radius of the Metro North Railroad track and its intersection with Route 9A in Montrose.

No new applications will be entertained within 2000 feet of the Hudson River shoreline for other than residential development or modification of existing previously issued permits or approvals.

## **SECTION THREE: EXEMPTION**

Any application which has already been scheduled for a Public Hearing or has had a Public Hearing conducted on its application prior to the effective date of this Local Law shall be allowed to proceed forward.

## **SECTION FOUR: DURATION**

The moratorium established herein shall be effective for nine (9) months from the effective date of this Local Law unless earlier terminated.

## **SECTION FIVE: HARDSHIP**

The Town Board retains onto itself the right to consider variances to this Local Law and to make all determination with respect to its applicability and interpret and determine the same. Any issues with respect to the interpretation of and variances from this Law shall be determined by the Town Board upon written request of a property owner.

**SECTION SIX: EFFECTIVE DATE**

This Local Law shall take effect immediately upon its filing with the Secretary of State of the State of New York.

**Dated: September 15, 2015**

**BY ORDER OF THE TOWN BOARD  
OF THE TOWN OF CORTLANDT  
JO-ANN DYCKMAN, TOWN CLERK**

**Certified Copy**

9/23/15

**Date**

Christine B. Cothen

**Deputy Town Clerk**

STATE OF NEW YORK  
**DEPARTMENT OF STATE**

ONE COMMERCE PLAZA  
99 WASHINGTON AVENUE  
ALBANY, NY 12231-0001  
WWW.DOS.NY.GOV

ANDREW M. CUOMO  
GOVERNOR

CESAR A. PERALES  
SECRETARY OF STATE

October 1, 2015

Christine B Cothren  
Deputy Town Clerk  
Town Hall  
1 Heady Street  
Cortlandt NY 10567-1254

**RE: Town of Cortlandt, Local Law 3 2015, filed on October 1, 2015**

Dear Sir/Madam:

The above referenced material was filed by this office as indicated. Additional local law filing forms can be obtained from our website, [www.dos.ny.gov](http://www.dos.ny.gov).

Sincerely,  
State Records and Law Bureau  
(518) 473-2492



**Department  
of State**

**FILED**  
**AND**  
**ENTERED**  
 ON 6-22-2016  
**WESTCHESTER**  
**COUNTY CLERK**

SUPREME COURT OF THE STATE OF NEW YORK  
 COUNTY OF WESTCHESTER

-----X Index No. 003775/15  
 HUDSON RIDGE WELLNESS CENTER, INC.,

Petitioner,

- against -

JUDGMENT  
DECISION AND ORDER  
 Seq. No. 1

THE TOWN BOARD OF THE TOWN OF CORTLANDT,

Respondent.

-----X  
 NEARY, J.

The Petitioner moves by way of Amended/Supplemental Verified Notice of Petition pursuant to CPLR Article 78 for an order: (1) declaring Local Law No. 3 of 2015, enacted by the Respondent on September 15, 2015, imposing a Moratorium which, *inter alia*, prohibited the Petitioner's pending application before the Planning Board for a special permit for a specialty hospital serving those afflicted with substance use disorder from proceeding, to have been jurisdictionally defective and/or otherwise invalid and/or, alternatively, (2) reversing, annulling and setting aside as arbitrary and capricious and an abuse of discretion, contrary to the substantial evidence, and contrary to law, the Respondent's Resolution No. 334-15 of December

*Hudson Ridge Wellness Center, Inc. v.  
The Town Board of the Town of Cortlandt*  
Index No. 003775/15

15, 2015, which denied the Petitioner's request for a variance from said Local Law No. 3, and the Moratorium imposed thereunder in order that the Petitioner may have proceeded with its special permit application, and directing the Respondent to issue the subject variance forthwith, (3) reversing, annulling and setting aside as jurisdictionally defective and/or otherwise declaring invalid Local Law No. 1 of 2016, which constituted the Respondent's re-enactment of Local Law No. 3 of 2105, and/or (4) reversing, annulling and setting aside as arbitrary and capricious and an abuse of discretion, contrary to the substantial evidence, and contrary to law, the Respondent's Resolution No. 59-16 of February 9, 2016, which denied the Petitioner's request for a variance from said Local Law No. 1 and the Moratorium re-enacted thereunder, in order that the Petitioner may proceed with said special permit application, and directing the Respondent to issue the subject variance forthwith. The Respondent opposes the Petition in all respects.

The Court has reviewed the following submitted papers by the parties:

Petitioner's Notice of Petition with exhibits  
Certified Return of Record submitted by Respondent  
received by the Court on January 22, 2015  
Petitioner's Amended/Supplemental Verified Petition  
with exhibits  
Respondent's Verified Answer with Memorandum of Law  
and Certified Return of Record received by the Court on  
March 11, 2016  
Petitioners Reply Affirmation with exhibits and  
Memorandum of Law.

*Hudson Ridge Wellness Center, Inc. v.  
The Town Board of the Town of Cortlandt  
Index No. 003775/15*

The Petitioner is the owner of a twenty (20) acre parcel of land located within the Town of Cortlandt containing seven (7) buildings which had been previously used as a hospital for people suffering from substance abuse. The Petitioner purchased the property in 2010. One of the buildings was used as a private residence. However, the remaining buildings had been unused for a number of years and had fallen into disrepair. The Petitioner began restoring the buildings intending to establish a high-end specialty hospital to treat substance abuse patients. In July 2015, the Petitioner submitted an application for a special use permit with a site plan for the proposed hospital to the Town Planning Board. The Petitioner appeared before the Planning Board on August 4, 2015 and outline the proposal. The Petitioner was seeking a special use permit to operate a hospital in a residential area pursuant to Code 307-59(2), Site Plan approval and relief from the Town Code requirement that any hospital have frontage on a state road. During the Petitioner's presentation to the Planning Board, approximately one hundred (100) members of the community appeared to express opposition to the Petitioner's plan and addressed the Board. Ultimately, the Petitioner's application was referred back to staff for further review.

Shortly thereafter, the Town Board decided to consider a moratorium on development pending to submission of a new Master Plan which was nearing completion. The Board scheduled a meeting to consider the moratorium for September 15, 2015.

A Legal Notice was posted by the Town Clerk stating that a public hearing would be held "to receive public comment, and Consider a Moratorium on Certain Uses and Special Permits pending the new Master Plan."

*Hudson Ridge Wellness Center, Inc. v.  
The Town Board of the Town of Cortlandt  
Index No. 003775/15*

The Petitioner did not attend the hearing. However, numerous members of the public appeared to express concern and opposition to the Petitioner's project. At the conclusion of the public hearing, the Town Board enacted a nine (9) month moratorium on special use permits.

After the moratorium was enacted, the Petitioner sought to obtain a variance from the moratorium on the basis of hardship as provided for in Local Law No. 3. At a Board meeting held on December 18, 2015, the Respondent denied the application finding that the Petitioner had not established that the nine (9) month delay caused by the moratorium constituted a financial hardship necessitating a variance.

