

**VILLAGE OF PORT CHESTER
BOARD OF TRUSTEES
Meeting, MONDAY, November 19, 2012
Special Meeting: 6:00-6:30 P.M.
PROPOSED EXECUTIVE SESSION 6:30-7:00PM
Regular Meeting: 7:00 P.M.
VILLAGE JUSTICE COURTROOM
350 North Main Street
Port Chester, New York
AGENDA**

TIME: 6:00 P.M. to 6:30 P.M.

	MEETING OF THE BOARD OF TRUSTEES IN THEIR CAPACITY AS A BOARD OF POLICE COMMISSIONERS	ACTION
1.	Board of Police Commissioners to meet with the Chief of Police.	

TIME: 6:30 P.M.

	PROPOSED MOTION FOR EXECUTIVE SESSION	ACTION
1	Resident Complaint	
2	CSEA Agreement	

TIME: 7:00 P.M.

II	PUBLIC COMMENTS	ACTION
III	RESOLUTIONS	ACTION
	Legal	
1	Authorizing the Village Attorney to select and substitute Attorney-of-record in US v. Port Chester voting rights legal matter.	
2	Authorize the execution of the Second Addendum to the Consent Decree with Mayoral seat to be included with Early Voting in the 2013 Village Election.	
3	Authorize the execution of the Second Addendum to the Consent Decree.	

	Planning	
4	Accepting Petition of Starwood for the zoning amendment and Noticing Intention to Declare Lead Agency with regard to former United Hospital site. Vote on action/resolution to:	
5	Rejecting bid for marina bulkhead repair.	

I	PRESENTATION	ACTION
1	Audit and introduction to 5 year operating budget.	

III	RESOLUTIONS (Continued)	ACTION
	Parks / Recreation	
6	Acquiring real property at 201 Grace Church St. to enhance Edgewood Park. • Negative Declaration	
	Administration	
7	Ratification of CSEA Agreement	
8	Authorize the Village Manager to sign an agreement with Complus Data Innovations, Inc. to provide parking ticket management services to the Village of Port Chester.	
	Department of Public Works	
9	Purchase Hot Box	
IV	DISCUSSIONS	ACTION
1	Housing Rehabilitation	
2	Sewer Rent Project	
3	The attorney / client privilege for opinions sent to the BOT by the Village Attorney	

V	CORRESPONDENCE	
1	From Fire Department Village of Port Chester	
2	Request from Rosa Castillo to purchase a small piece of village-owned land.	
3	From Port Chester Rye Brook Rye Town Chamber of Commerce	
VI	MINUTES	ACTION
1	Minutes from July 16, 2012	
2	Minutes from August 6, 2012	
3	Minutes from August 20, 2012 (To be provided)	
VI	PUBLIC COMMENTS AND BOARD COMMENTS	ACTION

TIME: _____

MEETING OF
THE BOARD OF TRUSTEES
IN THEIR CAPACITY AS A
BOARD OF POLICE COMMISSIONERS

PROPOSED MOTION
FOR
EXECUTIVE SESSION

PRESENTATION

**VILLAGE OF PORT CHESTER,
NEW YORK**

*Basic Financial Statements, Required Supplementary
Information, Supplemental and Federal Financial
Assistance Schedules for the Year Ended May 31, 2012
and Independent Auditors' Reports*

VILLAGE OF PORT CHESTER, NEW YORK
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Year Ended May 31, 2012

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FINANCIAL SECTION

Certified Public Accountants

INDEPENDENT AUDITORS' REPORT

Honorable Mayor and Village Trustees
Village of Port Chester, New York:

We have audited the accompanying financial statements of the governmental activities, the Village of Port Chester Industrial Development Agency discretely presented component unit, each major fund, and the aggregate remaining fund information of Village of Port Chester, New York (the "Village") as of and for the year ended May 31, 2012, which collectively comprise the Village's basic financial statements as listed in the foregoing table of contents. These financial statements are the responsibility of the Village's management. Our responsibility is to express opinions on these financial statements based on our audit.

We conducted our audit in accordance with auditing standards generally accepted in the United States of America and the standards applicable to financial audits contained in *Government Auditing Standards*, issued by the Comptroller General of the United States. Those standards require that we plan and perform the audit to obtain reasonable assurance about whether the financial statements are free of material misstatement. An audit includes consideration of internal control over financial reporting as a basis for designing audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of the Village's internal control over financial reporting. Accordingly, we express no such opinion. An audit also includes examining, on a test basis, evidence supporting the amounts and disclosures in the financial statements, assessing the accounting principles used and significant estimates made by management, as well as evaluating the overall financial statement presentation. We believe that our audit provides a reasonable basis for our opinions.

In our opinion, the financial statements referred to previously present fairly, in all material respects, the respective financial position of the governmental activities, the discretely presented component unit, each major fund, and the aggregate remaining fund information of the Village as of May 31, 2012, and the respective changes in financial position and the respective budgetary comparison for the General Fund for the year then ended in conformity with accounting principles generally accepted in the United States of America.

In accordance with *Government Auditing Standards*, we have also issued our report dated September 19, 2012, on our consideration of the Village's internal control over financial reporting and on our tests of its compliance with certain provisions of laws, regulations, contracts, and grant agreements and other matters. The purpose of that report is to describe the scope of our testing of internal control over financial reporting and compliance and the results of that testing, and not to provide an opinion on the internal control over financial reporting or on compliance. That report is an integral part of an audit performed in accordance with *Government Auditing Standards* and should be considered in assessing the results of our audit.

Accounting principles generally accepted in the United States of America require that the Management's Discussion and Analysis as listed in the foregoing table of contents be presented to supplement the basic financial statements. Such information, although not a part of the basic financial statements, is required by the Governmental Accounting Standards Board who considers it to be an essential part of financial reporting for placing the basic financial statements in an appropriate operational, economic or historical context. We have applied certain limited procedures to the required supplementary information in accordance with auditing standards generally accepted in the United States of America, which consisted of inquires of management about the methods of preparing the information and comparing the information for consistency with management's responses to our inquiries, the basic financial statements, and other knowledge we obtained during our audit of the basic financial statements. We do not express an opinion or provide any assurance on the information because the limited procedures do not provide us with sufficient evidence to express an opinion or provide any assurance.

Our audit was conducted for the purpose of forming opinions on the financial statements that collectively comprise the Village's basic financial statements. The combining financial statements and schedules listed in the foregoing table of contents are presented for the purposes of additional analysis and are not a required part of the financial statements. The accompanying schedule of expenditures of federal awards as listed in the table of contents is presented for the purpose of additional analysis as required by U.S. Office of Management and Budget Circular A-133, *Audits of States, Local Governments, and Non-Profit Organizations*, and is not a required part of the financial statements. Such information is the responsibility of the Village's management, and was derived from and relates directly to the underlying accounting and other records used to prepare the financial statements. The information has been subjected to the auditing procedures applied in our audit of the financial statements and certain additional procedures, including comparing and reconciling such information directly to the underlying accounting and other records used to prepare the financial statements or to the financial statements themselves, and other additional procedures in accordance with auditing standards generally accepted in the United States of America. In our opinion, the combining financial statements and supplemental schedules and the accompanying schedule of expenditures of federal awards are fairly stated in all material respects in relation to the financial statements as a whole.

 Drexler & Malin LLP

September 19, 2012

(August 20, 2012 as to the Village of Port Chester Industrial Development Agency)

VILLAGE OF PORT CHESTER, NEW YORK
Management's Discussion and Analysis
Year Ended May 31, 2012

As management of the Village of Port Chester, New York (the "Village"), we offer readers of the Village's financial statements this narrative overview and analysis of the financial activities of the Village for the year ended May 31, 2012. This document should be read in conjunction with additional information that we have furnished in the Village's financial statements which follow this narrative. For comparative purposes, certain items relating to the year ended May 31, 2011 presentation have been reclassified.

Financial Highlights

- ◆ The assets of the Village's primary government exceeded its liabilities at the close of the fiscal year by \$3,012,145. Of this amount, \$13,193,670 represents the Village's investment in capital assets net of related debt. Additionally, at May 31, 2012 the Village considers \$2,637,633 as restricted net assets and recognizes a deficit balance of \$12,819,158 within its unrestricted classification.
- ◆ The Village's total primary government net assets decreased \$2,282,659 as a result of this year's activity.
- ◆ At the close of the current fiscal year, the Village's governmental funds reported combined ending fund balance of \$10,270,470, a decrease of \$844,124 in comparison with the prior year. This decrease is primarily due to Capital Projects and Debt Service Funds expenditures and other financing uses exceeding revenues and financing sources.
- ◆ The General Fund reported a net increase in fund balance this year of \$264,249. At May 31, 2012, unassigned fund balance for the General Fund was \$4,827,309, or approximately 14.1 percent of total General Fund expenditures.
- ◆ During the year ended May 31, 2012, the Village issued refunding debt in the amount of \$9,380,000. Considering the refunding and payments made on the debt outstanding, the Village's total bonded indebtedness decreased by \$1,906,000.

Overview of the Financial Statements

This discussion and analysis are intended to serve as an introduction to the Village's basic financial statements. The Village's basic financial statements comprise three components: 1) government-wide financial statements, 2) fund financial statements, and 3) notes to the financial statements. The basic financial statements include two kinds of statements that present different views of the Village:

Government-wide financial statements. The *government-wide financial statements* are designed to provide the reader with a broad overview of the Village's finances, similar in format to a financial statement of a private-sector business. The government-wide statements provide short and long-term information about the Village's financial status as a whole.

The *statement of net assets* presents information on all of the Village's assets and liabilities, with the difference between the two reported as *net assets*. Over time, increases or decreases in net assets may serve as a useful indicator of whether the financial position of the Village is improving or deteriorating.

The *statement of activities* presents information showing how the Village's net assets changed during the most recent fiscal year. All changes in net assets are reported as soon as the underlying event giving rise to the change occurs, regardless of the timing of related cash flows. Thus, revenues and expenses are reported in the statement for some items that will only result in cash flows in future fiscal periods (e.g., uncollected taxes and earned but unused sick leave).

Both of the government-wide financial statements distinguish functions of the Village that are principally supported by taxes and intergovernmental revenues (*governmental activities*) from other functions that are intended to recover all or a significant portion of their costs through user fees and charges (*business-type activities*). The governmental activities of the Village include general government support, public safety, health, transportation, economic opportunity and development, culture and recreation, and home and community services.

The government-wide financial statements can be found on pages 10-11 of this report.

Fund financial statements. A *fund* is a grouping of related accounts that is used to maintain control over resources that have been segregated for specific activities or objectives. The Village, like other state and local governments, uses fund accounting to ensure and demonstrate compliance with finance-related legal requirements. The Village has two kinds of funds: governmental funds and a fiduciary fund.

Governmental funds. *Governmental funds* are used to account for essentially the same functions reported as *governmental activities* in the government-wide financial statements. However, unlike the government-wide financial statements, governmental fund statements focus on *near-term inflows and outflows of spendable resources*, as well as on *balances of spendable resources* available at the end of the fiscal year. Such information may be useful in evaluating a government's near-term financing requirements.

Because the focus of governmental funds is narrower than that of the government-wide financial statements, it is useful to compare the information presented for *governmental funds* with similar information presented for *governmental activities* in the government-wide financial statements. By doing so, readers may better understand the long-term impact of the government's near-term financing decisions. Both the governmental fund balance sheet and the governmental fund statement of revenues, expenditures, and changes in fund balance (deficit) provide a reconciliation to facilitate this comparison between *governmental funds* and *governmental activities*.

The Village maintains four individual governmental funds: the General Fund, the Capital Projects Fund, the Special Purpose Fund and the Debt Service Fund. Information is presented separately in the governmental fund balance sheet and in the governmental fund statement of revenues, expenditures, and changes in fund balances for the Village's major funds, which include the General Fund and the Capital Projects Fund. Data from the other two governmental funds are combined into a single, aggregate presentation. Individual fund data for each of these nonmajor governmental funds is provided in the form of *combining statements* elsewhere in this report.

The Village adopts an annual appropriated budget for the General Fund. A budgetary comparison statement has been provided for the General Fund to demonstrate compliance with its budget.

The basic governmental fund financial statements can be found on pages 12-16 of this report.

Fiduciary fund. Fiduciary funds are used to account for resources held for the benefit of parties outside the government. Fiduciary funds are *not* reflected in the government-wide financial statement because the resources of those funds are *not* available to support the Village’s own programs. The Village maintains one fiduciary fund, the Agency Fund.

The fiduciary fund financial statement can be found on page 17 of this report.

Notes to the financial statements. The notes provide additional information that is essential to a full understanding of the data provided in the government-wide and fund financial statements. The notes to the financial statements can be found on pages 18-36 of this report.

Other information. As stated earlier, the financial statements include a section with combining statements that provide details about the nonmajor governmental funds, which are added together and presented in a single column in the basic financial statements.

Government-wide Financial Analysis

As noted earlier, net assets may serve over time as useful indicator of a government’s financial position. In the case of the Village’s primary government, assets exceeded liabilities by \$3,012,145 at the close of the May 31, 2012 fiscal year, as compared to assets exceeding liabilities by \$5,294,804 at May 31, 2011.

Table 1—Condensed Statement of Net Assets (Deficit)-Primary Government—May 31, 2012

	May 31,	
	2012	2011
Current assets	\$ 14,812,049	\$ 17,317,122
Capital assets	<u>43,775,139</u>	<u>43,892,768</u>
Total assets	<u>58,587,188</u>	<u>61,209,890</u>
Current liabilities	4,853,079	6,494,730
Non-current liabilities	<u>50,721,964</u>	<u>49,420,356</u>
Total liabilities	<u>55,575,043</u>	<u>55,915,086</u>
Net assets (deficit):		
Invested in capital assets, net of related debt	13,193,670	13,222,208
Restricted	2,637,633	3,179,292
Unrestricted	<u>(12,819,158)</u>	<u>(11,106,696)</u>
Total net assets	<u>\$ 3,012,145</u>	<u>\$ 5,294,804</u>

At May 31, 2012, total assets of the Village are \$58,587,188. The largest portion of total assets is its capital assets, net of accumulated depreciation in the amount of \$43,775,139.

The Village’s liabilities totaled \$55,575,043 at May 31, 2012. The largest portion of the liabilities is bonds payable debt of \$34,335,000.

The Village had favorable current ratios of 3.05 and 2.67 at May 31, 2012 and 2011, respectively. Such a ratio implies that the Village may have sufficient assets on hand to cover its current liabilities that will come due in the coming year. Table 2, as shown below, presents the current ratio for the Village at May 31, 2012 and May 31, 2011.

Table 2—Current Assets and Current Liabilities—May 31, 2012

	May 31,	
	2012	2011
Current assets	\$ 14,812,049	\$ 17,317,122
Current liabilities	4,853,079	6,494,730
Ratio of current assets to current liabilities	3.05	2.67

The largest portion, \$13,193,670, of the Village's net assets reflects its investment in capital assets net of related debt. The Village uses these capital assets to provide services to citizens; consequently, these assets are not available for future spending. Although the Village's investment in capital assets is reported net of related debt, it should be noted that the resources needed to repay this debt must be provided from other sources, since the capital assets themselves cannot be used to liquidate these liabilities. Additionally, \$2,637,633 of net assets is considered restricted net assets, which represents resources that are subject to external restrictions on how they may be used. The Village also reports a deficit for unrestricted net assets in the amount of \$12,819,158.

Total net assets decreased by \$2,282,659 from prior year. The decrease can be primarily attributed to a significant declines within capital grants and contributions and decreased tax revenues, while expenses also declined from the year ended May 31, 2011, but not as much as program revenues.

Table 3, as presented below, shows the changes in net assets for the year ended May 31, 2012:

Table 3—Condensed Statement of Changes in Net Assets-Primary Government—Year Ended May 31, 2012

	Year Ended May 31,	
	2012	2011
Program revenues:		
Charges for services	\$ 5,893,426	\$ 5,772,874
Operating grants and contributions	283,042	232,305
Capital grants and contributions	894,614	1,074,347
General revenues	<u>28,584,487</u>	<u>29,359,600</u>
Total revenues	35,655,569	36,439,126
Program expenses	<u>37,938,228</u>	<u>38,480,825</u>
Change in net assets	(2,282,659)	(2,041,699)
Net assets—beginning	<u>5,294,804</u>	<u>7,336,503</u>
Net assets—ending	<u>\$ 3,012,145</u>	<u>\$ 5,294,804</u>

Overall revenues decreased by 2.2 percent from 2011, primarily due to a decrease in grants and contributions received, which vary by year based on grants awarded. Additionally, tax revenues declined from prior year as result to a tax levy decrease for the year ended May 31, 2012. Overall expenditures decreased by 1.4 percent from the year ended May 31, 2011 to the year ended May 31, 2012. A primary contributor to the decrease is a decrease in transportation related to the mild winter the Village experienced, saving on salt and overtime expenses.

A summary of sources of revenues for the years ended May 31, 2012 and May 31, 2011 is presented below in Table 4:

Table 4—Summary of Sources of Revenues-Primary Government

	May 31,		Increase/(Decrease)	
	2012	2011	Dollars	Percent
Charges for services	\$ 5,893,426	\$ 5,772,874	\$ 120,552	2.1%
Operating and capital grants and contributions	1,177,656	1,306,652	(128,996)	-9.9%
Taxes	27,468,745	28,295,479	(826,734)	-2.9%
Use of money and property	16,552	35,737	(19,185)	-53.7%
State aid	628,837	579,732	49,105	8.5%
Other	470,353	448,652	21,701	4.8%
Total revenues	<u>\$ 35,655,569</u>	<u>\$ 36,439,126</u>	<u>\$ (783,557)</u>	-2.2%

The most significant source of revenues is taxes, which account for \$27,468,745, or 77.0 percent of total revenues for the year ended May 31, 2012 and \$28,295,479, or 77.7 percent of total revenues for the year ended May 31, 2011. The next largest source of revenue is charges for services, which accounts for \$5,893,426, or 16.5 percent of total revenues, for the year ended May 31, 2012 and \$5,772,874, or 15.8 percent of total revenues for the year ended May 31, 2011.

A summary of program expenses for the years ended May 31, 2012 and May 31, 2011 is presented below:

Table 5—Summary of Sources of Expenses

	May 31,		Increase/(Decrease)	
	2012	2011	Dollars	Percent
General government support	\$ 8,296,129	\$ 8,849,947	\$ (553,818)	-6.3%
Public safety	17,272,082	16,274,298	997,784	6.1%
Health	404,677	387,381	17,296	4.5%
Transportation	2,678,547	3,333,746	(655,199)	-19.7%
Economic opportunity and development	589,936	602,981	(13,045)	-2.2%
Culture and recreation	3,303,851	3,753,005	(449,154)	-12.0%
Home and community services	3,555,171	3,579,118	(23,947)	-0.7%
Interest and other expenses	1,837,835	1,700,349	137,486	8.1%
Total program expenses	<u>\$ 37,938,228</u>	<u>\$ 38,480,825</u>	<u>\$ (542,597)</u>	-1.4%

The Village's significant expense items for the year ended May 31, 2012 were public safety of \$17,272,082, or 45.5 percent of total expenses, general government support of \$8,296,129, or 21.9 percent of total expenses, and home and community services of \$3,555,171, or 9.4 percent of total expenses. Significant expense items for the year ended May 31, 2011 were public safety of \$16,274,298, or 42.2 percent of total expenses, general government support of \$8,849,947, or 23.0 percent of total expenses, and culture and recreation of \$3,753,005, or 9.8 percent of total expenses.

Financial Analysis of the Village's Funds

Governmental funds. The focus of the Village's governmental funds is to provide information on near-term inflows, outflows, and balances of spendable resources. Such information is useful in assessing the Village's financing requirements. In particular, *unassigned* and *assigned fund balances* may serve as a useful measure of a government's net resources available for spending at the end of a fiscal year.

As of the end of the current fiscal year, the Village's governmental funds reported combined ending fund balances of \$10,270,470, a decrease of \$844,124 in comparison with the prior year. *Unassigned fund balance* is \$4,827,309 or approximately 13.2 percent of total governmental expenditures. Additionally, the Village's *assigned fund balances* total \$865,000. Together, *unassigned* and *assigned fund balance* represents \$5,692,309 or 15.6 percent of total governmental expenditures. *Nonspendable* amounts represent net current financial resources that cannot be spent because they are either not in spendable form or legally or contractually required to be maintained intact. *Nonspendable fund balance* consists of \$729,432 for prepaid items. *Restricted* amounts are constrained to specific purposes by their providers through constitutional provisions or by enabling legislation. *Restricted fund balance* totals \$3,295,784 at May 31, 2012, restricted for workers' compensation, liability claims, and fund balances maintained in the Special Purposes, Capital Projects and Debt Service Funds. *Committed* amounts are subject to a purpose constraint imposed by formal action of the Village's highest level of decision-making authority. *Committed fund balance* is comprised of \$468,005 for future debt service payments and \$84,940 for encumbrances at May 31, 2012.

The General Fund is the chief operating fund of the Village. At the end of the current fiscal year, unassigned fund balance of the General Fund was \$4,827,309, while total fund balance was \$8,977,355. As a measure of the General Fund's liquidity, it may be useful to compare both unassigned fund balance and total fund balance to total expenditures. Unassigned fund balance represents 13.9 percent of General Fund expenditures and transfers out, while total fund balance represents 25.9 percent of that same amount.

During the year end May 31, 2012, there was a \$38,809 net increase in appropriations between the original and final amended General Fund budget.

During the year ended May 31, 2012, the Village's Capital Projects Fund fund balance decreased \$566,714 from prior year. Capital Projects Fund reported \$658,151 of restricted fund balance.

Capital Asset and Debt Administration

Capital assets. The Village's investment in capital assets for its governmental activities as of May 31, 2012, amounted to \$43,775,139 (net of accumulated depreciation). This investment in capital assets includes land, constructions in progress, land improvements, buildings and improvements, infrastructure, machinery and equipment.

All depreciable capital assets were depreciated from acquisition date to the end of the current year as outlined in the Village's capital asset policy.

Capital assets net of depreciation for the governmental activities at the years ended May 31, 2012 and May 31, 2011 are presented below.

Table 6—Summary of Capital Assets (Net of Depreciation)

	May 31,	
	2012	2011
Land	\$ 606,100	\$ 606,100
Construction in progress	2,635,570	6,076,093
Land improvements	4,179,777	3,748,813
Building and improvements	16,039,493	16,322,046
Infrastructure	16,630,044	13,367,458
Machinery and equipment	3,684,155	3,772,258
Total	<u>\$ 43,775,139</u>	<u>\$ 43,892,768</u>

Additional information on the Village's capital assets can be found in Note 7 of this report.

Long-term debt. At May 31, 2012, the Village had total bonded debt outstanding of \$34,335,000, as compared to \$36,241,000 in the prior year.

The Village issued refunding debt in the amount of \$9,380,000 during the fiscal year. Additional information on the Village's long-term debt can be found in Note 9 of this report.

Economic Factors

The unemployment rate for the Village of Port Chester, New York at May 2012 was 6.0 percent, which is a slight increase from 5.9 percent a year ago. This compares favorably to New York State's average unemployment rate of 8.6 percent and is also favorable compared to the national average rate of 8.2 percent. Unemployment rates, amongst various other factors, are considered in preparing the Village's budgets.

Requests for Information

This financial report is designed to provide our citizens, taxpayers, creditors and investors with a general overview of the Village's finances and to show the Village's accountability for the money it receives. If you have any questions about this report or need additional financial information, contact Treasurer's Office, Village of Port Chester, 222 Grace Church Street, Port Chester, NY 10573.

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BASIC FINANCIAL STATEMENTS

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VILLAGE OF PORT CHESTER, NEW YORK
Statement of Net Assets (Deficit)
May 31, 2012

	Primary Government	Component Unit
	Governmental Activities	Industrial Development Agency
ASSETS		
Cash and cash equivalents	\$ 6,115,546	\$ 319,400
Restricted cash and cash equivalents	5,723,866	-
Accounts receivable	518,264	-
Due from other governments	1,692,145	-
Internal balances	32,796	-
Prepaid items	729,432	12,000
Capital assets not being depreciated	3,241,670	-
Capital assets being depreciated (net of accumulated depreciation)	40,533,469	-
Total assets	58,587,188	331,400
LIABILITIES		
Accounts payable	972,786	9,118
Accrued liabilities	689,634	-
Retainage payable	95,866	-
Due to retirement system	511,433	-
Unearned revenue	983,360	-
Bond anticipation notes payable	1,600,000	-
Non-current liabilities:		
Due within one year	2,650,348	-
Due within more than one year	48,071,616	-
Total liabilities	55,575,043	9,118
NET ASSETS (DEFICIT):		
Investment in capital assets, net of related debt	13,193,670	-
Restricted	2,637,633	-
Unrestricted	(12,819,158)	322,282
Total net assets	\$ 3,012,145	\$ 322,282

The notes to the financial statements are an integral part of this statement.

VILLAGE OF PORT CHESTER, NEW YORK
Statement of Activities
Year Ended May 31, 2012

<u>Function/Program</u>	<u>Expense</u>	<u>Program Revenues</u>			<u>Net (Expense) Revenue and Changes in Net Assets</u>	
		<u>Charges for Services</u>	<u>Operating Grants and Contributions</u>	<u>Capital Grants and Contributions</u>	<u>Primary Governmental Activities</u>	<u>Component Unit Industrial Development Agency</u>
Primary Government:						
General government support	\$ 8,296,129	\$ 1,450,889	\$ 35,000	\$ -	\$ (6,810,240)	\$ -
Public safety	17,272,082	3,431,073	20,192	-	(13,820,817)	-
Health	404,677	19,895	-	-	(384,782)	-
Transportation	2,678,547	36,782	-	170,037	(2,471,728)	-
Economic opportunity and development	589,936	-	-	281,727	(308,209)	-
Culture and recreation	3,303,851	388,447	2,000	-	(2,913,404)	-
Home and community services	3,555,171	566,340	225,850	442,850	(2,320,131)	-
Interest and other fiscal charges	1,837,835	-	-	-	(1,837,835)	-
Total primary government	<u>\$ 37,938,228</u>	<u>\$ 5,893,426</u>	<u>\$ 283,042</u>	<u>\$ 894,614</u>	<u>(30,867,146)</u>	<u>-</u>
Component Unit:						
Industrial Development Agency	<u>\$ 189,066</u>	<u>\$ 273,774</u>	<u>\$ -</u>	<u>\$ -</u>		<u>84,708</u>
General revenues:						
					27,468,745	-
					16,552	303
					628,837	-
					470,353	-
Total general revenues					<u>28,584,487</u>	<u>303</u>
Change in net assets					(2,282,659)	85,011
Net assets—beginning					5,294,804	237,271
Net assets—ending					<u>\$ 3,012,145</u>	<u>\$ 322,282</u>

The notes to the financial statements are an integral part of this statement.

VILLAGE OF PORT CHESTER, NEW YORK
Balance Sheet—Governmental Funds
May 31, 2012

	<u>General Fund</u>	<u>Capital Projects Fund</u>	<u>Other Governmental Funds</u>	<u>Total Governmental Funds</u>
ASSETS				
Cash and cash equivalents	\$ 6,115,546	\$ -	\$ -	\$ 6,115,546
Restricted cash and cash equivalents	2,002,669	3,086,485	634,712	5,723,866
Accounts receivable	509,361	8,903	-	518,264
Due from other funds	2,796	45,000	252	48,048
Due from other governments	1,541,766	150,379	-	1,692,145
Prepaid items	729,432	-	-	729,432
Total assets	<u>\$10,901,570</u>	<u>\$ 3,290,767</u>	<u>\$ 634,964</u>	<u>\$14,827,301</u>
 LIABILITIES AND FUND BALANCES				
Liabilities:				
Accounts payable	\$ 698,429	\$ 274,357	\$ -	\$ 972,786
Accrued liabilities	378,134	-	-	378,134
Due to other funds	15,000	252	-	15,252
Retainage payable	-	95,866	-	95,866
Due to retirement system	511,433	-	-	511,433
Deferred revenue	321,219	662,141	-	983,360
Bond anticipation notes payable	-	1,600,000	-	1,600,000
Total liabilities	<u>1,924,215</u>	<u>2,632,616</u>	<u>-</u>	<u>4,556,831</u>
Fund balances:				
Nonspendable	729,432	-	-	729,432
Restricted	2,002,669	658,151	634,964	3,295,784
Committed	552,945	-	-	552,945
Assigned	865,000	-	-	865,000
Unassigned	4,827,309	-	-	4,827,309
Total fund balances	<u>8,977,355</u>	<u>658,151</u>	<u>634,964</u>	<u>10,270,470</u>
Total liabilities and fund balances	<u>\$10,901,570</u>	<u>\$ 3,290,767</u>	<u>\$ 634,964</u>	<u>\$14,827,301</u>

The notes to the financial statements are an integral part of this statement.

VILLAGE OF PORT CHESTER, NEW YORK
Reconciliation of the Balance Sheet of
Governmental Funds to the Statement of Net Assets (Deficit)
May 31, 2012

Amounts reported for governmental activities in the statement of net assets are different because:

Fund balances—total governmental funds		\$ 10,270,470
Capital assets used in governmental activities are not financial resources and, therefore, are not reported in the funds. The cost of the assets is \$64,239,625 and the accumulated depreciation is \$20,464,486.		43,775,139
To recognize interest accrual on long term debt. Accrued interest for general obligation bonds is \$311,500 at year end.		(311,500)
Long-term liabilities, including bonds payable, judgments and claims, compensated absences, other post-employment benefits ("OPEB"), and retirement liabilities are not due and payable in the current period and therefore are not reported in the funds. The effect of these items are:		
Bonds payable	\$ (34,335,000)	
Compensated absences	(4,369,045)	
Judgments and claims	(1,837,919)	
OPEB liability	<u>(10,180,000)</u>	<u>(50,721,964)</u>
Net assets of governmental activities		<u>\$ 3,012,145</u>

The notes to the financial statements are an integral part of this statement.

VILLAGE OF PORT CHESTER, NEW YORK
Statement of Revenues, Expenditures, and Changes in
Fund Balances—Governmental Funds
Year Ended May 31, 2012

	General Fund	Capital Projects Fund	Other Governmental Funds	Total Governmental Funds
REVENUES				
Property taxes	\$21,988,646	\$ -	\$ -	\$21,988,646
Other tax items	817,666	-	-	817,666
Non-property tax items	4,662,433	-	-	4,662,433
Departmental income	3,114,971	-	-	3,114,971
Use of money and property	338,351	-	3,592	341,943
Licenses and permits	268,635	-	-	268,635
Fines and forfeitures	2,182,689	-	-	2,182,689
Miscellaneous	99,132	373,345	84,924	557,401
State aid	725,197	221,537	-	946,734
Federal aid	101,374	673,077	-	774,451
Total revenues	<u>34,299,094</u>	<u>1,267,959</u>	<u>88,516</u>	<u>35,655,569</u>
EXPENDITURES				
Current:				
General government support	5,050,872	-	-	5,050,872
Public safety	10,743,178	-	-	10,743,178
Health	261,723	-	-	261,723
Transportation	1,295,799	-	-	1,295,799
Economic opportunity and development	367,206	-	-	367,206
Culture and recreation	1,935,666	-	36,795	1,972,461
Home and community services	2,167,264	-	-	2,167,264
Employee benefits	8,652,064	-	-	8,652,064
Capital outlay	-	2,264,589	-	2,264,589
Debt service:				
Principal	2,316,000	-	-	2,316,000
Interest	1,415,157	-	-	1,415,157
Total expenditures	<u>34,204,929</u>	<u>2,264,589</u>	<u>36,795</u>	<u>36,506,313</u>
Excess (deficiency) of revenues over (under) expenditures	<u>94,165</u>	<u>(996,630)</u>	<u>51,721</u>	<u>(850,744)</u>
OTHER FINANCING SOURCES (USES)				
Transfers in	600,564	430,480	-	1,031,044
Transfers out	(430,480)	(564)	(600,000)	(1,031,044)
Proceeds of advanced refunding bond issuance	-	-	9,380,000	9,380,000
Premium on advanced refunding bond, net of issuance costs	-	-	6,945	6,945
Payments to escrow for advanced refunding	-	-	(9,380,325)	(9,380,325)
Total other financing sources (uses)	<u>170,084</u>	<u>429,916</u>	<u>(593,380)</u>	<u>6,620</u>
Net change in fund balances	264,249	(566,714)	(541,659)	(844,124)
Fund balances—beginning	<u>8,713,106</u>	<u>1,224,865</u>	<u>1,176,623</u>	<u>11,114,594</u>
Fund balances—ending	<u>\$ 8,977,355</u>	<u>\$ 658,151</u>	<u>\$ 634,964</u>	<u>\$ 10,270,470</u>

The notes to the financial statements are an integral part of this statement.

VILLAGE OF PORT CHESTER, NEW YORK
Reconciliation of the Statement of Revenues, Expenditures and Changes in
Fund Balance of Governmental Funds to the Statement of Activities
Year Ended May 31, 2012

Amounts reported for governmental activities in the statement of activities are different because:

Net change in fund balances—total governmental funds \$ (844,124)

Governmental funds report capital outlays as expenditures. However, in the statement of activities the cost of those assets is allocated over their estimated useful lives and reported as depreciation expense. This is the amount by which depreciation exceeded capital outlay in the current period.

Net capital asset additions, deletions and reclassifications	\$ 2,149,477	
Depreciation expense	<u>(2,267,106)</u>	(117,629)

The issuance of long-term debt provides current financial resources to governmental funds, while the repayment of the principal of long-term debt consumes the current financial resources of governmental funds. Neither transaction, however, has any effect on net assets. Also, interest is recognized as an expenditure in the governmental funds when it is due. In the statement of activities, interest expense is recognized as it accrues, regardless of when it is due. The net effect of these differences in the treatment of general obligation bonds and related items is as follows:

Net principal payments on serial bonds	\$ 2,316,000	
Refunded debt	8,970,000	
Issuance of advanced refunding bonds	(9,380,000)	
Change in accrued interest	<u>(19,298)</u>	1,886,702

In the statement of activities, certain operating expenses—other post employment benefits ("OPEB"), judgments and claims, and compensated absences (vacation & sick leave)—are measured by the amounts earned during the year. In the governmental funds, however, expenditures for these items are measured by the amount of financial resources used (essentially, the amounts actually paid). The net effect of these differences is as follows:

Compensated absences	\$ (207,088)	
OPEB liability	(3,080,000)	
Judgments and claims	<u>79,480</u>	<u>(3,207,608)</u>

Change in net assets of governmental activities \$ (2,282,659)

The notes to the financial statements are an integral part of this statement.

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VILLAGE OF PORT CHESTER, NEW YORK
Statement of Revenues, Expenditures and Changes in
Fund Balances—Budget and Actual (GAAP Basis)—General Fund
Year Ended May 31, 2012

	Original Budget	Final Budget	Actual	Variance with Final Budget
REVENUES				
Property taxes	\$ 21,958,225	\$ 21,958,225	\$ 21,988,646	\$ 30,421
Other tax items	740,262	740,262	817,666	77,404
Non-property tax items	4,199,000	4,199,000	4,662,433	463,433
Departmental income	2,958,821	2,958,821	3,114,971	156,150
Use of money and property	411,700	411,700	338,351	(73,349)
Licenses and permits	154,630	154,630	268,635	114,005
Fines and forfeitures	2,019,000	2,043,010	2,182,689	139,679
Miscellaneous	76,000	81,000	99,132	18,132
State aid	616,569	616,569	725,197	108,628
Federal aid	107,360	117,159	101,374	(15,785)
Total revenues	<u>33,241,567</u>	<u>33,280,376</u>	<u>34,299,094</u>	<u>1,018,718</u>
EXPENDITURES				
Current:				
General government support	5,277,166	5,161,448	5,050,872	110,576
Public safety	10,563,255	10,793,612	10,743,178	50,434
Health	275,834	261,723	261,723	-
Transportation	1,531,750	1,302,953	1,295,799	7,154
Economic opportunity and development	412,393	371,840	367,206	4,634
Culture and recreation	2,016,864	1,968,037	1,935,666	32,371
Home and community services	2,285,216	2,172,086	2,167,264	4,822
Employee benefits	8,713,731	9,050,879	8,652,064	398,815
Debt service:				
Principal	2,716,000	2,316,000	2,316,000	-
Interest	1,413,198	1,415,158	1,415,157	1
Total expenditures	<u>35,205,407</u>	<u>34,813,736</u>	<u>34,204,929</u>	<u>608,807</u>
Excess (deficiency) of revenues over (under) expenditures	<u>(1,963,840)</u>	<u>(1,533,360)</u>	<u>94,165</u>	<u>1,627,525</u>
OTHER FINANCING SOURCES (USES)				
Transfers in	800,000	800,000	600,564	(199,436)
Transfers out	-	(430,480)	(430,480)	-
Total other financing sources (uses)	<u>800,000</u>	<u>369,520</u>	<u>170,084</u>	<u>(199,436)</u>
Net change in fund balances	(1,163,840)	(1,163,840)	264,249	1,428,089
Fund balances—beginning	<u>8,713,106</u>	<u>8,713,106</u>	<u>8,713,106</u>	<u>-</u>
Fund balances—ending	<u>\$ 7,549,266</u>	<u>\$ 7,549,266</u>	<u>\$ 8,977,355</u>	<u>\$ 1,428,089</u>

The notes to the financial statements are an integral part of this statement.

VILLAGE OF PORT CHESTER, NEW YORK
Statement of Fiduciary Net Assets—Agency Fund
May 31, 2012

	<u>Agency Fund</u>
ASSETS	
Cash and cash equivalents	\$ 1,247,533
Total assets	<u>1,247,533</u>
LIABILITIES AND NET ASSETS	
Liabilities:	
Temporary withholding liabilities	1,214,737
Due to other funds	<u>32,796</u>
Total liabilities	<u>1,247,533</u>
Net assets	<u>\$ -</u>

The notes to the financial statements are an integral part of this statement.

VILLAGE OF PORT CHESTER, NEW YORK
Notes to the Financial Statements
Year Ended May 31, 2012

1. SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES

The financial statements of the Village of Port Chester, New York (the “Village”) have been prepared in conformity with accounting principles generally accepted in the United States of America (“GAAP”) as applied to governmental units. Governmental Accounting Standards Board (“GASB”) is the accepted standard setting body for establishing governmental accounting and financial reporting principles. The more significant of the Village’s accounting policies are described below.

Reporting Entity

The Village was established pursuant to an act of the New York State Legislature in 1868. The Village operates under a Board of Trustees form of government in accordance with its Charter and the various other applicable laws of the State of New York. The Village Board of Trustees is the legislative body responsible for overall operation. The Village Manager serves as the chief executive officer and the Village Treasurer serves as the chief financial officer. The Village provides the following services to its residents: public safety, health, transportation, economic opportunity and development, culture and recreation, home and community services and general and administrative support.

Independently elected officials of the Village include the Mayor and Trustees (6).

The financial reporting entity is in accordance with Government Accounting Standards No. 14, *The Financial Reporting Entity*.

Units of local government which operate within the boundaries of the Village are the County of Westchester and the Town of Rye. Public education is provided by the Port Chester School District.

Discretely presented component unit. The following entity is considered to be a component unit to the Village’s reporting entity because of their operational or financial relationship with the Village:

The Village of Port Chester Industrial Development Agency (“Agency”) is a public benefit corporation created by State legislation to promote the economic welfare, recreation opportunities and prosperity of the Village’s inhabitants. Members of the Agency are appointed by Board of Trustees. Agency members have complete responsibility for management of the Agency and accountability for fiscal matters. The Village is not liable for Agency bonds or notes. The governing board of the Agency serves at the pleasure of the Village Board and, therefore, the Village is considered able to impose its will on the Agency. Since the Agency does not provide services entirely or almost entirely to the Village of Port Chester, the financial statements of the Agency have been reflected as a discretely presented component unit.

Government-wide and Fund Financial Statements.

The government-wide financial statements (i.e., statement of net assets and the statement of activities) report information on all of the nonfiduciary activities of the primary government. Interfund activity has been removed from these statements. *Governmental activities*, which normally are supported by taxes and intergovernmental revenues, are reported separately from *business-type* activities, which

rely to a significant extent on fees and charges for support. Likewise, the primary government is reported separately from certain legally separate component units for which the primary government is financially accountable.

The statement of activities demonstrates the degree to which the direct expenses of a given function or segments are offset by program revenues. *Direct expenses* are those that are clearly identifiable with a specific function or segment. *Indirect Expenses* have been included as part of the program expenses reported for the various functional activities. *Program revenues* include: (1) charges to customers or applicants who purchase, use, or directly benefit from goods, services, or privileges provided by a given function, and (2) grants and contributions that are restricted to meeting the operational or capital requirements of a particular function. Taxes and other items are not properly included among program revenues are reported instead as general revenues.

Separate financial statements are provided for governmental funds and fiduciary funds, even though the latter are excluded from the government-wide financial statements. Major individual governmental funds are reported as separate columns in the fund financial statements.

Measurement Focus, Basis of Accounting, and Financial Statement Presentation.

The government-wide and fiduciary fund financial statements are reported using the economic resources measurement focus and the accrual basis of accounting. Revenues are recorded when earned and expenses are recorded when a liability is incurred, regardless of the timing of the related cash flows. Grants and similar items are recognized as revenues as soon as all eligibility requirements imposed by the provider have been met.

Governmental fund statements are reported using the current financial resources measurement focus and the modified accrual basis of accounting. Revenues are recognized as soon as they are both measurable and available. Revenues are considered to be available when they are collectible within the current period or soon enough thereafter to pay liabilities of the current period. Property taxes are considered to be available if collected within sixty-days of the fiscal year end. A ninety-day availability period is used for revenue recognition for all other governmental fund revenues. Property taxes associated with the current fiscal period as well as charges for services and intergovernmental revenues are considered to be susceptible to accrual and have been recognized as revenues of the current fiscal period. Fees and other similar revenues are not susceptible to accrual because generally they are not measurable until received in cash. If expenditures are the prime factor for determining eligibility, revenues from Federal and State grants are accrued when the expenditure is made. Expenditures generally are recorded when a liability is incurred, as under accrual accounting. However, debt service expenditures, as well as expenditures related to compensated absences, certain claims and other post-employment benefit obligations are recorded only when payment is due. General capital asset acquisitions are reported as expenditures in governmental funds. Issuance of long-term debt and acquisitions under capital leases are reported as other financing sources.

Property taxes, sales taxes, franchise taxes, licenses and interest associated with the current fiscal period are all considered to be susceptible to accrual and so have been recognized as revenues of the current fiscal period. There were no significant revenues considered as not subject to accrual.

The Village considers the following governmental funds as major funds:

- ◆ *General Fund*—The General Fund constitutes the primary operating fund of the Village in that it includes all revenues and expenditures not required by law to be accounted for in other funds.
- ◆ *Capital Projects Fund*—The Capital Projects Fund is used to account for financial resources to be used for the acquisition or construction of major capital facilities.

Additionally, the Village reports the following governmental funds:

- ◆ *Special Purpose Fund*—This fund is used to account for specific purposes that were created to benefit the Village, generally funded through gifts and donations.
- ◆ *Debt Service Fund*—This is used to account for resources accumulated and reserved for future debt service.

Fiduciary Fund—The Agency Fund is used to account for assets held by the Village as an agent for individuals, other governments, or other funds.

Private sector standards of accounting and financial reporting issued prior to December 1, 1989, generally are followed in the government-wide financial statements to the extent that those standards do not conflict with or contradict guidance of the GASB.

As a general rule, the effect of interfund activity has been eliminated from the government-wide financial statements.

Amounts reported as program revenues include 1) charges to customers or applicants for goods, services, or privileges provided, 2) operating grants and contributions, and 3) capital grants and contributions. General revenues are those that cannot be associated directly with program activities.

When both restricted and unrestricted resources are available for use, it is the Village's policy to use restricted resources first, then unrestricted resources as they are needed.

Budgets and Budgetary Accounting—An annual budget for the General Fund is adopted on a basis consistent with accounting principles generally accepted in the United States of America. Encumbrances outstanding at year-end are accounted for on the lapsing method, which reappropriates encumbrances in the subsequent years' budget. Accordingly, the Village assigns fund balance for all encumbrances it intends to honor in the subsequent period. All unencumbered balances lapse at year-end.

The Capital Projects Fund and Special Purpose Fund appropriations are not included in the Village's annual budget. Instead, appropriations are approved through a Village Board resolution at the grant/project's inception and lapse upon completion/termination of the grant/project.

Encumbrances—In governmental funds, encumbrance accounting, under which purchase orders, contracts and other commitments for the expenditure of monies are recorded in order to reserve applicable appropriations, is generally employed as an extension of formal budgetary integration in the General Fund. Encumbrances outstanding at year-end are reported as commitments of fund balance since they do not constitute expenditures or liabilities.

Cash and Cash Equivalents—Cash and cash equivalents consist of cash on hand, funds deposited in demand deposit accounts, time deposit accounts and certificates of deposit with original maturities of three months or less from the date of acquisition.

Restricted Cash and Cash Equivalents—Unspent proceeds from debt are reported as restricted cash and cash equivalents within the Village’s Capital Projects Fund. The proceeds of debt can only be used for the stated purpose of the borrowing. The Village also reports restricted cash within its General Fund, Special Purpose Fund and Debt Service Fund, which represents amounts with constraints placed on their use by either external parties and/or statute.

Investments—The Village has no investments at May 31, 2012; however, it is the Village’s policy to state investments at fair value when applicable.

Property Taxes—Village property taxes are levied annually on June 1. The Village tax rate is based on the amount per \$1,000 assessed valuation. Taxes may be paid to the Village between June 1 and December 31.

Outstanding taxes as of November 1 are forwarded to Westchester County for re-levy and collection. The County pays the Village the amount of its outstanding taxes prior to the end of the Village’s fiscal year.

Capital Assets—Capital assets, which include property, buildings, equipment and infrastructure assets (e.g. roads, bridges, drainage systems and similar items) are reported in the governmental activities column in the government-wide financial statements. Capital assets are defined by the Village as assets with an initial individual cost of more than \$2,500 and an estimated useful life in excess of one year. Such assets are recorded at historical cost or estimated historical cost if purchased or constructed. Donated capital assets are recorded at estimated fair market value at the date of donation.

In the case of the initial capitalization of general infrastructure assets (i.e., those reported by governmental activities), the Village chose to include all such items regardless of their acquisition date or amount. The Village was able to estimate the historical cost for the initial reporting of these assets through backtrending (i.e., estimating the current replacement cost of the infrastructure to be capitalized and using an appropriate price level index to deflate the cost to the acquisition year or estimated acquisition year).

Property, plant, equipment and infrastructure of the Village are depreciated using the straight line method over the following estimated useful lives:

	<u>Years</u>
Land improvements	10-50
Buildings and improvements	20-50
Infrastructure	25-50
Machinery and equipment	5-10

Risk Management—The Village is exposed to various risks of loss related to damage and destruction of assets, vehicle liability, injuries to employees, health insurance and unemployment insurance. These risks are covered by commercial insurance purchased from independent third parties.

Compensated Absences—The various collective bargaining agreements provide for the payment of accumulated vacation and sick leave upon separation from service. The liability for such accumulated leave is reflected in the government-wide financial statements as current and long-term liabilities. A liability for these amounts is reported in the governmental funds only if the liability has matured through employee resignation or retirement. The liability for compensated absences includes salary related payments, where applicable.

Pensions—Nearly all Village employees are members of various New York State retirement systems. The Village is invoiced annually by the systems for its share of the costs.

Unearned/Deferred Revenues—Unearned/deferred revenues arise when assets are recognized before revenue recognition criteria have been satisfied. In government-wide financial statements, unearned revenues consist of amounts from grants received before the eligibility requirements have been met.

Estimates—The preparation of the financial statements in conformity with generally accepted accounting principles requires management to make estimates and assumptions that affect the reported amounts of assets and liabilities and disclosures of contingent assets and liabilities at the date of the financial statements. Estimates also affect the reported amounts of revenues and expenditures/expenses during the reporting period. Actual results could differ from those estimates.

Adoption of New Accounting Pronouncements—During the year ended May 31, 2012, the Village adopted the provisions of Governmental Accounting Standards Board (“GASB”) Statement No. 54, *Fund Balance Reporting and Governmental Fund Type Definitions*, which requires the Village to change its fund balance classifications for governmental funds. The new classifications are explained as follows:

Nonspendable fund balance—Amounts that are not in a spendable form (such as inventory or prepaids) or are required to be maintained intact (such as the corpus of an endowment fund).

Restricted fund balance—Amounts constrained to specific purposes by their providers (such as grantors, bondholders, and higher levels of government) through constitutional provisions or by enabling legislation.

Committed fund balance—Amounts constrained to specific purposes by a government itself using its highest level of decision-making authority (Village Board); to be reported as committed, amounts cannot be used for any other purpose unless the government takes the same highest-level action to remove or change the constraint.

Assigned fund balance—Amounts a government intends to use for a specific purpose; intent can be expressed by the governing body or by an official or body (Treasurer) to which the governing body delegates the authority.