In December 2015, the Petitioner commenced the instant proceeding alleging, *inter alia*, that the Respondent had failed to comply with the notice requirements of Town Law 264 in several important respects. Rather than submit an Answer, the Respondent scheduled a new public hearing on the law and provided more detailed notices in an attempt to address the issues raised in the Petition.

A second public hearing was conducted on February 9, 2016 at which time the Petitioner's representatives appeared in opposition to the proposed new superceding local law enacting a moratorium.

After a review of the record, the Court finds no basis to vacate or declare invalid the moratorium laws enacted by the Respondent. The moratorium, which is to be in effect for a short period of time, is a valid stopgap or interim measure, reasonably designed to temporarily

*Hudson Ridge Wellness Center, Inc. v.  
The Town Board of the Town of Cortlandt*  
Index No. 003775/15

halt development while the Town considered its new Master Plan. [See *Cellular Tel. Co. v. Village of Tarrytown*, 209 AD2d 57, 66, 624 NYS2d 170 (1995); *119 Dev. Assoc. v. Village of Irvington*, 171 AD2d 656, 566 NYS2d 954 (1991); *Noghrey v. Acampora*, 152 AD2d 660, 543 NYS2d 530; *Matter of Dune Assoc. v. Anderson*, 119 AD2d 574, 500 NYS2d 741 (1986)]. Moreover, the moratorium was enacted for a reasonable period of time. However, an unreasonable delay by the Town in completing the Master Plan may render subsequent extensions of the moratorium unconstitutional. [See *Mitchell v. Kemp*, 176 AD2d 859, 860, 575 NYS2d 337 (1991)]. The Court finds that the Board's determination to enact the moratorium was reasonable and supported by the record and finds no basis to disturb their determination.

The Petitioner has alleged numerous deficiencies in the procedures followed by the Board in enacting the moratorium. However, after a review of the Record, the Court concludes that the Petitioner has failed to demonstrate a basis for the Court to annul the Board's determination to enact a moratorium.

The Local Law in question was enacted pursuant to Municipal Home Rule Law. The Court finds that the Respondent's notice was sufficient. Moreover, the disputed laws were the result of proper legislative actions and within the Board's discretion. The Petitioner has failed to demonstrate, to the Court's satisfaction, a legal basis to annul the Respondent's legislative action.

*Hudson Ridge Wellness Center, Inc. v.  
The Town Board of the Town of Cortlandt*  
Index No. 003775/15

The Petitioner also challenges the denial of the application for a variance from the moratorium. In reviewing whether to uphold a Town Board's determination denying an application for a variance, the judicial function is a limited one. "Courts may set aside a . . . determination only where the record reveals that the board acted illegally or arbitrarily, or abused its discretion, or that it merely succumbed to generalized community pressure." [See *Matter of Pecoraro v. Board of Appeals of Town of Hempstead*, 2 NY3d 608 (2004); *Matter of Alfano v. ZBA of Village of Farmingdale*, 74 AD3d 961 (2010); *Matter of Gjerlow v. Graap*, 43 AD3d 1165 (2207); *Matter of Halperin v. City of New Rochelle*, 24 AD3d 768 (2005)].

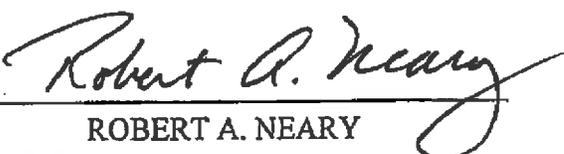
The Court finds that the Town Board's decision to deny the Petitioner's application for a variance from the moratorium to be valid and supported by the Record. The Board found that it did not have before it a sufficiently documented record to establish that the Petitioner was entitled to a variance based upon hardship.

Therefore, as the Court finds that the Respondent's enactment of the moratorium and the denial the Petitioner's variance request were both proper, the Petition is hereby denied and the matter is dismissed.

***Hudson Ridge Wellness Center, Inc. v.  
The Town Board of the Town of Cortlandt  
Index No. 003775/15***

The foregoing constitutes the opinion, judgment and decision and order of the  
Court.

Dated: White Plains, New York  
June 21, 2016

  
ROBERT A. NEARY  
ACTING SUPREME COURT JUSTICE

Robert F. Davis, Esq.  
Singleton, Davis & Singleton PLLC  
Attorneys for Petitioner  
120 East Main Street  
Mount Kisco, New York 10549  
914 666-6442

Daniel Riesel, Esq.  
Sive, Paget & Riesel, P.C.  
Attorneys for Respondent  
460 Park Avenue, 10<sup>th</sup> Floor  
New York, New York 10022  
212 906-9032

# FAX

**Name:** Robert F. Davis, Esq.  
**Fax:** 914 666-6442

**Name:** Daniel Riesel, Esq.  
**Fax:** 212-906-9032

**From:** Hon. Robert A. Neary  
**Phone:** 914 824-5047

**Date:** June 22, 2016  
**Pages:** 8 pages (including cover page)

**Re:** *Hudson Ridge Wellness Center, Inc. v. The Town Board of the Town of Cortlandt*, Index  
No.003775/15 - Judgment, Decision and Order

# Judge dismisses Hudson Ridge suit against Cortlandt



Michael P. McKinney, The Journal News 5:48 a.m. EDT July 5, 2016



(Photo: File Photo / The Journal News)

A state judge has rejected Hudson Ridge Wellness Center's assertions that the Town of Cortlandt improperly imposed a moratorium that blocked consideration of its proposed luxury alcohol and rehabilitation hospital.

Judge Robert A. Neary dismissed the lawsuit and found that Hudson Ridge "has failed to demonstrate, to the court's satisfaction, a legal basis to annul" the legislative action that imposed the moratorium.

"The moratorium, which is to be in effect for a short period of time, is a valid stopgap or interim measure, reasonably designed to temporarily halt development while the town considered its new master plan," says Neary's decision, filed June 22.

Regardless of the court decision, the Cortlandt Town Board last month voted not to extend the nine-month moratorium on special permits that was at issue. The moratorium ended on Thursday.

**[REACTION: Rehab center criticizes Cortlandt vote in lawsuit \(/story/news/local/2016/03/04/rehab-hospital-criticizes-cortlandt-vote-lawsuit/81319282/\)](#)**

**[LAWSUIT: Rehab center files \\$15M lawsuit against Cortlandt \(/story/news/local/westchester/cortlandt/2015/12/30/hudson-ridge-cortlandt-lawsuit/78073612/\)](#)**

Hudson Ridge wants to put the rehabilitation center on Quaker Ridge Road, using seven existing buildings on about 20 acres in a southern part of town. The hospital would have some 90 staff members. Hudson Ridge has said there would be pre-treatment screening of patients, that patients would not be allowed to leave the grounds and there would not be any penal-system patients. No new buildings or additions are planned.

Daniel Riesel, a lawyer for Cortlandt, said the town's comprehensive plan, worked on for about two years, provided for placing hospitals and similar uses in a northern area of town, but that Hudson Ridge has sought a location in a residential area in the south. The town's plan places medical-oriented businesses along an area of the Route 202 corridor.