Unassigned fund balance—Amounts that are available for any purpose; these amounts are reported only in the general fund.

Additionally, during the year ended May 31, 2012, the Village adopted the provisions of GASB Statement No. 59, *Financial Instruments Omnibus*. GASB Statement No. 59 did not have a material impact on the Village’s financial position or results from operations.

Future Impacts of Accounting Pronouncements — The Village has not completed the process of evaluating the impact that will result from adopting GASB Statement No. 57, *OPEB Measurements by Agent Employers and Agent Multiple-Employer Plans*; No. 60, *Accounting and Financial Reporting for Service Concession Arrangements*; No. 62, *Codification of Accounting and Financial Reporting Guidance Contained in Pre-November 30, 1989 FASB and AICPA Pronouncements*; No. 63, *Financial Reporting of Deferred Outflows of Resources, Deferred Inflows of Resources, and Net Position*; and No. 64, *Derivative Instruments: Application of Hedge Accounting Termination Provisions—an amendment of GASB Statement No. 5*, effective May 31, 2013; and No. 61, *The Financial Reporting Entity: Omnibus—an amendment of GASB Statements No. 14 and No. 34*; No. 65, *Items Previously Reported As Assets and Liabilities*; and No. 66, *Technical Corrections-2012—an amendment of GASB Statements No. 10 and No. 62*, effective May 31, 2014; and No. 67, *Financial Reporting for Pension Plans*, effective May 31, 2015; and No. 68, *Accounting and Financial Reporting for Pensions*, effective May 31, 2016. The Village is therefore unable to disclose the impact that adopting GASB Statements No. 57, 60, 61, 62, 63, 64, 65, 66, 67 and 68 will have on its financial position and results of operations when such statements are adopted.

2. LEGAL COMPLIANCE—BUDGETS

Budgets and Budgetary Accounting—The Village generally follows these procedures in establishing the budgetary data reflected in the financial statements:

1. On or before March 20th, the budget officer submits to the Village Clerk a “tentative” operating budget for the following fiscal year to commence on June 1st. This budget includes the proposed expenditures and means of financing.
2. The Board of Trustees, on or before March 31st, meets to discuss and review the tentative budget.
3. The Board of Trustees conducts a public hearing on the tentative budget to obtain taxpayer comments on or before April 15th.
4. After the public hearing and on or before May 1st, the Trustees meet to consider and adopt the budget.
5. Formal budgetary integration is employed during the year as a management control device for the General Fund.
6. A budget for the General Fund is legally adopted annually on a basis consistent with generally accepted accounting principles. The Capital Projects Fund is budgeted on a project basis. Annual budgets are not adopted for the Debt Service, Section 8 Housing Assistance or Special Purpose funds.
7. The Village Board has established legal control on the budget at the function level of expenditures. Transfers between appropriation accounts, at the function level, require approval by the Board of Trustees. Any modifications to appropriations resulting from increases in revenue estimates or supplemental reserve appropriations also require a majority vote by the Board.
8. Appropriations in the General Fund lapse at the end of the fiscal year, except that outstanding encumbrances are reappropriated in the succeeding year, pursuant to the Uniform System of Accounts promulgated by the Office of the State Comptroller.

3. CASH, CASH EQUIVALENTS AND INVESTMENTS

The Village's investment policies are governed by State statutes. The Village has adopted its own written investment policy which provides for the deposit of funds in FDIC insured commercial banks or trust companies located within the State. The Village is authorized to use demand deposit accounts, time deposit accounts and certificates of deposit. Permissible investments include obligations of the U.S. Treasury, U.S. Agencies, repurchase agreements and obligations of New York State or its political subdivisions.

Collateral is required for demand deposit accounts, time deposit accounts and certificates of deposit at 100% of all deposits not covered by Federal deposit insurance. The Village has entered into custodial agreements with the various banks which hold their deposits. These agreements authorize the obligation that may be pledged as collateral. Such obligations include, among other instruments, obligations of the United States and its agencies and obligations of the State and its municipal and school district subdivisions. Cash at year-end consisted of:

	Governmental Activities	Fiduciary Fund	Balance
Petty cash (uncollaterized)	\$ 1,150	\$ -	\$ 1,150
Deposits	<u>11,838,262</u>	<u>1,247,533</u>	<u>13,085,795</u>
Total	<u>\$ 11,839,412</u>	<u>\$ 1,247,533</u>	<u>\$ 13,086,945</u>
Cash and cash equivalents		\$ 6,115,546	
Restricted cash and cash equivalents		5,723,866	
Cash held in Agency Fund		<u>1,247,533</u>	
Total		<u>\$ 13,086,945</u>	

Deposits—All deposits are carried at fair value.

The following is a summary of deposits:

	Bank Balance	Carrying Balance
FDIC Insured	\$ 8,932,759	\$ 8,069,552
Uninsured:		
Collateral held by bank's agent in the Village's name	<u>5,016,484</u>	<u>5,016,243</u>
	<u>\$ 13,949,243</u>	<u>\$ 13,085,795</u>

Custodial Credit Risk—In the case of deposits, this is the risk that in the event of a bank failure, the Village's deposits may not be returned to it. For investments, this is the risk that, in the event of the failure of the counterparty, the Village will not be able to recover the value of its investments that are in the possession of an outside party. By State statute all deposits in excess of FDIC insurance coverage must be collateralized. As of May 31, 2012, all uninsured bank deposits were fully collateralized with securities held by the pledging financial institution's trust department or agent in the Village's name.

Restricted cash of \$3,086,485 is reported within the Capital Projects Fund for amounts representing nonoperating cash that has been raised through borrowings. The use of these proceeds is limited to the specific purpose of the issue. Additionally, the Village reports \$2,002,669, \$70,072 and \$564,640 in the General Fund, Special Purpose Fund and Debt Service Fund, respectively, which represent amounts with constraints placed on their use by either external parties and/or statute.

Investments—The Village reported no investments at May 31, 2012.

Port Chester Industrial Development Agency

The Agency’s investment policies are governed by New York State statutes. There were no investments at May 31, 2012. All deposits are carried at fair value.

Cash and cash equivalents:

	<u>May 31, 2012</u>	
	<u>Carrying Amount</u>	<u>Bank Balance</u>
FDIC Insured	<u>\$ 319,400</u>	<u>\$ 319,400</u>

4. PROPERTY TAX

The Village is permitted by the State Constitution to levy taxes up to 2% of the five year average full valuation of taxable real estate located within the Village and any amounts appropriated for debt service. In accordance with this definition, the maximum amount of the levy for 2011-2012 was \$60,627,390, which exceeded the actual levy by \$38,669,165.

5. RECEIVABLES

Accounts Receivable—Represents Village Court fees and fines turned over to the Treasurer’s Office and utility taxes and franchise fees for business operation within the Village. Other miscellaneous items are also included. Amounts due to the Village at May 31, 2012 are:

General Fund:		
Village Court	\$ 180,309	
Utility taxes	77,996	
Franchise fees	50,374	
Miscellaneous	<u>200,682</u>	\$ 509,361
Capital Projects Fund:		<u>8,903</u>
Total		<u>\$ 518,264</u>

Due from Other Governments—Represents amounts due from other units of government, such as Federal, New York State, County of Westchester, other local governments. Amounts due the Village at May 31, 2012 are:

General Fund:			
Westchester County:			
Taxes receivable		\$ 1,486,190	
Other		<u>55,576</u>	\$ 1,541,766
Capital Projects Fund:			
Various grants		138,879	
New York State:			
Department of Transportation		<u>11,500</u>	<u>150,379</u>
Total			<u>\$ 1,692,145</u>

6. INTERFUNDS

Interfund receivables and payables of the Village at May 31, 2012 consisted of the following:

	Interfund	
	Receivable	Payable
Governmental funds:		
General Fund	\$ 2,796	\$ 15,000
Capital Projects Fund	45,000	252
Debt Service Fund	252	-
Fiduciary Fund	<u>-</u>	<u>32,796</u>
Total	<u>\$ 48,048</u>	<u>\$ 48,048</u>

The outstanding balances between funds result from payments made on behalf of other funds or temporary advances.

The Village made the following transfers during the year ended May 31, 2012:

	Transfers out:			
	General Fund	Capital Projects Fund	Debt Service Fund	Total
Transfers in:				
General Fund	\$ -	\$ 564	\$ 600,000	\$ 600,564
Capital Projects Fund	<u>430,480</u>	<u>-</u>	<u>-</u>	<u>430,480</u>
	<u>\$ 430,480</u>	<u>\$ 564</u>	<u>\$ 600,000</u>	<u>\$ 1,031,044</u>

Transfers are used primarily to move funds from the Debt Service Fund to the General Fund for the payment on the Village's bonded debt. Additionally, transfers move amounts earmarked in the operating funds to fulfill commitments for Capital Projects and General Funds' expenditures.

7. CAPITAL ASSETS

Capital asset activity for the year ended May 31, 2012 was as follows:

	Balance June 1, 2011	Reclassifications and Additions	Deletions	Balance May 31, 2012
Capital assets, not being depreciated:				
Land	\$ 606,100	\$ -	\$ -	\$ 606,100
Construction in progress	<u>6,076,093</u>	<u>2,086,390</u>	<u>5,526,913</u>	<u>2,635,570</u>
Total capital assets, not being depreciated	<u>6,682,193</u>	<u>2,086,390</u>	<u>5,526,913</u>	<u>3,241,670</u>
Capital assets, being depreciated:				
Land improvements	5,000,534	660,037	-	5,660,571
Building and improvements	19,751,180	284,748	-	20,035,928
Infrastructure	17,675,924	3,954,877	-	21,630,801
Machinery and equipment	<u>12,980,317</u>	<u>690,338</u>	<u>-</u>	<u>13,670,655</u>
Total capital assets, being depreciated	<u>55,407,955</u>	<u>5,590,000</u>	<u>-</u>	<u>60,997,955</u>
Less accumulated depreciation for:				
Land improvements	(1,251,721)	(229,073)	-	(1,480,794)
Building and improvements	(3,429,134)	(567,301)	-	(3,996,435)
Infrastructure	(4,308,466)	(692,291)	-	(5,000,757)
Machinery and equipment	<u>(9,208,059)</u>	<u>(778,441)</u>	<u>-</u>	<u>(9,986,500)</u>
Total accumulated depreciation	<u>(18,197,380)</u>	<u>(2,267,106)</u>	<u>-</u>	<u>(20,464,486)</u>
Total capital assets, being depreciated, net	<u>37,210,575</u>	<u>3,322,894</u>	<u>-</u>	<u>40,533,469</u>
Governmental activities capital assets, net	<u>\$ 43,892,768</u>	<u>\$ 5,409,284</u>	<u>\$ 5,526,913</u>	<u>\$ 43,775,139</u>

Depreciation expense was charged to functions of the governmental activities as follows:

Governmental activities:	
General government support	\$ 434,759
Public safety	671,838
Transportation	680,856
Economic opportunity and development	22,161
Culture and recreation	254,029
Home and community service	<u>203,463</u>
Total depreciation expense	<u>\$ 2,267,106</u>

8. SHORT-TERM DEBT

Liabilities for bond anticipation notes (“BANs”) are generally accounted for in the capital projects fund. The notes or renewal thereof may not extend more than two years beyond the original date of issue unless a portion is redeemed within two years and within each 12-month period thereafter. State law requires that BANs issued for capital purposes be converted to long-term obligations within five years after the original issue date. However, BANs issued for assessable improvement projects may be renewed for periods equivalent to the maximum life of the permanent financing, provided that stipulated annual reductions of principal are made.

A summary of short-term debt for the Village follows:

Description	Interest Rate	Balance		Payments	Balance May 31, 2012
		June 1, 2011	Additions		
Bond Anticipation Note	1.00%	\$ 2,000,000	\$ -	\$ 2,000,000	\$ -
Bond Anticipation Note	0.54%	-	1,600,000	-	1,600,000
		<u>\$ 2,000,000</u>	<u>\$ 1,600,000</u>	<u>\$ 2,000,000</u>	<u>\$ 1,600,000</u>

9. LONG-TERM DEBT

Serial Bonds—The Village borrows money in order to acquire land or equipment or construct buildings and improvements. This enables the cost of these capital assets to be borne by the present and future taxpayers receiving the benefit of the capital assets. These long-term liabilities, which are full faith and credit debt of the local government, are included in the government-wide statements. The provision to be made in future budgets for capital indebtedness represents the amount exclusive of interest, authorized to be collected in future years from taxpayers and others for liquidation of the long-term liabilities.

Current Year’s Advanced Refundings—During the current year, the Village issued \$6,975,000 in tax exempt Refunding Serial Bonds, Series 2012A (“2012A Bonds”), which collectively refund \$4,355,000 and \$2,420,000 of the previously issued 2002A and 2003A bonds, respectively, originally issued for various purposes. The interest on the 2012A Bonds ranges from 2.0% to 3.0%. The payment to escrow agent totaled \$7,002,580 and reoffering premium (net of issuance costs and underwriter’s discounts) were \$27,580. The net proceeds (after payment of the underwriting fee and other costs of issuance) were used to purchase non-callable, direct obligations of the United States of America, with the remaining cash proceeds from the sale of the bonds, and placed in an irrevocable trust fund to pay the principal of, interest on and applicable redemption premium of the refunded bonds on their date of redemption. As a result, \$4,355,000 and \$2,420,000 of the original 2002A and 2003A bonds, respectively, are considered fully refunded and the liability of those bonds, the outstanding balance at the time of the 2012A Bonds refinancing totaled \$6,775,000, has been removed from the financial statements. The 2012A refinancing resulted in cash flow savings of \$711,244 and an estimated economic gain of \$715,373.

Additionally during the current year, the Village issued \$2,405,000 in taxable Refunding Serial Bonds, Series 2012B (“2012B Bonds”), which collectively refund \$2,195,000 of the previously issued 2003B bonds, originally issued for various purposes. The interest on the 2012B Bonds ranges from 2.0% to 3.3%. The payment to escrow agent totaled \$2,377,745 and issuance costs (net of reoffering premium and underwriter’s discounts) were \$27,255. The net proceeds (after payment of the underwriting fee and other costs of issuance) were used to purchase non-callable, direct obligations of the United States of America, with the remaining cash proceeds from the sale of the

bonds, and placed in an irrevocable trust fund to pay the principal of, interest on and applicable redemption premium of the refunded bonds on their date of redemption. As a result, \$2,195,000 of the original 2003B bonds are considered fully refunded and the liability of those bonds, the outstanding balance at the time of the 2012B Bonds refinancing totaled \$2,195,000, has been removed from the financial statements. The 2012B refinancing resulted in cash flow savings of \$250,613 and an estimated economic gain of \$252,609.

Principal is paid annually, interest is paid semiannually and is recorded in the General Fund. A summary of additions and payments of bonds payable for the year ended May 31, 2012 is shown below:

	Interest Rate	Maturity	Balance June 1, 2011	Additions	Deletions	Balance May 31, 2012
General Fund:						
Serial Bond Issue	5.10%	1996-2011	\$ 165,000	\$ -	\$ 165,000	\$ -
Serial Bond Issue	4.10%	2002-2022	5,030,000	-	4,685,000	345,000
Serial Bond Issue	4.02%	2003-2024	2,905,000	-	2,575,000	330,000
Serial Bond Issue	5.70%	2003-2024	2,605,000	-	2,325,000	280,000
Serial Bond Issue	3.83%	2004-2021	2,800,000	-	205,000	2,595,000
Serial Bond Issue	3.96%	2005-2025	4,345,000	-	210,000	4,135,000
Serial Bond Issue	4.00%	2006-2026	2,725,000	-	120,000	2,605,000
Serial Bond Issue	3.75%	2007-2024	5,815,000	-	310,000	5,505,000
Serial Bond Issue	4.25%	2008-2028	2,255,000	-	95,000	2,160,000
Brody Settled Claim	2.50%	2009-2015	400,000	-	100,000	300,000
Serial Bond Issue	3.49%	2009-2026	3,756,000	-	196,000	3,560,000
Refunding Bond Issue	3.00%	2011-2021	3,440,000	-	300,000	3,140,000
Refunding Bond Issue	2.00-3.00%	2012-2025	-	6,975,000	-	6,975,000
Refunding Bond Issue	2.00-3.30%	2012-2025	-	2,405,000	-	2,405,000
Total General Fund			<u>\$ 36,241,000</u>	<u>\$ 9,380,000</u>	<u>\$ 11,286,000</u>	<u>\$ 34,335,000</u>

Compensated Absences—As explained in Note 1, the Village records the value of compensated absences. Pursuant to collective bargaining agreements, civil service employees are entitled to be compensated for accumulated sick leave. Police employees do not receive compensation for accumulated sick leave. Vacation days may be accumulated at the discretion of the Village Manager. A non-current liability totaling \$4,369,045 has been recorded, of which management estimates that \$218,452 is due within one year. Since the payment of compensated absences is dependent upon many factors, the timing of future payments is not readily determinable.

Judgments and Claims—The government-wide financial statements reflect the liability for workers' compensation and general liability claims. These amounts are based upon estimates of the ultimate cost of claims (including future claim adjustment expenses) that have been reported, but not settled, and of claims that have been incurred but not reported ("IBNR"). The length of time for which such costs must be estimated varies depending on the coverage involved. Because actual claims costs depend on such complex factors as inflation, changes in doctrines of legal liability and damage awards, the process used in computing claims liabilities does not necessarily result in an exact amount. Claim liabilities are recomputed periodically using a variety of actuarial and statistical techniques. The variety of techniques produces current estimates that reflect recent settlements, claims frequency and other economic and social factors. A provision for inflation in the calculation of estimated future claims is implicit in the calculation because reliance is placed both on actual

historical data that reflects past inflation and other factors that are considered to be appropriate modifiers of past experience.

An analysis of the activity of unpaid claims liabilities for the past two years is as follows:

	<u>Workers'</u> <u>Compensation</u>	<u>General</u> <u>Liability</u>	<u>Total</u>
Balance at June 1, 2011	\$ 1,602,950	\$ 314,449	\$ 1,917,399
Provision for claims and claims adjustments expenses	1,541,933	197,674	1,739,607
Claims and claims adjustment expenses paid	<u>(1,612,890)</u>	<u>(206,197)</u>	<u>(1,819,087)</u>
Balance at May 31, 2012	<u>\$ 1,531,993</u>	<u>\$ 305,926</u>	<u>\$ 1,837,919</u>

	<u>Workers'</u> <u>Compensation</u>	<u>General</u> <u>Liability</u>	<u>Total</u>
Balance at June 1, 2010	\$ 1,173,276	\$ 168,700	\$ 1,341,976
Provision for claims and claims adjustments expenses	1,812,535	198,177	2,010,712
Claims and claims adjustment expenses paid	<u>(1,382,861)</u>	<u>(52,428)</u>	<u>(1,435,289)</u>
Balance at May 31, 2011	<u>\$ 1,602,950</u>	<u>\$ 314,449</u>	<u>\$ 1,917,399</u>

OPEB Liability—The Village provides health insurance coverage and/or payment for fractional values of unused sick leave to eligible retired employees. See Note 10.

Annual principal requirements to amortize all debt outstanding as of May 31, 2012 are:

<u>Year ending</u> <u>May 31,</u>	<u>Serial</u> <u>Bonds</u>	<u>Compensated</u> <u>Absences</u>	<u>Judgments</u> <u>and Claims</u>	<u>OPEB</u> <u>Liability</u>	<u>Total</u>
2013	\$ 2,340,000	\$ 218,452	\$ 91,896	\$ -	\$ 2,650,348
2014	2,430,000	-	-	-	2,430,000
2015	2,510,000	-	-	-	2,510,000
2016	2,500,000	-	-	-	2,500,000
2017	2,580,000	-	-	-	2,580,000
2018-2022	13,830,000	-	-	-	13,830,000
2023-2027	7,965,000	-	-	-	7,965,000
Beyond	180,000	4,150,593	1,746,023	10,180,000	16,256,616
Total	<u>\$ 34,335,000</u>	<u>\$ 4,369,045</u>	<u>\$ 1,837,919</u>	<u>\$ 10,180,000</u>	<u>\$ 50,721,964</u>

Summary of Changes in Long-Term Debt—The following is a summary of changes in long-term debt for the year ended May 31, 2012:

	Balance June 1, 2011	Additions	Deletions	Balance May 31, 2012	Due Within One Year
Bonds payable	\$ 36,241,000	\$ 9,380,000	\$ 11,286,000	\$ 34,335,000	\$ 2,340,000
Compensated absences	4,161,957	1,572,374	1,365,286	4,369,045	218,452
OPEB liability	7,100,000	4,840,000	1,760,000	10,180,000	-
Judgements and claims	1,917,399	1,739,607	1,819,087	1,837,919	91,896
Total	<u>\$ 49,420,356</u>	<u>\$ 17,531,981</u>	<u>\$ 16,230,373</u>	<u>\$ 50,721,964</u>	<u>\$ 2,650,348</u>

10. PENSION PLANS

Plan Description—The Village participates in the New York and Local Employees’ Retirement System (“ERS”) and the New York State and Local Police and Fire Retirement System (“PFRS”). These are cost-sharing multiple-employer retirement systems. The Systems provide retirement benefits as well as death and disability benefits. Obligations of employers and employees to contribute and benefits to employees are governed by the New York State Retirement and Social Security Law (“NYSRSSL”). As set forth in the NYSRSSL, the Comptroller of the State of New York (“Comptroller”) serves as sole trustee and administrative head of the Systems. The Comptroller shall adopt and may amend rules and regulations for the administration and transaction of the business of the Systems and for custody and control of their funds. The Systems issue a publicly available financial report that includes financial statements and required supplementary information. That report may be obtained by writing to the New York State and Local Retirement Systems, 110 State Street, Albany, NY 12244.

Funding Policy—The Systems are noncontributory except for employees who joined the New York State and Local Employees’ Retirement System after July 27, 1976 who contribute 3% of their salary for the first ten years of membership, and employees who joined on or after January 10, 2010 (ERS) or January 9, 2010 (PFRS) who generally contribute 3% of their salary for their entire length of service. Those joining after April 1, 2012 (Tier 6) are required to contribute three and one-half percent (3.5%) of their annual salary until March 31, 2013, after which the contribution percentage will be based on salary. Under the authority of the NYSRSSL, the Comptroller annually certifies the actuarially determined rates expressly used in computing the employers’ contributions based on salaries paid during the New York State Local Retirement Systems fiscal year ending March 31.

The Village is required to contribute at an actuarially determined rate. The required contributions for the current year and two preceding years were:

	ERS	PFRS
2012	\$ 695,379	\$ 1,545,170
2011	633,122	1,302,688
2010	415,940	1,199,314

The Village contributions made to the System were equal to 100 percent of the contributions required for each year.

11. OTHER POSTEMPLOYMENT BENEFITS

Plan Description—In addition to providing pension benefits, the Village provides health insurance coverage and/or payment for fractional values of unused sick leave to eligible retired employees. The various collective bargaining agreements stipulate the employees covered and the percentage of contribution. Contributions by the Village may vary according to length of service. The cost of providing post-employment benefits is shared between the Village and the retired employee. Substantially all of the Village’s employees may become eligible for these benefits if they reach normal retirement age while working for the Village. The cost of retiree health care benefits is recognized as an expenditure/payable as claims are paid. There were 117 retirees receiving health care benefits at May 31, 2012.

Funding Policy—The employer’s funding policy is to contribute the current annual premium (net of employee contributions) for all retired participants (i.e., pay-as-you-go). Current New York State law prohibits municipalities from pre-funding retiree medical benefit obligations in a Trust, although pre-funding moneys can arguably be “set aside” on the municipality’s balance sheet.

The Village’s annual OPEB cost is calculated based on the annual required contributions (“ARC”) of the employer, an amount actuarially determined in accordance with the parameters of GASB Statement No. 45, *Accounting and Financial Reporting by Employers for Postemployment Benefits Other Than Pensions*. The ARC represents a level of funding that, if paid on an ongoing basis, is projected to cover the normal cost each year and amortize any unfunded actuarial liability over a period not to exceed thirty years.

The table on the following page shows the components of the Village’s annual OPEB cost for the past two years, the amount actually contributed to the plan, and the changes in the Village’s net OPEB obligation.

	2012	2011
Annual required contribution	\$ 4,935,000	\$ 4,720,000
Interest on net OPEB obligation	320,000	180,000
Adjustment to annual required contribution	<u>(415,000)</u>	<u>(230,000)</u>
Annual OPEB costs (expense)	4,840,000	4,670,000
Contributions made	<u>(1,760,000)</u>	<u>(1,600,000)</u>
Increase in net OPEB obligation	3,080,000	3,070,000
Net OPEB obligation - beginning of year	<u>7,100,000</u>	<u>4,030,000</u>
Net OPEB obligation - end of year	<u><u>\$ 10,180,000</u></u>	<u><u>\$ 7,100,000</u></u>

As of June 1, 2011, the most recent actuarial valuation date, the plan was not funded. Since there were no assets, the unfunded actuarial liability for benefits was \$55,870,000.

Actuarial valuations of an ongoing plan involve estimates of the value of reported amounts and assumptions about the probability of occurrence of events far into the future. Examples include assumptions about future employment, mortality and the healthcare cost trend. Amounts determined regarding the funded status of the plan and the annual required contributions of the employer are subject to continual revision as actual results are compared with past expectations and new estimates are made about the future.

Funding Status and Funding Progress—As of May 31, 2012, the Village has had three actuarial valuations performed. Accordingly, information from the studies is presented in the Village’s Schedule of Funding Progress and the Schedule of the Village’s Contributions below.

Actuarial Valuation Date	Actuarial Value of Assets	Actuarial Accrued Liability ("AAL")	Unfunded AAL ("UAAL")	Funded Ratio	Covered Payroll	Ratio of UAAL to Budget Covered Payroll
As of June 1, 2009	\$ -	\$ 51,800,000	\$ 51,800,000	0%	\$ 14,680,000	3.53
As of June 1, 2010	-	53,920,000	53,920,000	0%	15,560,000	3.47
As of June 1, 2011	-	55,870,000	55,870,000	0%	15,140,000	3.69

The Schedule of the Village’s Contributions is shown below:

Year Ended May 31,	Annual OPEB Cost	Contributions Made	Percentage Contributed
2010	\$ 3,480,000	\$ 1,400,000	40%
2011	4,670,000	1,600,000	34%
2012	4,840,000	1,760,000	36%

Actuarial Methods and Assumptions—Calculations are based on the types of benefits provided under the terms of the substantive plan, the plan as understood by the employer and the plan members, at the time of the valuation and on the pattern of cost sharing between the employee and plan members. The projection of benefits does not incorporate the potential effect of a change in the pattern of cost sharing between the employer and plan members in the future. Calculations reflect a long-term perspective, so methods and assumptions used include techniques that are designed to reduce short-term volatility.

In the June 1, 2011 actuarial valuation, the projected unit credit method was used. The actuarial assumptions included a valuation date of June 1, 2011 and measurement date of May 31, 2012. The expected investment rate of return on employer’s assets is 4.5%. The rate is based on the projected long-term earning rate of the assets expected to be available to pay benefits. Since the Village does not currently segregate funding for these benefits, the appropriate rate is the expected return on the employer’s assets. The expected inflation rate is 3.0%. The RP-2007 Mortality Table for males and females is used for mortality rates. The rates of decrement due to disability are assumed to be zero. The assumed rates of increase in health care vary from 5.0% to 9.5% and the administrative fees are assumed to increase at 3.0% per year. The unfunded actuarial accrued liability is being amortized over 30 years on a level dollar open basis, therefore the remaining amortization period at May 31, 2012 was twenty-six years.

12. AGENCY FUND

An agency fund exists for employee withholding and temporary deposit funds. The following is a summary of changes in assets and liabilities during the year ended May 31, 2012:

	Balance June 1, 2011	Additions	Deletions	Balance May 31, 2012
ASSETS				
Cash	\$ 1,327,005	\$ 18,207,198	\$ 18,286,670	\$ 1,247,533
Total assets	<u>\$ 1,327,005</u>	<u>\$ 18,207,198</u>	<u>\$ 18,286,670</u>	<u>\$ 1,247,533</u>
 LIABILITIES				
Temporary withholdings liabilities	\$ 1,324,810	\$ 17,857,635	\$ 17,967,708	\$ 1,214,737
Accounts payable	-	1,497,268	1,497,268	-
Due to other funds	2,195	17,472,799	17,442,198	32,796
Total liabilities	<u>\$ 1,327,005</u>	<u>\$ 36,827,702</u>	<u>\$ 36,907,174</u>	<u>\$ 1,247,533</u>

13. LABOR RELATIONS

Village employees are represented by four bargaining units with the balance governed by Village Board rules and regulations. The Port Chester Police Association has a contract settled through May 31, 2013. The CSEA Civil Service, Port Chester Professional Fire Fighters Association and the CSEA Supervisory Unit have unsettled contracts and are in negotiations as of May 31, 2012.

14. NET ASSETS AND FUND BALANCE

The government wide financial statements utilize a net assets presentation. Net Assets are categorized as invested in capital assets (net of related debt), restricted and unrestricted.

- ◆ **Investment in Capital Assets, Net of Related Debt**—This category groups all capital assets, including infrastructure, into one component of net assets. Accumulated depreciation and the outstanding balances of debt that are attributable to the acquisition, construction or improvement of these assets reduce the balance in this category.

Capital assets, net of accumulated depreciation	\$ 43,775,139
Related debt:	
Serial bonds:	
Total serial bonds issued for capital assets	(30,920,100)
Total bond anticipation notes issued for capital assets	(1,600,000)
Unspent debt proceeds reserved in capital projects	<u>1,938,631</u>
Net serial bonds issued for capital assets	<u>(30,581,469)</u>
Investment in capital assets, net of related debt	<u>\$ 13,193,670</u>

- ◆ **Restricted Net Assets**—This category presents external restrictions imposed by creditors, grantors, contributors, or laws and regulations of other governments and restrictions imposed by law through constitutional provisions or enabling legislation.

Workers' compensation payments	\$ 1,888,382
Liability claims	114,287
Special purposes	70,072
Debt service	<u>564,892</u>
Restricted Net Assets	<u>\$ 2,637,633</u>

- ◆ **Unrestricted Net Assets**—This category represents net assets of the Village not restricted for any project or other purpose.

In the fund financial statements, nonspendable amounts represent net current financial resources that cannot be spent because they are either not in spendable form or legally or contractually required to be maintained intact. Nonspendable fund balance maintained by the Village at May 31, 2012 includes:

- ◆ **Prepaid Expenses**—Represents amounts, \$729,432, prepaid to the New York State retirement system and the Village's workers' compensation administrator that are applicable to future accounting periods.

In the fund financial statements, restricted fund balances are amounts constrained to specific purposes (such as grantors, bondholders, and higher levels of government) through constitutional provisions or by enabling legislation.

Restrictions of the Village at May 31, 2012 include:

Restricted for:	
Workers' compensation payments	\$ 1,888,382
Liability claims	114,287
Special purposes	70,072
Capital projects	658,151
Debt service	<u>564,892</u>
Total	<u>\$ 3,295,784</u>

- ◆ **Workers' Compensation Payments**—Represents funds provided, pursuant to General Municipal Law, to fund the Village's payments for its self-insured workers' compensation program.
- ◆ **Liability Claims**—Represents reserve established in accordance with section 6-n of the General Municipal Law and will be used to pay claims, actions or judgments against the Village that results from personal injuries or property damage.
- ◆ **Special Purposes**—Represents amounts that report the difference between assets and liabilities of the certain programs with constraints placed on their use by either external parties and/or statute.
- ◆ **Capital Projects**—Represents funds that have been reserved to fund future capital projects.
- ◆ **Debt Service**—Represents amounts within Debt Service Fund set aside for future payments on the Village's indebtedness.

Commitments are amounts that are subject to a purpose constraint imposed by a formal action of the Village's highest level of decision-making authority. As of May 31, 2012, the Village reported the following commitment:

- ◆ ***Committed for Debt Service***—Represents amounts (\$468,005) within the General Fund set aside for future payments on the Village's indebtedness.
- ◆ ***Committed for Encumbrances***—Represents amounts (\$84,940) in the General Fund which have been committed through purchase orders or contracts. The Village reported no significant encumbrances in the General Fund at May 31, 2012.

The Village Board authorizes the Village Manager to make a determination of the assigned amounts of fund balance. Assigned funds represent amounts intended to be used for a specific purpose. For example the amount appropriated to reduce the tax levy as determined through the budget process and finalized when the tax rates are established would be considered assigned fund balance. In the fund financial statements, assignments by the Village at May 31, 2012 include:

- ◆ ***Assigned for Subsequent Year's Expenditures***—Represents funds to be used to assist in supporting the subsequent year's authorized appropriations.

If the Village must use funds for emergency expenditures the Village Board shall authorize the Village Manager to expend funds first from funds classified under GASB 54 as nonspendable (if funds become available) then restricted funds. The use of committed and assigned funds as classified by GASB 54 will occur after the exhaustion of available restricted funds. Finally, if no other fund balances are available the Village will use unassigned fund balance.

15. CONTINGENCIES

The Village receives numerous notices of claims for damages occurring generally from false arrest, negligence, bodily injury, breach of contract, defamation of character and invasion of privacy. The filing of such claims commences a statutory period for initiating judicial action. There are currently numerous actions of this type pending against the Village. It is the opinion of the counsel that an adverse decision in any of the claims would not significantly impair the Village's financial condition. Additionally, the Village is subject to various tax certiorari matters.

The Village receives significant financial assistance from numerous Federal and State governmental agencies in the form of grants. The disbursement of funds received under these programs generally requires compliance with terms and conditions that are specified in the grant agreements and is subject to audit by the grantor agencies. Any disallowed expenditures resulting from such audits could become a liability of the Village. The amount, if any, of the expenditures which may be disallowed cannot be determined at this time, although the Village expects such amounts to be immaterial to the Village's financial statements.

16. SUBSEQUENT EVENTS

Management has evaluated subsequent events through September 19, 2012, which is the date the financial statements are available for issuance, and have determined there are no subsequent events that require disclosure under generally accepted accounting principles.

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COMBINING FINANCIAL STATEMENTS
AND SCHEDULES

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VILLAGE OF PORT CHESTER, NEW YORK
Combining Balance Sheet—Nonmajor Governmental Funds
May 31, 2012

	Special Purpose Fund	Debt Service Fund	Total Nonmajor Governmental Funds
ASSETS			
Restricted cash and cash equivalents	\$ 70,072	\$ 564,640	\$ 634,712
Due from other funds	-	252	252
Total assets	\$ 70,072	\$ 564,892	\$ 634,964
 LIABILITIES AND FUND BALANCES			
Fund balances:			
Restricted	\$ 70,072	\$ 564,892	\$ 634,964
Total fund balances	70,072	564,892	634,964
 Total liabilities and fund balances	 \$ 70,072	 \$ 564,892	 \$ 634,964

VILLAGE OF PORT CHESTER, NEW YORK
Combining Statement of Revenues, Expenditures, and Changes in Fund Balances—
Nonmajor Governmental Funds
Year Ended May 31, 2012

	Special Purpose Fund	Debt Service Fund	Total Nonmajor Governmental Funds
REVENUES			
Use of money and property	\$ -	\$ 3,592	\$ 3,592
Miscellaneous	<u>46,795</u>	<u>38,129</u>	<u>84,924</u>
Total revenues	<u>46,795</u>	<u>41,721</u>	<u>88,516</u>
EXPENDITURES			
Current:			
Culture and recreation	<u>36,795</u>	<u>-</u>	<u>36,795</u>
Total expenditures	<u>36,795</u>	<u>-</u>	<u>36,795</u>
Excess of revenues over expenditures	<u>10,000</u>	<u>41,721</u>	<u>51,721</u>
OTHER FINANCING SOURCES (USES)			
Transfers out	-	(600,000)	(600,000)
Proceeds of advanced refunding bond issuance	-	9,380,000	9,380,000
Premium on advanced refunding bond issuance, net of costs	-	6,945	6,945
Payments to escrow for advanced refunding	<u>-</u>	<u>(9,380,325)</u>	<u>(9,380,325)</u>
Total other financing sources (uses)	<u>-</u>	<u>(593,380)</u>	<u>(593,380)</u>
Net change in fund balances	10,000	(551,659)	(541,659)
Fund balances—beginning	<u>60,072</u>	<u>1,116,551</u>	<u>1,176,623</u>
Fund balances—ending	<u>\$ 70,072</u>	<u>\$ 564,892</u>	<u>\$ 634,964</u>

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FEDERAL AWARDS

VILLAGE OF PORT CHESTER, NEW YORK
Schedule of Expenditures of Federal Awards
Year Ended May 31, 2012

Federal Grantor/Program Title	Federal CFDA Number	Federal Program Expenditures
U.S. Department of Agriculture:		
Passed through Westchester County:		
Supplemental Nutrition Assistance Program	10.551	\$ 3,455
Total U.S. Department of Agriculture		<u>3,455</u>
U.S. Department of Housing and Urban Development:		
Passed through Westchester County:		
Community Development Block Grant/Entitlement Grants	14.218	442,850
Direct programs:		
Community Development Block Grants		
Economic Development Initiative	14.246	<u>230,227</u>
Total U.S. Department of Housing and Urban Development		<u>673,077</u>
U.S. Department of Justice—Bureau of Justice Assistance:		
Direct programs:		
Bulletproof Vest Partnership Program	16.607	947
Recovery Act - Assistance to Rural Law Enforcement to Combat Crime and Drugs Competitive Grant Program	16.810	<u>16,910</u>
Total U.S. Department of Justice—Bureau of Justice Assistance		<u>17,857</u>
U.S. Department of Health and Human Services:		
Passed through Westchester County:		
Special Programs for the Aging—Title III, Part B— Grants for Supportive Services and Senior Centers	93.044	57,101
Special Programs for the Aging—Title III, Part C— Nutrition Services	93.045	<u>22,961</u>
Total U.S. Department of Health and Human Services		<u>80,062</u>
Total expenditures of federal awards		<u>\$ 774,451</u>

The notes to the schedule of expenditures of federal awards are an integral part of this schedule.

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VILLAGE OF PORT CHESTER, NEW YORK
Notes to the Schedule of Expenditures of Federal Awards
Year Ended May 31, 2012

1. BASIS OF PRESENTATION

The accompanying schedule of expenditures of federal awards includes the federal grant activity of Village of Port Chester, New York (the "Village") and is presented on the accrual basis of accounting. The information in this schedule is presented in accordance with the requirements of OMB Circular A-133, *Audits of States, Local Governments, and Non-Profit Organizations*.

2. BASIS OF ACCOUNTING

The basis of accounting varies by federal program consistent with the underlying regulations pertaining to each program.

The amounts reported as federal expenditures generally were obtained from the appropriate federal financial reports for the applicable program and periods. The amounts reported in these federal financial reports are prepared from records maintained for each program, which are periodically reconciled with the Village's financial reporting system.

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Certified Public Accountants

**INDEPENDENT AUDITORS' REPORT ON INTERNAL CONTROL
OVER FINANCIAL REPORTING AND ON COMPLIANCE AND
OTHER MATTERS BASED ON AN AUDIT OF FINANCIAL
STATEMENTS PERFORMED IN ACCORDANCE WITH
GOVERNMENT AUDITING STANDARDS**

Honorable Mayor and Village Trustees
Village of Port Chester, New York:

We have audited the financial statements of the Village of Port Chester, New York (the "Village"), as of and for the year ended May 31, 2012, and have issued our report thereon dated September 19, 2012 (August 20, 2012 as to the Village of Port Chester Industrial Development Agency). We conducted our audit in accordance with auditing standards generally accepted in the United States of America and the standards applicable to financial audits contained in *Government Auditing Standards*, issued by the Comptroller General of the United States.

Internal Control Over Financial Reporting

Management of the Village is responsible for establishing and maintaining effective internal control over financial reporting. In planning and performing our audit, we considered the Village's internal control over financial reporting as a basis for designing our auditing procedures for the purpose of expressing our opinion on the financial statements, but not for the purpose of expressing an opinion on the effectiveness of the Village's internal control over financial reporting. Accordingly, we do not express an opinion on the effectiveness of the Village's internal control over financial reporting.

A *deficiency in internal control* exists when the design or operation of a control does not allow management or employees, in the normal course of performing their assigned functions, to prevent, or detect and correct misstatements on a timely basis. A *material weakness* is a deficiency, or a combination of deficiencies, in internal control such that there is a reasonable possibility that a material misstatement of the entity's financial statements will not be prevented, or detected and corrected on a timely basis.

Our consideration of internal control over financial reporting was for the limited purpose described in the first paragraph of this section and was not designed to identify all deficiencies in internal control over financial reporting that might be deficiencies, significant deficiencies or material weaknesses. We did not identify any deficiencies in internal control over financial reporting that we consider to be material weaknesses, as defined previously. However, we identified certain deficiencies in internal control over financial reporting, described in the accompanying schedule of findings and questioned costs that we consider to be significant deficiencies in internal control over financial reporting. We consider the deficiencies described in the accompanying schedule of findings and questioned costs as items 2012-1 and 2012-2 to be significant deficiencies in internal control over financial reporting. A *significant deficiency* is a deficiency, or a combination of

deficiencies, in internal control that is less severe than a material weakness, yet important enough to merit attention by those charged with governance.

Compliance and Other Matters

As part of obtaining reasonable assurance about whether the Village's financial statements are free of material misstatement, we performed tests of its compliance with certain provisions of laws, regulations, contracts, and grant agreements, noncompliance with which could have a direct and material effect on the determination of financial statement amounts. However, providing an opinion on compliance with those provisions was not an objective of our audit, and accordingly, we do not express such an opinion. The results of our tests disclosed no instances of noncompliance or other matter that are required to be reported under *Government Auditing Standards*.

We noted certain other matters that we reported to management of the Village in a separate letter dated September 19, 2012.

The Village's response to the findings identified in our audit is described in the accompanying schedule of findings and questioned costs. We did not audit the Village's response and, accordingly, we express no opinion on it.

This report is intended solely for the information and use of the Village Trustees, management, federal awarding agencies and pass-through entities and is not intended to be and should not be used by anyone other than these specified parties.

A handwritten signature in black ink that reads "Duesch & Malach LLP". The signature is written in a cursive style.

September 19, 2012

Certified Public Accountants

**INDEPENDENT AUDITORS' REPORT ON COMPLIANCE
THAT COULD HAVE A DIRECT AND MATERIAL EFFECT
ON EACH MAJOR PROGRAM AND ON INTERNAL CONTROL
OVER COMPLIANCE IN ACCORDANCE WITH OMB
CIRCULAR A-133**

Honorable Mayor and Village Trustees
Village of Port Chester, New York

Compliance

We have audited the Village of Port Chester, New York's (the "Village") compliance with the types of compliance requirements described in the *U. S. Office of Management and Budget ("OMB") Circular A-133 Compliance Supplement* that could have a direct and material effect on each of its major federal programs for the year ended May 31, 2012. The Village's major federal programs are identified in the summary of auditor's results section of the accompanying schedule of findings and questioned costs. Compliance with the requirements of laws, regulations, contracts and grants applicable to each of its major federal programs is the responsibility of the Village's management. Our responsibility is to express an opinion on the Village's compliance based on our audit.

We conducted our audit of compliance in accordance with auditing standards generally accepted in the United States of America; the standards applicable to financial audits contained in *Government Auditing Standards*, issued by the Comptroller General of the United States; and OMB Circular A-133, *Audits of States, Local Governments, and Non-Profit Organizations*. Those standards and OMB Circular A-133 require that we plan and perform the audit to obtain reasonable assurance about whether noncompliance with the types of compliance requirements referred to above that could have a direct and material effect on a major federal program occurred. An audit includes examining, on a test basis, evidence about the Village's compliance with those requirements and performing such other procedures as we considered necessary in the circumstances. We believe that our audit provides a reasonable basis for our opinion. Our audit does not provide a legal determination of the Village's compliance with those requirements.

In our opinion, the Village complied, in all material respects, with the compliance requirements referred to above that could have a direct and material effect on each of its major federal programs for the year ended May 31, 2012.

Internal Control Over Compliance

Management of the Village is responsible for establishing and maintaining effective internal control over compliance with requirements of laws, regulations, contracts and grants applicable to federal programs. In planning and performing our audit, we considered the Village's internal control over compliance with the requirements that could have a direct and material effect on a major federal program to determine the auditing procedures for the purpose of expressing our opinion on compliance and to test and report on internal control over compliance in accordance with OMB Circular A-133, but not for the purpose of expressing an opinion on the effectiveness of internal control over compliance. Accordingly, we do not express an opinion on the effectiveness of the Village's internal control over compliance.

A deficiency in internal control over compliance exists when the design or operation of a control over compliance does not allow management or employees, in the normal course of performing their assigned functions, to prevent, or detect and correct, noncompliance with a type of compliance requirement of a federal program on a timely basis. *A material weakness in internal control over compliance* is a deficiency, or combination of deficiencies, in internal control over compliance, such that there is a reasonable possibility that material noncompliance with a type of compliance requirement of a federal program will not be prevented, or detected and corrected, on a timely basis.

Our consideration of internal control over compliance was for the limited purpose described in the first paragraph of this section and was not designed to identify all deficiencies in internal control over compliance that might be deficiencies, significant deficiencies, or material weaknesses. We did not identify any deficiencies in internal control over compliance that we consider to be material weaknesses, as defined above.

This report is intended solely for the information and use of the Village Trustees, management, federal awarding agencies and pass-through entities and is not intended to be and should not be used by anyone other than these specified parties.



September 19, 2012

VILLAGE OF PORT CHESTER, NEW YORK
Schedule of Findings and Questioned Costs
Year Ended May 31, 2012

Part I. SUMMARY OF AUDITORS' RESULTS

Financial Statements

Type of auditors' report issued: Unqualified

Internal control over financial reporting:

1. Material weakness(es) identified? Yes No
2. Significant deficiency(ies) identified? Yes None reported
3. Noncompliance material to financial statements noted? Yes No

Federal Awards:

Internal control over major programs:

4. Material weakness(es) identified? Yes No
5. Significant deficiency(ies) identified? Yes None reported

Type of auditors' report issued on compliance for major programs: Unqualified

6. Any audit findings disclosed that are required to be reported in accordance with OMB Circular A-133 (section .510(a))? Yes No

7. The Village's major program was:

Name of Program	Federal CFDA Number
Community Development Block Grant/Entitlement Grants	14.218

8. Dollar threshold used to distinguish between Type A and Type B programs? \$ 300,000

9. Auditee qualified as low-risk auditee? Yes No

Part II. FINANCIAL STATEMENT FINDINGS SECTION

We consider the deficiencies presented below to be significant deficiencies in internal control.

Finding 2012-1—Capital Projects Deficit

Criteria – Appropriate maintenance and review of individual capital projects and fund balances is necessary to produce a reliable and accurate presentation of the Village’s financial condition relating to its Capital Projects Fund.

Condition – As in the prior year, the Village had capital projects that were in a deficit position. Additionally, there were projects that appeared inactive and had old outstanding purchase orders.

Effect – The Village is at risk of inappropriately funding deficit capital projects. Additionally, the existence of inactive projects increases the risk of misstatement of the financial statements and the potential misappropriation of assets.

Cause – Capital projects in prior years were not closely monitored and maintained by the Village.

Recommendation – It is recommended that the Village monitor their capital projects to ensure that any deficits are remedied through adequate funding. Additionally, the Village should enforce a policy that appropriately closes out inactive or completed projects.

Management’s Corrective Action Plan – The Village has aggressively been reviewing its active and inactive capital projects to ensure that projects are being monitored, maintained and closed out on a timely basis. The Village closed out many inactive capital projects during the fiscal year and appropriate amounts were returned to the Debt Service Fund to pay off outstanding debt. The Village is also continuing its discussion of the implementation of a Five (5) Year Capital Plan.

Finding 2012-2—Journal Entry Policy and Procedures

Criteria – Internal controls surrounding the journal entry posting and review process should be outlined in a formal policy.

Condition – While testing procedures surrounding journal entries at the Village, it was noted that the Village has no formal policy for an independent review and approval of journal entries.

Effect – Lack of oversight and review of journal entries could result in misstatements, inappropriate classifications, or even misappropriation of funds.

Cause – The Village has no written policies for the preparation, posting and review of journal entries.

Recommendation – We recommend that the Village adopt a formal policy regarding the posting of journal entries.

Management’s Corrective Action Plan – The Village has drafted a formal policy for the preparation, posting and review of journal entries in August 2012, and anticipates adopting such policy during the fiscal year. The Village currently utilizes facets of an appropriate journal entry review, and will build upon these to create and adopt a formal policy.

Part III. FEDERAL AWARD FINDINGS AND QUESTIONED COSTS SECTION

No items were identified as reportable for the year ended May 31, 2012.

VILLAGE OF PORT CHESTER, NEW YORK
Schedule of Prior Federal Award Audit Findings
Year Ended May 31, 2012

No items were identified as reportable for the year ended May 31, 2011.

PUBLIC COMMENTS

RESOLUTIONS

SUBSTITUTION OF COUNSEL OF RECORD IN VOTING RIGHTS
LITIGATION

On motion of TRUSTEE _____, seconded by TRUSTEE _____

, the following resolution was adopted by the Board of Trustees of the Village of Port Chester, New York:

WHEREAS, the Federal Government brought suit against the Village of port Chester in the United States District Court of the Southern District of New York claiming that the Village's at-large method of electing Trustees violated Section 2 of the Voting Rights Act; and

WHEREAS, the District Court found against the Village which required a hearing on the matter of the appropriate remedy; and

WHEREAS, after hearing, the parties entered into a Consent Decree that established an alternative method of electing Trustees, cumulative voting, for the 2010, 2013 and 2016 Village Elections and required execution of a subsequent Addendum with regard to the 2010 Village Election; and

WHEREAS, a substitution of counsel is required in this matter; and

WHEREAS, on the recommendation of the Village Manager, counsel is necessary and appropriate on an "as needed" basis to assure the successful compliance with the Village's obligations to the court with regard to the Consent Decree as well as any subsequent addenda that may be presented; and

WHEREAS, that such counsel be also be available as to any litigation that may be required in connection with this matter. Now, therefore, be it

RESOLVED, that Village Attorney be assisted in the matter of United States, et al. v. Village of Port Chester by the retainer of the firm of Sokoloff Stern, 179 Westbury Avenue, Carle Place, New York 11514 to act as attorney of record, compensation to be capped at \$10,000 without further authorization of the Board of Trustees, with rates of: \$160/hour/partners and \$140/hour associates and \$75/hour paralegals.

APPROVED AS TO FORM:

Village Attorney

From: Brian Sokoloff
Sent: Tuesday, October 23, 2012 9:14 PM
To: Anthony Cerreto (TCerreto@portchesterny.com)
Subject: Voting Rights Act case

Tony:

This confirms our telephone conversation of last week, in which you indicated that the Village possibly needed a firm to represent it with regard to certain issues that have arisen in the Village's Voting Rights Act case. As I indicated, I am prepared to handle this matter at the discounted rate that we give to NYMIR, \$160/hr for partners, \$140/hr for associates, and \$75/hr for paralegals.

Because of the many variables involved in this matter, I am unable to provide a fee cap.

Thank you for giving me this opportunity.

Brian

Brian S. Sokoloff

Sokoloff Stern LLP

179 Westbury Avenue

Carle Place, New York 11514

(516) 334-4500

www.sokoloffstern.com

RESOLUTION

AUTHORIZING FURTHER ADDENDUM IN UNITED STATES v. VILLAGE OF PORT
CHESTER TO IMPLEMENT THE CONSENT DECREE FOR THE 2013 VILLAGE
ELECTION AS DRAFTED BY THE UNITED STATES DEPARTMENT OF JUSTICE

On motion of TRUSTEE _____, second by TRUSTEE _____

, the following resolution was adopted by the Board of Trustees of the Village of Port
Chester, New York:

WHEREAS, the 2009 Consent Decree in the above matter "represents the parties' commitment to ensure that all citizens of the Village of Port Chester have an equal right to full electoral and political participation"; and,

WHEREAS, the Consent Decree provides that the Village of Port Chester shall allow for early voting for the term of the Consent Decree, where registered voters shall be permitted to cast their ballot during the one week period prior to election day; and,

WHEREAS, early voting increased the opportunities for candidates and voters, whereby over 600 citizens voted early, and a "write in" candidate emerged during the early voting period; and

WHEREAS, seeking to eliminate early voting from the Consent Decree is not a viable option; and,

WHEREAS, the Consent Decree also provided that the provisions therein may be changed by agreement of the parties; and,

WHEREAS, the parties are required to execute a Second Addendum to the Consent Decree to implement the 2013 Trustee Election; and,

WHEREAS, the 2013 Village election ballot shall consist of 6 Trustee seats and the Mayor's seat; and,

WHEREAS, the Consent Decree did not anticipate the issue of whether to include the Mayor's seat on the 2013 ballot for early voting; and,

WHEREAS, separating the Mayor's seat from the 2013 early voting ballot will not provide voters to the full village electoral ballot; and,

WHEREAS, separating the Mayor's seat from the 2013 early voting will require additional cost and operational changes, as well as additional voter and election official education and training; and,

WHEREAS, separating the Mayor's seat from the 2013 early voting ballot may create additional voter confusion, which may have a greater impact on minority voters; and,

WHEREAS, the Board had previously authorized the Mayor, Village Attorney and former Village Clerk, to discuss with the Federal Government the issue of including the Mayor's seat on the 2013 early voting ballot; and,

WHEREAS, both the Federal Government and the Intervenor are not opposed to include the Mayor's seat on the 2013 early voting ballot, in order to facilitate implementing the Consent Decree in the most effective and cost-efficient manner; and,

WHEREAS, the Clerk provided the Board with an analysis detailing that separating the Mayor's seat from the 2013 early voting ballot will require additional cost and personnel resources; and,

WHEREAS, the Village Clerk subsequently identified additional proposed changes to the Voter Education Program so as to minimize taxpayers expense and enable Village resources to be more efficiently provided; and,

WHEREAS, the Federal Government provided a draft Addendum in the form annexed which incorporates the changes proposed and extends the opportunity to include the Mayor's seat on the 2013 early voting ballot for the Board's consideration; and

WHEREAS, the matter of including the Mayor's seat on the 2013 early voting ballot is a policy decision for the Board to determine. Now, therefore, be it

RESOLVED, upon review and deliberation, and in order to implement the terms of the 2009 Consent Decree in the most efficient and effective manner, the Board of Trustees authorizes the execution of the Second Addendum to the Consent Decree in the form annexed on behalf of the Village of Port Chester, as drafted by the DOJ.

APPROVED AS TO FORM:

Village Attorney

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

----- x
: UNITED STATES OF AMERICA : **SECOND ADDENDUM TO**
and CESAR RUIZ, : **CONSENT DECREE**
: :
: Plaintiffs, :
: :
v. : 06 Civ. 15173 (PGG)
: :
: VILLAGE OF PORT CHESTER, :
: ECF CASE
: Defendant. :
: :
----- x

WHEREAS, the parties in the above-referenced matter entered into a Consent Decree (the “Decree”) that was signed and entered by the Court on December 22, 2009;

WHEREAS, the parties executed an Addendum to the Consent Decree, which was signed by the Court and entered on February 23, 2010;

WHEREAS, pursuant to the Decree, the Village of Port Chester shall conduct a Trustee election on March 19, 2013;

WHEREAS, the Decree required the submission of certain information by Addendum for the Trustee election of June 15, 2010, and the parties have conferred regarding the need to submit additional information for the Trustee election of March 19, 2013; and

NOW, THEREFORE, pursuant to the Decree in this matter, it is hereby STIPULATED and ORDERED as follows:

1. Pursuant to paragraph 4 of the Decree, the parties hereby submit to the Court a sample ballot design and layout for the March 19, 2013 election, annexed hereto as Exhibit A. The parties agree that the ballot design submitted herewith is illustrative and may change based,

in part, on the number of parties that endorse candidates for the March 19, 2013 election. Any change to the layout, design, language, and translation of the sample ballot shall be with the consent of all parties.

2. Pursuant to paragraph 4 of the Decree, the parties hereby submit to the Court a sample absentee ballot design and layout for the March 19, 2013 election, annexed hereto as Exhibit B. The parties agree that the ballot design submitted herewith is illustrative and may change based, in part, on the number of parties that endorse candidates for the March 19, 2013 election. The parties further agree that in the event of technical or mechanical problems with voting machines used in the March 19, 2013 election, that the form of the absentee ballot shall be the form of the paper ballot. Any change to the layout, design, language, and translation of the sample absentee ballot shall be with the consent of all parties.

3. Pursuant to paragraph 4 of the Decree, the parties hereby agree that the Village of Port Chester may use lever machines that are currently in use in the State of New York for the March 19, 2013 election, notwithstanding that the machines may not be certified by New York State for conducting cumulative voting.

4. Pursuant to paragraph 12 of the Decree, the location and times for early voting shall be as follows:

Location: Village Hall, Village of Port Chester
222 Grace Church Street
Port Chester, New York

Hours: Tuesday, March 12, 2013 through Friday, March 15, 2013, from 9 AM to 8 PM
Saturday, March 16, 2013, from 9 AM to 5 PM

Any duly registered voter may cast their vote(s) for Trustee at the location and times set forth

above.

5. Pursuant to paragraph 5 of the Decree, the terms of the Trustees elected on March 19, 2013, shall begin at noon on April 2, 2013, and shall end at noon on April 5, 2016.

6. Solely to effectuate the purposes of the Decree, and to ensure the efficacy of the remedy under federal law, any voter wishing to do so may also vote early for Mayor, at the same time and at the same place as they vote for Trustee, during the times and places set forth in paragraph 4, above.

7. The Voter Education Plan, attached as an Appendix to the Decree, is hereby modified as follows:

a. Defendants need not mail a bilingual sample ballot to those registered voters for whom, since the prior Trustee election, the voter registration card mailed by the County Board of Elections has been returned as undeliverable by the post office.

b. [modify paragraphs 9, 10, and 11 based upon results of survey]

8. The parties may from time to time submit further addenda to the Decree to effectuate the purposes of the Decree. Any such further addendum shall be in writing and signed by all parties.

Agreed to this ____ day of _____ 2012.

AGREED AND CONSENTED TO:

For the Plaintiff,
UNITED STATES OF AMERICA:

For the Defendants,
VILLAGE OF PORT CHESTER:

PREET BHARARA
United States Attorney for the
Southern District of New York

Attorney for the United States

By:

DAVID J. KENNEDY
Assistant United States Attorney
86 Chambers Street -- 3rd Floor
New York, New York 10007
Tel. No.: (212) 637-2733
Fax No.: (212) 637-0033

ANTHONY M. CERRETO
Village Hall, Village of Port Chester
222 Grace Church Street
Port Chester, New York

[For the Plaintiff Intervenor
CESAR RUIZ:

RANDOLPH McLAUGHLIN
78 North Broadway
White Plains, N.Y. 10603
914-422-4340]

SO ORDERED:

HON. PAUL G. GARDEPHE
UNITED STATES DISTRICT JUDGE

Executed

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
 :
 UNITED STATES OF AMERICA :
 and CESAR RUIZ, :
 :
 Plaintiffs, :
 :
 v. :
 :
 VILLAGE OF PORT CHESTER, :
 :
 Defendant. :
 :
 -----X

CONSENT DECREE

06 Civ. 15173 (SCR)

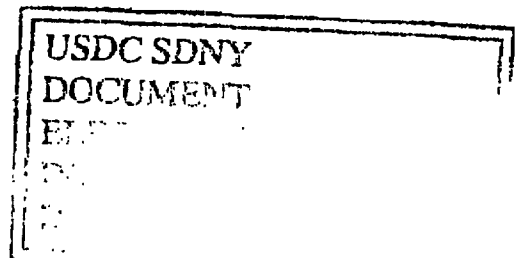
ECF CASE

WHEREAS, this Consent Decree (“the Decree”) represents the parties’ commitment to ensure that all citizens of the Village of Port Chester (“Port Chester”) have an equal right to full electoral and political participation, including Hispanic and Spanish-language citizens;

WHEREAS, Port Chester intends to fully implement this Decree as part of its ongoing efforts to ensure all voters equal access to the polls regardless of race or ethnic origin;

WHEREAS, the United States of America filed this action against the Village of Port Chester pursuant to Section 2 of the Voting Rights Act of 1965, as amended, 42 U.S.C. § 1973, on December 15, 2006, and the Court granted the motion of Plaintiff Intervenor Cesar Ruiz to intervene on April 6, 2007;

WHEREAS, by Decision and Order dated January 17, 2008, the Court found that the Village of Port Chester’s at-large method of election violates Section 2 of the Voting Rights Act and prevents Hispanic voters from participating equally in the electoral process (the “Liability Decision”);



WHEREAS the Court, in the Liability Decision, relied on the official history of discrimination in Port Chester, including Port Chester's lack of required Spanish language assistance at the polls and incidents of Hispanic voters being turned away from the polls;

WHEREAS, Port Chester, as a political subdivision of Westchester County, is covered under Section 203 of the Voting Rights Act, as amended, 42 U.S.C. § 1973aa-1a, which coverage requires that "Whenever [Port Chester] . . . provides any registration or voting notices, forms, instructions, assistance, or other materials or information relating to the electoral process, including ballots, it shall provide them in the language of the applicable minority group as well as in the English language." 42 U.S.C. § 1973aa-1a(c);

WHEREAS, by Order dated November 6, 2009, the Court ordered Port Chester to implement cumulative voting as an election scheme to remedy the Section 2 violation (the "Remedy Order");

WHEREAS, the Court has required a "full education plan" to ensure the success of the cumulative voting program; and

WHEREAS, the Court in its Remedy Order directed the parties to submit a plan that includes "the form, format, schedule for providing voter education; bilingual poll officials; Spanish-language materials; practice voting; and the duration of such outreach efforts";

NOW, THEREFORE, in resolution of this matter, and with agreement of all parties, it is hereby ORDERED, ADJUDGED, and DECREED as follows:

DEFINITIONS

- (a) At-large method of election: A system of voting in which all registered voters in the political jurisdiction may vote for all of the political representatives. Each voter is

given as many votes as there are positions to be filled, and each voter is allowed to cast no more than one vote for any particular candidate.

(b) Cumulative voting: A modified at-large method of election in which each voter is given as many votes as there are positions to be filled, and each voter is allowed to cast all votes for one candidate or distribute votes in any way among the candidates.

(c) Fail Safe Voting: A procedure to allow an affidavit ballot to be cast by an individual claiming but not confirmed to be a qualified registered voter, which ballot is then preserved for later determination as to whether it is to be counted.

(d) Early Voting: Voting process by which voters can cast their ballot on a single or series of days prior to an election.

I. JURISDICTION AND VENUE

1. The Court has jurisdiction over this action pursuant to 28 U.S.C. § 1345 and 42 U.S.C. § 1973j(f).

2. Venue lies in this district pursuant to 28 U.S.C. § 1391(b).

II. INJUNCTION

3. The Village of Port Chester, its agents and successors in office (collectively “Defendants”), and all persons acting in concert with any of them, is hereby enjoined from administering, implementing, or conducting any future elections for the Port Chester Board of Trustees under the traditional winner-take-all at-large method. This injunction does not apply to the election of the Mayoral office.

III. REMEDY

4. Defendants shall use cumulative voting as the method for electing the Board of

Trustees for the Village of Port Chester. In all subsequent Trustee elections, all six positions on the Board of Trustees shall be open for election at the same time. The ballot shall permit voters to cast six votes in the election. A voter may cast all six votes for one individual, the voter may cast one vote each for six different individuals, or the voter may cast multiple votes for some candidates and single votes for others as long as the total number of votes cast do not exceed six.

The parties will submit to the Court an addendum to the Decree by February 1, 2010 concerning the specific details of ballot design and layout and concerning what voting machines, if any, will be used in the Village of Port Chester Board of Trustees elections.

5. The first election for the Board of Trustees using cumulative voting shall be held on June 15, 2010. The term of office for the Board of Trustees shall be for three years with the exception of those elected in the first election, for which the term of office will be for two years and nine months. The election for the Board of Trustees following the June 15, 2010 election shall be held in March 2013. Nothing in this Decree shall prevent the Village of Port Chester from changing the terms of office for Trustee or Mayor as set forth in the Village Charter.

IV. VOTER EDUCATION PROGRAM

6. Defendants shall implement a cumulative voting system designed to be accessible to all registered voters in the Village of Port Chester. Defendants agree to implement the Voter Education Program ("VEP") attached as an Appendix to this Decree.

V. BILINGUAL ASSISTANCE

7. Defendants shall make all phases of the election process as accessible to the Hispanic and Spanish-language citizens within Port Chester as they are to the remainder of the Village's population. Accordingly, Defendants shall provide information, publicity, and

assistance in the Spanish language regarding all aspects of the electoral process, including but not limited to voter registration, voter registration cancellation, absentee voting, early voting, cumulative voting, fail safe voting, procedures at the polls including translation of the ballot, and training of polling officials and translators as outlined in the attached VEP.

VI. FEDERAL ELECTION OBSERVERS

8. To assist in the effectiveness of this Decree and to ensure the continued enforcement of the voting guarantees of the Voting Rights Act and the Fourteenth and Fifteenth Amendments to the Constitution, the Village of Port Chester shall be designated for federal observers pursuant to Section 3(a) of the Voting Rights Act of 1965, as amended, 42 U.S.C. § 1973a(a). The Village of Port Chester recognizes the authority of federal observers to observe all aspects of the voting process conducted in the polls on election day for the term of the Decree, including assistance to voters in the voting booth provided that the voter does not object to being observed.

VII. PRECLEARANCE REQUIREMENTS

9. To allow the Village of Port Chester to make changes to the VEP or certain other election related changes, the Village of Port Chester is designated pursuant to Section 3(c) of the Voting Rights Act, 42 U.S.C. § 1973a(c), for the duration of the Decree. The Village of Port Chester may implement changes or amendments to the VEP or change other voting procedures only after obtaining prior clearance from the Attorney General of the United States or this Court pursuant to Section 3(c). Other voting procedures include any changes in polling places or election districts within the Village of Port Chester, and state-mandated changes affecting voting machines. The Village of Port Chester's attorney shall notify counsel for the United States and

Plaintiff-Intervenor within fourteen days of notification to the Village of Port Chester by the Secretary of State of any state-mandated changes regarding voting machines, and provide to the United States and Plaintiff-Intervenor a copy of the pertinent statute, regulation, or order.

VIII. TERM OF THIS DECREE

10. This Decree with the accompanying VEP shall remain in effect through June 22, 2016 or three election cycles, whichever is longer. If the United States or Plaintiff-Intervenor seeks to vacate the Decree upon a showing that the cumulative voting program has failed to cure the violation of Section 2 of the Voting Rights Act, any such application by the United States or Plaintiff-Intervenor shall be filed within 60 days of any Trustee election. If the Court does not grant any such application by the United States or Plaintiff-Intervenor, this Decree shall remain in place through the next three Trustee elections and expire three months after the last Trustee election. If the Trustee's terms of office remain three years, the Decree would expire on June 22, 2016.

11. Judgment shall not be entered in this case prior to August 15, 2010. The Court shall retain jurisdiction through three election cycles, or June 22, 2016 using the Trustee's current terms of office, to enter further relief or such other orders as may be necessary to effectuate the terms of this Decree and to ensure compliance with Section 2 of the Voting Rights Act.

IX. EARLY VOTING

12. The Village of Port Chester shall allow for early voting for the term of this Decree. Registered voters shall be permitted to cast their ballot during the one week period beginning the Monday eight (8) days prior to election day and continue through the Saturday

three (3) days prior to election day. The parties will submit to the Court an addendum to the Decree by February 1, 2010 concerning the location(s) and hours of early voting. Notification of early voting will occur in English and Spanish as explained in the VEP.

X. ELECTION DAY ISSUES

13. **Fail Safe Voting.** Affidavit ballots shall be used when a voter's name has been omitted from the poll book. The voter must swear that they are a registered voter and provide a current address. If the voter's address is in the election district in which the voter has presented himself or herself but no registration poll record can be found for the voter, the inspector shall offer such voter the opportunity to cast an affidavit ballot if the voter affirms that he or she resides within the election district and is registered to vote. The inspector shall also give every such person who does not cast an affidavit ballot, an application for registration by mail. This provision shall be applicable in elections to be held for the duration of the Decree, and it is necessary in light of the expected increase in voter registration, including new registrants and first time voters.

14. **Counsel Present on Election Day.** In order to effectuate the goals of this Decree, the undersigned counsel and their successors shall have the authority to speak to poll workers and voters on election day as long as there is one attorney present from the Plaintiff (or Plaintiff-Intervenor) and one present from the Defendant. The Village Clerk shall promptly notify counsel upon learning of any problems with machines, ballots, voter registration books, voters being turned away or any other problems with voters being able to cast their votes. Counsel shall consult with each other in order to attempt to resolve any such problems. If Counsel are unable to agree on a resolution of a problem, Counsel shall contact this Court's chambers during

regular business hours, or if after hours, contact Judge Robinson directly. The Court shall make any order necessary to effectuate the intent of this Decree, including, but not limited to, extending the hours the polls shall remain open.

XI. MISCELLANEOUS PROVISIONS

15. As between the United States and the Village of Port Chester, each party shall bear its own costs and attorney's fees. As between Plaintiff-Intervenor Cesar Ruiz and the Village of Port Chester the parties will seek to resolve the issue through negotiation. Plaintiff-Intervenor Cesar Ruiz reserves the right to file a motion for an award of attorneys' fees and costs if the parties are unable to resolve the matter. This paragraph shall not be construed as an admission or concession by the Village of Port Chester that such legal fees are warranted or the Plaintiff-Intervenor is a prevailing party.

16. If any collateral challenge to this Decree arises in any court, Defendants shall immediately notify counsel for the United States and Plaintiff-Intervenor.

17. Any amendments or modifications to this Decree shall be in writing and signed by each of the parties.

18. This Decree represents the entire agreement between the parties. Any oral representations or agreements concerning the subject matter of this Decree are of no force or effect.

Agreed to this 21st day of December, 2009

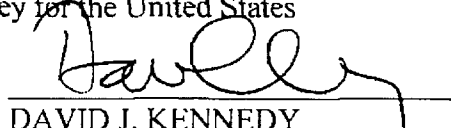
AGREED AND CONSENTED TO:

For the Plaintiff,
UNITED STATES OF AMERICA:

For the Defendants,
VILLAGE OF PORT CHESTER:

PREET BHARARA
United States Attorney for the
Southern District of New York
Attorney for the United States

By:



DAVID J. KENNEDY
Assistant United States Attorney
86 Chambers Street -- 3rd Floor
New York, New York 10007
Tel. No.: (212) 637-2733
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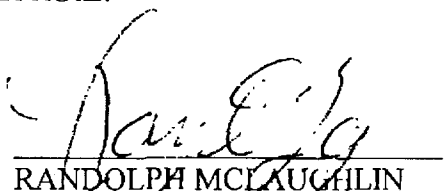


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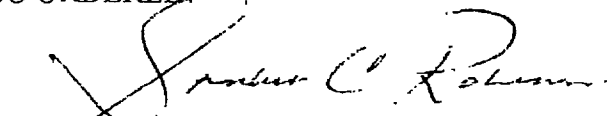
ALDO V. VITAGLIANO
ANTHONY M. CERRETO
Of Counsel for the Village of Port Chester

For the Plaintiff Intervenor
CESAR RUIZ:



RANDOLPH MCLAUGHLIN
78 North Broadway
White Plains, N.Y. 10603
914-422-4340

SO ORDERED:



HON. STEPHEN C. ROBINSON
UNITED STATES DISTRICT JUDGE

APPENDIX

VOTER EDUCATION PLAN

I. Program Coordinator

1. Defendants shall assign one employee to act as Program Coordinator (“the Coordinator”) to assist in carrying out the Defendants’ obligations under this Decree. The Coordinator shall be able to understand, speak, write, and read fluently both English and Spanish.

The Coordinator may be a full-time employee, a part-time employee or contractor hired for the purpose of carrying out the Voter Education Plan (“VEP”). All notices and information disseminated shall include a phone number at which the Coordinator can be reached to answer questions or address concerns.

2. Defendants shall provide the Coordinator with transportation and other support sufficient to meet the goals of the VEP.

3. The Coordinator shall be trained by the Village Clerk and/or his or her designee in all aspects of the voting and registration process, and the Defendants’ obligations under this Decree. The Coordinator shall work under the supervision of and report directly to the Village Clerk.

4. Under the general supervision of the Village Clerk, the Coordinator’s responsibilities shall include management and implementation of all aspects of the VEP. At no time shall the Village require the Coordinator to perform duties or obligations that will prevent the Coordinator from fulfilling the VEP obligations. The Coordinator shall participate in the Assessment of the VEP in Exhibit A.

II. Cumulative Voting Information Dissemination/Training

5. Defendants shall hold six (6) general public forums in English in anticipation of the June 15, 2010 Trustee election. For subsequent elections under the Decree, Defendants shall hold four (4) general public forums on cumulative voting in English for each Trustee election. At least one forum shall be held two months prior to election day. At least one forum shall be held one month prior to the election day. At least one forum shall be held each week for the two (2) weeks leading up to election day. Not all general public forums should be held in the same location. The entire cumulative voting process shall be described in detail at each forum and presenters shall offer time at the end of the forum to answer any and all questions those in attendance may have. Each forum must allow the public to practice cumulative voting. Each forum shall be noticed in English in the local English-language newspapers and in Spanish in the local Spanish-language newspapers at least seven (7) days prior, and each notice shall indicate which forum will be conducted in English and which in Spanish. The notices shall also be posted in libraries, public assistance agencies, village offices, senior centers, civic centers and other public places, and Defendants shall use best efforts to post them in post offices and churches. Defendants shall also send notices to local radio and cable television stations. A translator shall be present at each forum, the presence and availability of such a translator will be announced at the beginning of the forum in both English and Spanish, and the translator shall provide translation in Spanish for any person requesting it.

6. Defendants shall hold six (6) general public forums in Spanish in anticipation of the June 15, 2010 Trustee election. For subsequent elections under the Decree, Defendants shall hold four (4) general public forums on cumulative voting in Spanish. At least one forum shall

be held two months prior to election day. At least one forum shall be held one month prior to election day. At least one forum shall be held each week for the two (2) weeks leading up to election day. Not all general public forums should be held in the same location. The forums shall be held in meeting places regularly attended by the Hispanic community, i.e., predominately Hispanic churches, civic organizations, etc. The entire cumulative voting process shall be described in detail at each forum and presenters shall offer time at the end of the forum to answer any and all questions those in attendance may have. Each forum must allow the public to practice cumulative voting. Each forum shall be noticed in English in the local English-language newspapers and in Spanish in the local Spanish-language newspapers at least seven (7) days prior, and each notice shall indicate which forum will be conducted in English and which in Spanish. The notices shall also be posted in libraries, public assistance agencies, village offices, senior centers, civic centers and other public places, and Defendants shall use best efforts to post them in post offices and churches. Defendants shall also send notices to local radio and cable television stations.

7. Defendants shall mail a bilingual sample ballot with detailed bilingual instructions concerning the cumulative voting process at least ten (10) days prior to the start of early voting to every person who is a registered voter as of the fifteenth (15th) day prior to the start of early voting. Two (2) days after voter registration closes, Defendants shall mail a bilingual sample ballot with detailed bilingual instructions concerning the cumulative voting process to any person who registers to vote between the fifteenth day prior to the start of early voting and close of registration. Both of these mailings shall include the dates of early voting and the date of the election.

8. Defendants shall request the Port Chester-Rye Union Free School District Board of Education to permit a letter to be sent home with each student who attends school in the Village of Port Chester regarding the cumulative voting process and the registration process no later than forty-five (45) days prior to the start of early voting. The letter will be in English and Spanish stating how to register to vote, the last day to register to vote in order to participate in the municipal election, the dates of early voting, where early voting will occur, and the date of the election. The letter shall also include detailed instructions concerning the cumulative voting process.

9. Defendants shall cause to be published in English in a local English-language newspaper and in Spanish in a local Spanish-language newspaper, an article explaining the cumulative voting process with an accompanying sample ballot and instructions prior to the start of early voting. The article will also give notice of the dates of early voting and the date of the election.

10. Defendants shall cause to be aired, five (5) commercials weekly, for the four (4) weeks leading up to early voting and during early voting, on a local Spanish-language television channel an informational segment in Spanish explaining the cumulative voting process, providing the dates of early voting, where early voting will occur, the date of the election, and how a voter can determine the polling place where he or she will vote on election day.

11. Defendants shall cause to be aired, five (5) radio advertisements weekly for the four (4) weeks leading up to early voting and during early voting, on a local Spanish-language radio station, an informational segment in Spanish explaining the cumulative voting process, providing the dates of early voting, where early voting will occur, the date of the election, and

how a voter can determine the polling place where he or she will vote on election day.

12. Defendants, through the Coordinator, shall make bilingual persons who are knowledgeable about the cumulative voting process available to meet with different Hispanic organizations to meet with such organizations and explain the cumulative voting process. The Coordinator shall reach out to the Hispanic organizations and inform them of this availability.

13. Defendants shall post a bilingual sample ballot with detailed instructions concerning the cumulative voting process in libraries, public assistance agencies, village offices, senior centers, civic centers and other public places located within the Village of Port Chester, and Defendants shall use best efforts to post them in post offices and churches at least fifteen (15) days prior to the start of early voting.

14. Defendants shall make available an informational brochure in English and Spanish that describes the entire cumulative voting process in detail and provides the dates and location of early voting and the date of the election. The brochure shall include an image of a ballot with the same style of design, as agreed by the parties pursuant to paragraph 4 of the Decree, and instructions on how to complete such a sample ballot. The brochure shall be made available to the public no later than February 22, 2010 in libraries, public assistance agencies, village offices, senior centers, civic centers and other public places located within the Village of Port Chester, and Defendants shall use best efforts to make the brochure available in post offices and churches. For subsequent elections, the brochure must be available ninety (90) days prior to the date of the election.

15. Defendants shall prominently post a bilingual sample ballot with detailed instructions concerning the cumulative voting process at each polling place on election day.

Each voting booth shall contain instructions in English and Spanish explaining the cumulative voting process.

16. Defendants shall hold at least two (2) general public forums concerning the candidate qualifying process, which may be held in conjunction with the voter information sessions described in paragraphs 5 and 6. One forum shall be held no later than seventy (70) days prior to election day. The second forum shall be held no sooner than fifty-six (56) and no later than fifty (50) days prior to election day. The forums shall be noticed in English in the local English-language newspapers and in Spanish in the Spanish-language newspapers at least seven (7) days prior to the forums. Bilingual notices shall also be posted in libraries, public assistance agencies, village offices, senior centers, civic centers and other public places located within the Village of Port Chester, and Defendants shall use best efforts to make the notices available in post offices and churches. Defendants shall also send notices to local radio and cable television stations. At least one forum shall be held in meeting places regularly attended by the Hispanic community, i.e., predominately Hispanic churches, civic organizations, etc. A translator shall be present at each forum, the presence and availability of such a translator will be announced at the beginning of the forum, and the translator shall provide translation in Spanish for any person requesting it. The entire candidate qualifying process shall be described in detail at each forum, including but not limited to, the process, timing, and substantive requirements for qualification as an independent candidate for village elections.

17. For each forum held pursuant to paragraphs 5 through 16, Defendants shall provide the registration material required to be translated into Spanish pursuant to paragraph 18.

III. Translation of Election-Related Materials

18. Defendants shall ensure that all information that is provided by the Village in English about “registration or voting notices, forms, instructions, assistance, or other materials or information relating to the election process, including ballots,” 42 U.S.C. § 1973aa-1a(c), shall also be provided in Spanish. Defendants shall ensure that both English and Spanish language election information, materials, and announcements provided by the Village are made equally available.

19. Defendants shall utilize trained translators who are familiar with Spanish-language election terminology to produce all written translations, clearly, and accurately. Defendants shall provide effective translations that meet the needs of the Hispanic community in the Village. Written translations shall be in the form of Spanish that is used most widely by the Village’s voting-age Limited English Proficient Hispanic citizens. The parties recognize the value in having uniform translation and terminology of materials.

20. Defendants shall adopt a checklist identifying each Spanish-language and bilingual material they make available to the public at each polling place. The checklist shall include with respect to each item an attestation that these Spanish-language materials were posted or made available to voters at all polling places, or a detailed written explanation of why individual items had not been posted or were not available. The Defendants will instruct the inspectors that each polling place must complete and sign the checklist before the inspector receives payment for work in the election. Defendants shall maintain a record of each such failure to complete and sign the checklist.

21. Defendants shall provide copies of a Spanish translation of the relevant portion (as it pertains to Port Chester’s Trustee elections) of the “Calendar of Dates for Village Elections”

from the New York State Conference of Mayors, to any person who requests a copy, at the general public forums concerning candidate qualifying set forth in paragraph 16.

IV. Spanish-Language Assistance

22. Defendants shall provide Spanish-language assistance, including but not limited to trained bilingual (Spanish/English) election personnel, at all locations where election-related transactions are conducted by the Village. Such election personnel will be required to be physically present at all locations as designated in paragraph 24 below. The bilingual election personnel shall be made available to answer voting-related questions by telephone without cost while the polls are open on election days. Defendants shall ensure that a working telephone is available for voter use without cost to the voter.

23. Defendants shall recruit, hire, and assign trained bilingual poll officials who are able to understand, speak, read, and write Spanish fluently to provide assistance to Spanish-speaking voters at the polls on election days for Village administered elections. These poll officials are also required to be fluent in English.

24. Defendants shall ensure for all Village administered elections that:

- a. Any election precinct in which there are more than 50 registered voters with Spanish surnames shall be staffed by at least two bilingual poll officials (preferably one Democratic and one Republican poll official);
- b. Any election precinct in which there are more than 250 registered voters with Spanish surnames shall be staffed by at least three bilingual election poll officials;
- c. Each early voting location shall be staffed at all times by at least one

bilingual election poll official; and

d. Defendants shall utilize five (5) bilingual personnel, trained in Spanish language election terminology, who shall be on call and available to travel to a precinct, insufficiently staffed by bilingual poll officials as required under Paragraph 24(a)-(b) above.

e. For each election district, the Village shall designate at least one poll official whose responsibility shall be to offer to explain the cumulative voting process either prior to or immediately after the voter has signed the poll book. The poll official shall offer the voter the opportunity to hear the explanation in English or Spanish.

25 Defendants shall ensure that signs in both English and Spanish will be posted prominently at polling places stating that Spanish-language assistance is available.

V. Training of Election Officials

26. Prior to each Village election, in addition to any required state or county training, the Defendants shall provide training to all poll officials and other election personnel present at the polls or early voting locations. Poll officials should receive written notice that the training is mandatory, and that each poll official will be paid at least \$10 for attending the training. The training should include at least the following:

- a. The cumulative voting process;
- b. The provisions of Section 203 of the Voting Rights Act, including the legal obligation and means to make Spanish language assistance and materials available to voters; and

c. The requirement that poll officials be respectful and courteous to all voters regardless of race, ethnicity, color, or language abilities and to avoid inappropriate comments; and

d. The provisions of Section 208 of the Voting Rights Act, including the legal obligation to allow anyone to assist the voter at the polls, other than the voter's employer or agent of that employer or officer or agent of the voter's union.

27. In addition to the general training for poll officials, the Village shall provide training to all bilingual poll officials on Spanish language election terminology, voting instructions, and other election-related issues, including all instructions concerning the cumulative voting process.

28. The Village shall maintain a record of which poll officials attend training sessions, including the time, location, and training personnel involved. The Village shall allow representatives of the United States and Plaintiff-Intervenor to attend any training provided pursuant to this Decree.

VI. Retention of Documents and Reporting Requirements

29. During the duration of this Decree, at least seven (7) days before each Village administered election held in Port Chester, Defendants shall provide to counsel for the United States and Plaintiff-Intervenor:

- (a) the name, address, and precinct designation of each polling place;
- (b) the name and title of each poll official appointed and assigned to serve at each polling place and early voting location, as of the date the materials are sent;
- (c) a designation of whether each poll official is bilingual in English and

Spanish;

(d) an electronic copy of the voter registration list to be used in such elections as of the date the materials are sent;

(e) copies of any signs or other written information provided at polling places.

This information shall be sent by express mail or electronically to the following address:

Voting Section
United States Department of Justice
Civil Rights Division
1800 G Street, N.W., Room NWB-7254
Washington, D.C. 20006
Facsimile: (202) 307-3961
Email: timothy.f.mellett@crt.usdoj.gov

Chief, Civil Rights Unit
United States Attorney's Office
Southern District of New York
86 Chambers Street, 3rd Floor
New York, NY 10007
Facsimile: (212) 637-0033
Email: david.kennedy2@usdoj.gov

Randolph McLaughlin
Counsel for Plaintiff-Intervenor
78 North Broadway
White Plains, N.Y. 10603
Facsimile: (914) 422-4171
Email: rmmc69@aol.com

30. For the five months prior to election day for each election during the term of the Decree, the Coordinator shall complete a Monthly Coordinator Report, detailing his or her activities under the VEP and provide a copy to the Village Clerk not later than the end of the first week following such month. Port Chester shall submit a copy of the completed Monthly Coordinator Reports to counsel for the United States and Plaintiff-Intervenor by the end of the

second week following such month.

31. After each election, Port Chester shall prepare a report detailing, by VEP paragraph, the specific efforts made by the Village to comply with each provision of the VEP. Port Chester may incorporate by reference any information already supplied in the Monthly Coordinator Reports. The report should include the results and methodology of any exit polling (see Exhibit A) conducted on election day. The Village shall submit the report to counsel for the United States and Plaintiff-Intervenor not later than thirty (30) days after the election.

VII. Standard of Compliance

32. Defendants intend to comply with every aspect of the VEP to the last detail. However, discrete and inadvertent departures from technical requirements of the VEP during the term of the Decree shall not be presumed to justify extension of its term or other court sanctions, as long as the record shows substantial compliance with its terms based on sustained good faith implementation by Defendants.

Exhibit A Assessment of Cumulative Voting Program

1. Defendants, upon receipt of complaints by voters, whether oral or written, shall investigate expeditiously any allegations of poll official hostility toward any voter, including Spanish-speaking and/or Hispanic voters, in any election conducted by the Village of Port Chester. The results of the investigation(s) conducted by the Defendants shall be reported to the United States and Plaintiff-Intervenor within thirty (30) days. Where there is credible evidence that poll officials have engaged in inappropriate treatment of any voters, including Spanish-speaking or Hispanic voters, Defendants shall make those poll officials ineligible to work in future Village elections.

2. The parties recognize that regular and ongoing reassessment may be necessary to provide the most effective and efficient Spanish language program. Defendants shall evaluate the Spanish language election program after each election to determine which aspects of the program are functioning well; whether any aspects need improvement; and how to effect needed improvements. The program may be adjusted at any time and submitted as required under Section 3(c).

3. After the June 15, 2010 election, the Defendants shall establish an Advisory Group, not to exceed six members, to be chaired by the Coordinator, to assess the effectiveness of the VEP. The Coordinator shall invite participation from all interested individuals and organizations that work with or serve the Spanish-speaking community in Port Chester, to determine whether any improvements in bilingual dissemination or training concerning cumulative voting need to be made. Within five (5) business days following each meeting, the Coordinator shall provide a written summary to all members and to the Village Board and Clerk

of the discussion and any recommendations that the Advisory Group may have.

4. Defendants shall contract with an individual or organization to conduct exit polling after the June 15, 2010 election. Exit polling should be conducted for some portion of the day at each election district.



Early Voting

- In 2008, a US District Court found that Port Chester's at-large method of election violates Section 2 of the Voting Rights Act
- In December 2009, Port Chester entered into a Consent Decree with the US DOJ & a third-party "Intervenor" to settle the Voting Rights Act violation
- Consent Decree *"represents the parties' commitment to ensure that all citizens of.. Port Chester have an equal right to full electoral and political participation..."*
- *"Port Chester intends to fully implement this Decree as part of its ongoing efforts to ensure all voters equal access to the polls..."*



Early Voting

- Early voting was included in the Consent Decree as a way to increase opportunity for voters and candidates
- Early voting is considered a “Best Practice” in election reform and is used in 32 states
- Early voting increased the opportunities for candidates and voters in the 2010 village election
 - Over 600 people voted early
 - An additional “write-in” candidate emerged during Early Voting
 - Voter turn-out was higher than 2007, 2009 Mayoral election
- We cannot eliminate early voting from the Consent Decree (according to DOJ)



Early Voting

- In 2013, the Village election consists of 6 Trustee seats and the Mayor's seat
 - This was not anticipated when the Consent Decree was written
 - Separating the Mayor's seat from early voting:
 - Will inconvenience early voters to return on Election Day in order to vote for the Mayor's seat
 - Will NOT provide early voters with the full ballot access, and therefore the right to full electoral participation during early voting
 - Will require additional cost & operational changes
 - Will require additional voter and election official education and training
 - May create voter confusion, which may have a greater impact on minorities
- 3
- MAY BE FRAUGHT WITH SIGNIFICANT LEGAL RISK
 - HAS NEVER BEEN DONE BEFORE



Early Voting

- DOJ and the Intervenor are not opposed to include the Mayor's seat in the 2013 early voting period.
 - "Had we thought of this when we drafted the original Consent Decree, we probably would have included it" - David Kennedy DOJ
- It is not uncommon that Consent Decrees are amended to include other related issues to effectively implement the original terms of the Decree

RESOLUTION

AUTHORIZING FURTHER ADDENDUM IN UNITED STATES v. VILLAGE OF PORT
CHESTER TO IMPLEMENT THE CONSENT DECREE FOR THE 2013 VILLAGE
ELECTION

On motion of TRUSTEE _____, second by TRUSTEE _____

, the following resolution was adopted by the Board of Trustees of the Village of Port
Chester, New York:

WHEREAS, the Federal Government brought suit against the Village of Port Chester in the District Court of the Southern District of New York claiming that the Village's at-large method of electing Trustees violated Section 2 of the Voting Rights Act; and

WHEREAS, the District Court found against the Village which required a hearing on the matter of the appropriate remedy; and

WHEREAS, after hearing, the parties entered into a Consent Decree that established an alternative method of electing Trustees, cumulative voting, for the 2010, 2013 and 2016 Village Elections; and

WHEREAS, said Consent Decree provided for, among other things, early voting for the week prior to Village Election Day for Trustee; and

WHEREAS, said Decree also incorporated a detailed Voter Education Program that the Village was required to implement; and

WHEREAS, the parties presented to the Court a subsequent Addendum that addressed the terms of the Trustees, ballot design, use of lever machines, etc. specific to the 2010 Village Election; and

WHEREAS, the parties are required to enter into a further or Second Addendum for the administration of the 2013 Village Election for Trustee; and

WHEREAS, the Village Clerk has identified proposed changes to the Voter Education Program so as to minimize taxpayers expense and enable Village resources to be more efficiently provided for consideration by the parties; and

WHEREAS, the Board has been provided a proposed Second Addendum for consideration that does not include early voting for the Mayor's seat. Now, therefore, be it

RESOLVED, upon review and deliberation, the Board of Trustees authorizes the execution of the Second Addendum to the Consent Decree in the form annexed on behalf of the Village of Port Chester.

APPROVED AS TO FORM:

Village Attorney

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

----- X	:	
UNITED STATES OF AMERICA	:	SECOND ADDENDUM TO
and CESAR RUIZ,	:	CONSENT DECREE
	:	
Plaintiffs,	:	
	:	
v.	:	06 Civ. 15173 (PGG)
	:	
VILLAGE OF PORT CHESTER,	:	
	:	<u>ECF CASE</u>
Defendant.	:	
	:	
----- X		

WHEREAS, the parties in the above-referenced matter entered into a Consent Decree (the “Decree”) that was signed and entered by the Court on December 22, 2009;

WHEREAS, the parties executed an Addendum to the Consent Decree, which was signed by the Court and entered on February 23, 2010;

WHEREAS, pursuant to the Decree, the Village of Port Chester shall conduct a Trustee election on March 19, 2013;

WHEREAS, the Decree required the submission of certain information by Addendum for the Trustee election of June 15, 2010, and the parties have conferred regarding the need to submit additional information for the Trustee election of March 19, 2013; and

NOW, THEREFORE, pursuant to the Decree in this matter, it is hereby STIPULATED and ORDERED as follows:

1. Pursuant to paragraph 4 of the Decree, the parties hereby submit to the Court a sample ballot design and layout for the March 19, 2013 election, annexed hereto as Exhibit A. The parties agree that the ballot design submitted herewith is illustrative and may change based, in part, on the number of parties that endorse candidates for the March 19, 2013 election. Any change to the layout, design, language, and translation of the sample ballot shall be with the

consent of all parties.

2. Pursuant to paragraph 4 of the Decree, the parties hereby submit to the Court a sample absentee ballot design and layout for the March 19, 2013 election, annexed hereto as Exhibit B. The parties agree that the ballot design submitted herewith is illustrative and may change based, in part, on the number of parties that endorse candidates for the March 19, 2013 election. The parties further agree that in the event of technical or mechanical problems with voting machines used in the March 19, 2013 election, that the form of the absentee ballot shall be the form of the paper ballot. Any change to the layout, design, language, and translation of the sample absentee ballot shall be with the consent of all parties.

3. Pursuant to paragraph 4 of the Decree, the parties hereby agree that the Village of Port Chester may use lever machines that are currently in use in the State of New York for the March 19, 2013 election, notwithstanding that the machines may not be certified by New York State for conducting cumulative voting.

4. Pursuant to paragraph 12 of the Decree, the location and times for early voting shall be as follows:

Location: Village Hall, Village of Port Chester
222 Grace Church Street
Port Chester, New York

Hours: Tuesday, March 12, 2013 through Friday, March 15, 2013,
from 9 AM to 8 PM
Saturday, March 16, 2013, from 9 AM to 5 PM

Any duly registered voter may cast their vote(s) for Trustee at the location and times set forth above.

5. Pursuant to paragraph 5 of the Decree, the terms of the Trustees elected on March 19, 2013, shall begin at noon on April 2, 2013, and shall end at noon on April 5, 2016.

6. The Voter Education Plan, attached as an Appendix to the Decree, is hereby modified as follows:

a. Defendants need not mail a bilingual sample ballot to those registered voters for

whom, since the prior Trustee election, the voter registration card mailed by the County Board of Elections has been returned as undeliverable by the post office.

b. [modify paragraphs 9, 10, and 11 based upon results of survey]

7. The parties may from time to time submit further addenda to the Decree to effectuate the purposes of the Decree. Any such further addendum shall be in writing and signed by all parties.

Agreed to this ____ day of _____ 2012.

AGREED AND CONSENTED TO:

For the Plaintiff,
UNITED STATES OF AMERICA:

For the Defendants,
VILLAGE OF PORT CHESTER:

PREET BHARARA
United States Attorney for the
Southern District of New York

Attorney for the United States

By:

DAVID J. KENNEDY
Assistant United States Attorney
86 Chambers Street -- 3rd Floor
New York, New York 10007
Tel. No.: (212) 637-2733
Fax No.: (212) 637-0033

Attorney for the Village of Port Chester

For the Plaintiff Intervenor
CESAR RUIZ:

RANDOLPH McLAUGHLIN
78 North Broadway
White Plains, N.Y. 10603
914-422-4340

SO ORDERED:

HON. PAUL G. GARDEPHE
UNITED STATES DISTRICT JUDGE

RESOLUTION

ACCEPTANCE OF FILING OF APPLICATION FOR ZONING TEXT AND MAP CHANGE
RELATING TO THE PROPOSED REDEVELOPMENT OF THE FORMER UNITED
HOSPITAL PROPERTY; AUTHORIZING COMMENCEMENT OF THE NEW YORK
STATE ENVIRONMENTAL QUALITY REVIEW PROCESS

On motion of TRUSTEE _____, seconded by TRUSTEE _____

_____, the following resolution was adopted by the Board of Trustees of the Village of Port
Chester, New York:

WHEREAS, on or about May 21, 2012, PC406 BPR, LLC (the “Applicant”) submitted a
Petition to the Village Board of Trustees (the “Board”) proposing zoning text and map
amendments to the Village Code, Chapter 345, relating to the proposed redevelopment of
approximately 14.15 acres of land located at 406 Boston Post Road in the Village of Port
Chester, consisting of a portion of the former United Hospital site, which proposed
redevelopment would be for mixed residential, office and commercial uses (the “Proposed
Action”); and

WHEREAS, the Petition was accompanied by a Site Plan Application and Long-Form
Environmental Assessment Form (“EAF”) prepared pursuant to the New York State
Environmental Quality Review Act (“SEQRA”); and

WHEREAS, the Proposed Action is a Type I Action pursuant to SEQRA and its
implementing regulations; and

WHEREAS, subsequent to receipt of the Petition on May 21, 2012, the Board has:

--conducted several public workshops with the Applicant to better understand the
Proposed Action; and

--solicited additional information from the Applicant; and

WHEREAS, by letter dated October 12, 2012, counsel for the applicant made a further
submission relating to the Petition, which submission contained the Applicants’:

- fiscal and socioeconomic impact assessment;
- preliminary traffic analysis; and
- conceptual site plan and rendering; and

WHEREAS, by letter dated October 31, 2012, counsel for the Applicant requested that the Village Board of Trustees place the Petition on the Board's November 5, 2012 meeting agenda for discussion and action; and

WHEREAS, in said October 31, 2012 letter the Applicant recognized the Board's discretionary authority to accept or refuse to accept the Petition . Now, therefore, be it

RESOLVED, that the Board of Trustees accepts the Petition for filing and hereby gives notice of its intent to be Lead Agency for the purpose of reviewing the Proposed Action, including the Petition and necessary related land use approvals; and that this Notice of Intent, the Petition and exhibits thereto, including the EAF, be circulated to the following potential Involved Agencies:

William Hume, Chairman
Architectural Review Board
Village Hall
222 Grace Church Street
Port Chester, N.Y. 10573

Michael Scarola, Chairman
Port Chester Planning Commission
Village Hall
222 Grace Church Street
Port Chester, N.Y. 10573

Melissa Slater
New York State Department of Transportation
4 Burnett Boulevard
Poughkeepsie, N.Y. 12603; and be it further

RESOLVED, absent objection to such designation, the Board will be the designated lead agency for the Proposed Action and, as such, the Board is prepared to issue a Positive Declaration that the Proposed Action may have a significant impact on the environment and that a Draft Environmental Impact Statement ("DEIS") must be prepared; and be it further

RESOLVED, that in such event, the Board desires that a public scoping session with respect to the contents of the DEIS be scheduled, conditioned upon the applicant first executing an escrow agreement with the Village to reimburse the Village for its retention of independent environmental consultants (including counsel) and placing into escrow the funds required by the escrow agreement.