"The judge agreed that the exercise of the moratorium, the enactment of the moratorium, was perfectly valid," Riesel said.

Robert F. Davis, a lawyer for Hudson Ridge, said in decisions that preceded the judge's ruling, town officials voted to let the moratorium expire.

"After June 30, we will proceed before the local planning and zoning board with our application," Davis said in an interview. As to the judge's decision, he added: "We disagree with it, but it doesn't necessitate an appeal since the moratorium is over."

**[TREES: Tree-killing beetle strikes in Cortlandt \(/story/news/local/westchester/2016/06/29/beetle-kills-ash-trees-has-struck-cortlandt/86385742/\)](#)**

**[PIPELINE: Cortlandt gets \\$2.8M from pipeline project \(/story/money/personal-finance/taxes/david-mckay-wilson/2016/02/25/cortlandt-cleans-up-energy-wars-along-hudson-spectra-pipeline/80924352/\)](#)**

Hudson Ridge also filed a civil rights lawsuit in White Plains federal court, arguing the town violated the Americans with Disabilities Act, as well as the 14th Amendment's equal protection clause. That suit sought \$15 million in damages and to overturn the Town Board's prior decisions.

Randolph M. McLaughlin, a lawyer for Hudson Ridge in the federal matter, said by email Thursday he had no comment at this time. A June 23 letter to U.S. District Judge Cathy Seibel, signed by co-counsel Robert L. Schonfeld and McLaughlin, said after being advised the town will not extend the moratorium, "we will be discontinuing this action with prejudice" and would soon send the federal court a dismissal notice.

The issues arose about a year ago. Hudson Ridge applied for a special permit for the project last July; the Town Board approved the moratorium last September. The town then denied Hudson Ridge a requested exception, known as a variance.

The rehabilitation center plan drew concern from local residents and led to creation of a group called Citizens for Responsible Hudson Institute Site Development in opposition.

Hudson Ridge sued in late December, alleging in the federal complaint that town officials discriminated against people with drug addiction and alcoholism by imposing the moratorium on special permits without informing Hudson Ridge and then denying Hudson Ridge the moratorium waiver.

The state judge's June 22 decision also turned down Hudson Ridge's challenge to the variance being denied. The variance denial was "valid and supported by the record," the judge found.

Read or Share this story: <http://lohud.us/29jCBbm>

**MONTEFIORE**

# DRAFT

[Added xx-xx-2016 by L.L. No. X-2016]

## § 307-97. Medical Oriented District

**A. Legislative Intent.** It is the intent and purpose of this section to create an optional “Medical Oriented District (MOD)” along Route 202/35 in the area surrounding the existing New York Presbyterian/Hudson Valley Hospital facility generally bounded by the municipal boundary with the City of Peekskill to the west and Conklin Avenue to the east and as more particularly identified on the Town of Cortlandt Zoning Map. Property owners with eligible parcels in this district can apply to receive a MOD campus designation which can be affixed to a qualifying parcel of land. Once a parcel receives MOD campus designation, the parcel is governed by the use, dimensional and other provisions of the MOD zoning regulations, and MOD zoning replaces the existing zoning. The intent of the MOD is to encourage economic revitalization in the area surrounding the hospital center and to enable and implement the goals and recommendations outlined in *Envision Cortlandt*. It is further the intent of this district to provide a continuum of care and allow residents access to a wide range of health services and other complementary uses in one central area with the look, feel and function of a future "hamlet center.”

**B. Definitions.** Unless defined herein the general definitions in Chapter 307 shall apply.

**ASSISTED LIVING RESIDENCE** a certified adult home or facility (age 65+) approved by New York State Department of Health as an Assisted Living Residence (ALR), which provides housing and personal care services and/or home care services (either directly or indirectly) in a home-like setting to five or more adult residents unrelated to the assisted living provider. ALR’s must also provide daily food service, twenty-four hour on-site monitoring, case management services, and the development of an individualized service plan for each resident. ALRs shall provide each resident their own room, a small apartment, or a shared space with a suitable roommate. Residents share common areas, such as the dining room or living room, with other people who may also require assistance with meals, personal care and/or home care services.

**STUDIO** a studio is a single residential unit in which the bedroom, living room and kitchen are all located in the same room. For purposes of bedroom count, a studio is a one-bedroom unit.

**MEDICAL ORIENTED DISTRICT** is an optional mapped district surrounding the hospital center generally bounded by the municipal boundary with the City of Peekskill to the west and Conklin Avenue to the east and as more particularly identified on the Town of Cortlandt Zoning Map. A MOD is a new trend in health care where patients can access a range of health services (in partnerships between hospitals, private practices, commercial entities and municipalities) and

other complementary uses in one central area. The intent of the MOD is to create a healthy, mixed-use, neighborhood-scale district that benefits residents and employees of the district as well as patients and families visiting the MOD.

**MOD CAMPUS DESIGNATION** A designation granted by the Town Board to eligible projects proposed in the MOD. Once a project receives MOD campus approval from the Town Board, the uses and development standards and controls permitted in the MOD can be applied to the project.

**COVERAGE, LOT** Percentage of the lot area covered by the combined area of all impervious surfaces on a lot, including buildings or structures, paved areas (including gravel and permeable pavement), at-grade decks, patios, and swimming pools, but not including architectural landscape features.

**DWELLING** A building that contains one or two dwelling units, used, intended or designed to be used, rented, leased, let or hired out to be occupied for living purposes.

**DWELLING UNIT** One or more rooms in a dwelling designed and equipped for one family to occupy separately as a housekeeping residence, reserved exclusively for the occupants of such room or rooms, with provisions for living, sleeping, eating, cooking and sanitation and having no enclosed space (other than vestibules, entrance hallways or porches) or cooking or sanitary facilities in common with any other dwelling unit. For the purposes of this definition, microwave and convection ovens, hot plates and similar movable appliances shall be considered as constituting provisions for cooking.

Every "dwelling unit" shall contain a minimum of 650 square feet of habitable space, and every room occupied for sleeping purposes shall contain a minimum of 80 square feet per occupant.

Size of Dwelling Unit	Maximum Number of Occupants	Minimum Sq. FT
Studio / Millennial	2	650
1-bedroom	2	800
2- bedroom	4	1050

**C. Authority.**

The Town Board has the authority to grant eligible parcel(s) a MOD campus designation as set forth below in **§307-97 D. Eligibility**. A parcel located within the mapped MOD must receive a MOD campus designation by the Town Board to apply the uses permitted below in **§307-97 E. Use Regulations** to any new development, renovations, redevelopment, change of use, subdivision, and site plan approvals within the MOD. Once a parcel receives a MOD campus designation, any future proposed site plan amendments, subdivisions, or changes in use on the MOD campus parcel must be re-approved by the Town Board following the procedures set forth in this section.