Approved as to form:

Anthony M. Cerreto, Village Attorney

SEQR
Intent to be Lead Agency

MEMO TO: ALL INTERESTED AND INVOLVED AGENCIES

FROM: Village of Port Chester Board of Trustees
222 Grace Church Street
Port Chester, NY 10573

PROJECT TITLE: United Hospital Redevelopment
Petition to Amend Chapter 345 (Zoning)
Premises: 406 Boston Post Road (Section 141.052, Block 1, Lot 2)

MAILING DATE: November 20, 2012

This notification is for the purpose of designating a lead agency according to the requirements of Article 8 of New York State Environmental Conservation Law for the following proposed action:

United Hospital Redevelopment

As set forth in the petition, the United Hospital Site, located on 406 Boston Post Road in the Village of Port Chester, Section 141.052, Block 1, Lot 2, consists of one 14.15 acre parcel. It currently consists of eight abandoned buildings of approximately 600,000 square feet, an interior roadway system, and related parking areas. The current zoning is R2F: Two-family residential.

The current owner of the property wishes to change the current R2F zone to a new PMU, Planned Mixed Use district (see attached zoning amendment petition). This zoning map change will allow the property owners to construct a mixed use development on the site. This new development will take the place of the current vacant hospital. The proposed development consists of approximately 20,000 Square Feet of ground floor retail/commercial uses and 820 multifamily dwelling units (41 Studio, 394 1BR, and 385 2BR) in five and six story structures. Residential amenities are also proposed. Approximately 1,350 parking spaces will be provided by a combination of surface and underground structured lots.

If no written objections are received within 30 days of the above date of this notice, the Port Chester Board of Trustees will assume the role of Lead Agency.

Contact Person: **Hon. Dennis Pilla, Mayor**
Port Chester Board of Trustees, c/o Village Clerk
222 Grace Church Street, First Floor
Port Chester, NY 10573
T. (914) 939-5202

Potential
Involved Agencies: Chairman Michael Scarola
Port Chester Planning Commission
222 Grace Church Street, Suite 202
Port Chester, NY 10573

Continued on next page

Chairman William Hume
Architectural Board of Review
222 Grace Church Street
Port Chester, NY 10573

Melissa Slater
New York State Department of Transportation
Region 8, Eleanor Roosevelt State Office Building
4 Burnett Boulevard
Poughkeepsie, NY 12603

Copy of this Notice of Intent on file with:

Janusz Richards
Village Clerk
222 Grace Church Street
Port Chester, NY 10573
T. (914) 939-5202

**VIA ELECTRONIC MAIL
and VIA HAND DELIVERY**

November 1, 2012

Mayor Dennis Pilla
and Members of the Board of Trustees
Village of Port Chester
222 Grace Church Street
Port Chester, New York 10573

Re: Village of Port Chester Draft Generic Environmental Impact Statement
2012 Comprehensive Plan and Zoning Code and Map Amendments

Dear Mayor Pilla and Members of the Board of Trustees:

Reference is made to the Village of Port Chester Draft Generic Environmental Impact Statement (“DGEIS”) that has been prepared for the proposed 2012 Comprehensive Plan and Zoning Code and Map Amendments. We are land use counsel for affiliates of Starwood Capital Group (hereinafter referred to as “Starwood”), the owner of premises located at 406 Boston Post Road. As the owner of the former United Hospital site, Starwood has a significant interest in the growth and development of the Village of Port Chester and since the publishing of the draft Comprehensive Plan in January 2012, we have been appearing at every Board public hearing, at work sessions with the Board and at meetings with Village Staff in connection with this matter. Starwood has a large stake in how the Board ultimately defines the goals set forth in its Comprehensive Plan and in what ultimately is adopted in its revisions to the Zoning Code and Map. We respectfully submit this letter as Starwood’s comments on the proposed 2012 Comprehensive Plan and Zoning Code and Map Amendments DGEIS, specifically as it relates to the draft Planned Mixed Use (“PMU”) zoning which applies only to the United Hospital site.

PMU Zoning Code and Map Amendments

Reference is made to proposed Section 345-62, the proposed Planned Mixed Use (“PMU”) Zoning District Text Amendment. The Village is proposing to rezone the United Hospital property from a Two Family Residential (“R2F”) Zoning District to the proposed, new PMU District. The successful redevelopment of the United Hospital site will be dependent on economic feasibility and factors such as market conditions, demand drivers, and financing conditions. Accordingly, we respectfully suggest the Board make the following revisions to the proposed PMU Zoning Text:

- The proposed bulk regulations for the PMU District must be revised to increase the Floor Area Ratio (“FAR”) to 1.60 in order to meet current and anticipated economic/market conditions and make the redevelopment of the United Hospital property viable.

- In the alternative, should the Board decide not to increase the FAR to an as-of-right 1.60, it can maintain the presently proposed FAR of 0.80, but must eliminate the PMU FAR Bonus 0.20 cap.¹

A revision reflected in either of these first two bullet points would be consistent with the proposed Comprehensive Plan and leave the Board with control and complete discretion over any proposed density increases that would be available under the proposed Floor Area Bonus Program.² As more fully discussed in the attached addendum prepared by VHB Engineering, rigid language describing FAR limitations for different uses was properly removed from the Village's draft Comprehensive Plan and similarly should be removed from proposed Section 345-62 as the DGEIS does not provide any evidence justifying the inclusion of these unprecedented development limitations. Either requested revision hereinabove would permit the Board to evaluate Starwood's proposal and concept on its merits and not in a vacuum and further make a determination based on the proposed design, mitigation of potential impacts, a review of market conditions and good planning.

In addition to these first two essential modifications relative to the PMU density requirements, we also strongly suggest that the following changes be made to the proposed Zoning Text in order to achieve the foregoing goals, as well as those set forth in the Comprehensive Plan:

- The PMU FAR should not be dissected (as proposed) based on individual uses as factors of a total FAR, but rather propose a single maximum FAR for the entire parcel consistent with the existing zoning of the Hospital site, as well as every other zoning district in the Village, regardless of which FAR scenario the Board adopts.³
- Similarly, a single maximum PMU building height of 8 stories/85 feet should also be adopted, rather than the dissected approach of maximum permitted heights based on individual uses. In accordance with the proposed Comprehensive Plan, this revision to the proposed zoning text would foster innovative building design consistent with "Village" character.
- The Board should consider a broader density program that permits the acceptance of a "community facility" and/or land in lieu of, or in addition to, a monetary contribution in exchange for such floor area or height bonus that is now contemplated to maintain the maximum flexibility in the future.
- "Ground floor office as accessory to multi-family development" should be a Permitted Principal Use in the PMU District as opposed to a Special Exception Use. The PMU text

¹ See Footnote 5 in Section 345 Attachment 3B, Schedule of Regulations for Nonresidential Districts Part 2, Dimensional Regulations. Please note that the only property in the entire Village that this FAR bonus density cap will be applicable to is the United Hospital property.

² See Floor Area Bonus Program available pursuant to proposed Zoning Code Section 345-16.

³ Indeed, the only property in the entire Village that this apportioned FAR and building height approach will be applicable to is the United Hospital property.

Mayor Dennis Pilla

And Members of the Board of Trustees

November 1, 2012

Page 3

proposes to permit "office, office building..." as a Principally Permitted Use. We do not see the distinction between these two uses, particularly given the lack of Code definitions distinguishing between them. Nor can we find any justification for such distinction in the DGEIS. This lack of distinction could lead to an ambiguous and arbitrary interpretation of these two effectively equivalent uses and the imposition of an additional layer of processing that might not be warranted. Accordingly, the "ground floor office as accessory to multi-family development" must be eliminated as a specially permitted use.

Materials In Support of Revisions to Draft Zoning Text Amendments

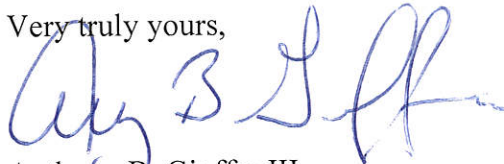
Enclosed please find the following materials in support of the foregoing requested revisions to the proposed Zoning Text:

- Exhibit A: Addendum providing comments on the Village's DGEIS, prepared by VHB Engineering, Surveying and Landscape Architecture, P.C.;
- Exhibit B: "Redlined" copies of the Village of Port Chester draft Zoning Text Amendments to Sections 345-16, 345-62 and 345 Attachment 3B of the Zoning Law, which contain Starwood's requested revisions;
- Exhibit C: Preliminary Fiscal and Socioeconomic Impact Assessment, prepared by VHB Engineering, Surveying and Landscape Architecture, P.C.; and
- Exhibit D: Preliminary Traffic Analysis, prepared by TRC Engineers, Inc.

Conclusion

We look forward to appearing before the Board of Trustees to continue to discuss the current status of Starwood's proposed development plans and the foregoing comments in more detail at future meetings of the Board. We strongly encourage the Board to amend the proposed text of the 2012 Port Chester Planned Mixed Use ("PMU") Zoning District to address the above mentioned revisions. Thank you for your continued consideration.

Very truly yours,



Anthony B. Gioffre III

Enclosures

CUDDY &
FEDER^{LLP}

Mayor Dennis Pilla

And Members of the Board of Trustees

November 1, 2012

Page 4

cc: Christopher D. Steers, Village Manager
Anthony M. Cerreto, Esq., Village Attorney
Christopher Gomez, Village Planner
Frank Fish, BFJ Planning
Vincent Ferrandino, Ferrandino & Associates
Evan Crandall, Starwood Capital Group
James E. Raved, Esq.
Maria Rigopoulos, Mill Creek Residential Trust, LLC
David Smith, Vanasse Hangen Brustlin
Joseph P. Carlucci, Esq.
Anthony F. Morando, Esq.

EXHIBIT A



October 31, 2012

Mayor Dennis Pilla
and Members of the Board of Trustees
Village of Port Chester
222 Grace Church Street
Port Chester, New York 10573

Re: Village of Port Chester Draft Generic Environmental Impact Statement
2012 Comprehensive Plan and Zoning Code and Map Amendments

Dear Mayor Pilla and Members of the Board of Trustees:

The following is provided on behalf of Starwood Capital and Mill Creek Residential Trust as interested parties relative to the redevelopment of the former United Hospital site on the DGEIS for the Village of Port Chester, New York Comprehensive Plan and Zoning and Map Amendments.

1. To properly assess the potential impacts associated with the rezoning of the United Hospital site, the GEIS needs to recognize the impacts associated with the former hospital use. Instead, the DGEIS draws comparisons only to certain residential and residential/mixed use alternatives. It is noted that the United Hospital facility was in operation for more than 90 years at its present location and the Hospital facility grew in size and scope as the surrounding infrastructure was upgraded to accommodate it and other areas of the Village and County. The approximately 600,000 s.f. facility at one point employed an estimated 633 employees and serviced approximately 16,000 emergency room visits annually along with its other patient workload. This type of activity generates specific impacts to the surrounding neighborhood. It has been estimated that the Hospital during operation generated approximately 184,000 gallons of water usage, produced 166,000± gallons of sewage and generated approximately 418 trips in the AM peak, 527 trips in the PM peak and 448 in the Saturday Peak. Further the property contains some 10.24± acres of impervious surface. It is these thresholds relative to its prior use that should be used to evaluate and compare impacts going forward relative to the analysis in the GEIS. It is further noted that the hospital is still presently a specially permitted use with the existing infrastructure to support such use and accordingly the evaluation should take this into account rather than consider this to be vacant land. It is suggested that this evaluation be specifically applied to the utilities and traffic evaluations identified in the GEIS. Without this comparative analysis, the conclusions presented in the DGEIS are devoid of proper support and justification.

As a comparison, it is projected that the Village's proposed PMU Scenario would generate approximately 1,242 net new vehicle trips in the PM hour compared to the Increased Overall Density Scenario estimate at 269 net new trips in the PM peak hour. The 269 net new vehicle trips as referenced in the DGEIS is below that previously estimated activity generated by United Hospital. Similarly Starwood's proposed redevelopment, which is defined in the DGEIS as the Increased Overall Density Scenario, is anticipated to generate approximately 148,300 gallons per day in sewage flow, which is less than the former United Hospital usage of 166,000 gpd.

2. Further revisions should be made to the proposed Zoning Text Amendments, including the elimination of the overly restrictive FAR requirements proposed in Section 345-62(E) (i.e., the proposed 0.20 cap on residential and commercial FAR), which effectively discourages the feasible and innovative development of the vacant Hospital site. Rigid language describing FAR limitations for different uses was properly removed from the draft Comprehensive Plan and similarly should be removed from this Section. The DGEIS does not provide a basis for this rigid FAR regulation, nor does it identify or support significant adverse impacts associated with permitting a greater residential or commercial FAR. Indeed, there is actually evidence to the contrary. In a "Preliminary Fiscal and Socioeconomic Impact Assessment," prepared by this office, the initial findings demonstrate that the "PMU – Increased Overall Density Scenario" (as described in the DGEIS) may actually result in substantial positive fiscal impacts on all affected taxing districts.¹ Moreover, certain impacts, as noted above, such as traffic are considerably lower with an increased FAR scenario compared to, for example, the PMU Scenario – Maximum Residential with 432 residential units and 336,000 s.f. of non-residential development.² The Board should also consider that the 0.20 cap on residential FAR in the proposed amendment is significantly lower than other proposed and existing residential/mixed-use zones in the Village, as well as the permitted as-of-right residential FAR for the existing R2F zoning of the Hospital site. In other words, a reduction in the existing permitted FAR is not justified, or beneficial to the Port Chester community. As indicated in Preliminary Fiscal and Socioeconomic Impact Assessment provided as Exhibit C of the Cuddy & Feder submission there are substantial fiscal benefits to redeveloping the property as currently proposed by Starwood Capital and Mill Creek Residential Trust.
3. The impact analysis starting on page 128 of the DGEIS, reflects anticipated impacts associated with school age child generation. The DGEIS references the use of the 2006 Rutgers University demographic multipliers. However, it is noted that the Rutgers Study also recommends supplementing analysis with the use of localized survey data to assist in the evaluation of potential impacts. Starwood Capital and Mill Creek Residential Trust have submitted localized survey data that indicates potential impacts resulting from other comparable projects would generate significantly less school age children. The GEIS should reflect that the localized survey data demonstrates a result below that anticipated using just the outdated Rutgers figures.

¹ For the Board's convenience, enclosed please find a copy of the "Preliminary Fiscal and Socioeconomic Impact Assessment," which we request be included in the record of the DGEIS.

² See Table 24 on Page 109 of the DGEIS for a comparison of various PMU Scenarios.



4. The redevelopment of the United Hospital site has some particularly beneficial impacts related to other surrounding land uses, namely downtown retailers and the Kohl's Shopping Center. Starwood's proposal of 820 new households will provide an estimated \$39 million in disposable income to the local economy. Given the presence of the shopping center directly across the street, it stands to reason that this facility would gain considerably. Additionally, other areas like downtown Rye would also capture some portion of this discretionary spending. As noted above, additional economic factors have been analyzed in the "Preliminary Fiscal and Socioeconomic Impact Assessment.
5. With respect to Table 3 on Page 160 of the DGEIS, it appears that the last scenario in this table should be reworded to reflect its designation as Increased Overall Density Scenario, which includes 820 residential units and 20,000 s.f. of retail space. Further, it is unclear, if this is now a comparison between Maximum Residential Scenario and Increased Overall Density Scenario, how the same FAR ratio could be used given that the gross square footage per residential unit for both scenarios would be below acceptable industry standards and effectively render the units non-marketable.

We appreciate the opportunity to provide comments to the DGEIS.

Kind regard,



David B. Smith
Sr. Development Advisor
VHB, Engineering, Surveying and Landscape Architecture, PC

Cc: Evan Crandall, Starwood Capital Group
James E. Raved, Esq.
Maria Rigopoulos, Mill Creek Residential Trust, LLC
Anthony Gioffre, Esq.
Joseph P. Carlucci, Esq.
Anthony F. Morando, Esq.



EXHIBIT B

No lighting devices shall employ exposed light sources. They shall be so designed and located that the light directed therefrom shall not extend beyond the particular billboard boundary, and in no case shall the light source or the beams therefrom be directed into adjoining residential properties or into public streets.

§ 345-16. Building Height and Floor Area Bonus Program

A.

Purpose.

The purpose of the Building Height and Floor Area Bonus Program is to permit increases in allowable density and/or height in exchange for providing a designated community benefit.

B.

General regulations.

(1)

The bonus program is available in the C2 Main Street Business, C5 Train Station Mixed Use, C5T Downtown Mixed Use Transitional and PMU Planned Mixed Use districts (see *Schedule of Regulations for Nonresidence Districts, Attachment 3B*), and is subject to approval by the Village Board of Trustees.

(2)

Only new developments are eligible for the bonuses unless otherwise approved by the Village Board of Trustees.

(3)

Projects in the C5 Train Station Mixed Use, C5T Downtown Mixed Use Transitional, and PMU Planned Mixed Use districts are permitted to use both the building height and floor area option (see *Schedule of Regulations for Nonresidence Districts, Attachment 3B*).

(4)

Buildings using bonus floor area must not exceed the maximum height limits in the applicable district unless eligible for bonus height (see *Schedule of Regulations for Nonresidence Districts, Attachment 3B*).

C.

Bonus floor area option.

In the C2 Main Street Business, C5 Train Station Mixed Use, CST Downtown Mixed Use Transitional, and PMU Planned Mixed Use districts, additional development potential in the form of floor area can be earned for a project when the project includes any of the specified provisions listed herein. The bonus floor area amount is additional to the maximum floor area ratio in the respective district (see *Schedule of Regulations for Nonresidence Districts, Attachments 3B*).

(1)

Open space provision.

In the eligible zoning districts specified herein, proposals that include an open space monetary contribution in addition to the minimum usable open space requirement of the respective district can receive bonus floor area, as specified in the *Schedule of Regulations for Nonresidence Districts, Attachment 3B* and subject to approval by the Village Board of Trustees. The payment in lieu shall be calculated at 10 percent of the assessed value of the bonusable floor space, as determined by the Village Assessor.

(2)

"Housing Rehabilitation Program" provision.

In the eligible zoning districts specified herein, an applicant who contributes a monetary contribution to the Village Housing Rehabilitation Program can receive bonus floor area for the proposed development, as specified in the *Schedule of Regulations for Nonresidence Districts, Attachment 3B* and subject to approval by the Village Board of Trustees. The payment in lieu shall be calculated at 10 percent of the assessed value of the bonusable floor space, as determined by the Village Assessor.

(3)

"Funding for Downtown Public Parking Garage" provision.

In the eligible zoning districts specified herein, an applicant who contributes a monetary contribution to a Village-designated program used to fund the construction of a public parking garage in the downtown can receive bonus floor area for the proposed development, as specified in the *Schedule of Regulations for Nonresidence Districts, Attachment 3B* and subject to approval by the Village Board of Trustees. The payment in lieu shall be calculated at 10 percent of the assessed value of the bonusable floor space, as determined by the Village Assessor.

(4)

All three funds listed in § 345-67.C.(1), (2) and (3) above shall be kept by the Village as dedicated funds in a separate account to be used only for their respective purposes of open space, housing rehabilitation and public parking.

(5). New developments that propose a community benefit other than a monetary contribution to one of the funds specified hereinabove are also eligible and can receive bonus floor area for the proposed development. Such non-monetary community benefit contribution can be in the form of a community facility or land contribution..

D.

Bonus building height option.

Bonus building height is also earned in the C5 Main Street Business, C5T Downtown Mixed Use Transitional, and PMU Planned Mixed Use districts in addition to the bonus floor area achieved through the provisions established in §345-67.C. Bonus height is in addition to the maximum building height in the respective district, as specified in the *Schedule of Regulations for Nonresidence Districts, Attachment 3B*. Bonus height is earned by contributing to any of the three provisions specified in § 345-67.C.(1), (2) and (3) above.

Provide control of any such uses through the Planning Commission under § 345-59D(2).

(2)

In addition to the general standards, set forth in §§ 345-59 and 345-60, for the granting of a special exception use, the Planning Commission shall also consider the following criteria:

(a)

The relationship of the proposed or existing multifamily use, including, but not limited to:

[1]

Size of the parcel;

[2]

Nature of the structure;

[3]

Nature of the occupancy;

[4]

Sufficient off-street parking for both the multifamily and office use must be provided in accordance with § 345-14:

[5]

Adequacy and ease of access to the space.

ARTICLE XI Planned Mixed Use District

§ 345-62. Planned Mixed Use District

A.

Purpose of district.

(1)

It is the purpose of the Planned Mixed Use (PMU) District to provide the opportunity for creation of an environmentally sound and visually attractive mixed use area to replace the de-commissioned hospital located at 406 Boston Post Road (Section 141.052, Block 1. Lot 2) and

the adjacent 12-story residential apartment building located at 999 High Street (Section 141.052, Block 1, Lot 2). This section provides the criteria so that such mixed use development, incorporating a variety of commercial, office, residential and community facility uses, may be planned and developed in a unified manner. The creation of a mixed use development shall be comprised of one or a combination of the following uses:

B.

Permitted principal uses.

(1)

Multi-family dwellings containing efficiency, one-bedroom and two-bedroom units only: age restricted housing (e.g., 55+; convalescent home or nursing home).

(2)

Hotel or motel.

(3)

Bar or tavern; catering and events establishment; cabaret; table service restaurant, no drive-in, open front, fast-food or curbside service types.

(4)

Assembly hall; membership club, fraternal organization or similar social institution not operated for a profit.

(5)

Health club, including racquetball facilities and indoor swimming pools; commercial indoor athletic training facility; bowling alley.

(6)

Theater.

(7)

Retail store or personal service shop.

(8)

Office, office building; [ground-floor office as accessory use to multi-family development](#); bank, excluding drive-in.

(9)

Off-street parking lot or garage for motor vehicles; minimum requirements shall be in accordance with §345-14.

C.

Permitted accessory uses.

(1)

Private garage or private off-street parking area, in accordance with § 345-14.

(2)

Sign, in accordance with § 345-15.

D.

Special Exception Uses.

(1)

Church or other place of worship, parish house, rectory. Sunday school, convent, seminary; customary accessory structure or use, including cultural, recreational or athletic facility, meeting room or similar accessory structure or use related to a school, church or other place of worship.

(2)

Hospital; medical and dental offices; ethical pharmacy.

(3)

School, elementary or high, public, private or parochial, having a curriculum equivalent to that ordinarily given in public schools; nursery school, day camp or day-care center.

(4)

Funeral home.

(5)

Radio or television station studio, excluding transmission tower.

(6)

Veterinary hospital or board and care of small animals.

~~(7)~~

~~Ground floor office as accessory use to multi-family development.~~

E.

Dimensional standards and requirements.

(1)

The maximum floor area ratio (FAR) for all uses shall be ~~0.80~~ 1.60, ~~excluding any incentive density increases which may be granted pursuant to the requirements set forth in §345-67 and with approval by the Village Board of Trustees.~~

(2)

~~The maximum floor area ratio (FAR) for hotel /conference uses shall be 0.40.~~

~~(3)~~

~~The maximum floor area ratio (FAR) for commercial uses shall be 0.20.~~

~~(4)~~

~~The maximum floor area ratio (FAR) for residential uses shall be 0.20.~~

~~(5)~~

~~The maximum floor area ratio (FAR) for age restricted (e.g., 55) and/or assisted living uses shall be 0.30.~~

~~(6)~~

~~The maximum floor area ratio (FAR) for community facility uses shall be 0.10.~~

~~(7)~~

The maximum site coverage (buildings, access roads and parking, but excluding walkways) shall be seventy percent (70%).

~~(38)~~

The maximum building height ~~for hotel uses~~ shall be eight (8) stories or eighty-five (85) feet.

~~(9)~~

~~The maximum building height for mixed use (commercial/residential) structures shall be five (5)~~

~~stories or fifty five (55) feet. A maximum building height of eight (8) stories, or eighty five (85) feet shall be allowable by special exception, subject to approval by the Village Board of Trustees and excluding any incentive density increases which may be granted pursuant to the requirements set forth in §345-67.~~

~~(10)~~

~~A building height bonus of two (2) stories, or fifteen (15) feet over the maximum building height allowable by special exception is available pursuant to the requirements set forth in §345-67 and with approval by the Village Board of Trustees.~~

~~(11)~~

~~With respect to mixed use (commercial/residential) structures, the ground floor space shall consist only of commercial uses; upper floor space shall consist only of residential uses.~~

ZONING

345 Attachment 3B

Village of Port Chester
Schedule of Regulations for Nonresidence Districts
Part 2, Dimensional Regulations

Type of Use § 345-47 Maximum Floor Area Ratio (See definition, § 345-2)	C1 Neighborhood Retail § 345-47 1.00	C2 Main Street Business § 345-48 3.50 ¹	C3 Office & Commercial § 345-49 3.00	C4 General Commercial § 345-50 2.00	C5 General Commercial § 345-50 2.00	C6 General Commercial § 345-50 4.50	C7 Train Station Mixed Use § 345-50.1 4.00 ²	C8 Transitional District § 345-50.2 4.00 ²	C9 Design Shopping Center § 345-51 1.00	C10 Special Commercial § 345-52 1.00	C11 Design Professional Building § 345-53 1.00	C12 Design Waterfront Industrial § 345-54 1.00	C13 Light Industrial § 345-55 1.00	C14 General Industrial § 345-56 2.00	C15 Planned Mixed Use § 345-57 0.8 ²	
																Area, nonresidential [square feet]
Area, nonresidential [square feet]	NR	NR	NR	NR	NR	20-000	NR	NR	21,780	65,340	21,780	10,000	NR	NR	NR	NR
Area per dwelling unit [square feet]	NR	250	NR	NR	NR	250	250	NR	NR	NR	NR	750	NR	NR	NR	NR
Width [feet] [ft]	40	40	40	40	40	300	40	40	40	NR	150ft ³	40	40	40	40	40
Depth [feet]	NR	NR	NR	NR	NR	300	NR	NR	NR	NR	NR	NR	NR	NR	NR	NR
Minimum Yard Dimensions:	NR	NR	NR	NR	NR	30	NR	NR	NR	NR	NR	NR	NR	NR	NR	NR
Front [feet]	NR	NR	NR	NR	NR	NR	NR	NR	NR	NR	NR	NR	NR	NR	NR	NR
Side	NR(a)	NR(b)	NR(c)	NR(d)	NR(e)	NR(f)	NR(g)	NR(h)	NR(i)	NR(j)	NR(k)	NR(l)	NR(m)	NR(n)	NR(o)	NR(p)
One [feet]	NR(a)	NR(b)	NR(c)	NR(d)	NR(e)	NR(f)	NR(g)	NR(h)	NR(i)	NR(j)	NR(k)	NR(l)	NR(m)	NR(n)	NR(o)	NR(p)
Total of 2 on interior lot [feet]	NR(a)	NR(b)	NR(c)	NR(d)	NR(e)	NR(f)	NR(g)	NR(h)	NR(i)	NR(j)	NR(k)	NR(l)	NR(m)	NR(n)	NR(o)	NR(p)
Rear [feet]	30	20	20	20	20	30	30	30	30	30	30	30	30	30	30	30
Maximum Height of Building:	2 1/2	3	4 1/2	5	5	5	5	5	5	5	5	5	5	5	5	5
In stories	3	4	5	5	5	5	5	5	5	5	5	5	5	5	5	5
In feet	35	40	45	50	50	50	50	50	50	50	50	50	50	50	50	50
Minimum Usable Open Space on Lot:	1,200	1,400	1,600	1,800	1,800	2,400	1,800	1,800	1,800	1,800	1,800	1,800	1,800	1,800	1,800	1,800
For each dwelling unit [square feet]	1,200	1,400	1,600	1,800	1,800	2,400	1,800	1,800	1,800	1,800	1,800	1,800	1,800	1,800	1,800	1,800

NOTES:

(a) If provided at least ten (10) feet per yard.

(b) One-half (½) the height of the building to which the yard is related, but not greater than twenty (20) feet.

(c) Each twenty-five (25) feet or one-half (½) the height of the building, whichever is greater.

(d) Twenty (20) square feet for each patient bed in a sanatorium, convalescent home or nursing home.

(e) In the event that the site of a special exception uses is partially within the Village of Port Chester and partially within the Town of Port Chester, the maximum floor area ratio may be determined by the Village of Port Chester, provided that the two sites are adjacent to each other and within the Village of Port Chester and within the Town of Port Chester, does not exceed fifty hundredths (0.50) within the Village of Port Chester.

(f) A floor area ratio of 0.20 is available in accordance with § 345-16. In C4 districts, where multiple buildings are permitted, they shall conform to the regulations shown in the C4 column.

(g) A floor area ratio of 0.20 is available in accordance with § 345-16. In C4 districts, where multiple buildings are permitted, they shall conform to the regulations shown in the C4 column.

(h) A floor area ratio of 0.20 is available in accordance with § 345-16. In C4 districts, where multiple buildings are permitted, they shall conform to the regulations shown in the C4 column.

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(w) A floor area ratio of 0.20 is available in accordance with § 345-16. In C4 districts, where multiple buildings are permitted, they shall conform to the regulations shown in the C4 column.

(x) A floor area ratio of 0.20 is available in accordance with § 345-16. In C4 districts, where multiple buildings are permitted, they shall conform to the regulations shown in the C4 column.

(y) A floor area ratio of 0.20 is available in accordance with § 345-16. In C4 districts, where multiple buildings are permitted, they shall conform to the regulations shown in the C4 column.

(z) A floor area ratio of 0.20 is available in accordance with § 345-16. In C4 districts, where multiple buildings are permitted, they shall conform to the regulations shown in the C4 column.

See § 345-21. (Added 11-10-1982 by L.L. No. 6-1982)

NR = none required



EXHIBIT C



Executive Summary

The following report has been prepared as a preliminary assessment of the anticipated fiscal and socioeconomic impacts from a proposed redevelopment plan to replace the abandoned United Hospital buildings at 406 Boston Post Road with a new mixed-use commercial, community facility, and residential development. The current plan proposes redeveloping the vacant property with approximately 20,000 square feet of ground floor commercial space, and 820 new multifamily apartments in 5- and 6-story residential structures (hereinafter the “Project”). The following analysis includes and relies on information provided by PC BPR 406, LLC (the “Applicant”) related to Project details, anticipated property tax revenue, community benefit package, and anticipated rental profile and associated school children generation. As the Project moves through the SEQRA process, this analysis would be updated and refined for inclusion in the associated environmental review documents. Furthermore, there is no active submittal or proposal for the adjacent 999 High Street site; yet at the request of the Village Administration, anticipated revenues associated with the possible renovation of the existing adjacent 999 High Street building have also been identified in this preliminary assessment. Please refer to the supplemental analysis on page 21 for information concerning 999 High Street. The 999 High Street alternative is discussed herein for purposes of the fiscal analysis only, and is not part of the United Hospital Project.

As illustrated by this preliminary analysis, the return of this currently underutilized and deteriorating property to productive use would result in substantial positive fiscal impacts for both the Village of Port Chester and the School District. In addition, both the construction and operation phases of the Project would result in significant contributions to the local economy.

Key fiscal impacts from the Project include:

- Combined first year revenues of approximately \$2.25 million to local taxing jurisdictions once both redevelopment phases associated with the United Hospital site are fully operational. This includes approximately \$600,000 for the Village, which represents a net increase of approximately \$470,000 over existing Village tax generation from the site.
- An approximately \$1 million increase over existing annual revenues to the School District, resulting in a positive net annual fiscal impact of approximately \$698,600 for the School District.
- Revenues over 20-year period totaling approximately \$49 million, including approximately \$29 million for the School District and \$13 million for the Village.
- A community benefits package generating up to an additional \$9.5 million in value.
- Generation of approximately 17-23 schoolchildren.

Key socioeconomic benefits from the Project include:

- Investment of approximately \$250.5 million for project development and construction.
- This construction investment would support approximately:
 - 1,327 total direct construction and related services jobs.
 - 647 total jobs in supporting industries.
- Project operations would support approximately 90 permanent jobs, including approximately 64 permanent on-site jobs.



Engineering, Surveying and Landscape Architecture, P.C.

- Expansion of the local customer pool by approximately 820 households, creating an additional consumer demand for neighborhood retail, restaurants and services. This expansion of local market demand would help sustain and support Port Chester's downtown businesses, enhancing the Village's economic vitality.
- Approximately \$39 million in additional economic output and support for an additional 218 jobs related to household spending.
- The development of a new residential product that would enhance housing diversity and opportunity within the Village.

In summary, the Project will have a substantial and sustained positive tax impact on all affected taxing districts, including the local school district. The community benefits package will provide additional resources for Village enhancements. In addition, the proposed development will help to revitalize the Port Chester economy. It will bring new jobs to the Village during the construction and operations phases and would bring new purchasing power to the Village in support of local businesses when it is fully occupied. Impacts such as traffic, when measured against the operation of the former hospital, are not significant. Redevelopment would also have a positive impact on community character by eliminating a high-profile vacancy at a key gateway to the Village and reinvigorating an underutilized property with an active and attractive use.



Project Description and Purpose

Proposed Development

PC BPR 406, LLC (an affiliate of Starwood Capital Group) is seeking municipal approvals that would allow for the redevelopment of the 14.5-acre former United Hospital site located at 406 Boston Post Road into a mixed-use development comprised of a combination of multifamily residential, commercial, office and community facility uses. The proposed plan will require zoning text and map amendments to reclassify the United Hospital property to a new Planned Mixed Use (PMU) Zoning District. The proposed plan seeks to replace the abandoned United Hospital buildings with a new mixed-use development consisting of approximately 20,000 SF of ground floor retail fronting the site entrance on Boston Post Road (directly across from the entrance to the Kohl's Shopping Center site) and approximately 820 new multifamily apartments in 5- and 6-story residential structures. Retail and residential parking would be provided via a combination of surface parking and structured parking located under the buildings. The development would be constructed in two phases.

The attached conceptual site plan demonstrates that the development is specifically designed to present a harmonious street presence on Boston Post Road. The development would feature a new high quality streetscape designed to engage the street along the site's frontage on Boston Post Road and create a pleasant and safe pedestrian experience. The ground floor retail will front Boston Post Road at the site's main entrance and will be designed to complement and provide ancillary retail to the existing Kohl's Shopping Center and future home to the new Whole Foods grocery anchor, as well as provide supporting retail to the development's on-site residential population.

The attached rendering demonstrates that the development will be designed to retain a traditional residential feel, with elevations that are both distinctive and integrate well into the larger community. The buildings will be modern in sensibility and yet clearly anchored to a more traditional residential vernacular, with classic rooflines, large paned windows, and balconies. The building façades will be an attractive mix of brick, siding, and architectural panels. Contrasting brick color bands and panels will introduce a variety of detail to the pedestrian walking by. Residential balconies and roofline silhouettes will further modulate the elevations and create a residential village-like impression.

The development would replace a predominantly impervious site with landscaped courtyards, attractive building perimeters, and an enhanced streetscape. The apartments are designed around landscaped courtyards. The courtyards will serve as common space with such site amenities as swimming pools, and gathering areas for community residents. The courtyards and grounds will be adorned with plantings, ornamental shrubs and canopy trees. These plantings will give a sense of scale and separation from the individual structures.

The anticipated residential unit mix would be 5% studios, 48% one bedrooms and 47% two bedrooms, with approximately 20,000 SF of ground floor retail (see proposed Building Program table below). The product is designed to attract the emerging market segment called "Lifestyle



Renters” - usually a mix of young childless professionals and empty nesters. This market segment typically includes higher-income households that choose a multifamily unit for its lifestyle, including ease of maintenance, desirable location, convenience, amenities, and access to new technology.

Proposed Building Program

Residential Units	Number of Units	% of Unit Mix
Studio / Jr. One Bedroom Units	41	5%
One-Bedroom Units	394	48%
Two-Bedroom Units	385	47%
Total Residential	820	100%
Retail	20,000 SF	

Project amenities for on-site residents would include 8,000-10,000 square feet of leasing and clubhouse amenity space, including resident lounge, 24-hour state-of-the-art fitness center, internet café, game room/ and business/computer center. The development would also feature swimming pools with sundecks, outdoor grilling areas, and outdoor fire pits. The buildings would be managed and serviced by a professional on-site management and maintenance team and have controlled access entry to the building, amenities, and garage.

The apartments would have standard 9’ ceilings, as well as vaulted ceilings in some top floor units. All apartments will feature gourmet kitchens with breakfast bars and/or islands, wall-to-wall carpeting, central HVAC, walk-in closets, and full-size washers and dryers. All apartments will be pre-wired with cable and high-speed internet connections (in several locations within in the apartment). The buildings will also have Wi-Fi available to residents.

The site location, building architecture and landscaping treatments will provide an attractive residential development appropriately situated and well served by necessary transportation and infrastructure. The proposed development would set a new standard for mixed-use development at the southwestern gateway to the Village.

Draft Comprehensive Plan:

As reflected in the Draft 2012 Comprehensive Plan (the “Comp Plan”), the proposed United Hospital redevelopment will enhance the immediate area with a permanent, high quality mixed-use development. The proposed zoning amendments will provide a permanent, beneficial use to an underutilized property in conformance with the new vision articulated by the Village – mixed-use development and high quality residential housing. In particular, the proposed development will address many of the Comp Plan’s goals and recommendations including:

- Redevelopment of the underutilized, vacant United Hospital Site.
- Encourage a balanced range of housing types and densities in the Village.
- Maintain homeownership and rental opportunities for a diverse housing market including specialized housing requirements for the elderly, handicapped and young adult population.



- Promote walking for commuting, recreation and other trips by creating safe, pedestrian friendly environments throughout the Village (improve streetscape, continuous and safe sidewalks along major roads).
- Support design excellence to protect and restore the character of the Village's neighborhoods.
- Connect neighborhoods, parks and the waterfront through a network of pedestrian and bicycle friendly streets and trails.
- Enhance and maintain a sustainable high quality parks and recreation system.
- Encourage the development of a skilled workforce that matches the employment opportunities in the Village by focusing on workforce needs for advancement.

Purpose, Need, and Benefits

The proposed development will redevelop a commercial site, without the significant traffic generation that accompanies commercial uses. There would be significant aesthetic improvements to the site through architectural design, materials and detailing, and landscaping. The transit-oriented development is well situated, with frontage on U.S. Route 1 (Boston Post Road) and direct access to Interstate 287 and Interstate 95. The site is situated on the Bee Line (bus service) and less than a mile from two Metro-North train stations (Port Chester and Rye), which provide train service to Grand Central Station in Manhattan within 40 minutes, thereby reducing potential vehicle trips. The development, by virtue of its close proximity to the Port Chester and Rye Metro-North train stations, should be particularly attractive to affluent young workers who are employed in Manhattan but who have been priced out of Manhattan's superheated housing market.

The demographics of Westchester County suggest that there will be strong demand in the coming decade for new rental housing with modern features and amenities. As the "echo boomers", those born between 1977 and 1994, enter their prime household formation years and as the leading edge of the baby boomers, those born between 1946 and 1964, begin to downsize their housing, the demand for such rental units will escalate.

The development is expected to attract single and married professionals working in and around Westchester and Fairfield County and commuting into New York City, as well as empty-nesters and "baby boomers" who are down-sizing from larger single-family homes and want to remain in the area to be near family and friends. The development would also attract the "echo boomer" population. This technology savvy generation was brought up on the Internet and electronics and demands modern features and amenities such as wireless/hi-speed internet access and state-of-the-art fitness centers. Single-person households, empty nesters, and couples without children make up the new majority in American households. This combined target market is attracted to social environments and downtowns and will patronize local businesses and restaurants. They represent "renters by choice", who want the maintenance-free lifestyle that new luxury rental communities offer, including access to new amenities and new technologies. Considering the targeted market segment, and with 53% of the apartments as studios and one-bedroom units, the potential for generation of school children is low.



The proposed development will have both immediate short-term as well as long-term benefits for the Port Chester community. These benefits include:

- Providing needed new, quality rental housing to both young professionals and empty nesters.
- Replacing the blighted and vacant hospital compound with handsome, aesthetically pleasing structures, and thus creating a sense of place at the gateway to the Village.
- Often described as the gravity principle or the hub and spoke principle, a positive development spurs the owners of neighboring properties to renovate their properties and create greater values and rental desirability.
- Encouraging the opening of new businesses and making existing local businesses more profitable, such as cleaners, eateries and cafes, pharmacies and general merchandise and therefore creating a more vital community.
- Moving toward the national trend of creating walkable communities and away from the past approach of sprawling housing complexes.
- Creating a next generation of rental housing that is constructed to meet all the current safety driven building codes, with desirable amenities.
- Adding to the property tax rolls of all levels of local government without adding to the demand for services, thereby easing the tax burden to the current community. A major component of the championed "Smart Growth" movement.
- Acting as a spark to encourage other commercial owners to improve their properties, assuring that empty nesters remain close to their families, and religious and social institutions.
- Bringing an infusion of new consumer dollars to the Village as the residents patronize local convenience, service, and retail stores and enjoy local restaurant establishments, helping to support and reenergize downtown Port Chester. Potential residents of the proposed rental units will also bring considerable purchasing power to the community.

The proposed development would set a new standard for residential construction in the Village with its exceptional design, amenity package, garage parking, and landscaped courtyards and streetscaping. The proposed development would be an active residential anchor that will contribute to the revitalization of the downtown Village of Port Chester.

Rental housing market fundamentals remain strong due to the following reasons:

- The demand for new, multifamily rental housing has long been a major underserved need throughout Westchester County. Currently the rental apartment



vacancy rate in Westchester County as a whole is 2.9% compared to a vacancy rate of 3.3% in the Northeast and 4.7% nationally (REIS MetroTrend Futures 2nd Quarter 2012.)

- While the Village of Port Chester has a greater percentage of rental housing than other communities, that existing housing stock is old and functionally obsolete. About 35% of the housing stock was built before 1940 and another 43% was built between 1940 and 1970. There is still a tremendous demand for new, highly-amenitized rental communities designed to meet the needs of smaller households such as working professionals and downsizing baby boomers.
- The current high cost of home ownership has priced many Westchester residents out of the market, resulting in an even higher demand for rental housing.
- Due to the sub-prime lending crisis that occurred in the summer of 2007, lenders have become and still remain much more stringent in mortgage lending standards, thereby narrowing the pool of qualifying home buyer applicants and further softening the for-sale housing market. Historically, weakness in the for-sale market results in greater demand for rental housing.
- The location of United Hospital site will be very desirable to commuting residents based on its close proximity to excellent mass transit and vehicular access.



Public School Impacts

Whenever multifamily housing is proposed, there is concern about how many school-age children will be generated and about the resulting fiscal impact on the local school district. This concern is understandable given the misconception that multifamily rental housing generates a high number of school-age children. However, it is important to understand changes in demographics, the resulting changes in housing preferences, and the proposed development target market in order to accurately project the number of school age children likely to be generated by this planned development of 820 apartments.

Demographic Shifts and Target Market

Long-term demographic trends will lead to unusually strong apartment demand for at least the next 10 years. These trends also demonstrate a shift in the make-up of the average household. According to U.S. Census data, the number of households with children is decreasing. In 1960, 50% of households had children. In 2000, the number of households with children decreased to 33%. Trends through 2025 forecast that households with children will decrease further to 28%.

<u>Households</u>	Demographic Trends	
	<u>2000</u>	<u>2025</u>
With Children	33%	28%
Without Children	67%	72%
Single	26%	28%

As the people born between 1977 and 1994 enter their household formation years and the people born between 1946 and 1964 begin to downsize their housing, the number of households without children will grow and rapidly increase the demand for multifamily housing. The proposed development will attract young professional singles, couples who have not yet started a family, and empty-nesters whose family-rearing responsibilities have ended. All groups will likely have few or no school-aged children.

In June 2006, the Rutgers University Center for Urban Policy Research published a study titled "Residential Demographic Multipliers – Estimates of the Occupants of New Housing," which addresses the potential number of public school-age children for different types of rental units. The study, authored by Robert W. Burchell and David Listokin, contains information on demographic multipliers, including the average number of people, the average number of school-age children, and the average number of public school children found in newly built housing units of different types and sizes. This Rutgers study includes New York State specific residential demographic multipliers, which are derived from the 2000 U.S. Census.

The demographic fields shown in the report are differentiated by housing type, housing size, housing price, and housing tenure. The housing or structure types include the following: single-family detached; single-family attached (town homes); larger multi-family buildings (5 or more units); and smaller multi-family structures (2 to 4 units). The 2000 census does not have information on the



number of stories in a housing structure, therefore the multiplier presentations cannot disaggregate multifamily housing into garden, mid-rise, and high-rise categories. There is further differentiation of the demographic profiles by housing value or gross rent. Gross rent is defined as “the contract rent plus the estimated average monthly cost of utilities (electric, gas, water, and sewer).”

In the report, Burchell and Listokin found that statewide in New York, renters of one-bedroom apartments renting for more than \$1,000 monthly in structures containing five or more rental units generated only 0.07 public school children per unit. Renters of two-bedroom apartments renting for more than \$1,100 in structures containing five or more rental units generated only 0.16 public school children per unit. Renters of three-bedroom apartments renting for more than \$1,250 in structures containing five or more rental units generated 0.63 public school child per unit.

In this report, Listokin indicates that the multipliers are only a snapshot in time and need to be continuously updated, refined and tested to reflect new trends, and that the most recent data available should be utilized. Listokin further recognizes that statewide average benchmark data can only go so far in accurately predicting the actual demographic impact of housing development in a specific community. For example, a given community may attract more or fewer public school children per housing unit because of differences in geography and locale (e.g. urban versus suburban or proximity to mass transportation). Additionally, based on the quality of the local school district, households with more children may disproportionately choose to live in communities with high-quality school systems.

In November 2006, recognizing that Rutgers studies and data were being widely applied throughout the United States and producing inaccurate data, Listokin, under the Center for Urban Policy Research Edward J. Bloustein School of Planning and Public Policy and Rutgers University, published “Who Lives in New Jersey Housing – A Quick Guide to New Jersey Residential Demographic Multipliers.” This report acknowledges that “the practice of using existing published Rutgers studies produces an erroneous overstatement of the population generated by new development in New Jersey, especially housing with a strong transit orientation and infrastructure in place.”

This overstatement of projected school children generation is not surprising given the fact that the standard Rutgers multipliers did not take into account various factors such as project location, recent demographic trends, proximity to mass transit, type of structure (mid-rise or hi-rise), and quality of the local school district. Similarly, the expected target market of young professional singles and couples and empty-nesters are likely to have relatively few school age children. The authors go on to write that the multifamily data, based on census information, cannot differentiate low-rise buildings from high-rise apartments. According to the report, “anecdotal evidence and historical data indicate that high-rise development has lower household size and school children generation relative to low-rise development.”

The “Quick Guide” report provides new averages, based on 2000 Census data, of the numbers of people, school-age children, and public school children that tend to locate in different types of development, such as single-family, multifamily, above- and below- median value homes, and proximity to transit. The following table illustrates overall demographic data for multifamily units differentiated by Housing Tenure and Value.



Revised General Multi-family Multipliers (Above Median)

Multi-family (5+ Units)	Price	Housing Size	School-Age Children in Public Schools Per Household
Studio and One Bedroom	Above Median	1.644	0.051
Two Bedroom	Above Median	2.107	0.115

Source: "Who Lives in New Jersey Housing – A Quick Guide to New Jersey Residential Demographic Multipliers," Center for Urban Policy Research Edward J. Bloustein School of Planning and Public Policy and Rutgers University

Importantly, the "Quick Guide" also speaks to data resulting from exploratory analysis of Transit-oriented developments (TOD) within NYC metropolitan area suburbs, which suggests that each TOD unit generates only about 0.02 public school children. In other words, for every 100 units in a TOD, on average only 2 public school children are generated. This was based on a "real world" study of 10 apartment communities representing a sample size of 2,183 units. Based on data from local school districts, it was determined that only 47 public school children were generated, far less than the 285 which would have been projected by the generalized multipliers. Therefore, the authors indicate that generalized multipliers should not be used for specialized housing, such as transit oriented development and proximity to strong infrastructure, as they may grossly overestimate school children. Since the United Hospital site has similar characteristics (e.g., an infill location in a metropolitan New York suburb, proximity to transit) the Quick Guide multipliers have been applied to the proposed redevelopment. As discussed below, these multipliers have been supplemented and confirmed through research of school children generation rates from other local examples.

Listokin recommends that state-level data should be supplemented by local analysis, including a study of public school generation of occupied housing developments comparable in character (i.e.: type, size, price, and tenure) and location to the subject development being considered by the analyst.

For this study, actual public school enrollment data from eight comparable multifamily developments in neighboring municipalities such as White Plains, Stamford and Norwalk were obtained from their respective school districts. These municipalities are the closest communities to Port Chester that have recently experienced new construction of high value, amenity rich multifamily developments. The identified projects are similar to the proposed development in that they are newer developments with upscale and high quality design, comparable rent ranges, similar resident amenity packages, and proximity to downtowns. In the aggregate, they contained a total of 2,390 apartment units and generated 67 school children. This is equivalent to a ratio of 0.028 children per unit, that is, for every 100 units, on average only 2.8 public school children were generated.

These findings are summarized in the table below. It is noted that several of the identified comparables include three-bedroom units, which tend to generate more school children than smaller units. The United Hospital redevelopment Project is proposing to not include any three-bedroom units. Therefore, the school children generation ratio is likely conservative.



School-Age Children in Selected Comparable Multi-Family Rental Developments

Development	Location	Year Built	Description	Unit Mix	Total Units	School-Age	Ratio	Source of Data
Bank Street Commons	White Plains, NY	2003	High-rise	1-br, 2-br	502	10	0.02	White Plains
Avalon White Plains	White Plains, NY	2008	High-rise	Studio, 1-br, 2-br, 3-br, townhome	407	15	0.037	White Plains
One City Place	White Plains, NY	2004	High-rise	1-br, 2-br, 3-br	311	14	0.045	White Plains
The Boulevard	Stamford, CT	2011	Mid-rise	1-br, 2-br	94	1	0.011	Stamford Public
Avalon at Greyrock	Stamford, CT	2001	Mid-rise	1-br, 2-br, 3-br	306	11	0.036	Stamford Public
Avalon on Stamford	Stamford, CT	2003	Mid-rise	Studio, 1-br, 2-br, 3-br	323	8	0.025	Stamford Public
Jefferson @ 55/77	Norwalk, CT	2007	Mid-rise	1-br, 2-br	136	1	0.007	Norwalk School
Avalon Norwalk	Norwalk, CT	2009	Mid-rise	Studio, 1-br, 2-br, 3-br	311	7	0.020	Norwalk School
Total					2,390	67	0.028	

Source: Data collected by Mill Creek Residential Trust from various school districts/Superintendents in January 2012.

Estimated School-Age Children

The following table illustrates an estimate of public school children generated by the proposed development using Rutger’s recent TOD data and using comparable “real world” apartment market data. Using these ratios, the 820 proposed apartment units would generate between 17 and 23 public school age children. Phase I, consisting of about 410 units would generate between 7 and 12 public school age children.



Potential School Children Generation

Proposed Development	Public School Children Generation Ratios	School-Age Children in Public Schools Per Household 820 Units	School-Age Children in Public Schools Per Household Phase 1- 410 Units
Rutgers TOD data	0.021	17	7
Comparable Rental Market data	0.028	23	12

Source: Alan M. Vorhees Transportation Center at Rutgers University and the Office of Smart Growth

Financial Impact on the Port Chester – Rye Union Free School District

This site is located in the Port Chester-Rye Union Free School District. The 2012-2013 budget for the Port Chester - Rye Union Free School District is \$81,320,560, of which \$56,725,495 (or approximately 70%) comes from the local property tax levy¹. According to the Westchester Putnam School Board Association 2012-2013 Property Tax Report Card Data for the Port Chester-Rye Union Free School District, enrollment for 2012-2013 is anticipated to be 4,300 students (an increase from 4,231 during the 2011-2012 school year). With a current enrollment of 4,300 students, total budgeted expenditures per pupil are therefore approximately \$18,912. The total budgeted cost per student funded by the local property tax levy is \$13,192. While the average total per-pupil costs are useful metrics for certain tasks, such as overall district budgeting, it is not appropriate for evaluating the marginal cost of educating a new student in situations where no new facility construction is required. (The Project-generated school children would represent approximately 1/2% of the district's enrollment.) This is because the average cost includes fixed administrative and capital expenditures that are not affected by the introduction of new students (e.g., superintendent salary, building maintenance and service costs, debt service, etc.) These fixed costs will not vary with the projected small changes in school enrollment. Program costs provide a more accurate assessment of the incremental cost of educating additional students generated by new residences, although it is still conservative as costs do not increase in a direct ratio. Program costs as identified in the district budget account for approximately \$61,984,038 (76%) of the total budget; a cost per pupil of approximately \$14,415.

As noted above, only a portion of this cost is currently paid for from the local property tax levy (see table below). The portion of the program costs paid by the local real estate property tax is approximately \$10,055 per pupil. State and federal aid make up approximately 20% of the school district's revenue. However, it is recognized that due to the State's challenging fiscal and budget conditions, the amount of State Aid that will be provided to school districts is in flux. Therefore, in order to be conservative, this analysis utilizes the total per pupil instructional costs, rather than only the portion currently paid by local property tax dollars. With potentially 17-23 new students and an average program cost of approximately \$14,415, the annual cost to educate the Project-generated students would likely range from \$245,053 to \$331,542. (As indicated above, the tax levy for the 2012-2013 budget accounts for \$56,725,495, or 70% of the budget revenues. Assuming relatively

¹Port Chester-Rye Union Free School District, 2012-2013 Proposed Budget.



constant State Aid, the total cost paid by the local real estate property tax would range from approximately \$170,938 to \$231,269.) Phase I, consisting of approximately 410 units, would cost between \$100,904 to \$172,979 for the projected 7 – 12 students.

Sources of Revenue, Port Chester - Rye UFSD, 2012-13 School Year

Revenue Source	Amount	Percent Distribution
Local Tax Revenue	\$50,325,495	61.89%
Star Program Revenue	\$6,400,000	7.87%
Taxation and Star Program Revenues	\$56,725,495	69.76%
State and Federal Aid	\$15,955,584	19.62%
Revenue Local Sources	\$5,839,482	7.18%
Revenue Fund Balance	\$2,800,000	3.44%
Revenues- Excluding Taxation and Star Program	\$24,595,066	30.24%
Total Revenue	\$81,320,560	100.00%

Source: Port Chester Public Schools published 2012 – 2013 budget.

Property Tax/PILOT

The proposed development will bring increased property tax revenues to the Village of Port Chester, the Port Chester - Rye Union Free School District and other local taxing districts. The developer will require financial assistance from the Port Chester Industrial Development Agency in the form of mortgage recording tax exemption, sales and use tax exemption and a modest structured real property tax abatement included as part of a payment in lieu of taxes (PILOT). Without this financial assistance, it is impossible for the United Hospital site to be redeveloped.

Revenue generated by the development would result in projected taxes equal to about 3x more than the real property taxes currently being paid by the existing commercial development on the site. This multiplier would increase in the out years. This differential will more than compensate the Village for any quantifiable impact on the Village related to increased municipal service costs.

Existing Property Tax Revenue

The 14.15-acre former United Hospital site is comprised of two tax lots: section/block/lot 141-52-1-2 and 141-52-1-2.4. The Assessed Value for purposes of tax assessments for the United Hospital site have been steadily declining over the past several years, as seen on the following chart:

Assessment Year	406 Post Road		Total Assessed Value
	141.52-1-2	141-52-1-2.4	
2009	\$22,350,000	\$1,649,500	\$23,999,500
2010	\$20,562,500	\$1,649,500	\$22,212,500
2011	\$17,550,300	\$1,568,700	\$19,119,000
2012	\$12,079,100	\$1,568,700	\$13,647,800



Based on the 2012 Assessment Year, the 2013 – 2014 existing tax liabilities for the property are estimated to be:

Anticipated Tax Assessments (2013- 2014) – Existing Condition

	406 Post Road (141.52-1-2)	406 Post Road (141.52-1-2.4)	Combined	% Allocation
2012 Assessed Value	\$12,0079,100	\$1,568,700	\$13,647,800	
General Taxes	\$57,294.41	\$7,440.76	\$64,735.17	12.89%
Village of Port Chester	\$121,460.15	\$15,773.90	\$137,234.05	27.32%
Port Chester – Rye Union Free School District	\$265,872.56	\$34,528.59	\$300,401.50	59.80%
Total Taxes	\$444,388.47	\$57,712.26	\$502,100.72	100.00%

Source: Tax data provided by PC 406 BPR LLC for current 2013-2014 General and Village tax bills for 141.52-1-2 and 141.52-1-2.4. School District taxes projected by trending the tax rate 2% over the 2011 assessment year.

Certiorari Property Tax Refunds

The New York Real Property Tax Law (RPTL) authorizes a property owner to petition the court for relief in the case of property assessments that it believes are inaccurate. Property owners who pursue this relief may obtain a court settlement, known as a Certiorari Tax Refund Judgment. PC 406 BPR, LLC has petitioned the court for relief for the Town of Rye’s 2009, 2010, and 2011 assessments, based on a third-party appraiser’s conclusions of market value for the vacant site. It is anticipated that the final settlement will necessitate a tax refund to PC 406 BPR, LLC from the respective taxing authorities in the range of \$750,000 to \$1,000,000.

Proposed Development: Projected PILOT/Tax Revenues

The development’s real property tax abatement will be structured so as to generate PILOT payments/property tax revenue that will substantially exceed the potential impact that the development would have upon the Port Chester – Rye Union Free School District. Projected payments in the first full year would more than triple the real property taxes currently being paid by the existing commercial development on the site. This differential will more than compensate the Village for any quantifiable impact on the Village utilities and services. Tax revenues would increase in the out years, escalating approximately 3% per year. The table below presents anticipated revenue by taxing district, assuming each district’s proportionate share of the total tax bill remains the same as it is presently. Overall payments during the 20-year PILOT period would total approximately \$49 million, including approximately \$29 million allocated for the School District and \$13 million for the Village. The following anticipated revenue and community benefit package projections are based upon the current development program. If the program (e.g. unit count) is modified, there would be an associated change in revenues for the Village.



Projected Tax Revenues – First Year Operations	Phase I 420 units & 20,000sf Retail Year 1 of Operation	Phase II 420 units Year 1 of Operation	Total Tax Revenue – Year 1 of Operation
General (12.886%)	\$146,192	\$140,535	\$286,8726
Village of Port Chester (27.317%)	\$309,911	\$297,919	\$607,831
Port Chester – Rye Union Free School District (59.797%)	\$678,397	\$652,146	\$1,330,543
Total Tax Revenues	\$1,134,500	\$1,090,600	\$2,225,100

Note: Projected revenues are presented for first-year operation of each phase. By the time of occupancy of Phase II, actual Phase I revenues will actually be slightly higher as that phase would have been operational and experienced revenue escalation of approximately 3% per year.

The combined first year operating tax revenues for both phases would total approximately \$2.25 million. Factoring the anticipated 3% annual increase tax trending for Phase I, upon completion of Phase II, the Project would be expected to generate approximately \$2.5 million annually in revenue. The following chart compares this projected revenue with the existing property tax generation from the site in its current condition. Redevelopment would result in a net increase of approximately \$1.7 million in annual revenue compared to the existing condition. The School District would be the largest beneficiary, experiencing an approximately \$1 million annual net increase.

Comparison of Existing Tax Revenues to Complete First Year Operations

	406 Post Road 2013-2014 Taxes	Proposed Taxes First Year Operating (Both Phases)	\$ Increase over 2013- 2014	% Increase over 2011-2012
General Tax	\$64,735	\$286,8726	\$221,991	343%
Village of Port Chester	\$137,234	\$607,831	\$470,597	343%
Port Chester – Rye Union Free School District	\$300,401	\$1,330,543	\$1,030,142	343%
Total Tax Revenues	\$502,370	\$2,225,100	\$1,722,730	343%

Source: Tax data provided by PC 406 BPR LLC.

When calculating the potential net fiscal impacts to the School District, the expected cost to the school district generated by the development was deducted from the total projected school tax revenues generated by the proposed development. Based on this calculation, shown in the table below, the annual net fiscal benefit to the school district for the development for the first operating year with both phases would be \$698,600.



Net Fiscal Impact – School District

Projected Combined 1st year tax revenues to Port Chester – Rye Union Free Schools	\$1,330,543
Less: Projected Additional Cost of school children (Phase I & II)	(\$331,542)
Less: 2013 – 2014 estimated tax revenues to Port Chester – Rye Union Free Schools	(\$300,401)
Net Potential Benefit to Port Chester – Rye Union Free Schools	\$698,600

Community Benefits Package

The Applicant also anticipates entering into a Community Benefits Agreement that would result in additional improvements and/or contributions into a fund for use by the Village (and/or potentially the School District) to support community enhancements. As currently conceived the Community Benefits Package would total approximately \$9.5 million, phased and implemented in concert with the construction phasing. The specific timing and triggers for the phasing of the Community Benefits Package would be further delineated as the Project moves through the environmental review and local approval process.

Socioeconomic Benefits

This section assesses the direct and indirect socioeconomic benefits associated with the redevelopment of the former United Hospital site. Project development and construction would require an estimated total investment of approximately \$250.5 million, which will provide a significant benefit to the local, regional, and state economies. The investment in the redevelopment, during both construction and operation, would also result in significant secondary economic benefits. As worker wages and payments to suppliers are spent and recirculated in the area economy, additional jobs, income and revenue will be created in a variety of industries, such as eating and drinking establishments, retail stores, wholesalers, and service providers. In the short-term, it is expected that a total of 1,974 jobs would be supported by the construction of the Project (an average of 395 full-time annual jobs during the 5-year construction period). This includes 1,327 total direct construction and related services jobs, as well as an additional 647 jobs in supporting industries. Once completed, operation of the Project would support a total of approximately 90 jobs, including approximately 64 permanent on-site jobs.

Employment Impacts

Construction Period

The proposed redevelopment would involve two phases of construction. Phase I would include the development of 410 residential units and 20,000 square feet of retail space. Phase II would consist of an additional 410 units.



An input-output (I/O) methodology employing IMPLAN software (V.3 2008 multipliers²) developed by the U.S. Government and the University of Minnesota was used to determine the economic and impact of the Project on the Westchester County economy. The IMPLAN model was chosen because of its ability to construct a model using data from Westchester County while maintaining rich detail on impacts for hundreds of industrial sectors. In addition to being widely used in regional economic analysis, the model and its methodology have been extensively reviewed in professional and economic journals.

Input-output models, such as the IMPLAN software, map the linkages of inter-industry purchases and economic output within a given region. These models trace the inputs necessary to produce a dollar of output for a specified industry in a given economy. This linked spending can be tracked through multiple rounds of spending to estimate the cumulative effect of a specific project or change in industry activity on a region's total output, earnings, and employment. The model factors how much of the required inputs can be supplied locally from within the study area and tracks spending until all money related to the original purchasing has been leaked out of the region or removed from the economy by savings, taxes and profits.

In addition to the direct spending activity that is required to produce a dollar amount of a given product or service, economic impacts also occur as a result of "indirect" purchases that businesses and organizations make from other local industries using revenue gained from the initial direct spending. This is often referred to as "indirect spending." "Induced spending" includes the purchases made by individuals and households within the study area as a result of the income they receive from the direct and indirect activity in the region. Input-output models yield "multipliers" that are used to calculate the total direct, indirect and induced effect on jobs, income and output resulting from a dollar of spending on goods and services in the study area.

The model has been applied to each Project phase's construction budget, assuming a total 5-year construction period (2.5 years per phase.) The model indicates that the overall direct construction expenditures would result in a total output of approximately \$333 million in the local economy, including approximately \$119 million in indirect and induced economic output (production) effects.

In addition to the direct construction employment impacts of 1,327 jobs, the indirect and induced economic activity resulting from Project construction expenditures would be expected to support another 647 jobs (299.5 indirect and 347.2 induced) across a number of industries in the local economy (e.g., real estate establishments, food and drinking places, retail stores, wholesale trade). The overall job impacts related to construction activity would be substantial and total 1,974 full-time jobs during the 5-year construction period.

▼
² Minnesota IMPLAN Group, Inc., IMPLAN System (2008 data and software), 1725 Tower Drive west, Suite 140, Stillwater, MN 55082, www.implan.com, 2009.



Construction Period Economic Impacts

Impact Type	Employment	Labor Income	Total Value Added	Output
Direct Effect	1,327.4	\$99,752,225	\$101,516,499	\$213,500,000
Indirect Effect	299.5	\$23,726,929	\$36,524,445	\$56,989,088
Induced Effect	347.2	\$20,748,977	\$40,202,637	\$62,035,123
Total Effect	1,974.1	\$144,228,132	\$178,243,581	\$332,524,211

Operations Period

As described previously, the Project is a mixed-use redevelopment including a residential and a retail component. Both components would be expected to support permanent employment in the Village. The residential component would include approximately 14 full-time, on-site property management and maintenance positions, with an annual payroll of approximately \$788,000. The following table provides a breakdown of the types of jobs and payroll for a typical operating year.

On-Site Employment – Residential Component

Position	Compensation (inc. Bonus)	Number	Payroll
Property Manager	\$102,000	1	\$102,000
Assistant Manager	\$78,000	1	\$78,000
Marketing Manager	\$66,000	1	\$66,000
Leasing Consultant	\$44,000	4	\$176,000
Maintenance Manager	\$71,500	1	\$71,500
Maintenance Tech	\$55,000	4	\$220,000
Maintenance/Porter	\$37,400	2	\$74,800
Total	NA	14	\$788,300

In addition, the Project will contract with local businesses for site maintenance services such as common area cleaning, landscaping, extermination, snow removal, apartment turnover services, and maintenance and repairs. The Applicant estimates that this would be an additional \$984,000 of expenditures, which would contribute additional activity to the local economy.

The retail space would also generate employment. Based on a standard multiplier of 2.5 employees/1,000 square feet³, the Project's 20,000 square feet retail component could support approximately 50 jobs.

As with the construction spending, the spending and income associated with activity during the operation of the Project also recirculates through the local economy creating additional secondary impacts. The anticipated direct and secondary economic effects from the Project at full operation are summarized in the following table, which identifies the IMPLAN model estimates of the secondary economic activity resulting from the direct on-site employment of 50 commercial/retail workers and 14 residential support workers, and the contracted services expenditures. As indicated, the annual

³ Development Impact Assessment Handbook, ULI, 1994.



employment impact would total approximately 90 jobs. This consists of the 64 on-site jobs, an additional 7-8 jobs supported by the contracted services work, and 19 jobs supported by the secondary indirect and induced spending in industries such as maintenance, real estate establishments, and food service and drinking places. The total labor income from these positions would total approximately \$4.6 million annually. Total regional economic production resulting from facility operations would be approximately \$11.3 million annually.

Annual Economic Impact from Project Operation

Impact Type	Employment	Labor Income	Total Value Added	Output
Direct Effect	71.6	\$3,386,538	\$5,078,563	\$7,746,203
Indirect Effect	7.4	\$605,103	\$1,040,446	\$1,612,511
Induced Effect	11.2	\$671,838	\$1,301,931	\$2,009,009
Total Effect	90.3	\$4,663,480	\$7,420,940	\$11,367,724

Resident Spending Power

The residential component of the redeveloped property would expand the local customer pool by approximately 820 households. This would create an additional demand for neighborhood retail, restaurants and services.

Minimal annual income requirements based on the projected rent levels have been estimated by the Applicant to be approximately \$66,000 for studios, \$85,800 for one-bedroom units, and \$109,320 for two-bedroom units. With the proposed unit mix, this would translate to a total annual income for Project households of approximately \$78.6 million. Household discretionary income available for spending after accounting for deductions such as personal taxes, social security, and transportation costs is available for consumer spending in the local economy. The IMPLAN model estimates that approximately 50% of estimated household income would be discretionary income available to be spent on consumer goods and services (such as food, apparel, household furnishings/equipment, personal services, healthcare, entertainment, etc.) Therefore, the Project residents would have the potential to inject an additional \$39 million in discretionary consumer spending into the economy, or an average of approximately \$47,523 per household.

Given the site’s location, it is likely that a substantial portion of this resident spending would be captured by the Kohls Shopping Center and downtown Port Chester. This spending potential would provide an additional source of support for local retailers and restaurants and help strengthen the Village’s economic vitality. As with the construction spending, the household spending also recirculates through the local economy creating additional secondary impacts.

The estimated household income from the Project was also applied to the IMPLAN model for Westchester County. The model indicates that at full operation, this household spending would generate approximately \$39 million in additional economic output and support an additional 218 jobs.



Annual Economic Impact from Resident Spending

Impact Type	Employment	Labor Income	Total Value Added	Output
Direct Effect	n/a	n/a	n/a	n/a
Indirect Effect	n/a	n/a	n/a	n/a
Induced Effect	218	\$13,050,871	\$25,259,099	\$38,969,090
Total Effect	218	\$13,050,871	\$25,259,099	\$38,969,090

*The model does not output direct or indirect effects since the household income is assumed to be labor income and this spending impact is, by definition, the induced effect.

Summary

In conclusion, the proposed redevelopment will have a substantial and sustained positive tax impact on all affected taxing districts, including the local school district. The community benefit package would provide a substantial additional resource for Village enhancements. In addition, the proposed Project will help to revitalize the Port Chester economy. It will bring new jobs to the Village during the construction and operations phases and would bring new purchasing power to the Village in support of local businesses when it is fully occupied.



Supplemental Analysis - 999 High Street

The Applicant also controls the adjacent 133-unit residential building at 999 High Street. This residential building provided a housing resource for United Hospital staff under the Mitchell-Lama program and is now only partially occupied (approximately 47 units out of 133 units). At the request of the Village Administration, anticipated revenues associated with the possible renovation of the existing adjacent 999 High Street building have also been identified in this preliminary assessment. There is no active submittal or proposal for the adjacent 999 High Street site. This alternative is discussed for purposes of the fiscal analysis only, and is not part of the United Hospital Project. The following section indicates the likely impacts related to schoolchildren generation and property tax revenue in the event that this building were to be renovated in a manner consistent with the residential product and amenities proposed for the United Hospital site and targeting a similar market.

Although not part of the subject Project, in the event that the adjacent 999 High Street building were to be renovated/redeveloped, key fiscal impacts could include:

- First year revenues of approximately \$354,000 to the local taxing jurisdictions. Combined annual revenues with the United Hospital site could possibly total approximately \$2.75 million.
- Annual revenue of approximately \$212,000 for the School District, resulting in an annual net fiscal benefit for the District ranging between \$154,000 and \$168,000.
- A community benefits package of approximately \$500,000, generating a combined value with the United Hospital Project of approximately \$10 million.
- Combined overall revenues over 20-year period totaling approximately \$56 million, including approximately \$33 million for the School District and \$15 million for the Village.

The following table breaks out the estimated annual revenues expected to be generated by a renovated and reoccupied 999 High Street.

Projected Tax Revenues – First Year Operations	999 High Street
General (12.886%)	\$45,588
Village of Port Chester (27.317%)	\$96,642
Port Chester – Rye Union Free School District (59.797)	\$211,550
Total	\$353,780

The following table identifies total anticipated tax revenue for the Year 2020 from a hypothetical situation assuming operation of both the redeveloped United Hospital site and a renovated and reoccupied 999 High Street. In total, the combined revenues would be estimated at approximately \$2.75 million.



Projected Tax Revenues – Full Buildout of United Hospital and 999 High	Phase I 420 units & 20,000sf retail	Phase II 420 units	999 High Street 133 units	Total Tax Revenue -
General (12.886%)	\$164,540	\$144,751	\$45,588	\$354,879
Village of Port Chester (27.317%)	\$348,808	\$306,857	\$96,642	\$752,307
Port Chester – Rye Union Free School District (59.797%)	\$763,542	\$671,710	\$211,550	\$1,646,802
Total Tax Revenues	\$1,276,890	\$1,123,318	\$353,780	\$2,753,998

Note: Assumes occupancy of renovated 999 High Street in 2020. Revenues for Phase I and Phase II account for 3% annual escalation.

As detailed above, the project’s location and product-type suggests that schoolchildren generation would be fairly limited. Using the Rutgers Quick Guide multipliers described previously, a renovated and fully occupied 999 High Street building would only be expected to include approximately 3-4 public school children.

Potential School Children Generation – 999 High Street

999 High Street	Public School Children Generation Ratios	School-Age Children in Public Schools Per Household 133 Units
Rutgers TOD data	0.021	3
Comparable Rental Market data	0.028	4

At an average program cost of approximately \$14,415, the annual cost to educate the likely schoolchildren generated by a renovated and reoccupied 999 High Street would likely range from \$43,245 to \$57,660. However, the building would also generate additional revenue for the School District. The Applicant estimates that a renovated building would have a total property tax payment of approximately \$353,780, of which approximately \$211,550 would be allocated to the School District. This would result in an annual net fiscal benefit for the District ranging between \$153,890 and \$168,305.

EXHIBIT D



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March 21, 2012

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Re: Preliminary Traffic Analysis
Gateway
Port Chester, New York

Dear Evan and Maria:

TRC Engineers, Inc. (TRC) previously prepared a detailed Traffic Impact Study (TIS) dated July 12, 2010 as part of a Draft Environmental Impact Statement (DEIS) in conjunction with the proposed Gateway Project at the former United Hospital site at the intersection of US Route 1 (Boston Post Road) and High Street in the Village of Port Chester. At that time, the Project was proposed to consist of 762 Residential dwelling units (222 Low-Rise and 540 High-Rise apartment units), 138,942 square feet (sf) of Retail space and 115,261 sf of general Office space.

It is now being considered to replace the previously proposed mixed commercial/residential high-rise proposal with an 820-unit, all residential, mid-rise apartment proposal. This Preliminary Traffic Analysis reviews the beneficial impact of the new development program which has a lower traffic generation than the original mixed-use program to see if the previously determined roadway mitigation could be reduced.

The following is a summary of our findings of the Preliminary Traffic Analysis:

Access

Existing access to the United Hospital site consists of one entrance only driveway on Route 1 and two driveways on High Street. Since the Hospital's closing in 2005, only the westernmost driveway on High Street remains open. This driveway provides access to the existing residential building (999 High Street). Access to the Project site is to be provided via a new driveway on Route 1 opposite the existing signalized Kohl's shopping center driveway and via the existing western driveway on High Street.

Original Study Locations

For the original TIS and DEIS, the following study locations were identified. Those locations indicated in **bold** previously required improvements and thus, are analyzed in this Preliminary Traffic Study. The locations that did not previously require improvements were not re-studied.

1. US Route 1 (Boston Post Road) and Slater Street (signalized)
2. **US Route 1 (Boston Post Road) and Pearl Street (signalized)**
3. **US Route 1 (Boston Post Road) and South Regent Street (signalized)**
4. **US Route 1 (Boston Post Road) and Kohl's Shopping Center Driveway/Proposed Site Driveway (signalized)**
5. **US Route 1 (Boston Post Road) and High Street (signalized)**
6. US Route 1 (Boston Post Road) and I-287 Westbound On-ramp/I-95 Northbound Off-ramp (unsignalized)
7. **US Route 1 (Boston Post Road) and I-287 Eastbound Off-ramp/I-95 Southbound On-ramp (signalized)**
8. US Route 1 (Boston Post Road) and Hillside Road (unsignalized)
9. **High Street and Site Access - existing Hospital/Apartment Driveway (unsignalized)**
10. Ridge Street and High Street (signalized)
11. High Street and Grandview Avenue (unsignalized)
12. High Street and Evergreen Avenue (unsignalized)
13. US Route 1 (Boston Post Road) and Cedar Street (signalized)
14. US Route 1 (Boston Post Road) and Peck Avenue (signalized)
15. **Peck Avenue and Midland Avenue (signalized)**
16. Hillside Avenue and Purchase Street/Wappanocca Avenue (unsignalized)
17. Hillside Avenue and Grandview Avenue (unsignalized)
18. US Route 1 (Boston Post Road) and Grace Church/South Main Street (signalized)

Traffic Counts/Volume Projections

TRC conducted manual turning movement counts in 2009 at study locations 1 through 10 and in 2010 at study locations 11 through 18.

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The traffic counts were tabulated and the Peak Hours were determined to be as follows:

AM Peak Hour - 7:30 AM to 8:30 AM
PM Peak Hour - 5:00 PM to 6:00 PM
Saturday Peak Hour - 12:30 PM to 1:30 PM

The year 2015 previously was identified as the year in which the Project would be fully built and occupied. To account for anticipated increases in background traffic, the existing traffic counts were projected to the year 2015 utilizing an annual compounded growth rate of 1.0 percent which was based on historical traffic count data. Traffic from the various minor adjacent developments was considered to be included in the growth rate.

It should be noted that since the previous Traffic Study, the Restaurant Depot opened on South Regent Street replacing a vacant warehouse, McDonald's has filed a minor application that is currently being reviewed by the Village, and the A&P Supermarket in the Kohl's Shopping Center has closed and will eventually be replaced in 2013 by a Whole Foods.

Project-Generated Traffic Volumes

The purpose of this Study is to identify the impact of the proposed residential development on the study area intersections. The ability of any roadway network to accommodate anticipated traffic is measured by comparing Peak Hour traffic volumes to roadway capacities. Thus, it is essential to determine the hourly traffic volumes to be generated by the Project. The Project-generated traffic volumes were estimated based on the Institute of Transportation Engineers' (ITE) "Trip Generation" report, (8th Edition). To be conservative, and due to the limited data available for mid-rise apartments, general apartments were used in the trip generation calculations. Mid-rise apartments generally have a lower trip rate and thus these volumes are conservative.

TRC applied an adjustment factor of 15% to the Project's residential trips to account for the use of mass transit. The 15% factor was applied to the residential exiting trips during the Peak AM Hour and to the residential entering trips during the Peak PM Hour, to reflect typical commuter directional peaks.

Table 1 in Attachment A summarizes the estimated trip generations for the Project in comparison to the previously proposed trip generation. As indicated in the Table, the Project will generate a total of 357 trips (compared to 634 new trips) during the Peak AM Hour, 423 trips (compared to 847 new trips) during the Peak PM Hour and 355 trips (compared to 1,049 new trips) during the Peak Saturday Hour.

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The trips were then distributed to the roadway network based upon the previously determined arrival/departure distributions.

The Site-Generated Volumes for the new Project size are shown on Figures 1 and 2 for the AM and PM Peak Hours and Saturday Peak Hour, respectively. The Site-Generated traffic for the proposed Project was added to the 2015 No-Build traffic volumes, resulting in the 2015 Build traffic volumes, shown in Figures 3 and 4 for AM and PM Peak Hours and Saturday Peak Hour, respectively.

Summary of Intersection Improvement Recommendations

The previous TIS indicated that improvements would be needed at some locations under Existing and/or No Build conditions, particularly the intersection of US Route 1 and South Regent Street. TRC previously identified various solutions that would alleviate existing and future operational deficiencies based upon the previously proposed project size.

The following summarizes the previous improvement recommendations at each study location and the recommended changes based upon the new project size, as indicated in *italics*:

1. **High Street and Proposed Site Driveway**

- a. Widen existing driveway to provide one entering lane and two exiting lanes (a left-turn lane and a right-turn lane)

This improvement is no longer necessary. Based on the new proposed land use of 820 rental dwelling units, it is anticipated that the site will be adequately accommodated by the existing single-lane per direction driveway. It should be noted that during the Saturday Peak Hour there is a change in the overall intersection Level of Service associated with the implementation of the proposed Project; however the increase in delay is minimal, 2.8 sec/veh.

2. **Route 1 & Slater Street**

- a. No improvements previously required

3. **Route 1 & Pearl Street**

- a. Modify the traffic signal to provide a right-turn arrow on Pearl Street during the Northbound ROW phase

b. Adjust Signal Timings

This improvement has been implemented by the New York State Department of Transportation (NYSDOT), which has jurisdiction over Route 1, and as a result, this intersection will operate at appropriate Levels of Service with the inclusion of the proposed Project.

4. **Route 1 & South Regent Street**

- a. Widen South Regent Street to provide separate left and right turn lanes, if Right-of-Way is available
- b. Modify the traffic signal to provide a right-turn arrow on the South Regent Street approach to operate during the Northbound ROW phase
- c. Adjust Signal Timings

The proposed Project has minimal impacts at this intersection. The impact at this intersection is significantly reduced by the proposed project land use changes thus improvements are not necessary specifically for the Project. However, there are existing poor Levels of Service experienced on the Eastbound approach during the AM, PM and Saturday Peak Hours and on the Northbound approach during the Saturday Peak Hour; therefore the Village or the NYSDOT may still require the installation of improvements to mitigate the overall condition..

5. **Route 1 & Kohl's Driveway/Proposed Site Driveway**

- a. Re-stripe Route 1 to provide a Northbound Left-Turn Lane
- b. Widen Route 1 southbound to provide a right-turn lane
- c. Re-stripe the Kohl's Driveway exiting approach to allow for a through movement
- d. Construct the Site Driveway to provide three exiting lanes and two entering lanes
- e. Modify the traffic signal to accommodate the new driveway approach and geometry modifications

These improvements can be reduced to the following:

- a. *Re-stripe the northbound Route 1 approach to accommodate a shared left-turn/through lane, a through lane, and a channelized right-turn lane*
- b. *Re-stripe the southbound Route 1 approach to accommodate a left-turn lane, a through lane, and a shared through/right-turn lane*
- c. *Re-stripe the Kohl's Driveway exiting approach to accommodate a left-turn lane, a shared left-turn/through lane, and a right-turn lane*
- d. *Construct the Site Driveway to provide two exiting lanes (a shared left-turn/through lane and a right-turn lane) and two entering lanes*
- e. *Modify the traffic signal to accommodate the new driveway approach*

It should be noted that the suggested improvements do not geometrically change and/or widen the existing intersection legs, and thus no widening is now proposed along Route 1. The overall Levels of Service (LOS) during each peak hour is decreased from a "B" to a "C". This change in LOS is attributed to higher delays experienced on the westbound Kohl's Driveway approach and on the eastbound Site Driveway approach. Thus, the Village or NYSDOT may still mandate some additional improvements to mitigate the increase in delay times.

6. **Route 1 & High Street**

- a. Widen High Street to provide separate 12-foot left- and right-turn lanes
- b. Modify the traffic signal to provide a right-turn arrow during the Route 1 northbound ROW phase

The improvements at this intersection can be minimized to signal timing adjustments. This eliminates the need for widening and new signal equipment. Adjusting signal timing yields Levels of Service similar to that of the No-Build condition. High Street will continue to experience delays. It should be noted that due to the proximity to the adjacent signals the Village or NYSDOT may limit signal timing adjustments to ensure progression through the Route 1 corridor.

7. **Route 1 and I-287 WB On-Ramp/ I-95 NB Off-Ramp**

- a. No improvements previously required

8. **Route 1 & I-287 EB Off-Ramp/ I-95 SB On-Ramp**

- a. Modify the traffic signal to provide an additional protected phase (lag phase) for the southbound approach.
- b. Adjust Signal Timings

Due to the existing lengthy delays and the increase in delays associated with the proposed Project, it is recommended that the above-noted improvements are implemented. Widening or modifications to the ramp are not being recommended.

9. Route 1 & Hillside Road

- a. No improvements previously required

10. Ridge Street & High Street

- a. No improvements previously required

11. High Street & Grandview Avenue

- a. No improvements previously required

12. High Street & Evergreen Avenue

- a. No improvements previously required

13. US Route 1 & Cedar Street

- a. No improvements previously required

14. US Route 1 & Peck Avenue

- a. No improvements previously required

15. Midland Avenue & Peck Avenue/Credit Union Driveway

- a. Modify traffic signal to provide a protected lead phase for the Peck Avenue approach.

Currently, the eastbound Peck Avenue approach exhibits lengthy delays. As a result the City of Rye has proposed an improvement on Peck Avenue to improve Levels of Service and associated delay times along this approach. The proposed Project has minor impacts at this intersection and the improvement is not being recommended as part of the Project. With implementation of the City's improvement, this intersection will continue to operate at acceptable Levels of Service.

16. Purchase Street & Hillside Road/Wappanocca Avenue

- a. No improvements previously required

17. Grandview Avenue & Hillside Road

- a. No improvements previously required

18. US Route 1 & Grace Church Street/Purdy Avenue

- a. No improvements previously required

Conclusions

As detailed in the traffic analyses in this Study, improvements are needed at some locations to alleviate existing delays. In the future, the combination of background traffic growth and traffic from the Port Chester Gateway Development will add to the delays at these locations and may impact traffic flow at other study locations, unless certain measures are implemented. However, with the reduction in Project size, there will be a significant reduction in the improvements required, particularly, we are not recommending any physical widening. However, at some of the locations where we are recommending reduced improvements, there is always the possibility that the Village or the NYSDOT could require additional modifications, particularly at the intersection along with the new Site Driveway opposite the Kohl's Driveway. In addition, as the traffic counts are several years old, and traffic has not significantly changed in the area, new

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traffic counts could result in different results than the ones determined in this Preliminary Traffic Study.

Very truly yours,

TRC Engineers, Inc.



Kenneth Mackiewicz, P.E.
Principal

KM/bz
Attachments

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ATTACHMENT A

TABLES

Land Use	ITE Code	Amount	Unit	AM Peak Hour			PM Peak Hour			SAT Peak Hour		
				<i>IN</i>	<i>OUT</i>	<i>TOTAL</i>	<i>IN</i>	<i>OUT</i>	<i>TOTAL</i>	<i>IN</i>	<i>OUT</i>	<i>TOTAL</i>
Apartment	220	820	Dwellings	81	325	406	305	164	469	178	177	355
Mass Transit Factor = 15%				n/a	49	49	46	n/a	46	n/a	n/a	n/a
Total New Site Generated Trips				81	276	357	259	164	423	178	177	355
Previously Proposed Site Generated Trips				362	272	634	376	471	847	567	482	1,049
NET DIFFERENCE				-281	4	-277	-117	-307	-424	-389	-305	-694

Source: Table prepared by TRC Engineers, Inc., utilizing trip generation rates contained in the ITE "Trip Generation" Manual, 8th Edition.

TABLE 2
Overall LOS Summary

Intersection	Peak AM Hour				Peak PM Hour				Peak Saturday Hour			
	2010	2015	2015	2015	2010	2015	2015	2015	2010	2015	2015	2015
	Existing	No-Build	Build	Bld w/Imp.	Existing	No-Build	Build	Bld w/Imp.	Existing	No-Build	Build	Bld w/Imp.
High Street & Site Driveway	b 10.8	b 11.0	b 13.1	N/A	b 11.7	b 11.9	b 14.5	N/A	b 12.1	b 12.4	c 15.2	N/A
Route 1 & Pearl Street	C 22.4	C 23.2	C 23.8	B 20.0	C 26.3	C 28.4	C 30.9	C 22.3	C 29.8	C 34.0	D 36.5	C 24.5
Route 1 & South Regent Street	E 65.1	E 73.5	E 73.0	B 18.4	C 33.1	D 38.1	D 41.1	B 17.8	C 23.3	C 27.0	C 30.0	B 19.8
Route 1 & Kohl's Driveway/Proposed Site Driveway	A 9.8	B 10.1	C 23.6	B 17.1	B 13.1	B 13.4	C 24.6	C 25.4	B 14.7	B 15.0	C 24.5	C 27.8
Route 1 & High Street	A 7.5	A 7.9	B 13.0	B 13.1	B 10.9	B 12.7	C 24.2	C 29.5	A 9.3	B 11.0	C 21.1	C 22.9
Route 1 & I-287 EB Off-Ramp/I 95 SB On-Ramp	C 30.2	C 34.1	D 38.4	C 32.3	D 41.2	D 49.2	E 64.3	D 37.0	C 28.0	C 32.4	D 41.7	D 40.2
Midland Avenue & Peck Avenue/Credit Union Driveway	C 25.7	C 27.3	C 28.3	N/A	C 27.6	C 29.9	C 31.9	C 27.4	C 32.6	D 37.1	D 40.4	C 28.8

TABLE 3
High Street & Site Driveway

<i>Peak AM Hour</i>			
Approach	2010 Existing LOS (Delay)	2015 No-Build LOS (Delay)	2015 Build LOS (Delay)
High Street			
Eastbound Left/Through	a 7.6	a 7.6	a 7.7
Site Driveway			
Southbound Left	N/A	N/A	N/A
Southbound Right	N/A	N/A	N/A
Southbound Left/Right (Overall)	b 10.8	b 11.0	b 13.1

<i>Peak PM Hour</i>			
Approach	2010 Existing LOS (Delay)	2015 No-Build LOS (Delay)	2015 Build LOS (Delay)
High Street			
Eastbound Left/Through	a 7.6	a 7.6	a 7.9
Site Driveway			
Southbound Left	N/A	N/A	N/A
Southbound Right	N/A	N/A	N/A
Southbound Left/Right (Overall)	b 11.7	b 11.9	b 14.5

<i>Peak Saturday Hour</i>			
Approach	2010 Existing LOS (Delay)	2015 No-Build LOS (Delay)	2015 Build LOS (Delay)
High Street			
Eastbound Left/Through	a 7.8	a 7.8	a 8.1
Site Driveway			
Southbound Left	N/A	N/A	N/A
Southbound Right	N/A	N/A	N/A
Southbound Left/Right (Overall)	b 12.1	b 12.4	c 15.2

TABLE 4 Route 1 & Pearl Street				
Peak AM Hour				
Approach	2010 Existing LOS (Delay)	2015 No-Build LOS (Delay)	2015 Build LOS (Delay)	Build w/ Imp. ⁽¹⁾ LOS (Delay)
Pearl Street				
Eastbound Left	C 24.9	C 25.1	C 25.1	C 25.1
Eastbound Right	C 32.9	C 34.9	D 35.3	B 14.3
Eastbound Overall	C 29.9	C 31.3	C 31.5	B 18.3
Route 1				
Northbound Left	B 12.8	B 13.2	B 13.8	B 13.8
Northbound Through	B 17.2	B 18.0	B 19.8	B 19.8
Northbound Overall	B 16.0	B 16.7	B 18.2	B 18.2
Southbound Through/Right	C 24.6	C 24.8	C 25.0	C 25.0
Overall	C 22.4	C 23.2	C 23.8	C 20.0

Peak PM Hour				
Approach	2010 Existing LOS (Delay)	2015 No-Build LOS (Delay)	2015 Build LOS (Delay)	Build w/ Imp. ⁽¹⁾ LOS (Delay)
Pearl Street				
Eastbound Left	C 23.2	C 23.5	C 23.5	C 26.5
Eastbound Right	D 40.2	D 44.6	D 47.4	B 15.6
Eastbound Overall	D 36.1	D 39.3	D 41.6	B 18.2
Route 1				
Northbound Left	C 22.5	C 28.3	D 38.9	C 24.3
Northbound Through	B 18.7	B 19.9	C 21.2	B 16.9
Northbound Overall	B 19.8	C 22.4	C 26.4	B 19.0
Southbound Through/Right	C 27.6	C 28.3	C 29.3	C 29.3
Overall	C 26.3	C 28.4	C 30.9	C 22.3

TABLE 4 (cont.) Route 1 & Pearl Street				
Peak Saturday Hour				
Approach	2010 Existing LOS (Delay)	2015 No-Build LOS (Delay)	2015 Build LOS (Delay)	Build w/ Imp. ⁽¹⁾ LOS (Delay)
Pearl Street				
Eastbound Left	C 24.0	C 24.1	C 24.1	C 28.1
Eastbound Right	D 45.6	D 52.7	E 55.3	B 16.2
Eastbound Overall	D 39.5	D 44.8	D 46.7	B 19.5
Route 1				
Northbound Left	C 28.8	D 40.7	D 51.1	C 28.0
Northbound Through	C 23.5	C 26.4	C 29.7	C 20.5
Northbound Overall	C 24.9	C 30.2	D 35.2	C 22.4
Southbound Through/Right	C 29.0	C 30.0	C 30.8	C 30.8
Overall	C 29.8	C 33.6	D 36.5	C 24.5

(1) Provide Eastbound Right-Turn Arrow during Northbound R.O.W. Phase & Additional Green Time during Peak PM & Saturday Hours

TABLE 5 Route 1 & South Regent Street/Mavis Tire Driveway				
Peak AM Hour				
Approach	2010 Existing LOS (Delay)	2015 No-Build LOS (Delay)	2015 Build LOS (Delay)	Build w/ Imp. (1) LOS (Delay)
S. Regent Street/Mavis Driveway				
Eastbound Left/Right	F 209.0	F 238.2	F 240.8	N/A
Eastbound Left	N/A	N/A	N/A	C 31.0
Eastbound Right	N/A	N/A	N/A	C 32.7
Eastbound Overall	N/A	N/A	N/A	C 32.3
Westbound Left/Right	C 27.4	C 27.4	C 27.4	C 27.4
Route 1				
Northbound Left/Through/Right	A 7.2	A 8.2	B 10.1	B 10.1
Southbound Left/Through/Right	B 17.4	B 17.8	B 17.9	B 17.9
Overall	E 65.1	E 73.5	E 73.0	B 18.4
Peak PM Hour				
Approach	2010 Existing LOS (Delay)	2015 No-Build LOS (Delay)	2015 Build LOS (Delay)	Build w/ Imp. (1) LOS (Delay)
S. Regent Street/Mavis Driveway				
Eastbound Left/Right	F 105.0	F 124.6	F 133.1	N/A
Eastbound Left	N/A	N/A	N/A	F 431.0
Eastbound Right	N/A	N/A	N/A	C 22.7
Eastbound Overall	N/A	N/A	N/A	C 31.4
Westbound Left/Right	C 27.4	C 27.4	C 27.4	C 32.0
Route 1				
Northbound Defacto Left	B 17.7	C 23.6	C 34.6	B 16.9
Northbound Left/Through/Right	A 8.1	A 9.2	B 10.4	A 4.6
Northbound Overall	B 10.2	B 12.3	B 15.6	A 7.2
Southbound Left/Through/Right	C 20.3	C 21.0	C 22.0	C 22.0
Overall	C 33.1	D 38.1	D 41.1	B 17.8
TABLE 5 (cont.) Route 1 & South Regent Street/Mavis Tire Driveway				
Peak Saturday Hour				
Approach	2010 Existing LOS (Delay)	2015 No-Build LOS (Delay)	2015 Build LOS (Delay)	Build w/ Imp. (1) LOS (Delay)
S. Regent Street/Mavis Driveway				
Eastbound Left/Right	D 48.1	D 53.7	E 56.6	N/A
Eastbound Left	N/A	N/A	N/A	D 39.8
Eastbound Right	N/A	N/A	N/A	C 20.8
Eastbound Overall	N/A	N/A	N/A	C 29.9
Westbound Left/Right	C 27.4	C 27.4	C 27.4	C 32.0
Route 1				
Northbound Defacto Left	D 37.0	E 58.5	E 79.8	C 30.0
Northbound Left/Through/Right	A 8.4	A 9.5	B 10.9	A 4.8
Northbound Overall	B 14.5	B 19.9	C 25.4	B 10.1
Southbound Left/Through/Right	C 22.9	C 24.2	C 25.2	C 25.2
Overall	C 23.3	C 27.0	C 30.0	B 19.8

(1) Widen Eastbound Approach to provide dedicated Right-Turn & Left-Turn Lanes & provide Eastbound Right-Turn Arrow during Northbound R.O.W. Phase.