Due to the district's importance to the long-term economic health of the Town of Cortlandt, the significance of the public services provided by the hospital facility, and its location directly abutting a neighboring municipality, it is also the intent of this section to designate the Town Board as Lead Agency for the environmental review of any parcel receiving a MOD campus designation. All applications for a MOD campus designation shall be referred to the Planning Board for site plan review and approval. The Planning Board shall have the authority to grant site plan approval for all parcels receiving a MOD campus designation.

**D. Eligibility.**

This section sets forth standards under which parcels would be eligible for MOD campus designation. The criteria in this section are separate and distinct from site plan and subdivision requirements which address more specific site layout and design requirements.

1. The parcel is located within the MOD as identified on the Town Zoning Map.
2. The lands proposed for consideration of MOD campus designation must consist of one or more parcels totaling 1.5 or more contiguous acres.
3. The lands proposed for consideration of MOD campus designation must have access to municipal water and sewer.
4. The decision to approve a parcel for MOD campus designation, or to decline a parcel for MOD campus designation, is a purely legislative determination entirely within the legislative discretion of the Town Board. The Town Board shall have the right to reject any petition for MOD campus designation at any stage of the proceedings. As part of its decision whether or not to approve a parcel for MOD campus designation, the Town Board shall determine that the proposed site development plan is consistent with the following criteria:
  - a. Economic development. Provides opportunities for a continuum of care and a range of health services and other complementary uses in one central area.
  - b. Redevelopment opportunities. Supports property reinvestment through renovations, expansions, redevelopment, and new construction to strengthen the private sector position and tax base.
  - c. Mixed-Use Center. Supports the creation of a more-vibrant center of activity throughout the day and night with a mix of medical, commercial and residential uses supporting one another that benefits residents and employees of the district as well as patients and families visiting the MOD.
  - d. Streetscape Improvements. Replaces the visual prominence of large parking lots with attractive streetscape, landscaping, sidewalks, public spaces, activity areas (such as outdoor seating) along Route 202/35 to encourage walkability, connectivity between MOD uses and to provide a more bicycle and pedestrian friendly commercial center with connections to adjacent residential neighborhoods.
  - e. Housing. Provides additional housing types to address the needs of residents of all ages and abilities, including but not limited to multigenerational, millennials, and empty nesters.
  - f. Assisted living/skilled nursing. Provides housing that addresses an identified need to accommodate less-independent individuals and allow for aging in place.

- g. Service and utilities. Provides orderly and well-planned development of a scale and location that will make it feasible to construct a comprehensive package of supporting utilities, services and facilities, active and passive recreation facilities to achieve developments which are environmentally, physically, visually and economically superior with shared infrastructure including parking, and improved stormwater management such as reduced impervious surface, raingardens, shared stormwater retention areas and other latest industry best practices. All onsite utilities shall be buried underground.
  - h. Microgrid. Encourage developers to create a community-minded “microgrid” with co-generation capabilities in order to meet the power load of connected facilities in the event of an emergency or other grid outage. This may include pursuit of standalone distributive energy resources, including but not limited to generators and solar energy systems for future connection.
  - i. Compatible Design. Provide buildings and amenities including lighting, streetscape, landscaping, and signage that are compatible and consistent with the architecture, streetscape, and signage within the MOD campus.
  - j. Inter-municipal cooperation. Provide opportunities for inter-municipal cooperation between the City of Peekskill and the Town of Cortlandt that encourage economic, transportation, and pedestrian connections between the adjacent municipalities.
  - k. Comprehensive Plan. Promote a development pattern in harmony with the objectives of the Town's Comprehensive Plan.
5. Once a parcel receives a MOD campus designation from the Town Board, any future proposed amendments to a MOD campus designated parcel including any future modifications to existing buildings or uses must also follow the procedures for MOD campus designation set forth in this section.

**E. Use Regulations.**

**1. Pre-existing Uses and Buildings.**

- a. Any building permit or site plan approval issued before the date of adoption of this Section shall remain in effect for the zone that the parcel is located within until a project is granted a MOD campus designation by the Town Board as set forth in **§307-97 D. Eligibility**. Buildings existing before the date of adoption, or subsequent amendment, of this Section are allowed to expand and modify as permitted under the underlying zoning unless they have previously received a MOD designation.
- b. Any single-family home that exists at the time of the adoption of this Section can continue to exist as a single-family home. Single family homes can be reconstructed on lots that contained a single family home at the time of the adoption of this Section. No new single family homes can be constructed on MOD campus designated lots.

**2. MOD Campus Designation Allowed Uses.**

- a. **Medical Uses.** The Town Board may consider medical uses, including hospitals; specialty hospitals/clinics; rehabilitation centers; primary care facilities; walk-in/urgent care facilities;

medical office space; hospice; alternative and complementary medicine; laboratories; research facilities; pharmacies; medical educational uses; birthing centers; and ambulatory surgery; assisted living residences (ALR); skilled nursing facilities (SNF); memory care facilities or units as part of ALR or SNF.

b. **Residential uses.** The Town Board may consider a range of residential types with the exception of single family residences, including but not limited to multigenerational, millennial, and empty nester or a combination of residential types.

c. **Commercial uses (non-medical uses).** Professional office space; pharmacies; cafes; bakeries; retail; restaurants and other food services; banks.

d. **Hotels/Inns/Bed and Breakfasts.** Hotels, inns, bed and breakfasts.

e. **Ancillary uses.** Structured parking; farmer's markets; public open space; religious facilities; plazas and courtyards; bikeways and nature trails.

**F. Development standards and controls.** At the time of any MOD campus designation of a parcel in the MOD, the Town Board shall set the density in accordance with this section.

**1. Density.**

a. **Medical Uses.** In no case shall the total gross floor area of all new medical uses allowed in the MOD exceed 200,000 square feet (sf) not including assisted living residences or skilled nursing facilities.

b. **Residential Uses.** In no case shall the total number of new bedrooms in the MOD exceed 200 bedrooms exclusive of assisted living and skilled nursing facilities.

1) The allowable number of new bedrooms shall not exceed 17 bedrooms per usable acre. No more than 2 bedrooms per dwelling unit. No more than 10 percent of the total number of dwelling units may have more than one (1) bedroom.