TABLE 6
Route 1 & Kohl's Driveway/Proposed Site Driveway

Approach	Peak AM Hour			
	2010 Existing LOS (Delay)	2015 No-Build LOS (Delay)	2015 Build w/ Imp. ⁽¹⁾ LOS (Delay)	2015 Build w/ Imp. ⁽²⁾ LOS (Delay)
Kohl's Driveway/Proposed Site Driveway				
Eastbound Left	N/A	N/A	N/A	D 45.7
Eastbound Left/Through	N/A	N/A	D	D 46.4
Eastbound Right	N/A	N/A	D	D 45.6
Eastbound Overall	N/A	N/A	D	D 45.6
Westbound Left	C 21.7	C 21.8	C 21.6	C 21.6
Westbound Left/Through	N/A	N/A	C	C 21.4
Westbound Right	C 21.4	C 21.5	C 21.2	C 21.2
Westbound Overall	C 21.7	C 21.7	C 21.3	C 21.9
Route 1				
Northbound Left	N/A	N/A	N/A	A 9.7
Northbound Through	B 14.7	B 15.1	N/A	B 14.4
Northbound Left/Through	N/A	N/A	C	B 14.4
Northbound Overall	N/A	N/A	N/A	B 14.2
Southbound Left	A 7.6	A 7.1	B 15.5	A 9.4
Southbound Through	A 4.0	A 4.1	N/A	B 14.7
Southbound Through/Right	N/A	N/A	B 13.0	A 11.1
Southbound Overall	A 4.1	A 4.2	C 13.1	B 14.3
Overall	A 9.8	B 10.1	C 21.6	B 17.1

TABLE 6 (cont.)
Route 1 & Kohl's Driveway/Proposed Site Driveway

Approach	Peak PM Hour			
	2010 Existing LOS (Delay)	2015 No-Build LOS (Delay)	2015 Build w/ Imp. ⁽¹⁾ LOS (Delay)	2015 Build w/ Imp. ⁽²⁾ LOS (Delay)
Kohl's Driveway/Proposed Site Driveway				
Eastbound Left	N/A	N/A	N/A	D 41.1
Eastbound Left/Through	N/A	N/A	D	D 41.2
Eastbound Right	N/A	N/A	D	D 37.1
Eastbound Overall	N/A	N/A	D	D 39.5
Westbound Left	C 31.7	C 31.9	C 40.1	C 34.0
Westbound Left/Through	N/A	N/A	D	C 31.7
Westbound Right	C 30.4	C 30.5	C 36.9	C 27.1
Westbound Overall	C 31.4	C 31.6	C 39.4	C 31.1
Route 1				
Northbound Left	N/A	N/A	N/A	B 14.9
Northbound Through	B 14.5	B 14.9	N/A	C 24.1
Northbound Left/Through	N/A	N/A	C	C 24.1
Northbound Overall	N/A	N/A	N/A	C 24.0
Southbound Left	A 9.1	A 9.9	B 19.1	C 21.3
Southbound Through/Right	A 1.1	A 3.9	N/A	C 24.3
Southbound Right	N/A	N/A	A 6.1	A 7.7
Southbound Overall	A 4.6	A 4.8	C 17.7	C 21.4
Overall	B 11.1	B 11.4	C 21.6	C 21.4

TABLE 6 (cont.)
Route 1 & Kohl's Driveway/Proposed Site Driveway

Approach	Peak Saturday Hour			
	2010 Existing LOS (Delay)	2015 No-Build LOS (Delay)	2015 Build w/ Imp. ⁽¹⁾ LOS (Delay)	2015 Build w/ Imp. ⁽²⁾ LOS (Delay)
Kohl's Driveway/Proposed Site Driveway				
Eastbound Left	N/A	N/A	N/A	D 41.3
Eastbound Left/Through	N/A	N/A	D	D 41.2
Eastbound Right	N/A	N/A	D	C 33.6
Eastbound Overall	N/A	N/A	D	D 36.6
Westbound Left	C 33.5	C 34.0	C 48.1	D 45.9
Westbound Left/Through	N/A	N/A	D	D 41.9
Westbound Right	C 31.8	C 32.0	C 38.5	C 23.1
Westbound Overall	C 33.1	C 33.5	C 45.3	D 38.9
Route 1				
Northbound Left	N/A	N/A	N/A	B 13.1
Northbound Through	B 17.5	B 13.8	N/A	C 23.7
Northbound Left/Through	N/A	N/A	C	C 23.7
Northbound Overall	N/A	N/A	N/A	C 23.0
Southbound Left	B 10.4	B 12.0	C 31.7	C 29.9
Southbound Through/Right	A 1.7	A 3.7	N/A	C 24.1
Southbound Right	N/A	N/A	A 7.1	A 7.1
Southbound Overall	A 3.2	A 5.6	C 12.5	C 24.8
Overall	B 14.7	B 15.0	C 21.6	C 27.8

(1) Provide 3-Lane Exit from Site Driveway (Left-Turn/Through Lane & Right-Turn Only). Re-Slope Northbound Through Lane to Left-Turn/Through Lane. Re-Slope Southbound Through Lane to Through/Right-Turn Lane. Re-Slope Westbound Double-Left-Turn Lanes to Left-Turn Only & Left/Through Lane.

(2) Provide 3-Lane Exit from Site Driveway (Left-Turn Only, Left-Turn/Through Lane & Right-Turn Only). Widens to provide Northbound Left-Turn Only Lane. Widens to provide Southbound Right-Turn Only Lane. Re-Slope Westbound Double-Left-Turn Lanes to Left-Turn Only & Left/Through Lane.

TABLE 7 Route 1 & High Street					
Peak AM Hour					
Approach	2010 Existing LOS (Delay)	2015 No-Build LOS (Delay)	2015 Build LOS (Delay)	Build w/ Imp. ⁽¹⁾ LOS (Delay)	Build w/ Imp. ⁽²⁾ LOS (Delay)
High Street					
Eastbound Left/Right	D 39.5	D 40.4	E 71.9	D 39.6	N/A
Eastbound Left	N/A	N/A	N/A	N/A	C 34.9
Eastbound Right	N/A	N/A	N/A	N/A	C 28.1
Eastbound Overall	N/A	N/A	N/A	N/A	C 30.3
Route 1					
Northbound Left/Through	A 1.6	A 2.4	A 3.4	A 7.8	A 5.7
Southbound Through	A 6.8	A 8.5	A 9.0	B 12.3	A 9.8
Southbound Right	B 12.1	A 9.0	A 9.0	B 10.8	A 9.4
Southbound Overall	A 8.8	A 8.5	A 9.0	B 12.2	A 9.8
Overall	A 7.5	A 7.9	B 13.0	B 13.1	B 10.7

Peak PM Hour					
Approach	2010 Existing LOS (Delay)	2015 No-Build LOS (Delay)	2015 Build LOS (Delay)	Build w/ Imp. ⁽¹⁾ LOS (Delay)	Build w/ Imp. ⁽²⁾ LOS (Delay)
High Street					
Eastbound Left/Right	E 62.0	E 71.9	F 135.4	D 45.6	N/A
Eastbound Left	N/A	N/A	N/A	N/A	D 41.6
Eastbound Right	N/A	N/A	N/A	N/A	C 31.8
Eastbound Overall	N/A	N/A	N/A	N/A	C 34.7
Route 1					
Northbound Left/Through	A 2.0	A 3.6	B 12.6	C 31.9	A 8.6
Southbound Through	A 7.2	A 9.1	A 9.5	C 23.7	A 9.5
Southbound Right	B 12.5	A 9.0	A 9.1	B 15.8	A 9.1
Southbound Overall	A 9.1	A 9.0	A 9.5	C 23.1	A 9.5
Overall	B 10.9	B 12.7	C 24.2	C 29.5	B 12.4

TABLE 7 (cont.) Route 1 & High Street					
Peak Saturday Hour					
Approach	2010 Existing LOS (Delay)	2015 No-Build LOS (Delay)	2015 Build LOS (Delay)	Build w/ Imp. ⁽¹⁾ LOS (Delay)	Build w/ Imp. ⁽²⁾ LOS (Delay)
High Street					
Eastbound Left/Right	D 45.5	D 48.4	F 85.6	D 52.4	N/A
Eastbound Left	N/A	N/A	N/A	N/A	D 47.6
Eastbound Right	N/A	N/A	N/A	N/A	C 20.3
Eastbound Overall	N/A	N/A	N/A	N/A	C 33.2
Route 1					
Northbound Left/Through	A 2.5	A 6.7	B 19.7	C 21.0	A 8.8
Southbound Through	A 6.9	A 9.1	A 9.4	B 19.3	B 18.1
Southbound Right	B 14.5	A 9.5	A 9.6	B 14.8	B 14.2
Southbound Overall	B 10.2	A 9.1	A 9.5	B 18.8	B 17.7
Overall	A 9.3	B 11.0	C 21.1	C 22.9	B 15.5

(1) Signal timing modification.

(2) Widen Eastbound approach to provide dedicated Right-Turn & Left-Turn Lanes & provide Eastbound Right-Turn Arrow during Northbound R.O.W. Phase

TABLE 8 Route 1 & I-287 EB Off-Ramp/I-95 SB On-Ramp				
Peak AM Hour				
Approach	2010 Existing LOS (Delay)	2015 No-Build LOS (Delay)	2015 Build LOS (Delay)	2015 Build w/ Imp. ⁽¹⁾ LOS (Delay)
I-287 WB Off-Ramp				
Eastbound Left	C 27.8	C 29.2	C 30.9	C 27.9
Eastbound Right	D 47.5	E 56.9	E 56.9	D 45.6
Eastbound Overall	D 38.5	D 44.3	D 44.7	D 37.3
Route 1				
Northbound Through	C 22.9	C 23.0	C 23.1	C 33.0
Southbound Defacto Left	C 27.8	C 31.7	D 51.4	C 34.8
Southbound Through	B 12.0	B 12.1	B 12.5	B 14.0
Southbound Overall	C 20.7	C 23.0	C 34.5	C 25.8
Overall	C 30.2	C 34.1	D 38.4	C 32.3
Peak PM Hour				
Approach	2010 Existing LOS (Delay)	2015 No-Build LOS (Delay)	2015 Build LOS (Delay)	2015 Build w/ Imp. ⁽¹⁾ LOS (Delay)
I-287 WB Off-Ramp				
Eastbound Left	C 25.1	C 25.9	C 30.1	C 33.7
Eastbound Right	C 24.1	C 24.7	C 24.7	C 26.8
Eastbound Overall	C 24.7	C 25.4	C 27.9	C 30.8
Route 1				
Northbound Through	C 24.7	C 25.0	C 25.3	C 33.7
Southbound Defacto Left	F 103.8	F 135.7	F 194.6	E 70.0
Southbound Through	B 12.9	B 13.2	B 13.5	B 11.9
Southbound Overall	E 61.9	E 79.1	F 112.3	D 43.6
Overall	D 41.2	D 49.2	E 64.3	D 37.0
Peak SAT Hour				
Approach	2010 Existing LOS (Delay)	2015 No-Build LOS (Delay)	2015 Build LOS (Delay)	2015 Build w/ Imp. ⁽¹⁾ LOS (Delay)
I-287 WB Off-Ramp				
Eastbound Left	C 26.7	C 27.8	C 31.3	D 49.5
Eastbound Right	C 23.0	C 23.5	C 23.5	C 24.4
Eastbound Overall	C 25.2	C 26.1	C 28.4	D 41.0
Route 1				
Northbound Through	C 25.5	C 25.7	C 26.0	C 34.8
Southbound Defacto Left	D 53.3	E 74.0	F 115.1	E 72.5
Southbound Through	B 12.9	B 13.1	B 13.4	B 13.1
Southbound Overall	C 32.2	D 42.1	E 63.2	D 42.5
Overall	C 28.0	C 32.4	D 41.7	D 40.2

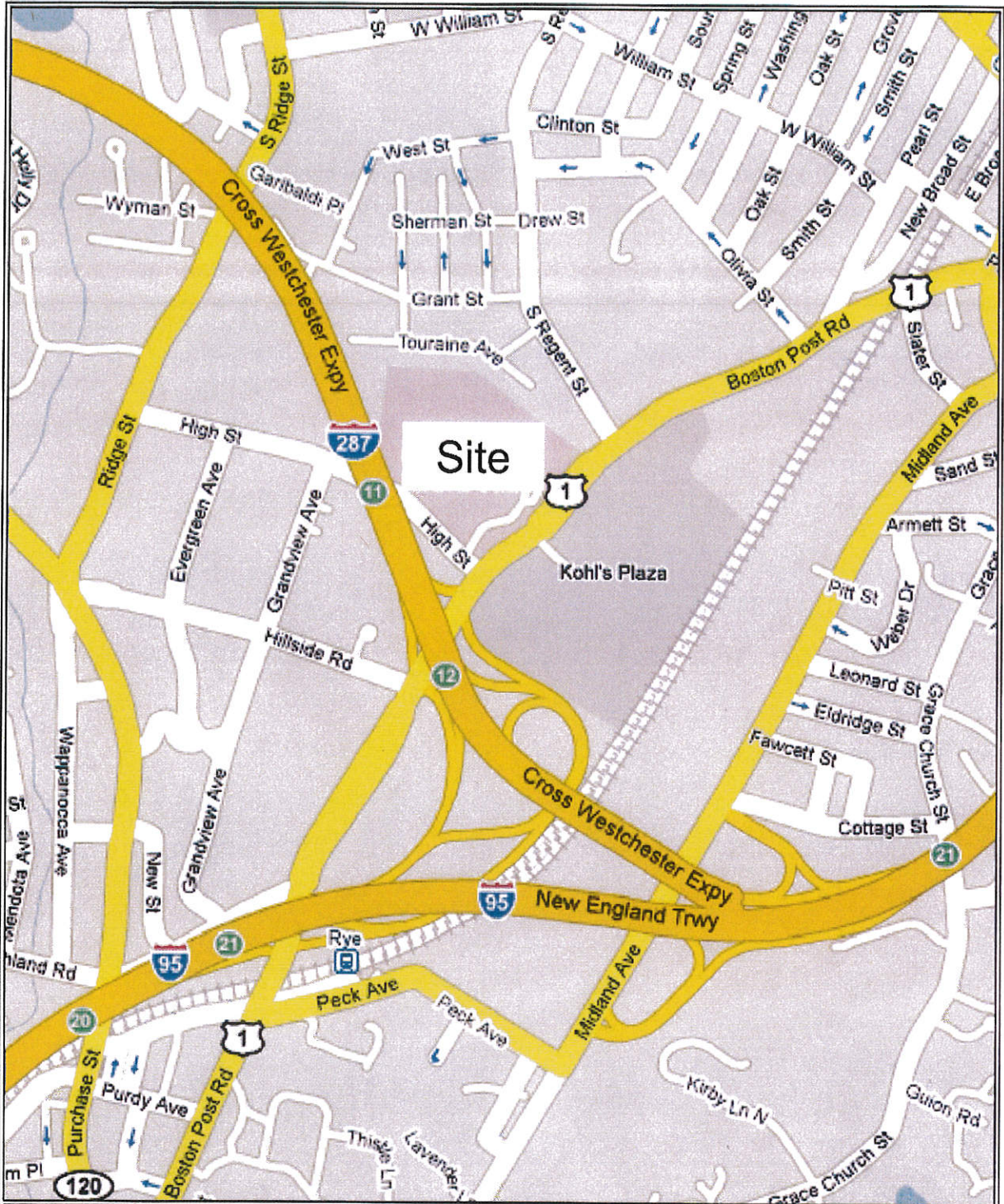
(1) Provide SB ROW Lead & Lag Phase

TABLE 9				
Midland Avenue & Peck Avenue/Credit Union Driveway				
<i>Peak AM Hour</i>				
Approach	2010 Existing LOS (Delay)	2015 No-Build LOS (Delay)	2015 Build LOS (Delay)	Build w/ Imp. LOS (Delay)
Peck Avenue/Credit Union Driveway				
Eastbound Left/Through/Right	C 27.9	C 29.4	C 31.6	N/A
Westbound Left/Through/Right	B 15.7	B 15.7	B 15.7	N/A
Midland Avenue				
Northbound Left/Through/Right	C 28.0	C 31.0	C 31.4	N/A
Southbound Left/Through/Right	C 21.9	C 22.6	C 22.9	N/A
Overall	C 25.7	C 27.3	C 28.3	N/A
<i>Peak PM Hour</i>				
Approach	2010 Existing LOS (Delay)	2015 No-Build LOS (Delay)	2015 Build LOS (Delay)	Build w/ Imp. ⁽¹⁾ LOS (Delay)
Peck Avenue/Credit Union Driveway				
Eastbound Left/Through/Right	D 37.8	D 42.7	D 46.7	C 32.5
Westbound Left/Through/Right	B 16.3	B 16.4	B 16.4	C 31.8
Midland Avenue				
Northbound Left/Through/Right	B 18.6	B 19.1	B 19.3	C 20.2
Southbound Left/Through/Right	C 22.3	C 23.0	C 23.9	C 25.0
Overall	C 27.6	C 29.9	C 31.9	C 27.4
<i>Peak Saturday Hour</i>				
Approach	2010 Existing LOS (Delay)	2015 No-Build LOS (Delay)	2015 Build LOS (Delay)	Build w/ Imp. ⁽¹⁾ LOS (Delay)
Peck Avenue/Credit Union Driveway				
Eastbound Left/Through/Right	D 48.6	E 58.5	E 65.6	C 32.6
Westbound Left/Through/Right	B 16.1	B 16.2	B 16.2	C 30.6
Midland Avenue				
Northbound Left/Through/Right	C 20.5	C 21.3	C 21.5	C 25.4
Southbound Left/Through/Right	C 21.5	C 22.1	C 22.6	C 26.0
Overall	C 32.6	D 37.1	D 40.4	C 28.8

(1) Provide EB ROW Lead Phase

ATTACHMENT B

FIGURES







TRC Engineers, Inc.
 7 Skyline Drive
 Hawthorne, New York 10532
 Tel: (914) 592-4040
 Fax: (914) 592-5046
 www.trcsolutions.com

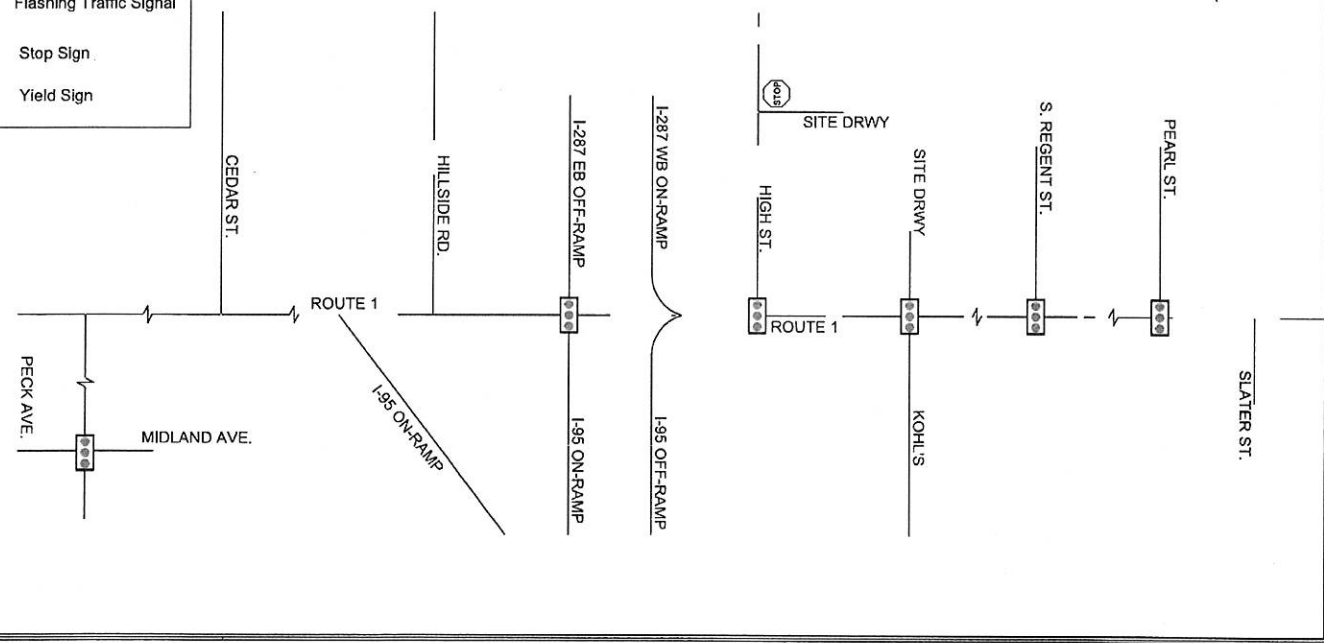
Project No. 191793
 Not to Scale
 March 2012

Site Location
 The Port Chester Gateway Development
 Village of Port Chester, New York

NOT TO SCALE

KEY

-  Traffic Signal
-  Flashing Traffic Signal
-  Stop Sign
-  Yield Sign



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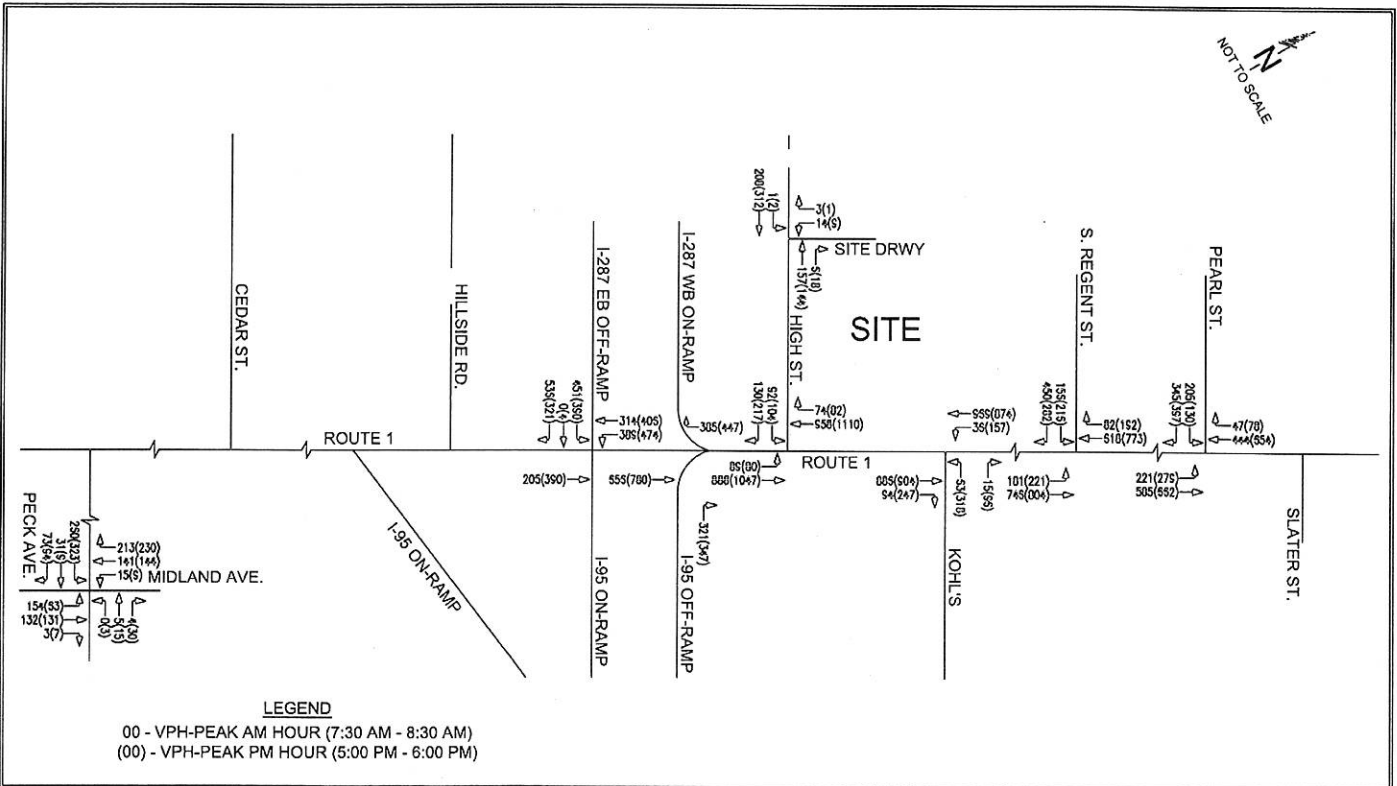
TRC TRC Engineers, Inc.
 7 Skyline Drive
 Hawthorne, New York 10532
 Tel: (914) 592-4940
 Fax: (914) 592-5046
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Existing Traffic Controls
 The Port Chester Gateway Development
 Village of Port Chester, New York

Project No. 151793
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Figure 2



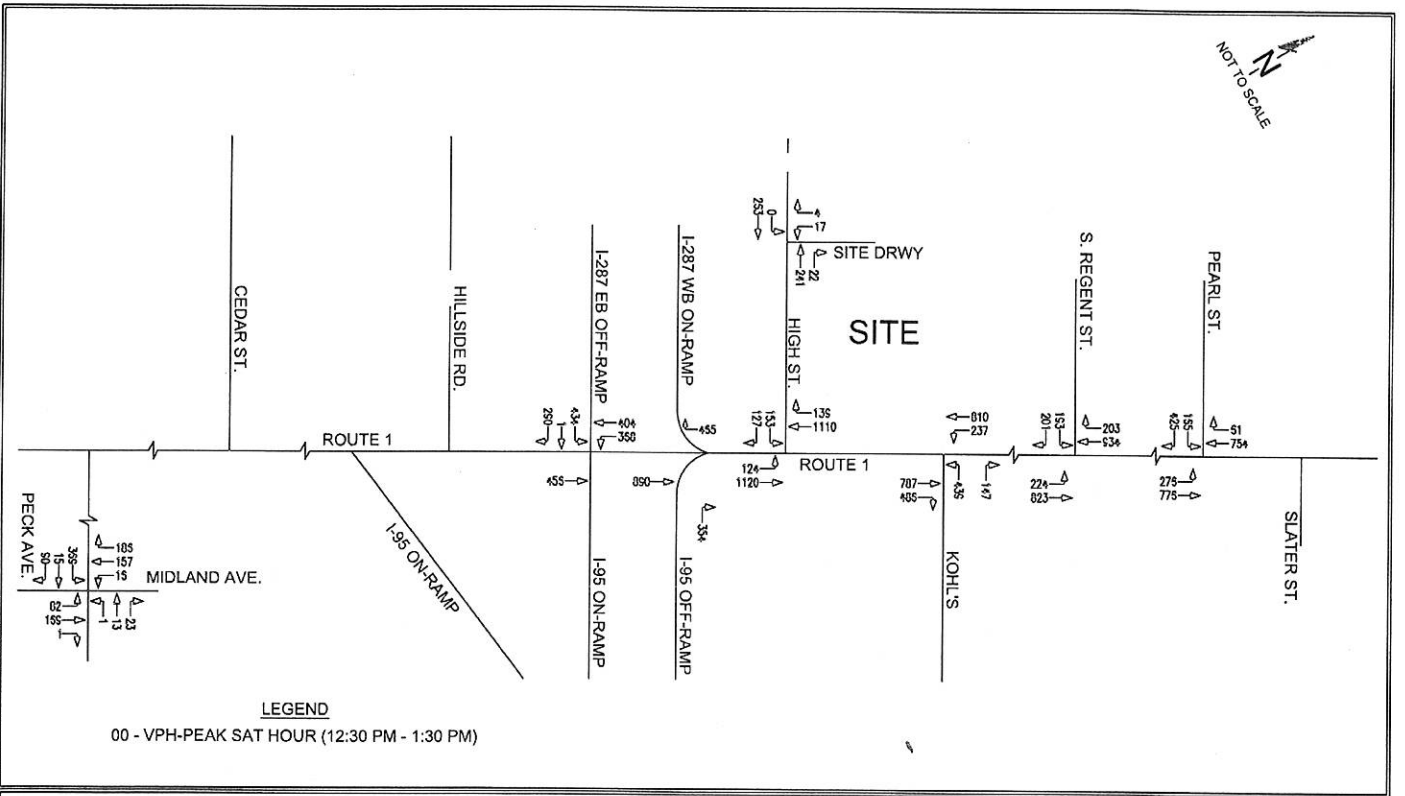
LEGEND
 00 - VPH-PEAK AM HOUR (7:30 AM - 8:30 AM)
 (00) - VPH-PEAK PM HOUR (5:00 PM - 6:00 PM)

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2010 Existing Traffic Volumes
 Peak AM & PM Hours
 The Port Chester Gateway Development
 Village of Port Chester, New York

Project No. 191793
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 March 2012

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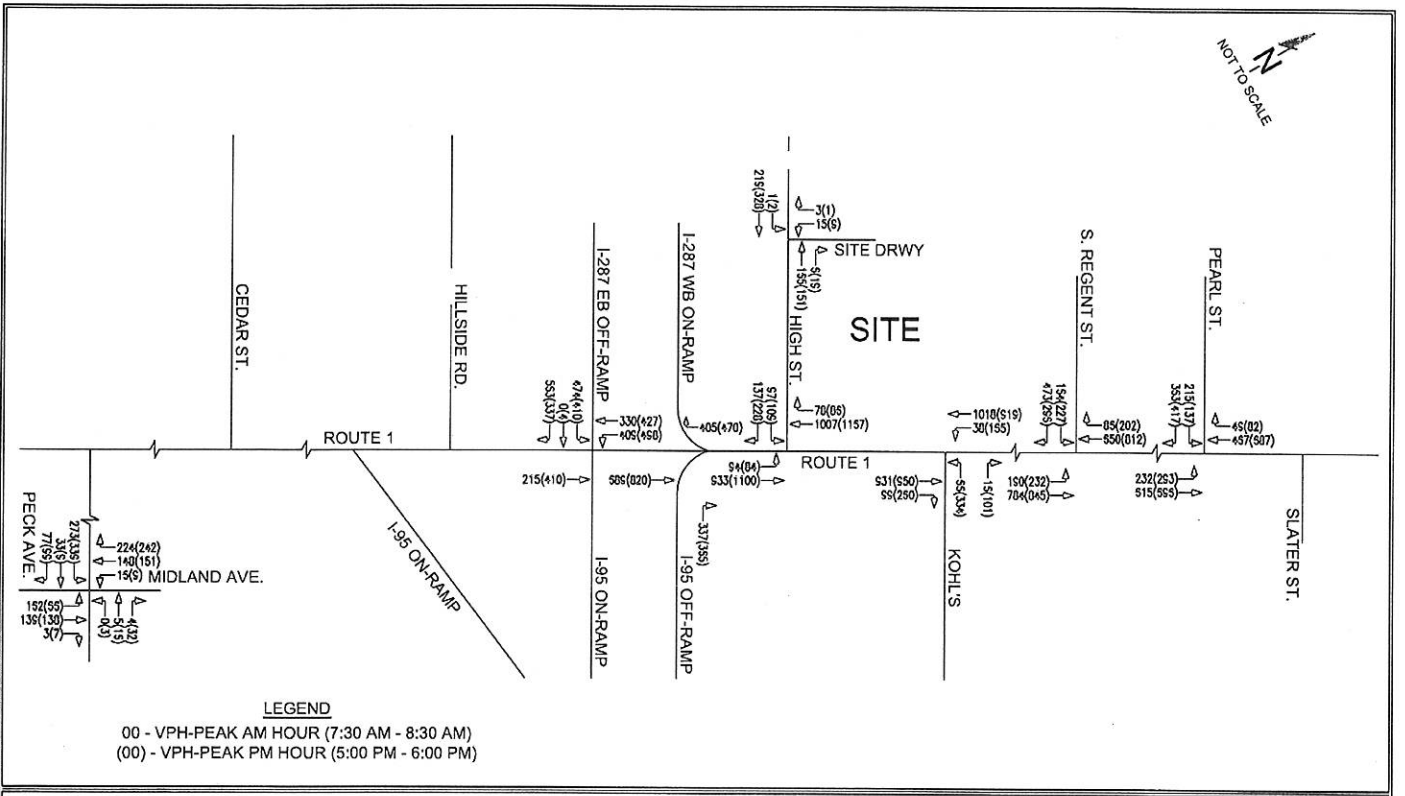
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2010 Existing Traffic Volumes
 Peak Saturday Hour
 The Port Chester Gateway Development
 Village of Port Chester, New York

Project No. 191793
 Not to Scale
 March 2012

Figure 4



LEGEND
 00 - VPH-PEAK AM HOUR (7:30 AM - 8:30 AM)
 (00) - VPH-PEAK PM HOUR (5:00 PM - 6:00 PM)

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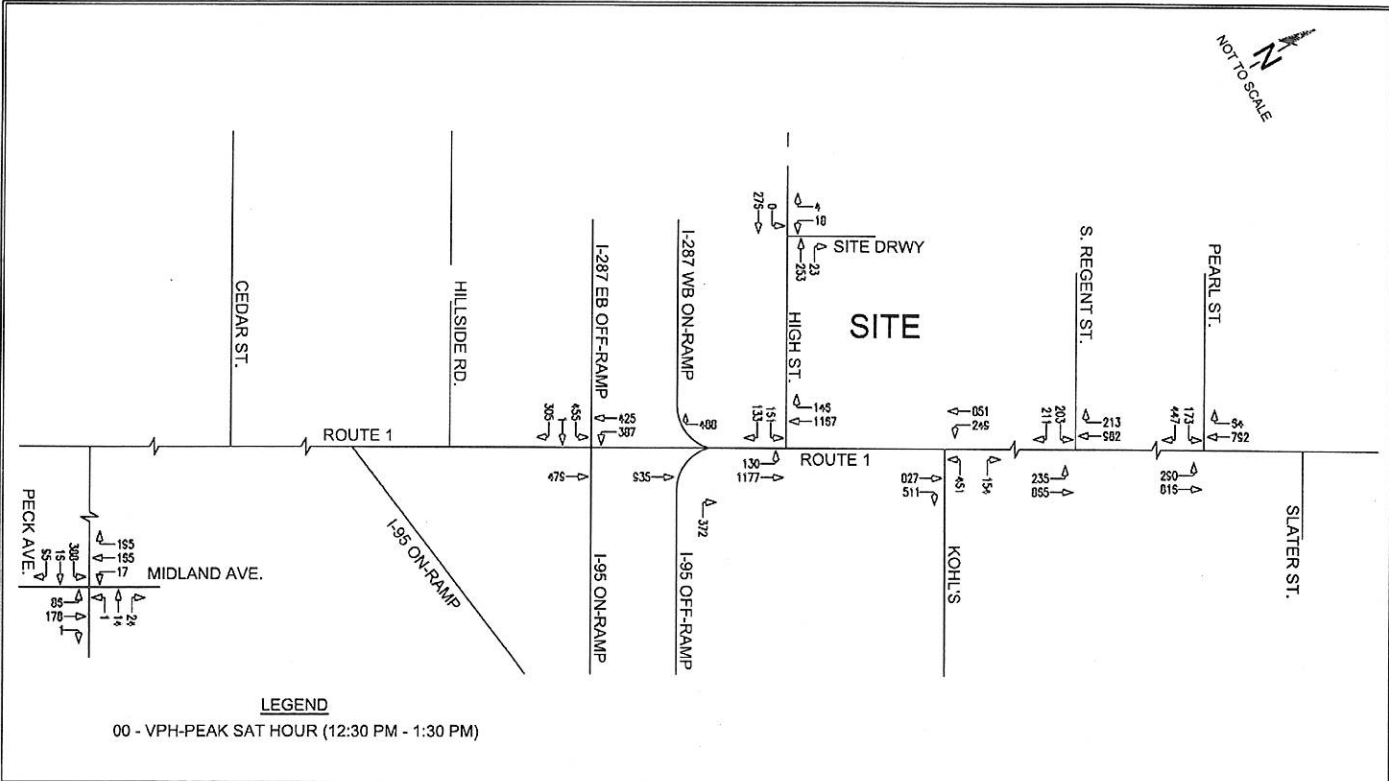
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 7 Skyline Drive
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 Tel: (914) 592-4040
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2015 No-Build Traffic Volumes
 Peak AM & PM Hours
 The Port Chester Gateway Development
 Village of Port Chester, New York

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Figure 5



LEGEND
00 - VPH-PEAK SAT HOUR (12:30 PM - 1:30 PM)

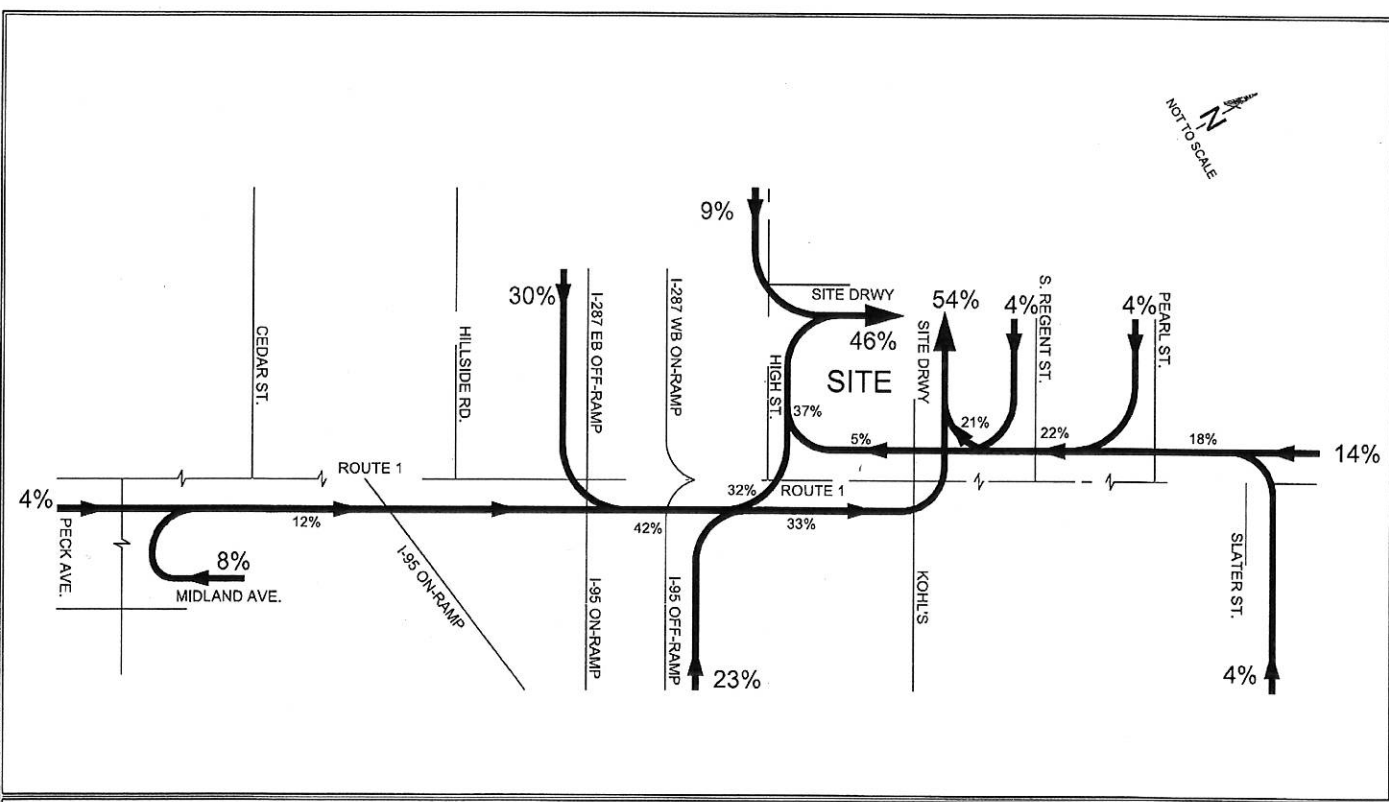
CTRC TRC Engineers, Inc.
7 Skyline Drive
Hawthorne, New York 10532
Tel: (914) 592-4040
Fax: (914) 592-0066
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2015 No-Build Traffic Volumes
Peak Saturday Hour
The Port Chester Gateway Development
Village of Port Chester, New York

Project No. 191793
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March 2012

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Figure 6



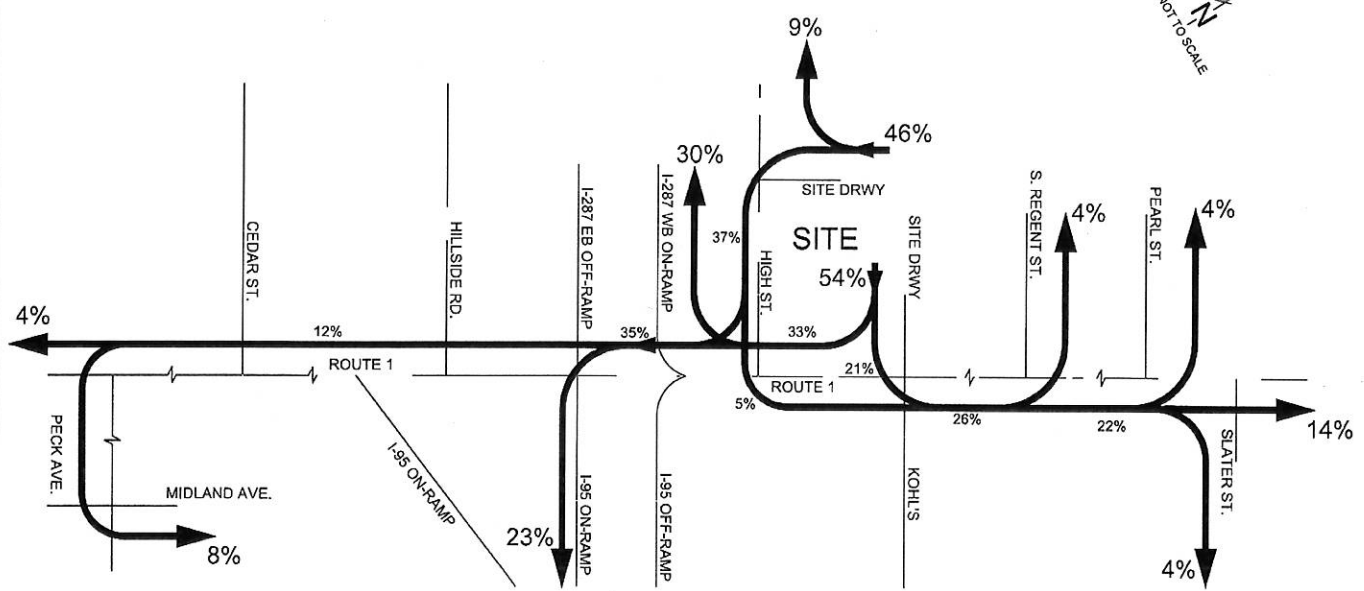
© March 2012 TRC Engineers, Inc. 191793-Residential Arrival Distribution - Preliminary Study

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Residential Arrival Distribution
The Port Chester Gateway Development
Village of Port Chester, New York

Project No. 191793
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March 2012

Figure 7



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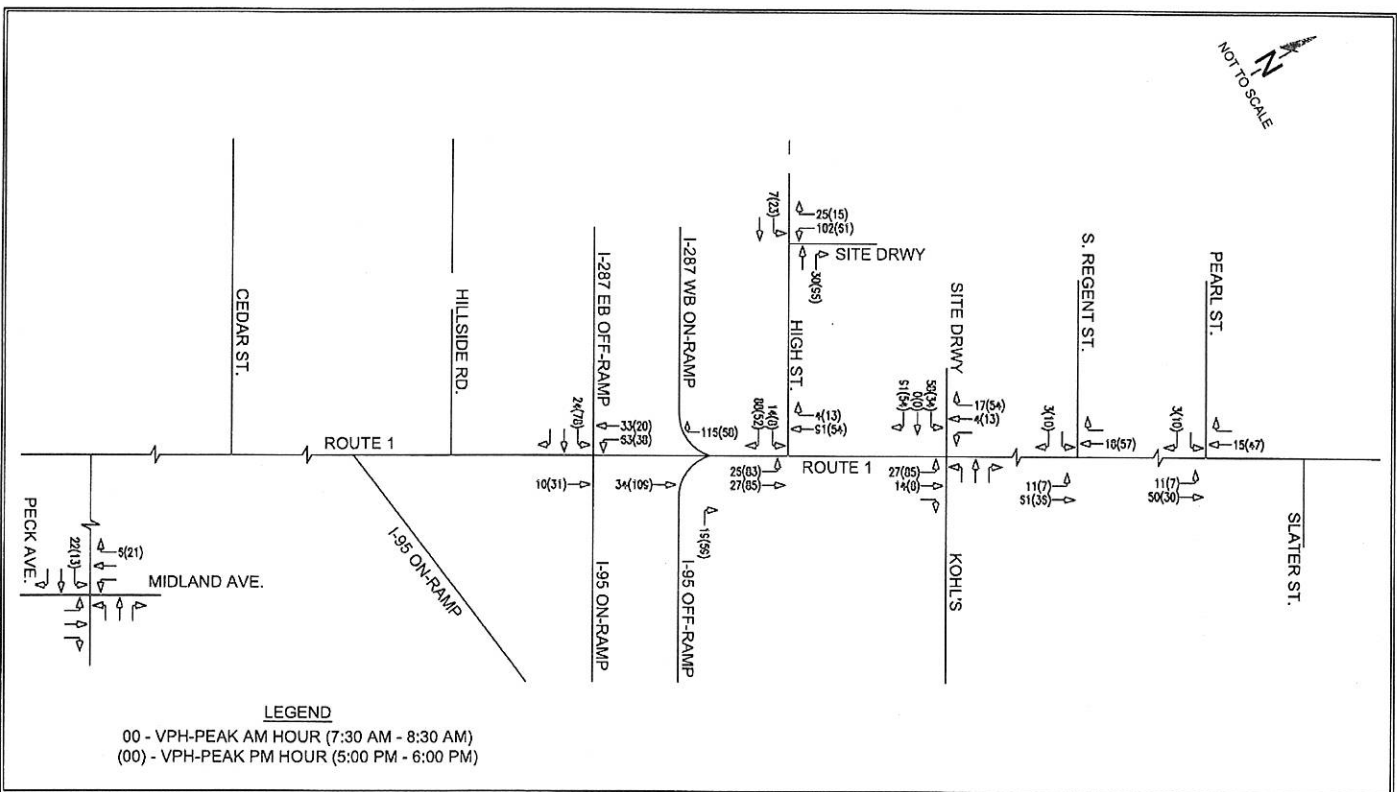
Residential Departure Distribution
The Port Chester Gateway Development
Village of Port Chester, New York

Project No. 191793
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March 2012

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Figure 8

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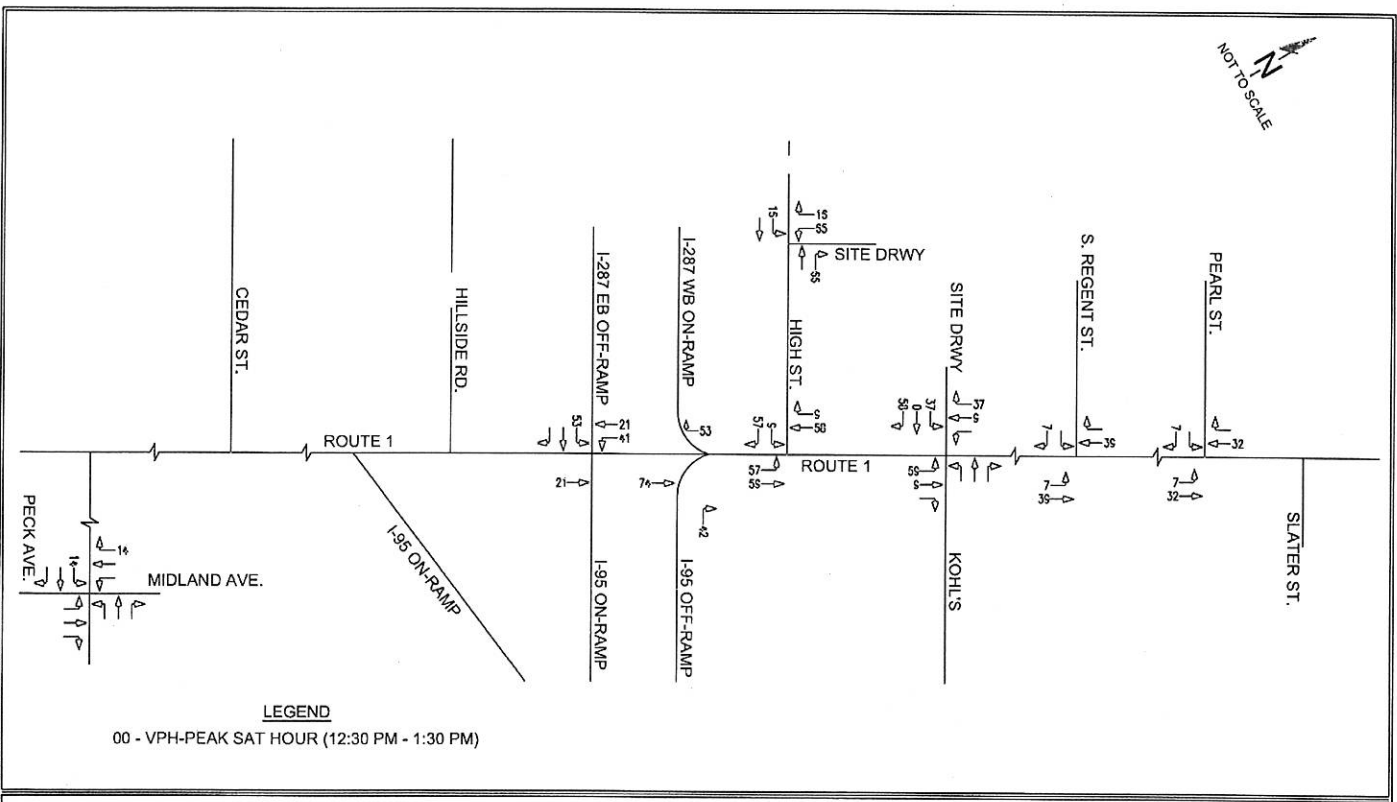
Site Generated Traffic Volumes
 Peak AM & PM Hours
 The Port Chester Gateway Development
 Village of Port Chester, New York

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 March 2012

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Figure 9

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LEGEND
00 - VPH-PEAK SAT HOUR (12:30 PM - 1:30 PM)

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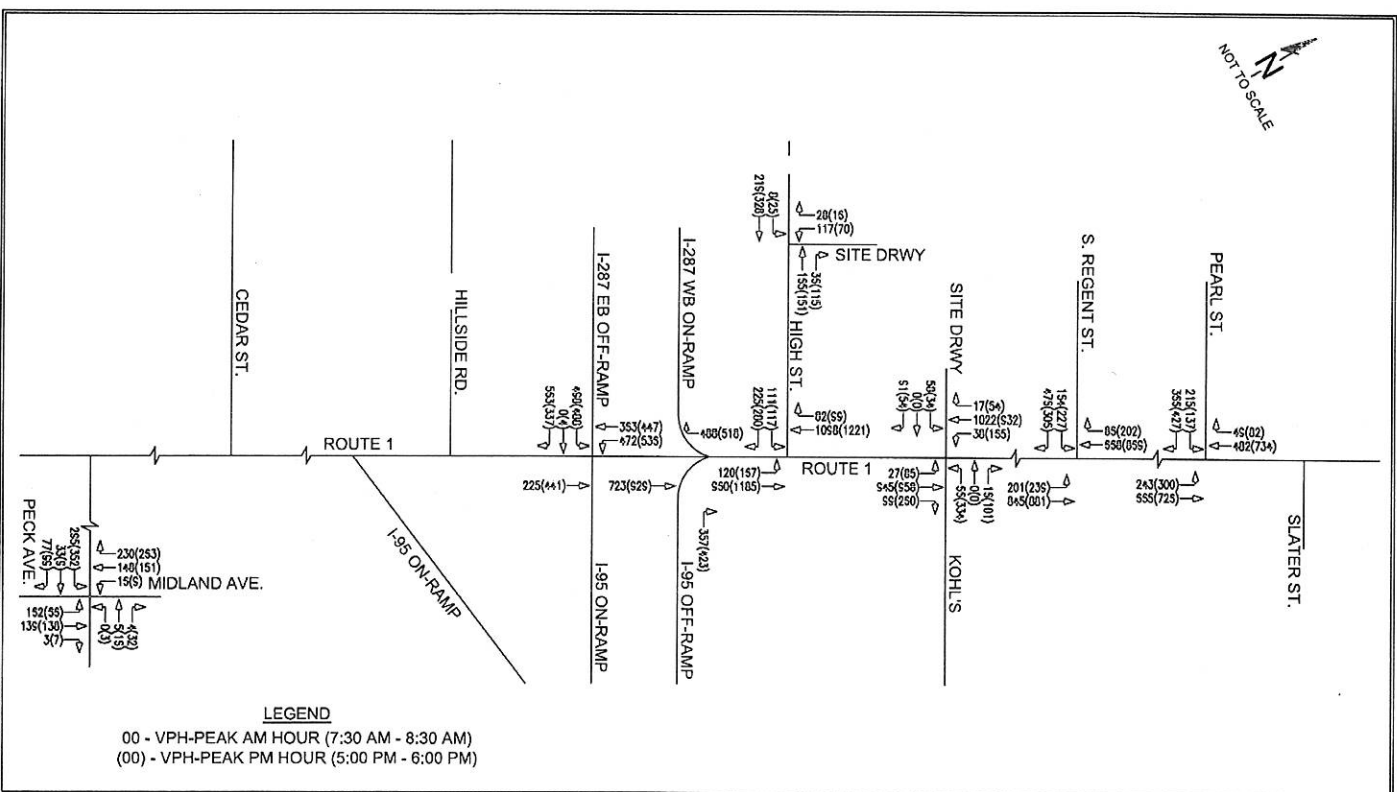
Site Generated Traffic Volumes
Peak Saturday Hour
The Port Chester Gateway Development
Village of Port Chester, New York

Project No. 191793
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March 2012

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Figure 10

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LEGEND
 00 - VPH-PEAK AM HOUR (7:30 AM - 8:30 AM)
 (00) - VPH-PEAK PM HOUR (5:00 PM - 6:00 PM)

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 7 Skyline Drive
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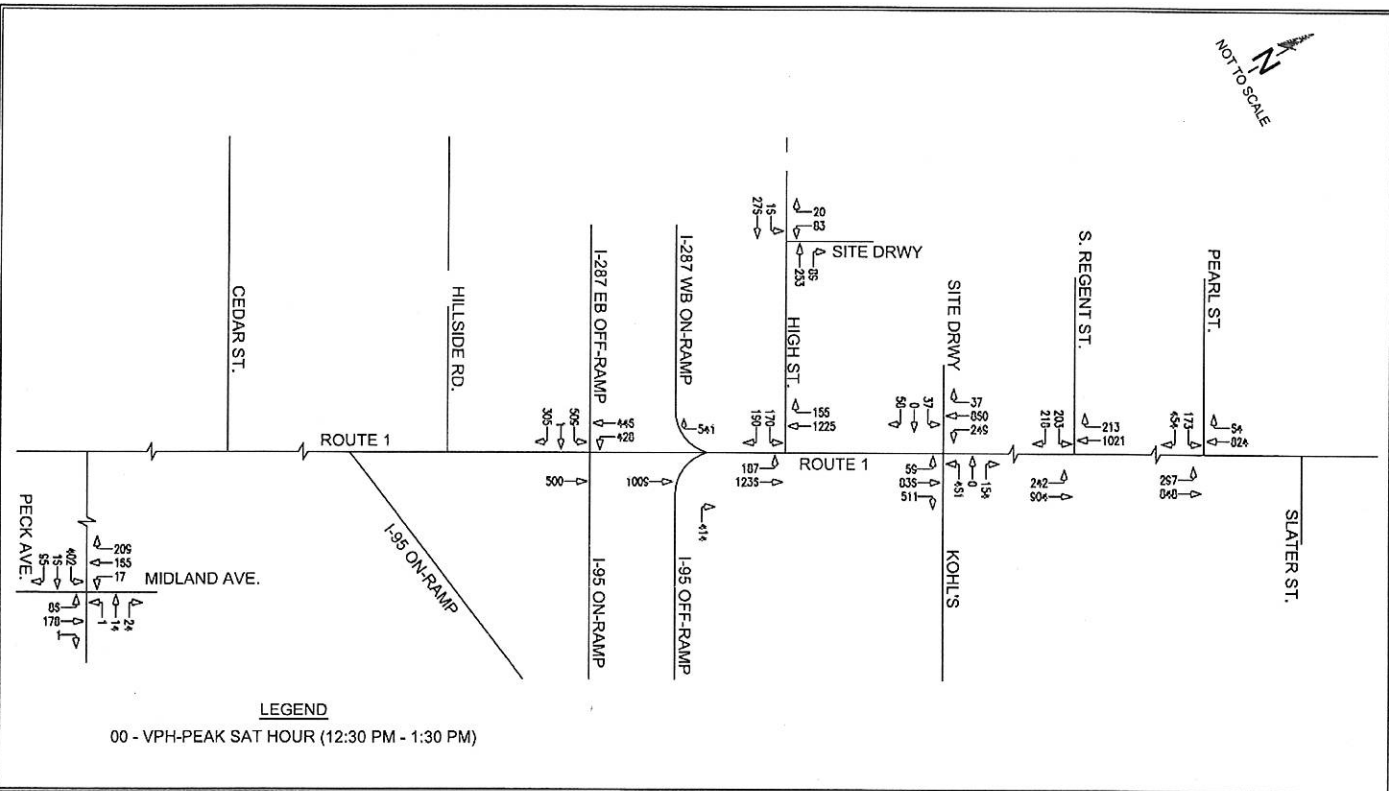
2015 Build Traffic Volumes
 Peak AM & PM Hours
 The Port Chester Gateway Development
 Village of Port Chester, New York

Project No. 191793
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Figure 11

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LEGEND

00 - VPH-PEAK SAT HOUR (12:30 PM - 1:30 PM)

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 Fax: (314) 592-0946
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2015 Build Traffic Volumes
 Peak Saturday Hour
 The Port Chester Gateway Development
 Village of Port Chester, New York

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 March 2012

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Figure 12

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May 18, 2012

BY FEDERAL EXPRESS

Mayor Dennis Pilla

And Members of the Board of Trustees
Village of Port Chester
222 Grace Church Street
Port Chester, New York 10573

Re: United Hospital Redevelopment
Petition to Amend Chapter 345 (Zoning)
Premises: 406 Boston Post Road (Section 141.052, Block 1, Lot 2)

Dear Mayor Pilla and Members of the Board of Trustees:

We are land use counsel for affiliates of Starwood Capital Group (hereinafter referred to as "Starwood"), the owner of certain property located at 406 Boston Post Road, and commonly referred to as the former "United Hospital Site" (the "Premises"). On behalf of our client, we respectfully submit this letter and its enclosures pursuant to Section 345-34 of the Port Chester Code and Article 7 of New York State Village Law, requesting that certain amendments be made to Chapter 345 (the "Zoning Law").

Article VII of the Zoning Law authorizes the Board of Trustees to amend, supplement or repeal the regulations and provisions of the Zoning Law, including the Zoning Map, either on its own motion, on petition or on recommendation of the Planning Commission. See, Section 345-34(A). We are pleased to submit this Petition and enclose sixteen (16) copies of a completed Application for Zoning Change, together with the following materials in support of this request:

- Exhibit A: Application Form for Zoning Map Change and Revised Site Plan Application;
- Exhibit B: Description of the Proposed Action, outlining Starwood's proposal for the Premises, and objectives for the Proposed Zoning Amendments;
- Exhibit C: Visual Rendering, prepared by The Sullivan Architectural Group;
- Exhibit D: Proposed Text Amendment to the Zoning Law, which involves the replacement of Article XI of the existing Zoning Law (Section 345-62), and a modification of the Village's Official Zoning Map;

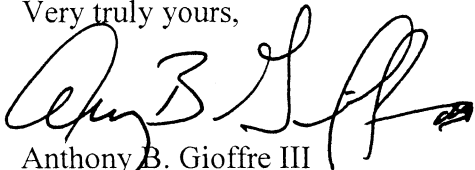
Mayor Dennis Pilla
And Members of the Board of Trustees
May 18, 2012
Page 2

- Exhibit E: Full Environmental Assessment Form, prepared by VHB Engineering, Surveying & Landscape Architecture, PC;
- Exhibit F: Revised DEIS Scoping Outline; and
- Exhibit G: Conceptual Site Plans, prepared by Mill Creek Residential Trust, LLC.

Enclosed please also find two (2) checks in the amounts of One Thousand Dollars (\$1,000.00) and Fifty Dollars (\$50.00), made payable to the Village of Port Chester, representing the Application for a Zoning Map Change filing fee and Environmental Review Fee, respectively.

We look forward to appearing before the Board of Trustees to discuss the proposed zoning amendments and respectfully request that this Petition be placed on the Board's next available agenda. In the interim, should the Board or Town Staff have any questions or comments in connection with this application, please feel free to contact me. Thank you in advance for your cooperation and consideration in this matter.

Very truly yours,



Anthony B. Gioffre III

cc: Anthony M. Cerreto, Esq., Attorney for Village of Port Chester
Mark Chertok, Esq., Attorney for Village of Port Chester
Frank Fish, BFJ Planning
Vince Ferrandino, AICP, Ferrandino & Associates Inc.
Evan Crandall, Starwood Capital Group
James E. Raved, Esq., Starwood Capital Group
Maria Rigopoulos, Mill Creek Residential Trust, LLC
David Smith, VHB
Joseph P. Carlucci, Esq.
Anthony F. Morando, Esq.

EXHIBIT A



VILLAGE OF PORT CHESTER SITE PLAN APPLICATION



Application Name: United Hospital Redevelopment		Application #	Date Submitted: May 18, 2012
Site Address: No. 406 Street: Boston Post Road			
Property Location: (Identify landmarks, distance from intersections, etc.) Former United Hospital Property			
Village of Port Chester Tax Map Designation: Section 141.0052 Block 1 Lot(s) 2		Zoning Designation of Site: R2F (Proposed PMU)	
Property Owner: PC 406 BPR, L.L.C.		Phone #: 203-422-7700 Fax#:	Email:
Owners Address: No. 591 Street: W. Putnam Avenue Town: Greenwich State: CT Zip: 06830			
Applicant (If different than owner): Same		Phone #: Fax#:	Email:
Applicant Address (If different than owner): No. Street: Town: State: Zip:			
Individual/ Firm Responsible for Preparing Site Plan: Sullivan Architectural Group		Phone #: 203-254-8680 Fax#:	Email: r.sullivan@sullivanarchitecturalgroup.com
Address: No. 1226 Street: Post Road Town: Fairfield State: CT Zip: 06824			
Other Representatives: Cuddy & Feder LLP		Phone #: 914-761-1300 Fax#: 914-761-5372	Email: agioffre@cuddyfeder.com
Owners Address: No. 445 Street: Hamilton Avenue, 14th Floor Town: White Plains State: NY Zip: 10601			
Describe the project, proposed use and operation thereof: Redevelopment of Former United Hospital Property - Please see annexed project description.			
Lot size: Acres: 14.15 Square Feet: 616,415		Square footage of all existing structures (by floor): 600,000	
# of required parking spaces: N/A		# of proposed parking spaces: 1350	
# of existing dwelling units: N/A		# of proposed dwelling units: 820	
What is the predominant soil type(s) on the site? Ub, Udorthents, Smoothed		What is the approximate depth to water table? > 2 feet ±	
Site slope categories:		15-25% ± 5 %	25-35% 3 %
Estimated quantity of excavation:		Cut (C.Y.)	Fill (C.Y.)
Is the site located in a designated Urban Renewal Area?		Yes: <input type="checkbox"/>	No: <input checked="" type="checkbox"/>
Does a curb cut exist on the site? Yes: <input checked="" type="checkbox"/> No: <input type="checkbox"/>		Are new curb cuts proposed? Yes: <input checked="" type="checkbox"/> No: <input type="checkbox"/>	
Is the site located within 500' of:			
▪ The boundary of an adjoining city, town or village		Yes: <input checked="" type="checkbox"/> No: <input type="checkbox"/>	
▪ The boundary of a state or county park, recreation area or road right-of-way		Yes: <input checked="" type="checkbox"/> No: <input type="checkbox"/>	
▪ A county drainage channel line.		Yes: <input type="checkbox"/> No: <input type="checkbox"/>	
▪ The boundary of state or county owned land on which a building is located		Yes: <input type="checkbox"/> No: <input type="checkbox"/>	

Is the site listed on the State or Federal Register of Historic Place (or substantially contiguous)
 Yes: No:

Is the site located in a designated floodplain?
 Yes: No:

Is the site located within the Local Waterfront Revitalization boundary?
 Yes: No:

Is the project funded, partially or in total, by grants or loans from a public source?
 Yes: No:

Will municipal or private solid waste disposal be utilized?
 Public: Private:

Is the site burdened by any existing easements, covenants or restrictions? Yes: No:
 If so, attach a copy

What is the estimated time of construction for the project?

Is the site served by the following public utility infrastructure:

- Sanitary Sewer Yes: No:
- Water Supply Yes: No:
- Storm Sewer Yes: No:
- Electric Service Yes: No:
- Gas Service Yes: No:
- Telephone/Cable Lines Yes: No:

Zoning Provision	PMU	Required	Existing	Proposed
Lot Area		N/A	14.15	14.15
Lot Building Coverage		70%	68	63.5
Lot Width		N/A		
Front Yard		N/A		
Side Yard (One)		N/A		
Side Yard (Both)		N/A		
Rear Yard		N/A		
Area per Dwelling Unit		N/A	N/A	
Height		85' / 8 st		85' / 6 st
Floor Area Ratio		1.60		1.56
Usable Open Space		N/A		

Foundation

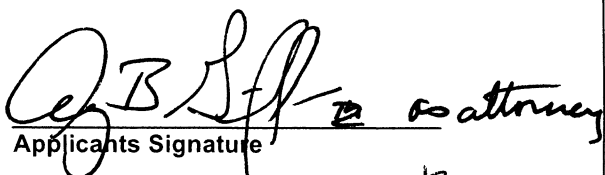
Structural System

Roof

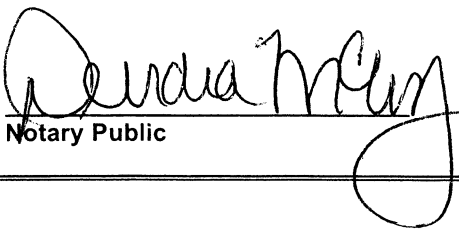
Exterior Walls

I hereby depose and certify that all the above statements and information, and all statements and information contained in the supporting documents and drawings attached hereto are true and correct. I also hereby permit authorized Village officials to access and inspect the property that is the subject of this site plan application.

PC 406 BPR, L.L.C.
 Applicants Name


 Applicants Signature

Sworn before me this 18th day of May 2012


 Notary Public

DEIRDRA McCOY
 Notary Public, State of New York
 No. 01MC5083069
 Qualified in Westchester County
 Commission Expires August 4, 13

APPLICATION FOR ZONING MAP CHANGE

Date: May 18, 2012

Application No. [redacted]

I, the undersigned, hereby apply to the Board of Trustees of the Village of Port Chester, New York, for a Zoning Map Change as hereinafter described:

- 1. Block and Lot Numbers as shown on Village Tax Map of property for which this zoning changes is requested: Section 2 141.0052 Block 1 Lot 2
2. General location of property (Give street numbers, street names, etc.): 406 Boston Post Road (Former United Hospital Property)
3. Area of property: 14.15 Acres
4. Present Zoning of Property: R2F (Two Family Residence)
5. Desired Rezoning of Property: PMU (Planned Mixed Use)
6. Name and address of fee owner: PC 406 BPR, L.L.C., 591 W. Putnam Ave., Greenwich, CT 06830 Tel.
7. Name and address of Applicant: Same Tel.
8. Contractual relationship of applicant to fee owner: Same
9. Name and address of attorney for applicant (if any): Cuddy & Feder LLP, 445 Hamilton Ave., 14th Floor, White Plains, NY 10601 Tel. 914-761-1300
10. Is the subject property restricted by deed or other covenants? () yes () no
11. If answer to question 10 is Yes, attach copy.
12. Present use of subject property, in detail: Vacant United Hospital
13. Proposed Use of subject property, in detail: Redevelopment of Former United Hospital Property - Please see annexed project description.
14. Specific reasons why applicant considers that the desired rezoning would constitute a reasonable amendment to the Zoning Map: Please see annexed cover letter.

I, the undersigned, do hereby swear and affirm that I am the owner of the above described property. [Signature] as attorney

Sworn to before me this 18th day of May, 2012. [Signature] Notary Public: Westchester County

DEIRDRA McCOY Notary Public, State of New York No. 01MC5083069 Qualified in Westchester County Commission Expires August 4, 13

STATE OF NEW YORK COUNTY OF WESTCHESTER ss.

On the ___ day of ___, 19___, before me personally came ___ to me known and known to me to be the individual described in and who executed the foregoing application, and acknowledged to me that he executed the same.

Notary Public

Date Filed: Application accompanied by Maps () Application accompanied by Photographs () yes () no

Amount of Fee Received VILLAGE TREASURER By Receipt No.

PUBLIC HEARING DATE Dates of Legal Ad Date of Adoption

EXHIBIT B

DESCRIPTION OF THE PROPOSED ACTION:

This Action proposes the redevelopment of the former United Hospital Site (Site) in the Village of Port Chester, NY into its highest and best use as a new mixed-use development consisting of new multi-family residential development and supporting, ancillary ground-floor office, retail/commercial and/or restaurants. The former hospital site, now vacant, is well situated for a new mixed-use development due to its proximity to major employers in Westchester and Fairfield Counties, immediate access to major thoroughfares such as Interstate 287 and Interstate 95, accessibility to downtown Port Chester's shopping and restaurant district and Metro North train station, and frontage on U.S. Route 1 directly across the street from the Kohl's Shopping Center and future home to Whole Foods. As the southwestern gateway to Port Chester, the redevelopment of this vacant and blighted Site to a viable use that complements the existing and future development of the surrounding area is critical for the long-term success of the Village. Given that the hospital facility has been vacant and inoperative since 2005, the proposed redevelopment will result in the immediate revival of this important property.

The subject site consists of one 14.15-acre parcel, identified on the Village Tax Maps as Section 141.052, Block 1, Lot 2, with a street address of 406 Boston Post Road. The existing Site currently consists of eight abandoned buildings (approximately 600,000 square feet) with related parking areas connected by an interior roadway system, which total approximately 9.1 acres of impervious surface area.

The current zoning is R2F, Two-Family Residential. The Village of Port Chester is in the process of revising its Comprehensive Plan and preliminary drafts indicate that the subject site is slated for a mixed-use development under the proposed PMU Planned Mixed Use District. Therefore, in keeping with the Draft Comprehensive plan, the applicant proposes a rezoning to a new PMU Planned Mixed Use District. Implementation of the proposed zoning amendment would be consistent, not only with the Village's proposed Draft Comprehensive Plan, but also with the surrounding land uses. The majority of property within ¼ mile radius of the Site is made up of commercial and residential uses. Indeed, the property located immediately to the northeast of the Site is currently zoned RA3, and is home to an existing multifamily development along Boston Post Road. Likewise, to the north and north west of the Site, there are existing residential developments within the R2F District. There is also extensive commercial development located to the east, southeast and south of the Site, which will ultimately be supported by the residential portion of the project.

The United Hospital redevelopment proposes a mixed-use plan that would replace the existing vacant and underutilized former hospital buildings. The proposed development would consist of a mix of approximately 20,000 SF of ground floor retail/commercial, fronting the site entrance on Boston Post Road (directly across from the entrance to the Kohl's Shopping Center site) and 820 new multifamily apartments in 5- and 6- story residential structures. Retail and residential parking would be provided via a

combination of at grade surface parking and structured parking located under the buildings. The new proposed buildings will be smaller in scale and size than the two adjacent multifamily buildings that currently surround the Site. Indeed, the 999 High Street residential tower and co-op multi-family building on South Regent Street are 12, and 7 stories, respectively.

As seen in the attached Conceptual Site Plan, the proposed community will feature a new high quality streetscape that is designed to engage the street along the Site's frontage on Boston Post Road and create a pleasant and safe pedestrian experience. Retail and commercial space will be available within this portion of the Site to provide basic goods and services to residents living on or in close proximity to the new mixed use project so as to not adversely impact Downtown Port Chester's retail and commercial base. Indeed, the ground floor retail will front Boston Post Road at the site's main entrance and will be designed to complement and provide ancillary commercial space to the existing Kohl's Shopping Center and future home to the new Whole Foods grocery anchor.

The design of the project is modern in sensibility and yet clearly anchored to a more traditional residential vernacular, with its classic pitched rooflines, large paned windows, and balconies. The Site will also feature interior courtyards containing landscaping, pathways and pool facilities, with apartment homes looking out over these areas as well as the street. The building façades will be an attractive mix of brick, siding, and architectural panels. Contrasting brick color bands and panels will introduce a variety of detail to the pedestrian walking by. Residential balconies and roofline silhouettes will further modulate the elevations and create a residential village-like impression.

The proposed residential unit mix would be 5% studios, 48% one bedrooms and 47% two bedrooms. The product is primarily designed and geared towards the emerging market segment - called "Lifestyle Renters" - usually a mix of young childless working professionals and empty nesters. This market segment typically includes households that choose a multifamily unit for its lifestyle, including ease of maintenance, desirable location, convenience, amenities, and access to new technology.

Project amenities for on-site residents would include 8,000 square feet of clubhouse and leasing amenity space, including resident lounge, 24-hour state-of-the-art fitness center, internet café, game room/ and business/computer center. The community would also feature a swimming pool with sundeck, and outdoor grilling areas. The buildings would have controlled access entry to the building, amenities, and garage and would be managed and serviced by a professional a management and maintenance team, who will maintain offices on the Site.

The proposed development will set a high standard for upscale mixed-use development at the southwestern gateway to the Village.

EXHIBIT C



CONCEPTUAL RENDERING

EXHIBIT D

ARTICLE XI
Planned Mixed Use District

§ 345-62. Planned Mixed Use District

A.

Purpose of district.

(1)

It is the purpose of the Planned Mixed Use (PMU) District to provide the opportunity for creation of an environmentally sound and visually attractive mixed use area to replace the de-commissioned hospital located at 406 Boston Post Road (Section 141.052, Block 1, Lot 2) and the adjacent 12-story residential apartment building located at 999 High Street (Section 141.052, Block 1, Lot 2). This section provides the criteria so that such mixed use development, incorporating a variety of commercial, office, residential and community facility uses, may be planned and developed in a unified manner. The creation of a mixed use development shall be comprised of one or a combination of the following uses:

B.

Permitted principal uses.

(1)

Multi-family dwellings containing efficiency, one-bedroom and two-bedroom units only; age restricted housing (e.g., 55+); convalescent home or nursing home.

(2)

Hotel or motel.

(3)

Bar or tavern; catering and events establishment; cabaret; table service restaurant, no drive-in, open front, fast-food or curbside service types

(4)

Assembly hall; membership club, fraternal organization or similar social institution not operated for a profit.

(5)

Health club, including racquetball facilities and indoor swimming pools; commercial indoor athletic training facility; bowling alley.

(6)

Theater.

(7)

Retail store or personal service shop.

(8)

Office, office building; ground-floor office as accessory use to multi-family development; bank, excluding drive-in.

(9)

Off-street parking lot or garage for motor vehicles; minimum requirements shall be in accordance with §345-14.

C.

Permitted accessory uses.

(1)

Private garage or private off-street parking area, in accordance with § 345-14.

(2)

Sign, in accordance with § 345-15.

D.

Special Exception Uses.

(1)

Church or other place of worship, parish house, rectory, Sunday school, convent, seminary; customary accessory structure or use, including cultural, recreational or athletic facility, meeting room or similar accessory structure or use related to a school, church or other place of worship.

(2)

Hospital; medical and dental offices; ethical pharmacy.

(3) School, elementary or high, public, private or parochial, having a curriculum equivalent to that ordinarily given in public schools; nursery school, day camp or day-care center.

(4)

Funeral home.

(5)

Radio or television station studio, excluding transmission tower.

(6)

Veterinary hospital or board and care of small animals.

E.

Dimensional standards and requirements.

(1)

The maximum floor area ratio (FAR) for all uses shall be 1.60.

(2)

The maximum site coverage (buildings, access roads and parking, but excluding walkways) shall be seventy percent (70%).

(3)

The maximum building height for all uses shall be eight (8) stories or eighty-five (85) feet.

EXHIBIT E

617.20
Appendix A
State Environmental Quality Review
FULL ENVIRONMENTAL ASSESSMENT FORM

Purpose: The full EAF is designed to help applicants and agencies determine, in an orderly manner, whether a project or action may be significant. The question of whether an action may be significant is not always easy to answer. Frequently, there are aspects of a project that are subjective or unmeasurable. It is also understood that those who determine significance may have little or no formal knowledge of the environment or may not be technically expert in environmental analysis. In addition, many who have knowledge in one particular area may not be aware of the broader concerns affecting the question of significance.

The full EAF is intended to provide a method whereby applicants and agencies can be assured that the determination process has been orderly, comprehensive in nature, yet flexible enough to allow introduction of information to fit a project or action.

Full EAF Components: The full EAF is comprised of three parts:

- Part 1:** Provides objective data and information about a given project and its site. By identifying basic project data, it assists a reviewer in the analysis that takes place in Parts 2 and 3.
- Part 2:** Focuses on identifying the range of possible impacts that may occur from a project or action. It provides guidance as to whether an impact is likely to be considered small to moderate or whether it is a potentially-large impact. The form also identifies whether an impact can be mitigated or reduced.
- Part 3:** If any impact in Part 2 is identified as potentially-large, then Part 3 is used to evaluate whether or not the impact is actually important.

THIS AREA FOR LEAD AGENCY USE ONLY

DETERMINATION OF SIGNIFICANCE -- Type 1 and Unlisted Actions

Identify the Portions of EAF completed for this project:

Part 1

Part 2

Part 3

Upon review of the information recorded on this EAF (Parts 1 and 2 and 3 if appropriate), and any other supporting information, and considering both the magnitude and importance of each impact, it is reasonably determined by the lead agency that:

- A. The project will not result in any large and important impact(s) and, therefore, is one which **will not** have a significant impact on the environment, therefore **a negative declaration will be prepared.**
- B. Although the project could have a significant effect on the environment, there will not be a significant effect for this Unlisted Action because the mitigation measures described in PART 3 have been required, therefore **a CONDITIONED negative declaration will be prepared.***
- C. The project may result in one or more large and important impacts that may have a significant impact on the environment, therefore **a positive declaration will be prepared.**

*A Conditioned Negative Declaration is only valid for Unlisted Actions

Port Chester Residential Community

Name of Action

Village Port Chester Board of Trustees

Name of Lead Agency

Print or Type Name of Responsible Officer in Lead Agency

Title of Responsible Officer

Signature of Responsible Officer in Lead Agency

Signature of Preparer (If different from responsible officer)

PART 1--PROJECT INFORMATION
Prepared by Project Sponsor

NOTICE: This document is designed to assist in determining whether the action proposed may have a significant effect on the environment. Please complete the entire form, Parts A through E. Answers to these questions will be considered as part of the application for approval and may be subject to further verification and public review. Provide any additional information you believe will be needed to complete Parts 2 and 3.

It is expected that completion of the full EAF will be dependent on information currently available and will not involve new studies, research or investigation. If information requiring such additional work is unavailable, so indicate and specify each instance.

Name of Action Port Chester Residential Community

Location of Action (include Street Address, Municipality and County)

High Street, Port Chester, Westchester County

Name of Applicant/Sponsor PC 406 BPR, LLC.

Address 591 W. Putnam Avenue

City / PO Greenwich State CT Zip Code 06830

Business Telephone 203-422-7700

Name of Owner (if different) PC 406 BPR, LLC.

Address 591 West Putnam Avenue

City / PO Greenwich State CT Zip Code 06830

Business Telephone 203-422-7700

Description of Action:

The project site is a previously developed 14.15+/- acre parcel situated in the northeast quadrant of the intersection of High Street and Boston Post Road in the Village of Port Chester, Westchester County, New York. The site consist of one parcel identified on the Village Tax Maps as Section 141.0052, Block 1, Lot 2. Lot 2 is the site is of the former United Hospital having a street address of 406 Boston Post Road. The combined site complex consists of eight abandoned buildings of approximately 600,000 sf. with related parking areas connected by an interior roadway system. The site consists of approximately ten acres of impervious area. The hospital is presently inoperative.

The Applicant proposes redevelopment of the site. The redevelopment proposal will require demolition of the existing hospital and related facilities. The Master Plan proposes a residential community consisting of approximately 820 residential units (41 Studio; 394 1BR; 385 2 BR) and approximately 20, 000 square feet of ground floor retail. The development will be supported by an interior roadway system and parking for some 1,350+/- spaces.

The current zoning is R2F, Two-Family Residential. A new designation Planned Mixed Use Zoning District ("PMU") is proposed to permit and accommodate the redevelopment plan.

Please Complete Each Question--Indicate N.A. if not applicable

A. SITE DESCRIPTION

Physical setting of overall project, both developed and undeveloped areas.

1. Present Land Use: Urban Industrial Commercial Residential (suburban) Rural (non-farm)
 Forest Agriculture Other Former United Hospital Site

2. Total acreage of project area: 14.15 acres.

APPROXIMATE ACREAGE	PRESENTLY	AFTER COMPLETION
Meadow or Brushland (Non-agricultural)	_____ acres	_____ acres
Forested	_____ acres	_____ acres
Agricultural (Includes orchards, cropland, pasture, etc.)	_____ acres	_____ acres
Wetland (Freshwater or tidal as per Articles 24,25 of ECL)	_____ acres	_____ acres
Water Surface Area	_____ acres	_____ acres
Unvegetated (Rock, earth or fill)	<u>0.1</u> acres	_____ acres
Roads, buildings and other paved surfaces	<u>9.1</u> acres	<u>8.9</u> acres
Other (Indicate type) <u>Landscaped Area</u>	<u>4.95</u> acres	<u>5.25</u> acres

3. What is predominant soil type(s) on project site? Ub, Udorthents, Smoothed

- a. Soil drainage: Well drained 50 % of site Moderately well drained 50 % of site.
 Poorly drained _____ % of site

b. If any agricultural land is involved, how many acres of soil are classified within soil group 1 through 4 of the NYS Land Classification System? N/A acres (see 1 NYCRR 370).

4. Are there bedrock outcroppings on project site? Yes No

a. What is depth to bedrock >2 (in feet)

5. Approximate percentage of proposed project site with slopes:

- 0-10% 82 % 10- 15% 5 % 15% or greater 13 %

6. Is project substantially contiguous to, or contain a building, site, or district, listed on the State or National Registers of Historic Places? Yes No

7. Is project substantially contiguous to a site listed on the Register of National Natural Landmarks? Yes No

8. What is the depth of the water table? >2 (in feet)

9. Is site located over a primary, principal, or sole source aquifer? Yes No

10. Do hunting, fishing or shell fishing opportunities presently exist in the project area? Yes No

11. Does project site contain any species of plant or animal life that is identified as threatened or endangered? Yes No

According to:

Correspondence from NYS DEC

Identify each species:

12. Are there any unique or unusual land forms on the project site? (i.e., cliffs, dunes, other geological formations?)

Yes No

Describe:

13. Is the project site presently used by the community or neighborhood as an open space or recreation area?

Yes No

If yes, explain:

14. Does the present site include scenic views known to be important to the community? Yes No

Views of LI Sound and NYC from upper levels of existing buildings.

15. Streams within or contiguous to project area:

none

a. Name of Stream and name of River to which it is tributary

16. Lakes, ponds, wetland areas within or contiguous to project area:

none

b. Size (in acres):

17. Is the site served by existing public utilities? Yes No
- a. If YES, does sufficient capacity exist to allow connection? Yes No
- b. If YES, will improvements be necessary to allow connection? Yes No
18. Is the site located in an agricultural district certified pursuant to Agriculture and Markets Law, Article 25-AA, Section 303 and 304? Yes No
19. Is the site located in or substantially contiguous to a Critical Environmental Area designated pursuant to Article 8 of the ECL, and 6 NYCRR 617? Yes No
20. Has the site ever been used for the disposal of solid or hazardous wastes? Yes No

B. Project Description

1. Physical dimensions and scale of project (fill in dimensions as appropriate).
- a. Total contiguous acreage owned or controlled by project sponsor: + 14.15 acres.
- b. Project acreage to be developed: + 14.15 acres initially; + 14.15 acres ultimately.
- c. Project acreage to remain undeveloped: 0 acres.
- d. Length of project, in miles: N/A (if appropriate)
- e. If the project is an expansion, indicate percent of expansion proposed. N/A %
- f. Number of off-street parking spaces existing 650+/- ; proposed 1,350
- g. Maximum vehicular trips generated per hour: +/-470 (upon completion of project)?
- h. If residential: Number and type of housing units:
- | | One Family | Two Family | Multiple Family | Condominium |
|------------|------------|------------|-----------------|-------------|
| Initially | _____ | _____ | 820 unit | _____ |
| Ultimately | _____ | _____ | 820 unit | _____ |
- i. Dimensions (in feet) of largest proposed structure: 80 height; 60 width; 675 length.
- j. Linear feet of frontage along a public thoroughfare project will occupy is? 900 ft.
2. How much natural material (i.e. rock, earth, etc.) will be removed from the site? TBD tons/cubic yards.
3. Will disturbed areas be reclaimed Yes No N/A
- a. If yes, for what intended purpose is the site being reclaimed?
-
- b. Will topsoil be stockpiled for reclamation? Yes No
- c. Will upper subsoil be stockpiled for reclamation? Yes No
4. How many acres of vegetation (trees, shrubs, ground covers) will be removed from site? 0 acres.

5. Will any mature forest (over 100 years old) or other locally-important vegetation be removed by this project?

Yes No

6. If single phase project: Anticipated period of construction: N/A months, (including demolition)

7. If multi-phased:

a. Total number of phases anticipated 2 (number)

b. Anticipated date of commencement phase 1: 06 month 2013 year, (including demolition)

c. Approximate completion date of final phase: TBD month TBD year.

d. Is phase 1 functionally dependent on subsequent phases? Yes No

8. Will blasting occur during construction? Yes No

9. Number of jobs generated: during construction TBD ; after project is complete TBD

10. Number of jobs eliminated by this project 0

11. Will project require relocation of any projects or facilities? Yes No

If yes, explain:

12. Is surface liquid waste disposal involved? Yes No

a. If yes, indicate type of waste (sewage, industrial, etc) and amount _____

b. Name of water body into which effluent will be discharged _____

13. Is subsurface liquid waste disposal involved? Yes No Type Sewer discharged to public sewer

14. Will surface area of an existing water body increase or decrease by proposal? Yes No

If yes, explain:

N/A; no existing water bodies

15. Is project or any portion of project located in a 100 year flood plain? Yes No

16. Will the project generate solid waste? Yes No

a. If yes, what is the amount per month? + 68 tons

b. If yes, will an existing solid waste facility be used? Yes No

c. If yes, give name Charles Point ; location Peekskill, NY

d. Will any wastes not go into a sewage disposal system or into a sanitary landfill? Yes No

e. If yes, explain:

Recyclable materials will be sent to recycling center for processing.

17. Will the project involve the disposal of solid waste? Yes No

a. If yes, what is the anticipated rate of disposal? _____ tons/month.

b. If yes, what is the anticipated site life? _____ years.

18. Will project use herbicides or pesticides? Yes No

19. Will project routinely produce odors (more than one hour per day)? Yes No

20. Will project produce operating noise exceeding the local ambient noise levels? Yes No

21. Will project result in an increase in energy use? Yes No

If yes, indicate type(s)

Proposed facility will utilize electricity, fossil fuel and/or natural gas.

22. If water supply is from wells, indicate pumping capacity N/A gallons/minute.

23. Total anticipated water usage per day 153,000 gallons/day.

24. Does project involve Local, State or Federal funding? Yes No

If yes, explain:

25. Approvals Required:

			Type	Submittal Date
City, Town, Village Board	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	Zoning Map Change	
City, Town, Village Planning Board	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	Recommendation re: Zoning Map Change & Site Plan +	TBD
City, Town Zoning Board	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No		
City, County Health Department	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No		
Other Local Agencies	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	Architectural Review Board Village Sewer District	TBD TBD
Other Regional Agencies	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	Notice given to Westchester County Planning Board	TBD
State Agencies	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	NYS DOT NYS DEC (Stormwater)	TBD TBD
Federal Agencies	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No		

C. Zoning and Planning Information

1. Does proposed action involve a planning or zoning decision? Yes No

If Yes, indicate decision required:

- | | | | |
|--|---|--|--------------------------------------|
| <input checked="" type="checkbox"/> Zoning amendment | <input type="checkbox"/> Zoning variance | <input type="checkbox"/> New/revision of master plan | <input type="checkbox"/> Subdivision |
| <input checked="" type="checkbox"/> Site plan | <input type="checkbox"/> Special use permit | <input type="checkbox"/> Resource management plan | <input type="checkbox"/> Other |

2. What is the zoning classification(s) of the site?

R-2F, Two-Family Residential Zoning District

3. What is the maximum potential development of the site if developed as permitted by the present zoning?

Assuming 5,000sf lots (50' wide) with frontage on a subdivision road = 6250 sf per lot. Site area is 14.15 acres. Site area divided by area per lot (616,415/6250 = 98 residential lots x 2units per lot = 196 total units)

4. What is the proposed zoning of the site?

Planned Mixed Use development of the site for the purposes proposed.

5. What is the maximum potential development of the site if developed as permitted by the proposed zoning?

Approximately 850 residential units

6. Is the proposed action consistent with the recommended uses in adopted local land use plans? Yes No

Empty rectangular box for additional information.

7. What are the predominant land use(s) and zoning classifications within a ¼ mile radius of proposed action?

Zoning Classifications: R2F Two-Family Residential, RA3 Multi-Family Residential, R7 One Family Residential, C3 Design Office and Commercial, CD Design Shopping Center, M1 Light Industrial, PD Design Professional Building. Predominant Land Uses: Residential, Commercial, Community Park

Large empty rectangular box for additional information.

8. Is the proposed action compatible with adjoining/surrounding land uses with a ¼ mile? Yes No

9. If the proposed action is the subdivision of land, how many lots are proposed? N/A

a. What is the minimum lot size proposed? _____

10. Will proposed action require any authorization(s) for the formation of sewer or water districts? Yes No

11. Will the proposed action create a demand for any community provided services (recreation, education, police, fire protection)?
 Yes No

a. If yes, is existing capacity sufficient to handle projected demand? Yes No

12. Will the proposed action result in the generation of traffic significantly above present levels? Yes No

a. If yes, is the existing road network adequate to handle the additional traffic. Yes No

Any negative impacts identified in the Traffic Impact Study will be mitigated. Impacts and mitigation TBD.

D. Informational Details

Attach any additional information as may be needed to clarify your project. If there are or may be any adverse impacts associated with your proposal, please discuss such impacts and the measures which you propose to mitigate or avoid them.

E. Verification

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

Applicant/Sponsor Name PC 406 BPR, LLC Date 5-17-12

Signature 

Title Senior Development Advisor VHB Engineering, Surveying and Landscape Architecture, PC on behalf of the Applicant

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

PART 2 - PROJECT IMPACTS AND THEIR MAGNITUDE

Responsibility of Lead Agency

General Information (Read Carefully)

- ! In completing the form the reviewer should be guided by the question: Have my responses and determinations been **reasonable**? The reviewer is not expected to be an expert environmental analyst.
- ! The **Examples** provided are to assist the reviewer by showing types of impacts and wherever possible the threshold of magnitude that would trigger a response in column 2. The examples are generally applicable throughout the State and for most situations. But, for any specific project or site other examples and/or lower thresholds may be appropriate for a Potential Large Impact response, thus requiring evaluation in Part 3.
- ! The impacts of each project, on each site, in each locality, will vary. Therefore, the examples are illustrative and have been offered as guidance. They do not constitute an exhaustive list of impacts and thresholds to answer each question.
- ! The number of examples per question does not indicate the importance of each question.
- ! In identifying impacts, consider long term, short term and cumulative effects.

Instructions (Read carefully)

- a. Answer each of the 20 questions in PART 2. Answer **Yes** if there will be **any** impact.
- b. **Maybe** answers should be considered as **Yes** answers.
- c. If answering **Yes** to a question then check the appropriate box(column 1 or 2) to indicate the potential size of the impact. If impact threshold equals or exceeds any example provided, check column 2. If impact will occur but threshold is lower than example, check column 1.
- d. Identifying that an Impact will be potentially large (column 2) does not mean that it is also necessarily **significant**. Any large impact must be evaluated in PART 3 to determine significance. Identifying an impact in column 2 simply asks that it be looked at further.
- e. If reviewer has doubt about size of the impact then consider the impact as potentially large and proceed to PART 3.
- f. If a potentially large impact checked in column 2 can be mitigated by change(s) in the project to a small to moderate impact, also check the **Yes** box in column 3. A **No** response indicates that such a reduction is not possible. This must be explained in Part 3.

1	2	3
Small to Moderate Impact	Potential Large Impact	Can Impact Be Mitigated by Project Change

Impact on Land

1. Will the Proposed Action result in a physical change to the project site?

NO YES

Examples that would apply to column 2

- | | | | | |
|--|-------------------------------------|--------------------------|------------------------------|-----------------------------|
| • Any construction on slopes of 15% or greater, (15 foot rise per 100 foot of length), or where the general slopes in the project area exceed 10%. | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| • Construction on land where the depth to the water table is less than 3 feet. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| • Construction of paved parking area for 1,000 or more vehicles. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| • Construction on land where bedrock is exposed or generally within 3 feet of existing ground surface. | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| • Construction that will continue for more than 1 year or involve more than one phase or stage. | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| • Excavation for mining purposes that would remove more than 1,000 tons of natural material (i.e., rock or soil) per year. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |

	1 Small to Moderate Impact	2 Potential Large Impact	3 Can Impact Be Mitigated by Project Change
• Construction or expansion of a sanitary landfill.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
• Construction in a designated floodway.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
• Other impacts:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No

2. Will there be an effect to any unique or unusual land forms found on the site? (i.e., cliffs, dunes, geological formations, etc.)

NO YES

• Specific land forms:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No

Impact on Water

3. Will Proposed Action affect any water body designated as protected? (Under Articles 15, 24, 25 of the Environmental Conservation Law, ECL)

NO YES

Examples that would apply to column 2

• Developable area of site contains a protected water body.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
• Dredging more than 100 cubic yards of material from channel of a protected stream.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
• Extension of utility distribution facilities through a protected water body.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
• Construction in a designated freshwater or tidal wetland.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
• Other impacts:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No

4. Will Proposed Action affect any non-protected existing or new body of water?

NO YES

Examples that would apply to column 2

• A 10% increase or decrease in the surface area of any body of water or more than a 10 acre increase or decrease.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
• Construction of a body of water that exceeds 10 acres of surface area.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
• Other impacts:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No

1	2	3
Small to Moderate Impact	Potential Large Impact	Can Impact Be Mitigated by Project Change

6. Will Proposed Action alter drainage flow or patterns, or surface water runoff?

NO YES

Examples that would apply to column 2

- | | | | | |
|--|--------------------------|--------------------------|------------------------------|-----------------------------|
| • Proposed Action would change flood water flows | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| • Proposed Action may cause substantial erosion. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| • Proposed Action is incompatible with existing drainage patterns. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| • Proposed Action will allow development in a designated floodway. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| • Other impacts: | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |

IMPACT ON AIR

7. Will Proposed Action affect air quality?

NO YES

Examples that would apply to column 2

- | | | | | |
|---|--------------------------|--------------------------|------------------------------|-----------------------------|
| • Proposed Action will induce 1,000 or more vehicle trips in any given hour. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| • Proposed Action will result in the incineration of more than 1 ton of refuse per hour. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| • Emission rate of total contaminants will exceed 5 lbs. per hour or a heat source producing more than 10 million BTU's per hour. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| • Proposed Action will allow an increase in the amount of land committed to industrial use. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| • Proposed Action will allow an increase in the density of industrial development within existing industrial areas. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| • Other impacts: | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |

IMPACT ON PLANTS AND ANIMALS

8. Will Proposed Action affect any threatened or endangered species?

NO YES

Examples that would apply to column 2

- | | | | | |
|---|--------------------------|--------------------------|------------------------------|-----------------------------|
| • Reduction of one or more species listed on the New York or Federal list, using the site, over or near the site, or found on the site. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
|---|--------------------------|--------------------------|------------------------------|-----------------------------|

	1 Small to Moderate Impact	2 Potential Large Impact	3 Can Impact Be Mitigated by Project Change
• Removal of any portion of a critical or significant wildlife habitat.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
• Application of pesticide or herbicide more than twice a year, other than for agricultural purposes.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
• Other impacts:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No

9. Will Proposed Action substantially affect non-threatened or non-endangered species?

NO YES

Examples that would apply to column 2

• Proposed Action would substantially interfere with any resident or migratory fish, shellfish or wildlife species.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
• Proposed Action requires the removal of more than 10 acres of mature forest (over 100 years of age) or other locally important vegetation.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
• Other impacts:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No

IMPACT ON AGRICULTURAL LAND RESOURCES

10. Will Proposed Action affect agricultural land resources?

NO YES

Examples that would apply to column 2

• The Proposed Action would sever, cross or limit access to agricultural land (includes cropland, hayfields, pasture, vineyard, orchard, etc.)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
• Construction activity would excavate or compact the soil profile of agricultural land.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
• The Proposed Action would irreversibly convert more than 10 acres of agricultural land or, if located in an Agricultural District, more than 2.5 acres of agricultural land.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No

	1 Small to Moderate Impact	2 Potential Large Impact	3 Can Impact Be Mitigated by Project Change
• The Proposed Action would disrupt or prevent installation of agricultural land management systems (e.g., subsurface drain lines, outlet ditches, strip cropping); or create a need for such measures (e.g. cause a farm field to drain poorly due to increased runoff).	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
• Other impacts:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No

IMPACT ON AESTHETIC RESOURCES

11. Will Proposed Action affect aesthetic resources? (If necessary, use the Visual EAF Addendum in Section 617.20, Appendix B.)

NO YES

Examples that would apply to column 2

• Proposed land uses, or project components obviously different from or in sharp contrast to current surrounding land use patterns, whether man-made or natural.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
• Proposed land uses, or project components visible to users of aesthetic resources which will eliminate or significantly reduce their enjoyment of the aesthetic qualities of that resource.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
• Project components that will result in the elimination or significant screening of scenic views known to be important to the area.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
• Other impacts:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No

IMPACT ON HISTORIC AND ARCHAEOLOGICAL RESOURCES

12. Will Proposed Action impact any site or structure of historic, prehistoric or paleontological importance?

NO YES

Examples that would apply to column 2

• Proposed Action occurring wholly or partially within or substantially contiguous to any facility or site listed on the State or National Register of historic places.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
• Any impact to an archaeological site or fossil bed located within the project site.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
• Proposed Action will occur in an area designated as sensitive for archaeological sites on the NYS Site Inventory.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No

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Small to
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Impact

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Potential
Large
Impact

3
Can Impact Be
Mitigated by
Project Change

• Other impacts:

Yes No

IMPACT ON OPEN SPACE AND RECREATION

13. Will proposed Action affect the quantity or quality of existing or future open spaces or recreational opportunities?

NO YES

Examples that would apply to column 2

• The permanent foreclosure of a future recreational opportunity.