2) Additional bedrooms above the allowable base levels up to 20 bedrooms per usable acre may be permitted, with Town Board approval, provided the applicant provides for the design and/or construction of additional amenities within the MOD for the use and enjoyment of the general public. The amenities shall include provisions for on-site and/or off-site improvements beyond those required to service the needs of the subject project. Examples of such public good that would be considered by the Town Board include:

- i. structured parking (where not less than 50% of the parking spaces provided are available to the public);
- ii. provision or facilitation of availability of municipal or central water and sewer facilities to serve an extended area;
- iii. provision for a transportation enhancement, such as sidewalk and streetscape improvements;

- iv. recreational areas such as a public park or playground, maintained by the applicant, which is designed as an integral part of the development, readily visible and accessible from the public way, not less than 1/4 acre in size;
  - v. pedestrian bridge over road;
  - vi. a bypass road or traffic intersection improvements or other such improvements, which would directly improve traffic conditions;
  - vii. Affordable Residential housing facilities;
  - viii. Payment of funds for a proportionate share of any required off-site improvements provided to the Town in lieu of or in combination with proposed amenities of a sum to be determined by the Town Board, which shall be deposited in a fund exclusively for community benefits or improvements within the MOD Campus.
  - ix. The public amenities proposed must be commensurate, in the judgment of the Town Board, with the requested density increase before they may be approved.
- c. **Commercial Uses.** In no case shall the total gross floor area of all new commercial uses in the MOD exceed 60,000 sf. No single retail tenant space shall exceed 15,000 sf.
  - d. **Assisted Living Units.** The total number of assisted living bedrooms permitted in the MOD shall not exceed 150 bedrooms.
  - e. **Skilled Nursing Facility.** The total number of skilled nursing beds permitted in the MOD shall not exceed 150 beds.
  - f. **Hotels/Inns/Bed and Breakfasts.** The total number of hotel units permitted in the MOD shall not exceed 100 units.
2. On parcels previously designated MOD campus, the Town Board cannot approve any modifications, additional development or density without a reapplication to the Town Board for MOD campus approval.
  3. The Town Board will require additional SEQR review for parcels requesting total square footage above the maximum listed above in Section F. 1.
  4. **Parking, structured above-grade.** Above-grade parking structures shall be screened from view behind primary buildings, false facades or otherwise concealed in appearance through design measures as follows:
    - a) A minimum of 40% of the exterior surface area of the garage facades facing a public way or sidewalk shall be clad in materials such as brick, stone, green-wall (e.g., ivy), decorative metalwork, wood trim or other materials as approved by the Architectural Advisory Council (AAC) in lieu of bare structural concrete or masonry, to present an attractive appearance.
    - b) In addition to any other perimeter landscaping used or required, trees shall be planted at regular intervals to align with openings in the structures along facades facing a public street or highway.

- c) All parking and security lighting shall be consistent with Town site lighting requirements and be provided with appropriately-shielded, downward-facing lamps which direct the light only into the immediate parking areas as required for use.

**5. Surface Parking.** When practicable, surface parking shall be located to the side and/or rear and not to the front of buildings facing Route 202.

**[Parking Rates TBD]**

**6. Bulk and area requirements.** Bulk and area requirements not addressed in the MOD regulations will be established by the Town Board for each project as part of site development plan approval.

a. **Strict Compliance.** It is anticipated that that strict compliance with every dimensional standard may not always be practical or necessary to meet the purposes of this chapter. In such cases, the Town Board is authorized to modify the dimensional standards set forth to the extent necessary and appropriate to accommodate existing limitations, provided all of the following findings are made by the Town Board in rendering its decision that such modification:

- 1) Is necessary to reasonably accommodate existing site constraints or development limitations; and
- 2) Does not create an undue adverse effect on abutting properties or uses; and
- 3) Does not increase the maximum number of stories of a building or maximum height of a building as noted in Section 5. b.; and
- 4) Does not conflict with the intent of the standard being waived or modified; and
- 5) Allows for an improvement that will add to the overall vitality of the MOD and advances the purposes of this chapter of the Town Code.

b. **Building height.**

- 1) The maximum permitted building height within the MOD shall be 60 feet including occupied roof. **[CONFIRM]**

c. **Maximum Lot coverage.**

- 1) The maximum permitted lot coverage within the MOD shall be 60 percent. The Town Board can allow additional coverage up to a maximum of 75 percent using the standards specified above in 307-97. F. 6. a

d. **Setbacks.** Must be proposed and approved by the Town Board at the time the parcel receives approval for MOD campus designation.

**7. Screening and buffering.** The minimum buffer area shall be 50 feet as measured from the property boundary of a MOD Campus designated parcel to the nearest residential property line. In reviewing the development plan, the Planning Board shall consider the setback and proposed screening of all parking, buildings, and active recreation areas and may require buffer areas of up to 150 feet. Buffer and screening areas shall be landscaped or left in their natural state, where appropriate. The Planning Board may require additional landscaping to screen

utility buildings, refuse-collection areas, cooling systems and other similar installations and features. The Planning Board, as part of site development plan approval, may modify the requirements of this subsection when it determines that the specific circumstances of a particular site make adherence to the requirements of this subsection unwarranted or impractical and require alternative buffering to achieve the purposes of this subsection. The reasons for any such modifications must be expressed and placed into the official record of the Planning Board.

8. **Layout design considerations.** The Planning Board shall consider walkability and connectivity within the MOD as well as streetscape and public space as integral elements of all MOD campus site plans.
9. **Design Guidelines.** [To be discussed/revised]
  - A. Architectural Design Guidelines for Buildings.[TBD] Architectural design should be compatible in nature and type to other projects approved for MOD campus designation.
  - B. Signs (including wayfinding signage). [TBD] Signs shall be designed in harmony with the building and established development.
  - C. Lighting. [TBD]
10. **Vehicular circulation system and traffic access.** All streets and driveways within the MOD shall be designed to adequately accommodate fire and emergency apparatus as well as serve their intended traffic function and the anticipated volume of traffic from the proposed use.
11. **Pedestrian circulation system.** Within MOD designated sites, a pedestrian circulation system shall be designed and installed in addition to the vehicular circulation system, which is sufficient for the needs of MOD residents, workers and visitors. Such a system might be composed of paved and unpaved walkways, lighting, streetscape amenities, and bikeways of appropriate width, design and location to serve their intended function.
12. **Add to the recreational inventory of the Town.** MOD projects will be required to either propose new public recreation areas or to pay a recreation fee as required under § 265-11 of the Subdivision Ordinance.
13. **Utilities and services.**
  - a. **Underground lines.** All televisions, power and communication lines shall be installed underground in the manner prescribed by the regulations of the government agency or utility company having jurisdiction. The applicant may request a waiver if it would cause unnecessary hardship and by waiving such requirement will have not detrimental effect on the public health, safety or general welfare as determined by the Director of Technical Services.
  - b. **Sewer and Water.** All buildings within MOD designated sites shall be served by a public central water and sewage treatment systems as approved by the appropriate government agency or agencies having jurisdiction thereof.
  - c. **Firematic Protection.** All buildings within the MOD shall provide adequate water for firematic protection in the form of onsite storage tanks as may be required by the Director of DOTS or their designee.
  - d. **Future Utility needs.** Where facilities are provided, they shall be planned in such a way as to anticipate future utility needs, and wherever reasonably feasible, shall be sited to reduce the capital costs associated with any future central utility construction.
  - e. **Refuse collection.** All MOD designated parcels shall provide private carting with an adequate means of collection and storing refuse, including the agreement to provide

compactors and a centrally located refuse-collection site on premises. Any outside storage and garbage shall be in centrally located containers designed to prevent rodent infestations and shall provide sufficient screening as determined by the Planning Board.

- f. **HVAC Systems.** HVAC systems shall be designed so as to minimize adverse aesthetic impact and noise.
- g. **Stormwater Runoff.** A stormwater pollution prevention plan is required in accordance with all Federal, State Local rules and regulations shall be provided for both water quality and water quantity controls.
- h. **Placement of utilities.** Where possible, all utilities shall be placed within the right-of-way or utility easement.
- i. **Energy efficiency.** The plan for development of any site designated MOD campus shall consider the design, construction, and arrangement of buildings in such a way as to promote energy efficiency and encourage the use of alternative energy sources, such as geo-thermal and active or passive solar systems. All applicants shall be required to complete an energy analysis that quantifies the estimated reduction in electric, gas, and water usage measured against a baseline scenario of standards consumption patterns that the proposed conservation measures are anticipated to achieve.

**H. Application Process for MOD campus designation.** A MOD campus designation can only be granted by the Town Board subject to the following procedure. In addition to the required hard copies, all documents must be submitted in electronic form as a PDF in compliance with the MOD Campus Designation Application Form.

**1. Pre-application conference.** The applicant must, prior to formal submission of his MOD campus designation application, meet in a pre-application conference with Town staff to review the requirements and procedures defined herein and discuss the general planning concepts for the proposed development.

**2. Submission of an application package for a MOD campus designation to the Town Clerk.** The application package shall contain the following required documents and fees:

- a. *MOD Campus Designation Application Form and conceptual plan.*
- b. *Environmental Documents.* The application must in all respects comply with the New York State Environmental Quality Review Act (SEQR).
- c. *Application fee.* The applicant shall submit an application fee as set by the Town Board [currently proposed at \$7,500] for formal designation of MOD.
- d. Public notice requirement: [TBD]

**3. Preliminary Town Board action.** The Town Board will make a determination of the completeness of the application package and a determination of SEQR significance after a review with appropriate departments.

**4. Town Board Referral to Planning Board.** Once the application and site development plan is declared complete by the Town Board, the Town Board will refer the application to the Planning Board for preliminary site development plan review. At this step, the applicant is required to pay the standard Planning Board application and escrow fees as established by the Town Board.

**5. Review of the site development plan by the Planning Board.** The Planning Board will review the site development plan. During this step, the Town Board will receive periodic updates from the Planning Board as part of the coordinated site development plan. If the Town Board deems it necessary, it may schedule additional Joint Planning Board/Town Board meetings.

- a. Upon completion by the Planning Board of the site plan review but prior to approving the site plan, the Planning Board will send a report with a recommendation to the Town Board that the MOD campus site development plan be granted with or without conditions or denied.
- b. Compliance with standards. In arriving at a recommendation to the Town Board to approve or disapprove the MOD campus site development plan, the Planning Board shall rely on the zoning and SEQRA review conducted by the Town Board to determine whether the proposed uses meet the standards set forth in this section.

**6. Decision of Town Board.** Upon receipt of the Planning Board's report which will recommend action to the Town Board and state appropriate conditions, including items such as posting of a performance bond, erosion control security, inspection fees, etc., if the Town Board elects to proceed, the Town Board shall make a SEQR determination, schedule a public hearing on the MOD campus designation and following said hearing, may by resolution, act either to approve, approve with modification or disapprove the MOD campus designation application.

- a. If approved, the application will be referred back to the Planning Board for site development plan and/or preliminary and final subdivision review. There will be no additional fees at this step.

**7. MOD campus site development plan approval.** Upon receipt of the Town Board's approval of the MOD campus designation, the Planning Board shall grant final site development plan approval consistent with the Town Board's approval.

Section 3. The Commissioner of Finance is hereby authorized to receive and disburse these funds for the intended purpose.

Section 4. This ordinance shall take effect November 1, 2014.

Mrs. Hunt-Robinson seconded the motion.

Adopted by the following roll call vote: Mrs. Hunt-Robinson, Mr. Kirkpatrick, Mr. Krolian, Mrs. Lecuona, Mr. Martin, Mrs. Smayda and the Mayor - 7 - 0.

Communication received from Acting Chairman, Transportation Commission.

Mrs. Hunt-Robinson moved that it/they be filed and spread in full upon the minutes.

Mr. Kirkpatrick seconded the motion.

Carried.

TO THE HONORABLE MAYOR AND MEMBERS OF THE COMMON COUNCIL OF THE CITY OF WHITE PLAINS

Submitted herewith is an ordinance amending the Traffic Ordinance of the City of White Plains as follows:

1.) Modify "Hours of Operation - Off Street Public Parking Areas and Structures" as described in Section 201, Article II, Section 2 Subdivision 2.

This amendment is in accordance with the recommendations of the Transportation Commission and is to become effective upon adoption by the Common Council.

\_\_\_\_ Thomas Soyk Acting Chairman

Dated: December 18, 2014 (for the January 5, 2015 Common Council Meeting)

Mrs. Hunt-Robinson offered the following ordinance and asked unanimous consent to move its adoption, "Ordinance amending the Traffic Ordinance of the City of White Plains in relation to modifying "Hours of Operation - Off Street Public Parking Areas and Structures" as described in Article II, Section 201, Subdivision 2, Paragraph 2."

Unanimous consent granted.

Mrs. Hunt-Robinson moved adoption of the following ordinance.

**AN ORDINANCE AMENDING THE TRAFFIC ORDINANCE OF THE CITY OF WHITE PLAINS IN RELATION TO MODIFYING "HOURS OF OPERATION-OFF STREET PUBLIC PARKING AREAS AND STRUCTURES" AS DESCRIBED IN ARTICLE II, SECTION 201, SUBDIVISION 2, PARAGRAPH 2.**

The Common Council of the City of White Plains hereby ordains and enacts as follows:

Hours of Operation-Off Street Public Parking Areas and Structures

Section 1. Paragraph 2 of Subdivision 2 of Section 201 of Article II of an ordinance adopted by the Common Council of the City of White Plains on the third day of September 1946, entitled, "An ordinance regulating traffic in the City of White Plains and providing penalties for the violations of its provisions," as last amended on the day of April 7, 2014, is hereby amended to read as follows:

(2) Off-Street Public Parking Areas and Structures Except as hereinafter provided, the off-street public parking areas and structures shall remain available for public use twenty-four hours per day every day. The White Plains Department of Parking is hereby authorized to restrict the hours of operation of parking areas operated on leased property in accordance with the terms specified in said lease(s). The White Plains Department of Parking is further authorized to restrict the hours of operation of parking areas and structures, or portions thereof, for the purpose of preserving the public's safety, to facilitate snow removal or to reduce illegal dumping, defacing of public property or other public nuisance. Additionally, the White Plains Department of Parking may restrict parking spaces during part of the day to facilitate passenger pick-up and/or drop-off.

Section 2. This ordinance shall take effect immediately.

Mr. Kirkpatrick seconded the motion.

Adopted by the following roll call vote: Mrs. Hunt-Robinson, Mr. Kirkpatrick, Mr. Krolian, Mrs. Lecuona, Mr. Martin, Mrs. Smayda and the Mayor - 7 - 0.

Communications received from the City Clerk and Environmental Officer.

Mr. Kirkpatrick moved that it/they be filed and spread in full upon the minutes.

Mrs. Lecuona seconded the motion.

Carried.

TO THE HONORABLE MAYOR AND MEMBERS OF THE COMMON COUNCIL:

Attached is a communication submitted by Cuddy & Feder, LLP, on behalf of the White Plains Housing Authority ("Housing Authority"), in relation to the Housing Authority's modernization and redevelopment of the Brookfield Commons Housing development (formerly known as Winbrook Community Housing project) by replacing the existing multi-family residential buildings as part of a long-range plan to replace all buildings with newly constructed buildings.

Pursuant to HUD requirements, the funding of rent for residents moving to the new buildings will require a transition from Public Housing, Section 9 to Section 8 funding. The Housing Authority is requesting the City's approval of the Housing Authority's HUD Application for inventory removal, including the transition of 104 existing tenant households from Section 9 to Section 8 funding vouchers and authorizing the Mayor, or his designee, to sign the necessary HUD forms.

This is being forwarded for your information and action as appropriate.

Sincerely, Anne McPherson City Clerk

DATED: November 26, 2014

October 21, 2014

BY HAND

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

Re: White Plains Housing Authority - Brookfield Commons (former Winbrook Community)

Dear Mayor Roach and Members of the Common Council:

On behalf of White Plains Housing Authority ("WPHA"), we are writing in connection with coordinating documentation with the United States Department of Housing and Urban Development ("HUD") to facilitate the ability of WPHA to relocate residents from existing buildings to the new/replacement multi-family residential buildings situated within the Brookfield Commons community (formerly known as the Winbrook Community public housing site).

Over the past seven years, the City has reviewed the overall plan to transform these five (5) public housing buildings to an updated and upgraded, blended community of affordable and market-rate housing in which the 450 units of affordable (former public housing) dwelling units will remain on-site. Beginning with the Common Council's amendment to the Comprehensive Plan and continuing through to the approval of this new building, it has been understood that the existing buildings must be replaced. The required environmental review for this project was undertaken and, although site-specific impacts for each new building will need to be conducted, the overall project has been considered.

Recognizing that the redevelopment of the 9.68 acres of the Premises is a multiple year process with the need to build multiple buildings with sub-parcels needed to allow financing by independently owned or affiliated entities, the Common Council designated the Premises a single Development Site in 2012 and adopted specific findings recognizing that:

The White Plains Housing Authority has adopted a long-term objective for phased modernization and redevelopment of the Winbrook community by replacing the existing multi-family residential buildings as part of a long-range concept plan. The Proposed Action [i.e., initial approval of the first building] represents the first phase of the Housing Authority's phased modernization and redevelopment . . . [See,

page 4 of the August 6, 2012 Environmental Findings Resolution, adopted by the Common Council.]

Now, several years later, the first building is nearing completion at the corner of South Lexington Avenue and Quarropas Street. It will provide 104 dwelling units and is intended to replace equivalent existing units for current residents. In addition, the building will house the Community Education Facility to be operated by the Youth Bureau of the City of White Plains on the first floor thereof. To enable the residents to relocate from the existing buildings to the new building and those to be built in the future, the WPHA needs HUD to authorize the transition from Section 9 funding to Section 8 funding for the payment of rent.

Last August, the City confirmed that it had conducted the necessary environmental review to enable the project to proceed and a Notice of No Significant Impact was published in The Journal News on July 17 and July 22, 2013 in connection with HUD processing. (A copy of the Affidavit of Publication from The Journal News is enclosed).

As WPHA has moved forward with its plan to modernize the Premises, it has worked closely and conducted meetings in coordination with residents. Similarly, the City has continued to be most supportive in this process. Now, as noted above, WPHA needs to coordinate the timely relocation of residents to the new building and asks the City's cooperation. Pursuant to HUD requirements, the funding of rent for residents moving to new buildings, as contemplated by the City and WPHA, will require a transition from Public Housing, Section 9 to Section 8 funding. To facilitate the relocation of residents within the Brookfield Commons community and the transition to Section 8, we respectfully request that the City confirm its approval of the HUD Application to approve, review and consult with regard to the Section 8 vouchers described above and authorize the Mayor or his designee(s) to sign the necessary HUD forms.

The authorization being requested does not constitute a new "Action" under the New York State Environmental Quality Review Act, as it is administrative and proposes no changes to Brookfield Commons. For your convenience, we are enclosing a copy of the Environmental Assessment Form ("EAF"). This request for authorization will enable the new building to be occupied; whereas, without the authorization the building will remain vacant. Accordingly, we respectfully request your expedited review of this matter and thank you for your assistance with the HUD processing.

Respectfully yours, William S. Null

November 24, 2014

TO: TO THE HONORABLE MAYOR AND MEMBERS OF THE COMMON COUNCIL

SUBJECT: WINBROOK REDEVELOPMENT- PHASE I INVENTORY REMOVAL APPLICATION

On August 6, 2012, the White Plains Common Council completed an environmental review and determined that the Winbrook Redevelopment - Phase I Project at 223- 235 Dr. Martin Luther King Jr. Boulevard ("Phase I Project"), now known as Brookfield Commons Housing development, would not have a significant effect on the environment under the New York State Environmental Quality Review regulations.

Also on August 6, 2012, the Common Council granted site plan and special permit approvals for the Phase I Project. This involved the construction of a new building to contain approximately 104 affordable residential units and a community education facility. It was anticipated that resident households who will occupy the new building would be relocated from existing units and that a comparable number of units would be held vacant on the overall Winbrook site

Pursuant to HUD requirements, the Common Council is now considering a resolution authorizing submission by the White Plains Housing Authority of an inventory removal application which was previously contemplated to facilitate the transition from Public Housing to Section 8 funding.

As required by HUD regulations, a " Notice of Finding of No Significant Impact on the Environment and Notice of Intent to Submit an Inventory Removal Application for the Winbrook Public Housing Development," was published in the Journal News newspaper on November 3, 2014, which notified a public comment period ending November 20, 2014. One comment letter was received from John Staino, President, CSEA Local 80, dated November 20, 2014, which does not specifically address or require reconsideration of the environmental findings adopted by the Common Council on August 6, 2012.

Based on the previously adopted environmental findings, no additional environmental review or findings are necessary prior to authorizing submission by the White Plains Housing Authority of an inventory removal application.

Respectfully submitted, Rod Johnson

VIA HAND DELIVERY

Commissioner of Planning City of White Plains Planning Department 70 Church Street White Plains, New York 10601

RE: Notice of Findings of No Significant Impact and Notice of Intent to Submit an Inventory Removal Application for the Winbrook Public Housing Development

Dear Commissioner of Planning,

Please accept this at my comments to the proposed action described in the above referenced notice.

This appears to be just another example of the government shirking their duties to upkeep public housing units. Government is crying poverty and selling out the low-income families that are relying on them.

This plan, carried through to its logical conclusion, will result in the complete privatization of "public housing" in White Plains, the loss of vital government oversight of all aspects of the public housing including the environmental aspect, the loss of affordable housing, and the loss of good-paying public sector jobs.

I, and my members, oppose this application. Thank you for the opportunity to comment on this very important issue.

Sincerely yours, John Staino, President CSEA Local 860

cc: Billy Riccaldo, Region President Joe Longo, Unit President Gary Cannonier, Region Director Chris Ludlow, Political Action Coordinator Jessica Ladlee, Communications Associate

Mr. Kirkpatrick offered the following resolution and moved its adoption.

**RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF WHITE PLAINS AUTHORIZING AND APPROVING THE WHITE PLAINS HOUSING AUTHORITY'S SUBMISSION OF AN INVENTORY REMOVAL APPLICATION TO HUD FOR THE BROOKFIELD COMMONS HOUSING DEVELOPMENT**

WHEREAS, the White Plains Housing Authority (the "Housing Authority") is the owner of certain real property and improvements commonly known as the Brookfield Commons Housing development (formerly known as the Winbrook Community Housing project), located in the City of White Plains, County of Westchester, New York (the "Property"), which currently consists of four hundred and fifty (450) residential rental units situated in five (5) buildings (the "Overall Project"); and

WHEREAS, the United States Department of Housing and Urban Development ("HUD") regulations 24 CFR 970 et seq. authorize the Housing Authority to submit an inventory removal application for the removal of the property from HUD's public housing inventory upon the satisfaction of certain conditions, including the approval of the Common Council, or local governmental entity which will allow the residents in Brookfield Commons to move to the newly constructed building at South Lexington Avenue and Quarropas Street and transition from Section 9 to Section 8 funding for rent subsidies.

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of White Plains that the submission by the Housing Authority of a inventory removal application for the Brookfield Commons Housing development (formerly known as the Winbrook Community Housing project) for the relocation of 104 existing tenant households from any of the existing buildings to a new building being constructed on the Housing Authority property is hereby authorized and approved; and be it further

RESOLVED, that the Mayor of the City of White Plains, and his designees, be and hereby are authorized and directed to take any and all actions and execute any and all documents or instruments that may be necessary to desirable to carry out the intent of the foregoing resolution, in a form to be approved by the Corporation Counsel; and be it further

RESOLVED, that this resolution shall take effect immediately.

Mrs. Lecuona seconded the motion.

Carried.

Communication received from Deputy Commissioner of Parking.

Mrs. Lecuona moved that it/they be filed and spread in full upon the minutes, and referred to Law, Building Dept., Design Review Board, Planning Dept., Planning Board; Public Safety, Public Works, Traffic Division, Transportation Commission, Parking Department, Westchester County Planning Board, Environmental Officer.

Mr. Krolian seconded the motion.

Carried.

TO THE HONORABLE MAYOR AND MEMBERS OF THE COMMON COUNCIL OF THE CITY OF WHITE PLAINS

The Department of Parking/ Traffic Division is recommending the attached zoning change in parking space requirements for larger retail centers outside of the Central Parking Area (CPA). The current requirement is 5.7 spaces per 1000 square feet which is appropriate for small scale isolated retail sites. For sites above 150,000 square feet which have their own separate parking facility a more appropriate rate is 4.0 spaces per 1000 square feet. This rate is consistent with recent ITE parking generation rates of shopping centers at this size and reduces the construction of spaces that would get limited, if any use.

\_\_\_\_ Thomas J. Soyk, P.E., PTOE Deputy Commissioner of Parking City Transportation Engineer

Dated: December 18, 2014

AN ORDINANCE AMENDING AN ORDINANCE ENTITLED "THE ZONING ORDINANCE OF CITY OF WHITE PLAINS" WITH RESPECT TO THE PARKING REQUIREMENTS FOR "STORES FOR SALES AT RETAIL OR PERFORMANCE OF CUSTOMARY PERSONAL SERVICES OR SERVICES CLEARLY INCIDENT TO RETAIL SALES, INCLUDING "CAFES" AND "REAL ESTATE OFFICES," BUT NOT INCLUDING SALES OF AUTOMOBILE PARTS AND ACCESSORIES INCLUDING INSTALLATION AT THE POINT OF SALE".

The Common Council of The City of White Plains hereby ordains and enacts as follows:

Section 1. The Zoning Ordinance of the City of White Plains, adopted June 1, 1981, and amended to date, be, and it hereby is, further amended by amending the portion of Section 8.3 of the Zoning Ordinance which relates to the use category, "Stores for sales at retail or performance of customary personal services or services clearly incident to retail sales, including 'cafes' and 'real estate offices,' but not including sales of automobile parts and accessories including installation at the point of sale" (hereinafter "Retail Stores"), by adding a new parking requirement for the certain uses of "Retail Stores" of 4.0 spaces per 1,000 square feet of floor area, where the use is located outside of the Central Parking Area and has a gross floor area of at least 150,000 square feet, and the table included as part of Section 8.3 shall be amended in part to read as follows:  
MINIMUM NUMBER OF "PARKING SPACES "USES" PER 1,000 sq.ft, prorated so that the requirement shall be the next highest integer Other Stores for sales at retail or performance of customary personal services or services clearly incident to retail sales, including "cafes" and "real estate offices," but not including sales of automobile parts and accessories including installation at the point of sale CPA: 3.3 \_\_\_\_ B-6 District Only: 3.0 with no further adjustment for joint use pursuant to Section 8.5.3 \_\_\_\_ For uses outside of the CPA, having a gross floor area of at least 150,000 sq.ft within a single "development site": 4.0

\_\_\_\_ Other 5.7

§2. This ordinance shall take effect immediately.

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Mayor Roach made a statement in response to the passing of the Honorable Mario Cuomo, acknowledging his public service to both the country and our own State, serving three terms as Governor, amongst other areas of public service.

He noted that former Governor Cuomo, was a strong supporter of an agenda that would benefit those who needed it the most. He was also a strong supporter of Suny and felt like he was one of us. He stated that he lived in Albany when the Mayor was a student at Suny Albany. Mayor Roach stated that he remembered an event where the Governor was going to speak but couldn't make it. He didn't send the Lt. Governor, or another official, but he sent his wife, Matilda. Mayor Roach noted that all of the students loved her and she probably got a bigger ovation than the Governor would have. The Mayor felt it sent a warm message and that is what separated him from others in public service, he had knowledge and integrity, but he also had the warmth. The Mayor stated that he was something he took notice of and appreciated as a young person just getting into in politics.

The Mayor stated that the Governor spoke at his graduation, as he was receiving an award. He was not the keynote and he stole the show, but again stole the show in a warm way, speaking as a parent to other parents in the audience, and said he left just a great feeling.

Mayor Roach stated that the Governor's service to our State will not be forgotten and certainly he will be missed, and with that in mind asked for a motion to adjourn the meeting in Memory of former Governor and lifelong New York, Mario Cuomo.

Mr. Martin moved that the meeting be adjourned In Memoriam to former Governor Mario Cuomo.

Mrs. Smayda seconded the motion.

Carried.

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Anne M. McPherson, CMC City Clerk