Yes No

• A major reduction of an open space important to the community.

Yes No

• Other impacts:

Yes No

IMPACT ON CRITICAL ENVIRONMENTAL AREAS

14. Will Proposed Action impact the exceptional or unique characteristics of a critical environmental area (CEA) established pursuant to subdivision 6NYCRR 617.14(g)?

NO YES

List the environmental characteristics that caused the designation of the CEA.

Examples that would apply to column 2

• Proposed Action to locate within the CEA?

Yes No

• Proposed Action will result in a reduction in the quantity of the resource?

Yes No

• Proposed Action will result in a reduction in the quality of the resource?

Yes No

• Proposed Action will impact the use, function or enjoyment of the resource?

Yes No

• Other impacts:

Yes No

1	2	3
Small to Moderate Impact	Potential Large Impact	Can Impact Be Mitigated by Project Change

IMPACT ON TRANSPORTATION

15. Will there be an effect to existing transportation systems?

NO YES

Examples that would apply to column 2

- | | | | | |
|--|--------------------------|--------------------------|------------------------------|-----------------------------|
| • Alteration of present patterns of movement of people and/or goods. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| • Proposed Action will result in major traffic problems. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| • Other impacts: | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |

IMPACT ON ENERGY

16. Will Proposed Action affect the community's sources of fuel or energy supply?

NO YES

Examples that would apply to column 2

- | | | | | |
|---|--------------------------|--------------------------|------------------------------|-----------------------------|
| • Proposed Action will cause a greater than 5% increase in the use of any form of energy in the municipality. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| • Proposed Action will require the creation or extension of an energy transmission or supply system to serve more than 50 single or two family residences or to serve a major commercial or industrial use. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| • Other impacts: | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |

NOISE AND ODOR IMPACT

17. Will there be objectionable odors, noise, or vibration as a result of the Proposed Action?

NO YES

Examples that would apply to column 2

- | | | | | |
|--|--------------------------|--------------------------|------------------------------|-----------------------------|
| • Blasting within 1,500 feet of a hospital, school or other sensitive facility. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| • Odors will occur routinely (more than one hour per day). | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| • Proposed Action will produce operating noise exceeding the local ambient noise levels for noise outside of structures. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| • Proposed Action will remove natural barriers that would act as a noise screen. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| • Other impacts: | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |

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Small to
Moderate
Impact

2
Potential
Large
Impact

3
Can Impact Be
Mitigated by
Project Change

IMPACT ON PUBLIC HEALTH

18. Will Proposed Action affect public health and safety?

NO YES

- | | | | | |
|--|--------------------------|--------------------------|------------------------------|-----------------------------|
| • Proposed Action may cause a risk of explosion or release of hazardous substances (i.e. oil, pesticides, chemicals, radiation, etc.) in the event of accident or upset conditions, or there may be a chronic low level discharge or emission. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| • Proposed Action may result in the burial of "hazardous wastes" in any form (i.e. toxic, poisonous, highly reactive, radioactive, irritating, infectious, etc.) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| • Storage facilities for one million or more gallons of liquefied natural gas or other flammable liquids. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| • Proposed Action may result in the excavation or other disturbance within 2,000 feet of a site used for the disposal of solid or hazardous waste. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| • Other impacts: | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |

**IMPACT ON GROWTH AND CHARACTER
OF COMMUNITY OR NEIGHBORHOOD**

19. Will Proposed Action affect the character of the existing community?

NO YES

Examples that would apply to column 2

- | | | | | |
|---|-------------------------------------|--------------------------|------------------------------|-----------------------------|
| • The permanent population of the city, town or village in which the project is located is likely to grow by more than 5%. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| • The municipal budget for capital expenditures or operating services will increase by more than 5% per year as a result of this project. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| • Proposed Action will conflict with officially adopted plans or goals. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| • Proposed Action will cause a change in the density of land use. | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| • Proposed Action will replace or eliminate existing facilities, structures or areas of historic importance to the community. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| • Development will create a demand for additional community services (e.g. schools, police and fire, etc.) | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |

	1 Small to Moderate Impact	2 Potential Large Impact	3 Can Impact Be Mitigated by Project Change
• Proposed Action will set an important precedent for future projects.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
• Proposed Action will create or eliminate employment.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
• Other impacts:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No

20. Is there, or is there likely to be, public controversy related to potential adverse environment impacts?
 NO YES

If Any Action in Part 2 Is Identified as a Potential Large Impact or If you Cannot Determine the Magnitude of Impact, Proceed to Part 3

Part 3 - EVALUATION OF THE IMPORTANCE OF IMPACTS

Responsibility of Lead Agency

Part 3 must be prepared if one or more impact(s) is considered to be potentially large, even if the impact(s) may be mitigated.


Instructions (If you need more space, attach additional sheets)

Discuss the following for each impact identified in Column 2 of Part 2:

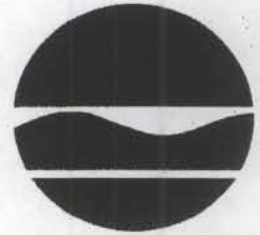
1. Briefly describe the impact.
2. Describe (if applicable) how the impact could be mitigated or reduced to a small to moderate impact by project change(s).
3. Based on the information available, decide if it is reasonable to conclude that this impact is **important**.

To answer the question of importance, consider:

- ! The probability of the impact occurring
- ! The duration of the impact
- ! Its irreversibility, including permanently lost resources of value
- ! Whether the impact can or will be controlled
- ! The regional consequence of the impact
- ! Its potential divergence from local needs and goals
- ! Whether known objections to the project relate to this impact.



NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION
Division of Fish, Wildlife & Marine Resources
New York Natural Heritage Program
625 Broadway, 5th Floor, Albany, New York 12233-4757
Phone: (518) 402-8935 • Fax: (518) 402-8925
Website: www.dec.ny.gov



Alexander B. Grannis
Commissioner

May 3, 2010

Thomas D. Holmes
T R C Engineers
7 Skyline Drive
Hawthorne, NY 10532

Dear Mr. Holmes:

In response to your recent request, we have reviewed the New York Natural Heritage Program database with respect to an Environmental Assessment for the proposed Re-development of former United Hospital and adjacent apartment building site, area as indicated on the map you provided, located on Boston Post Road, Village of Port Chester, Westchester County.

We have no records of rare or state-listed animals or plants, significant natural communities, or other significant habitats, on or in the immediate vicinity of your site.

The absence of data does not necessarily mean that rare or state-listed species, natural communities or other significant habitats do not exist on or adjacent to the proposed site. Rather, our files currently do not contain information which indicates their presence. For most sites, comprehensive field surveys have not been conducted. We cannot provide a definitive statement on the presence or absence of all rare or state-listed species or significant natural communities. This information should not be substituted for on-site surveys that may be required for environmental assessment.

Our databases are continually growing as records are added and updated. If this proposed project is still under development one year from now, we recommend that you contact us again so that we may update this response with the most current information.

This response applies only to known occurrences of rare or state-listed animals and plants, significant natural communities and other significant habitats maintained in the Natural Heritage Data bases. Your project may require additional review or permits; for information regarding other permits that may be required under state law for regulated areas or activities (e.g., regulated wetlands), please contact the appropriate NYS DEC Regional Office, Division of Environmental Permits, as listed at www.dec.ny.gov/about/39381.html.

Sincerely,

Tara Salerno
Tara Salerno, Information Services
New York Natural Heritage Program

Enc.
cc: Reg. 3, Wildlife Mgr.

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Search	Layers & Legend	Tell Me More...
Need a Permit?	Contacts	Help



Map Layers & Legend

More layers appear as you zoom in.

- Classified Water Bodies
- Classified Water Bodies
- State-Regulated Freshwater Wetlands
- Wetland Checkzone ?
- Rare Plants and Rare Animals
- Significant Natural Communities
- Natural Communities Vicinity ?
- Background Map
- Adirondack Park Boundary
- Counties

Click "Refresh Layers" to activate and deactivate layers.

[Refresh Layers](#)



Disclaimer: This map does not show all natural resources regulated by NYS DEC, or for which permits from NYS DEC may be required. Please contact your DEC Regional office for more information.

EXHIBIT F

DEIS Scoping Outline
United Hospital Redevelopment
May 14, 2012

This document identifies the issues to be addressed in a Draft Environmental Impact Statement (“DEIS”) for the proposed Gateway Port Chester Mixed Use Development. Accordingly, this Scoping Document addresses the items identified in paragraphs (f)(1) through (7) of Section 617.8 of the State Environmental Quality Review Act (“SEQRA”) Regulations.

DESCRIPTION OF THE PROPOSED ACTION:

The Proposed Action is a Zoning Text Amendment/Map Change to accommodate the development of the former United Hospital site (the “Site”) in the Village of Port Chester, NY replacing a complex of 600,000± square feet of abandoned hospital buildings and ancillary buildings with a mixed use project, including multi-family residential, retail and office, parking facilities and open space. The Site’s location, near the intersection of the I-287 and I-95 corridors, off Boston Post Road (US Route 1) and proximate to the City of Rye and the Village of Rye Brook, NY, is well-positioned to serve as a gateway to the Village of Port Chester. The Proposed Action is sometimes referred to in this Scope as the “project.”

The development Site consists of one 14.15 - acre parcel, identified on the Village Tax Maps as Section 141.052, Block 1, Lot 2, with a street address of 406 Boston Post Road. The existing Site currently consists of eight abandoned buildings (approximately 600,000 square feet) with related parking areas connected by an interior roadway system, totaling approximately ten acres of impervious surface area. The hospital has been inoperative since 2005. The current zoning is R2F, Two-Family Residential. A Planned Mixed Use Zoning District (“PMU”), is proposed to permit and accommodate the proposed redevelopment plan.

In addition to including multi-family residential structures throughout the Site, and commercial, retail and office space along Boston Post Road, the project will provide parking via a combination of structured parking facilities located under the residential buildings as well as at grade, surface parking areas. This mixed use project will also provide pedestrian access from Boston Post Road to Abendroth Park and include open space areas.

GENERAL GUIDELINES:

The analyses of the project shall be performed for the expected first year of full occupancy and operation and, if necessary, for an earlier time frame if significant adverse impacts would be expected to occur at such earlier time.

The DEIS shall cover all items in this Scoping Document. Each impact area shall be analyzed in a separate subsection that includes a discussion of existing conditions, future conditions without the Proposed Action, future conditions with the Proposed Action, and mitigation measures designed to minimize the identified and potential adverse environmental impacts. There shall be a separate chapter to analyze alternatives that would achieve the basic objectives of the Proposed Action, as well as the No Action Alternative.

Narrative discussions should be accompanied by appropriate tables, charts, graphs, and figures whenever possible. If a particular subject can be most effectively described in graphic format, the narrative discussion should merely summarize and highlight the information presented graphically. All plans and maps showing the Site should include adjacent properties (if appropriate), neighboring uses and structures, roads, and water bodies, as appropriate.

Information should be presented in a manner which can be readily understood by the public. Efforts should be made to avoid the use of technical jargon.

Discussions of mitigation measures should include an explanation of how those measures would be implemented, any potential environmental impacts of such implementation, the costs and the time frame associated with such implementation, and the entity that would be responsible for implementing and paying for the mitigation. The discussion should indicate any proposed improvements that have been incorporated into the Proposed Action.

The document and any appendices or technical reports should be written in the third person (i.e., the terms "we" and "our" should not be used). The Applicant's conclusions and opinions, if given, should be identified as those of "the Applicant."

All methods used by the Applicant to arrive at conclusions should be stated. Any assumptions incorporated into assessments of impact should be clearly identified.

ENVIRONMENTAL IMPACT STATEMENT CONTENT

Introductory Material - Cover Sheet that includes:

- A. Title (i.e., Draft Environmental Impact Statement)
- B. Identification of the Proposed Action, including name and Location
- C. Identification of the Village Board of the Village of Port Chester as the Lead Agency for the project
- D. The following contact information:
- E. Joan Mancuso
Village Clerk
222 Grace Church St.
Port Chester, NY 10573
Jmancuso@portchesterny.com
- F. (914) 939-2200
- G. Date submitted and any revision dates
- H. Date of acceptance of the DEIS
- I. Deadline by which comments on the DEIS are due
- J. Name and address of Sponsor of Proposed Action, and the name, address and email address for a contact person representing the Sponsor
- K. The name and address of the primary preparer(s) of the DEIS and a list of consultants involved with the Project for the Applicant
- L. List of Consultant involved with the Project for the Village
- M. Table of Contents

- N. List of Exhibits
- O. List of Tables
- P. List of Appendices

I. Executive Summary

The summary should provide the reader with a clear and cogent understanding of the information found elsewhere in the main body of the DEIS and should be organized as follows:

- A. Brief but complete description of the Proposed Action, including Site history and background leading to the proposed development and anticipated build year.
- B. Reasons for Modifying Project/Proposed Action.
- C. Listing of required approvals and permits.
- D. List of Involved and Interested Agencies (including neighboring municipalities).
- E. Brief Description of Anticipated Impacts and Proposed Mitigation Measures.
- F. Brief Description of Alternatives to the Proposed Action.
- G. Table comparing impacts of the Proposed Action with the various alternatives.

II. Description of Proposed Action

- A. Project Location (including appropriate descriptive graphics).
- B. Project Sponsor (including experience and objectives)
- C. Description of Site's existing character.
- D. Inventory of existing structures on the Site, including identification of buildings to be removed.
- E. Description of surrounding land use, in narrative and graphic form, including hospital operations and use and operation of 999 High Street
- F. Project description, including building locations, square footages, arrangements, dimensions, height, general character, architecture, number and type of dwelling units, compliance with affordable housing requirements, commercial/retail areas, common areas, recreational spaces and amenities (including public access and ownership and maintenance, if applicable), access, off-street parking and traffic circulation, site infrastructure, internal traffic circulation, internal pedestrian circulation, streetscape enhancements and associated site improvements, lighting, description of views from and to Site, connection to surrounding neighborhoods and relationship to public transit, including Metro North train stations.
- G. General description of utilities and stormwater management.
- H. Description of the proposed PMU (Planned Mixed Use) zoning amendment.
- I. Construction scheduling, including any phasing and description of project construction, including site preparation (demolition, erosion and sedimentation controls and earthwork).
- J. Purpose, need and benefits of the Proposed Action.

III. Required Permits and Approvals, Involved and Interested Agencies

- A. Listing of all Village, County, State and federal permits and approvals that may be required to implement the project.
- B. Listing of all Involved Agencies.
- C. Listing of all Interested Agencies (including neighboring municipalities).

IV. Existing Environmental Conditions, Anticipated Impacts and Proposed Mitigation

For the specific issues identified in this Scope, the DEIS should provide a topic-by-topic analysis of existing environmental conditions, future conditions without the project, potential impacts of the project, and potential measures to mitigate adverse environmental impacts. Where applicable, a description of the conditions associated with the former United Hospital should also be included. Where relevant, cumulative impacts should be discussed, including both on-Site and off-Site impacts. The identification of potential mitigation measures in this Scope is illustrative only and not intended to be all-inclusive or specifically required. Where mitigation is identified, the DEIS should discuss any adverse impacts associated with and approvals required for any such measures and identify the entity responsible for implementing any such improvements and the funding therefor.

A. Land Use and Zoning

1. Existing Conditions

- a. Include maps and narrative describing generalized land use patterns and neighborhood character in the Village of Port Chester, City of Rye and Village of Rye Brook and more specifically for a primary land use study area within a quarter mile of the project site.
- b. Describe the existing zoning districts generally, and within a quarter mile of the project site.
- c. Identify any existing use of the Site by the Sponsor and/or neighboring properties and/or residents (e.g., for parking).
- d. Describe development trends and approval activity in the area.
- e. Discuss consistency with Land Use Plans and Policies; including:
 - i. Village of Port Chester existing and draft Comprehensive Plans
 - ii. Patterns for Westchester
 - iii. Westchester 2025
 - iv. Third Regional Plan for New York-New Jersey-Connecticut Metropolitan Area

2. Anticipated Impacts

- a. Identify the relationship of the proposed development to overall land use patterns within the study area, and to adjacent properties, including impacts on neighborhood character (e.g., from visual perspective, traffic), and discuss the proposed project's compliance or non-compliance with local land use regulations and its relationship to local, County and regional Plans.
- b. Describe how the proposed zoning district integrates with the existing Village zoning hierarchy and the project's compliance with proposed zoning district.
- c. Address elimination of any use of the Site by neighboring properties and/or residents (e.g., parking).

- d. Address potential for commercial and retail components of the proposed project to affect key retail stores/anchors stores in the vicinity of the site and to cause a change in community character.
3. Proposed Mitigation Measures (as applicable)

B. Visual Resources

1. Existing Conditions
 - a. Document the visual character of the Site and the immediately surrounding area through photographs, cross sections and narrative.
2. Anticipated Impacts
 - a. Identify views to and from the proposed development from surrounding roads and properties, including Abendroth Park and the residential areas to the north, approaching the site from both Rye and Port Chester on Boston Post Road, from the Kohl's Shopping Center, from the west along High Street and from I-287. Specific views to the proposed development should include the following locations:
 - i. Abendroth Park
 - ii. Grandview Avenue and Grant Street as part of the residential neighborhood to the north US Route 1/Olivia Street looking back towards the site
 - iii. Kohl's Shopping Center
 - iv. US Route 1 in the City of Rye looking back towards the site on the south side of US 1 in the vicinity of the Rye Country Day School field entrance
 - v. Cope Circle and Hillside Road
 - vi. Grandview and High Street
 - b. Describe impacts on the overall aesthetic quality and character of the surrounding area.
 - c. Describe the relationship of the proposed Gateway development to the surrounding community, including the project height, general character, bulk and scale in relation to the surrounding area.
 - d. Utilize photographs, cross sections and elevations of the proposed development and/or photo simulations will be utilized as appropriate to describe the resulting visual impact (i.e., before and after conditions), including a comparison of views of the existing buildings to views of the proposed project and images of typical proposed project buildings. This assessment should include consideration of rooftop facilities, such as antenna, etc.
3. Proposed Mitigation Measures (as applicable)

C. Stormwater Management

1. Existing Conditions

- a. Including a description of local drainage patterns and their relationship to the Site. Stormwater flow peak rates of runoff would be provided for 1-, 2-, 10-, 25-, 50- and 100-year storm events as required by Village and NYSDEC Phase II regulations.
- 2. Anticipated Impacts
 - a. Describe proposed drainage and stormwater management facilities.
 - b. Discuss compliance with Village of Port Chester MS4 stormwater requirements.
- 3. Proposed Mitigation Measures (as applicable)
 - a. Describe proposed stormwater management system and implementation of Best Management Practices based on NYSDEC Phase II regulation, including methods to maintain and enhance water quality standards and peak runoff rates.

D. Utilities

- 1. Water Supply
 - a. Existing Conditions
 - i. Include a description of existing water lines within study area and water system capacities.
 - ii. Include usage under previous hospital use.
 - iii. Include flow tests.
 - b. Anticipated Impacts
 - i. Describe proposed water mains, including pipe-sizing, location, and routing.
 - ii. Identify proposed connection points to the existing systems.
 - iii. Identify potential impacts of construction on infrastructure, including during peak usage periods.
 - iv. Compare projected water use with previous hospital use to demand during anticipated peak usage periods.
 - v. Discuss sufficiency of water resources for domestic and commercial use, as well as fire fighting purposes as well.
 - c. Proposed Mitigation Measures (as applicable)
 - i. Use of water saving devices and other water conservation techniques.
 - ii. Evaluate storage and system looping
- 2. Sanitary Sewage
 - a. Existing Conditions
 - i. Include a description of existing sanitary sewer lines servicing the development, including capacity and pipe location.
 - ii. Include estimated sewage flows under previous hospital use.
 - iii. Discussion of capacities of Port Chester Sewage Treatment Plant

- b. Anticipated Impacts
 - i. Analysis of proposed development's sewage generation and compare with sewage generated by previous hospital use.
 - ii. Description of proposed sewage system.
 - iii. Identify proposed connection points to existing systems.
 - iv. Discuss sufficiency of treatment capacity.
 - v. Discuss any effects on sanitary sewer line capacity.
 - c. Proposed Mitigation Measures (as applicable)
 - i. Provide details of improvements and projections for proposed future demand in the area in addition to the project
3. Gas, Electrical, Cable, Telephone & Telcom
- a. Existing Conditions
 - b. Anticipated Impacts
 - c. Proposed Mitigation Measures (as applicable)

E. Traffic and Transportation

- 1. Existing Conditions
 - a. Inventory existing road conditions in the site vicinity, including access, street and lane width, number of lanes, posted speed limits, types of roadways, parking and traffic controls.
 - b. Describe the study area.
 - c. Determine existing traffic volumes in the weekday AM, PM and Saturday peak hours by conducting manual traffic movement surveys at three locations and using the previous traffic counts or using other comparable available data and determine existing levels of service for each of the study intersections following procedures from the 2000 Highway Capacity Manual (latest edition of computer program The study intersections are as follows:
 - i. Site Access and High Street
 - ii. US Route 1 (Boston Post Road) and Slater Street
 - iii. US Route 1 (Boston Post Road) and Pearl Street
 - iv. US Route 1 (Boston Post Road) and South Regent Street
 - v. US Route 1 (Boston Post Road) and Kohl's Shopping Center Driveway/Proposed Site Driveway
 - vi. US Route 1 (Boston Post Road) and High Street
 - vii. US Route 1 (Boston Post Road) and I287 Westbound On-ramp/I-95 Northbound Off-ramp
 - viii. US Route 1 (Boston Post Road) and I-287 Eastbound Off-ramp/I-95 Southbound On-ramp
 - ix. US Route 1 (Boston Post Road) and Hillside Road
 - x. Ridge Street and High Street
 - xi. High Street and Grandview Avenue

- xii. High Street and Evergreen Avenue
- xiii. U.S. Route 1 (Boston Post Road) and Cedar Street
- xiv. U.S. Route 1 (Boston Post Road) and Peck Avenue
- xv. Peck Avenue and Midland Avenue
- xvi. Hillside Avenue and Purchase Street
- xvii. Hillside Avenue and Grandview Avenue
- xviii. US Route 1 (Boston Post Road) and Grace Church/South Main Street

- d. Explain the basis for the selection of peak hours (including an explanation of the need, if any, for including a Sunday peak hour analysis)
- e. Describe existing off-street and on-street parking resources.
- f. Compare traffic generated by the proposed project to traffic generated by previous hospital use.
 - i. Explain the basis of the previous hospital use
- g. Describe existing public and private transit options in the site vicinity.
- h. Provide accident data from NYSDOT and Port Chester Police Department.
- i. Document school bus traffic.
- j. Document truck traffic, particularly I-95 by-pass traffic.
- k. Document pedestrian patterns

2. No-Build Analysis

- a. Compare, balance and increase traffic counts to reflect normal growth in the project study area, and any proposed/approved material developments in the vicinity of the project that would generate traffic at the intersections identified in E.1.b above, to constitute the No-Build traffic volume.
- b. Include future truck traffic as applicable.

3. Anticipated Impacts

- a. Estimate traffic generation from the residential and commercial portion of project as well as proposed parking demand. The combination of new traffic coupled with the No-Build traffic will result in the design year Build traffic volumes.
- b. Provide distribution of project-generated traffic and explanation therefor.
- c. Perform detailed capacity analysis to establish levels of service under Existing, No-Build and Build conditions for the AM, PM and Saturday peak hour periods (and a Sunday peak hour analysis if needed) at each study intersection, using the same Highway Capacity Manual methodology.
- d. Conduct a parking demand analysis.
- e. Assess adequacy of future sight distance conditions at proposed Site driveways and discuss type of traffic controls to be employed at each driveway location
- f. Analyze anticipated truck activity, including loading and staging activities.
- g. Discuss pedestrian conditions.

4. Proposed Mitigation Measures (as applicable)
 - a. Recommend traffic improvements if mitigation is required. These would include but not be limited to standard engineering measures, such as signalization changes, striping, etc.
 - b. Describe any changes to Post Road/Site Access/Kohl's Shopping Center intersection.
 - c. Consider a shuttle bus services to a nearby train station.
 - d. Consider shared parking to reduce parking demand.
 - e. Consider need for traffic control monitors

F. Socio-Economic, Community Facilities and Services

1. Demographics
 - a. Existing and No-Build Conditions
 - i. Discuss existing Village population and housing trends and other demographic characteristics (including as relevant neighboring areas), including income and ethnicity. Supplement 2000 census data with additional source materials where available.
 - b. Anticipated Impacts
 - i. Describe projected population at the proposed project, including potential number of schoolchildren, public and private.
 - c. Proposed Mitigation Measures (as applicable)
2. Schools
 - a. Existing and No-Build Conditions
 - i. Provide overall description of schools and enrollment in the Port Chester School District and expected increase or decrease in enrollment.
 - b. Analyze anticipated impacts related to projected increase in enrollment utilizing standard and accepted schoolchildren generation formulas, as well as actual data from comparable projects in the region.
 - i. Consider applicability of different schoolchildren generation rates for different types of housing
 - c. Proposed Mitigation Measures (as applicable)
3. Police, Fire, Ambulance and Other Emergency Services
 - a. Existing and No-Build Conditions
 - i. Describe police department location, staffing and operations.
 - ii. Describe fire department location, staffing and operations.
 - iii. Describe ambulance service location, staffing and operations.
 - iv. Describe hospitals and similar health service facilities, locations, staffing and operations.
 - v. Describe other emergency services
 - vi. Describe relevant mutual aid agreements

- b. Anticipated Impacts
 - i. Describe impact on calls to service and ability of each provider to handle.
 - ii. Demonstrate adequate water supply/pressure for fire protection purposes.
 - iii. Describe any impacts on mutual aid agreements
 - c. Proposed Mitigation Measures (as applicable)
4. Solid Waste
- a. Existing and No-Build Conditions
 - i. Describe current garbage collection and recycling disposal services.
 - b. Anticipated Impacts
 - i. Explain responsibilities for garbage collection and recycling following redevelopment.
 - c. Proposed Mitigation Measures (as applicable)
5. Energy
- a. Existing and No-Build Conditions
 - i. Describe of energy use of existing site.
 - b. Anticipated Impacts
 - i. Project energy demand for proposed action.
 - ii. Analyze direct and indirect greenhouse gas emissions from both stationary and mobile sources.
 - c. Proposed Mitigation Measures (as applicable)
 - i. Discuss LEED certification, level thereof, and other sustainability approaches.
6. Fiscal Impacts
- a. Existing and No-Build Conditions
 - i. Describe existing tax generation from the site for all affected tax districts.
 - b. Anticipated Impacts
 - i. Provide anticipated tax generation by the project for all affected taxing districts during construction and upon project completion.
 - ii. Discuss effects of any governmental subsidies associated with the proposed project.
 - iii. Describe potential impacts of the proposed project on the nearby commercial areas, stores and businesses, as well as the local economy

- c. Proposed Mitigation Measures (as applicable)
7. Employment
- a. Existing and No-Build Conditions
 - i. Describe existing business activity and employment.
 - b. Anticipated Impacts
 - i. Describe project generated employment, retail, office and residential.
 - ii. Estimate construction period employment and employment upon project completion.
 - c. Proposed Mitigation Measures (as applicable)
8. Workforce (Affordable) Housing
- a. Existing and No-Build Conditions
 - i. Describe workforce housing issues in central Westchester County and the Village of Port Chester.
 - ii. Describe historical Village-wide efforts to provide workforce housing, including participation in HUD, Mitchell-Lama and Westchester County Urban County Consortium programs.
 - b. Anticipated Impacts
 - i. Describe compliance with Village workforce housing provisions.
 - ii. Analyze the implications of Proposed Action on Westchester County affordable housing policy.
 - c. Proposed Mitigation Measures (as applicable)
 - i. Consider inclusion of affordable units in the proposed project or units outside of the project
 - ii. Consider provision of replacement housing
9. Recreation
- a. Existing and No-Build Conditions
 - i. Describe recreational opportunities in the project area.
 - b. Anticipated Impacts
 - i. Discuss impacts from both residential and commercial site uses, including any impacts from project operations on the adjacent playground area.
 - ii.
 - c. Proposed Mitigation Measures (as applicable)
10. Libraries
- a. Existing and No-Build Conditions

- i. Provide overall description of libraries and usage and expected increase or decrease in usage.
- b. Anticipated Impacts
 - i. Analyze anticipated impacts related to any projected increase in usage.
- c. Proposed Mitigation Measures (as applicable)
 - i. Consider on-site facilities

G. Natural Resources

- 1. Existing and No-Build Conditions
 - a. Describe topography, soil conditions, surficial geology and ecological communities or significant habitat areas, if any.
 - b. Conduct Phase I Environmental Assessment.
- 2. Anticipated Impacts
 - a. Identify and quantify soil and vegetation disturbance and slope impacts.
 - b. Identify amount of impervious surface creation.
 - c. Describe required earthwork.
 - d. Describe construction methods.
 - e. Describe any hazardous materials issues.
- 3. Proposed Mitigation Measures (as applicable)
 - a. Describe proposed soil erosion and sediment control plan
 - b. Describe landscaping plan

H. Historic Resources

- 1. Existing Conditions
 - a. Conduct and describe results of Stage 1A literature review and archaeology sensitivity assessment. Include any sites in the area that are listed or eligible for listing on the State or National Register of historic Places.
- 2. Anticipated Impacts
 - a. Discuss potential impacts on historic or archaeological resources.
- 3. Proposed Mitigation Measures (as applicable)

I. Air Resources

- 1. Existing and No-Build Conditions
 - a. Assess air quality using the latest ambient air quality monitoring data available from the New York State Department of Environmental Conservation-operated monitors closest to the Site and provide a comparison to the applicable National Ambient Air Quality Standards.

2. Anticipated Impacts
 - a. Assess short-term impacts during construction, long-term parking, vehicle traffic, project stationary sources, etc., by conducting an air quality analysis for the traffic conditions as required under the criteria set forth in the New York State Department of Transportation Environmental Procedures Manual, Chapter 1.1, Air Quality (January 2001, as updated).
3. Proposed Mitigation Measures (as applicable)

J. Noise

1. Existing and No-Build Conditions
 - a. Measure existing ambient noise levels at key receptors in the vicinity of the Site, including the closest residential areas outside the Site. The receptors at which ambient levels will be monitored are:
 - i. Inwood Avenue
 - ii. Touraine Avenue (West)
 - iii. Touraine Avenue (East)
 - iv. Abendroth Park (two views)
 - v. South Regent Street
 - vi. Port Chester Nursing Home and Rehabilitation Centre
 - vii. Cope Circle
 - b. Identify local noise code.
2. Anticipated Impacts
 - a. Describe short-term impacts during construction, long-term from site use, HVAC equipment, etc.
 - b. Compare project- and construction-generate noise levels to local noise code.
 - c. Based on the anticipated traffic to be generated by the project, perform a screening analysis of the receptor locations and at the intersections studied in the traffic analysis closest to such receptors to determine if additional detailed noise studies are warranted. The analysis will include an evaluation increases in noise due to increases in traffic from No-Build to Build conditions. The potential for noise impacts will be assessed utilizing the NYSDEC "DEC Policy DEP-001: Assessing and Mitigating Noise Impacts." If impacts are considered to be potentially significant, a more detailed assessment shall be conducted.
3. Proposed Mitigation Measures (as applicable)

K. Building Demolition and Construction

1. Anticipated Impacts
 - a. Provide construction phasing plan
 - b. Describe building demolition and site clearance activities.

- c. Describe construction activities including the need, if any, for blasting.
 - d. Identify short-term impacts related to issues such as parking (including construction-related parking and the temporary displacement of on-Site parking), vehicular and truck traffic, air quality, noise, vermin on-site and migration off-site during construction, etc.
 - e. Discuss any impacts to Abendroth Park and other sensitive receptors.
 - f. Describe site security measures.
 - g. Identify any impacts from blasting.
2. Proposed Mitigation (as applicable)
- a. Describe construction management plans and best management practices to be employed.
 - b. Describe mitigation measures to be employed during demolition, including site clearance protocol.
 - c. Describe measures to minimize construction-related impacts to air quality, such as fugitive dust control, controls on diesel emissions, prohibition of idling trucks.
 - d. Describe measures to reduce noise during construction.
 - e. Provide blasting plan.

V. Alternatives

- A. No Action Alternative
- B. Redevelopment under existing zoning
- C. Redevelopment of the property as hospital use
- D. Alternative redevelopment proposals, including different mix of uses (i.e., Hotel Use, Conference Center)
- E. Alternative site plan proposals, including different building footprints.
- F. Reasonable maximum intensity permitted under the proposed Planned Mixed Use District.
- G. Alternative site access proposals.
- H. Reduced parking alternative
- I. Redevelopment of United Hospital site with renovations or changes to 999 High Street parcel as part of the proposal.

VI. Significant Adverse Impacts that Cannot be Avoided

- A. Long-Term
- B. Short-Term

VII. Growth Inducement

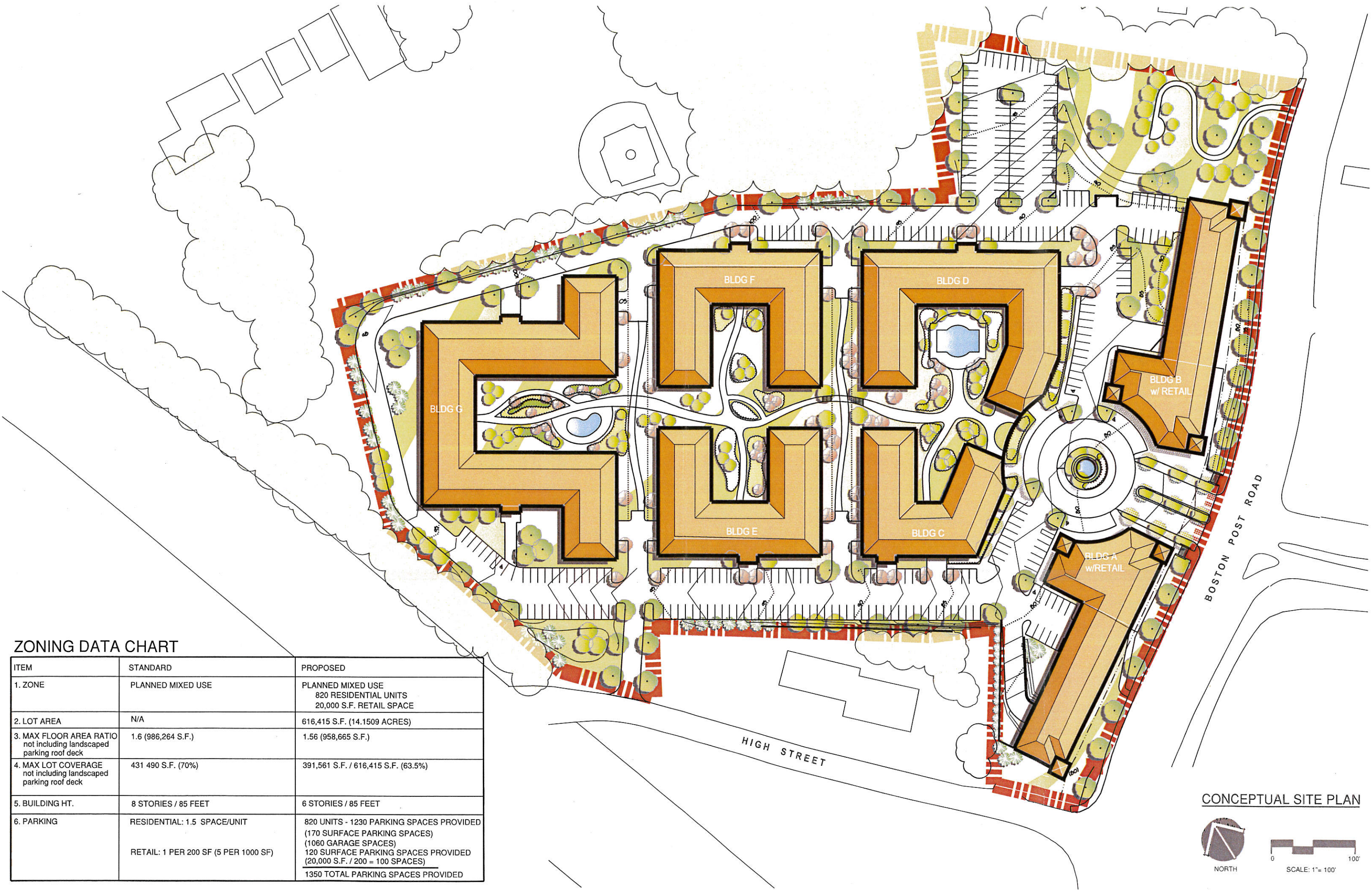
VIII. Commitment of Resources; Effects on Energy

IX. Sources and Bibliography

X. Technical Appendix

- A. SEQRA Documentation
- B. Correspondence
- C. Engineering and Environmental Reports

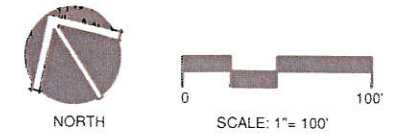
EXHIBIT G



ZONING DATA CHART

ITEM	STANDARD	PROPOSED
1. ZONE	PLANNED MIXED USE	PLANNED MIXED USE 820 RESIDENTIAL UNITS 20,000 S.F. RETAIL SPACE
2. LOT AREA	N/A	616,415 S.F. (14.1509 ACRES)
3. MAX FLOOR AREA RATIO not including landscaped parking roof deck	1.6 (986,264 S.F.)	1.56 (958,665 S.F.)
4. MAX LOT COVERAGE not including landscaped parking roof deck	431,490 S.F. (70%)	391,561 S.F. / 616,415 S.F. (63.5%)
5. BUILDING HT.	8 STORIES / 85 FEET	6 STORIES / 85 FEET
6. PARKING	RESIDENTIAL: 1.5 SPACE/UNIT RETAIL: 1 PER 200 SF (5 PER 1000 SF)	820 UNITS - 1230 PARKING SPACES PROVIDED (170 SURFACE PARKING SPACES) (1060 GARAGE SPACES) 120 SURFACE PARKING SPACES PROVIDED (20,000 S.F. / 200 = 100 SPACES) <u>1350 TOTAL PARKING SPACES PROVIDED</u>

CONCEPTUAL SITE PLAN



RESOLUTION

PURCHASE OF PREMISES TO ENHANCE EDGEWOOD PARK

On motion of TRUSTEE _____, seconded by TRUSTEE _____

, the following resolution was adopted by the Board of Trustees of the Village of Port Chester, New York:

WHEREAS, the Village was made aware that real property located at 201 Grace Church Street was on the market for sale; and

WHEREAS, such premises is currently improved by a one-family residence; and

WHEREAS, the Park Commission has recommended that the Village's acquire said property to enhance Edgewood Park which is adjacent thereto; and

WHEREAS, the Recreation Master Plan has identified the need for additional parkland and open space to serve the needs of Village residents; and

WHEREAS, the Saline family was responsible for giving to the Village the property now known as Edgewood Park; and

WHEREAS, the Board has been advised that given the historical connection between the Saline family and the Village, the premises is being offered at a price below fair market value so long as it is used for parkland; and

WHEREAS, the Village has funds available from accumulated subdivision fees-in-lieu of parkland to defray the acquisition cost; and

WHEREAS, the Village commissioned an independent appraisal to provide the basis for negotiations and support any potential acquisition; and

WHEREAS, a purchase price of \$300,000 "as is" has been finally negotiated, subject to approval and ratification by the Board of Trustees. Now, therefore, be it

RESOLVED, that the Board of Trustees hereby approves the purchase of premises located at 201 Grace Church Street, Port Chester, in the amount of \$300,000 "as is" with the present intention that it be land-banked for future use with the park; and be it further

RESOLVED, that the General, Trust & Agency, and Capital Fund be modified as follows for the purchase:

From:

T/A Parkland Deposit	3.3.37	\$212,000
General Fund- Contingency A/c	1.1990.400	\$88,000

To:

General-Transfer to Capital Fund	1.9900.900	\$88,000
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Establish-Capital Fund: Parkland Purchase-310 Grace Church St.

Revenues:

5.5.5731.2012.122	Transfer from G.F	\$88,000
5.5.2772.2012.122	Misc. Revenue (Parkland)	\$212,000

Appropriations:

5.5.7110.400.2012.122	Parkland Purchase	\$300,000
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and be it further

RESOLVED, that the Village Manager be authorized to enter into a purchase and sale agreement and that the Manager and Village Attorney are authorized to execute such other documents as may be necessary and appropriate to accomplish the closing of title.

Village Attorney

617.21
Appendix F
State Environmental Quality Review
NEGATIVE DECLARATION
Notice of Determination of Non-Significance

Project Number _____

Date November 16, 2012

This notice is issued pursuant to Part 617 of the implementing regulations pertaining to Article 8 (State Environmental Quality Review Act) of the Environmental Conservation Law.

The Village of Port Chester Board of Trustees as lead agency, has determined that the proposed action described below will not have a significant effect on the environmental and a Draft Environmental Impact Statement will not be prepared.

Name of Action:

201 Grace Church Property Acquisition

SEQR Status:Type I Unlisted **Conditioned Negative Declaration:**Yes No **Description of Action:**

The proposed action involves the acquisition of a .3-acre parcel at 201 Grace Church Street to be land-banked for future use in conjunction with the immediately adjacent Edgewood Park.

Location: 201 Grace Church Street, Port Chester, Westchester County, Section 142.54, Block 2, Lot 54

REASONS SUPPORTING THIS DETERMINATION:

Village acquisition of a .3-acre parcel of real property to be land-banked for future use will result in no significant environmental impacts.

If Conditioned Negative Declaration, provide on attachment the specific mitigation measures imposed.

For Further Information:

Contact Person: Christopher Steers, Village Manager

Address: 222 Grace Church Street, Port Chester, NY 10573

Telephone Number: 914-939-2200

For Type I Actions and Conditioned Negative declarations, a Copy of the Notice sent to:

Commissioner, Dep't of Environmental Conservation, 625 Broadway, Albany, NY 12233
NYSDEC Region 3, 21 South Putt Corners Road, New Paltz, NY 12561
Mayor, Village of Port Chester, 222 Grace Church Street, Port Chester, NY 10573

RESOLUTION
STIPULATION OF AGREEMENT
CSEA – RANK & FILE

On motion of TRUSTEE _____, seconded by TRUSTEE _____, the following resolution was adopted by the Board of Trustees of the Village of Port Chester, New York:

WHEREAS, the Village of Port Chester and the CSEA, Local 1000, AFSCME, AFL-CIO, Westchester Local 860 Village of Port Chester Unit (Rank and File) have entered into negotiations for a new multi-year labor agreement for the term of June 1, 2011 through May 31, 2015; and

WHEREAS, those negotiations have been successfully concluded; and

WHEREAS, a Memorandum of Agreement reflecting amendments to the existing labor agreement has been signed by the negotiating teams, and subject to the approval of both the Union and Village; and

WHEREAS, the Association has ratified the Memorandum of Agreement. Now, therefore, be it

RESOLVED, that the Board of Trustees hereby ratifies and approves the Memorandum of Agreement with CSEA, Local 1000, AFSCME, AFL-CIO, Westchester Local 860 Village of Port Chester Unit (Rank and File) in the form annexed herein; and be it further

RESOLVED, that the Village Manager be authorized to execute the successor agreement when it is prepared, and be it further

RESOLVED, that the Board of Trustees authorizes the Village Treasurer to modify the General Fund Budget as follows:

From:		
Contingency – Contractual	1.1990.400	\$82,487
To:		
Justice Court – Personnel Services	1.1110.100	\$7,332
Finance – Personnel Services	1.1320.100	\$3,394
Village Clerk – Personnel Services	1.1410.100	\$1,054
Law – Personnel Services	1.1420.100	\$1,115
Buildings-Village Hall-Personnel Services	1.1621.100	\$1,011
Central Garage-Personnel Services	1.1640.100	\$5,194
Police Civilian-Personnel Services	1.3127.100	\$2,735
Building Dept-Personnel Services	1.3620.100	\$2,718

Code Enforcement-Personnel Services	1.3989.100	\$6,242
Street Administration-Personnel Services	1.5010.100	\$1,873
Street Maintenance-Personnel Services	1.5110.100	\$14,183
Street Cleaning-Personnel Services	1.5190.100	\$1,244
Nutrition (SNAP)-Personnel Services	1.6730.100	\$1,735
Nutrition (Transp.)-Personnel Services	1.6750.100	\$918
Parks-Personnel Services	1.7110.100	\$2,394
Youth Program-Personnel Services	1.7310.100	\$2,314
Refuse/Garbage-Personnel Services	1.8160.100	\$21,170
Social Security-FICA	1.9030.802	\$4,750
Social Security-Medicare	1.9030.810	\$1,111
Total		\$82,487

MEMORANDUM OF AGREEMENT

MEMORANDUM OF AGREEMENT made and entered into this ___th day of October 2012, by and between the negotiating committees for the Village of Port Chester ("Village") and the Civil Service Employees Association, Inc., Local 1000 AFSCME, AFL-CIO, Westchester County Local 860 ("Union").

WHEREAS, the parties have engaged in negotiations in good faith in an effort to arrive at a successor agreement to a contract that expired on May 31, 2011 ("Agreement"), continued as per Civil Service Law § 209(e) (Triborough Law); and

WHEREAS, the parties have arrived at a tentative agreement covering the period June 1, 2011 through May 31, 2015; and

NOW, THEREFORE, in consideration of the mutual covenants contained herein, the parties hereby stipulate and agree as follows:

1. The provisions of this Memorandum of Agreement are subject to ratification by the respective parties to the contract.
2. The signatories below agree to recommend this Memorandum for ratification.
3. A copy of this original document has been furnished to representatives of the Union.
4. All proposals not covered herein made by either party during the course of negotiations shall be deemed withdrawn.
5. The provisions of the prior Agreement and Letter of Agreement regarding Code Enforcement Officers shall be carried forward, except as modified below.
6. The following Village's Housekeeping, Clarifications and Minor Changes shall be made:¹
 1. Pg. 1, Article 1, ¶ 1 – Preamble – Change "The" to "the" in lines 5 and 6.
 3. Pg. 3, Article V, Section 1(C) – Rights of the Union – on the 2nd line delete the comma after "Specialist."
 4. Pg. 3, Article V, Section 1(D) – Rights of the Union – on the last line replace "the" with "his/her."

¹ The numbering below coincides with the numbering of the Village's Original Proposals.

5. Pg. 3, Article V, Section 1(F) – Rights of the Union – on the last line insert the word “delegate’s” before “Department Head.”
6. Pg. 3, Article VI, Section 1 – Rights of the Village – on the 3rd and 4th lines replace “Municipality” with the word “Village.”
7. Pg. 4, Article VII, Section 3 – Rights of Employees – on the 2nd line delete the comma after the word “Manager.”
8. Pg. 4, Article VII, Section 3 – Rights of Employees – on the last line insert the word “are” after “employees.”
9. Pg. 4, Article VII, Section 4 – Rights of Employees – on the 1st line insert the word “are” after “employees.”
10. Pg. 4, Article VII, Section 5 – Rights of Employees – on the 2nd line delete a comma after “problems.”
11. Pg. 5, Article IX, Section 3 – Retirement – delete the comma after “60B.”
12. Pgs. 5-6, Article X, Section 1(A) – Hours of Work and Overtime – where necessary conform lunch breaks to read “1-Hour Lunch.”
14. Pg. 7, Article X, Section 1(B) – Hours of Work and Overtime – on the second line delete the comma after “Civil Service Law.”
15. Pg. 7, Article X, Section 2 – Hours of Work and Overtime – on the 3rd line and throughout the rest of the contract, time and a half should be reflected as “time and one-half (1½).”
16. Pg. 7, Article X, Section 2 – Hours of Work and Overtime – the last 3 lines should be rewritten to state:

For meetings, compensation must be taken in pay, not compensatory time off. It is understood that all necessary typing of minutes and mailings will be performed during the regular work day of said employee.
17. Pg. 8, Article X, Section 3(A) – Hours of Work and Overtime – on the last line replace “his” with “the employee’s.”
18. Pg. 8, Article X, Section 3(B) – Hours of Work and Overtime – After first sentence, add: “For people who work other than a Monday through Friday workweek, the first day of their workweek will be considered a Monday.”

19. Pg. 8, Article X, Section 3(B)(1)(a) – Hours of Work and Overtime – add an “s” to Martin Luther King, Jr.’s Birthday.
20. Pg. 8, Article X, Section 5 – Hours of Work and Overtime – on the 4th line replace “he” with “the employee”; on the 5th line replace “his” with “his/her.” Make similar changes to all gender references located throughout the contract.
21. Pg. 8, Article X, Section 8(A) – Hours of Work and Overtime – on the 3rd line delete the comma after “run” and insert the word “are” before the word “called.”
22. Pg. 10, Article XI, Section 1(A) – Insurance – on the 1st line of the 2nd ¶ insert a comma after “pay.”
23. Pg. 10, Article XI, Section 1(C) – Insurance – on the 1st line delete “XI.”
24. Pg. 10, Article XI, Section 1(D) – Insurance – replace the existing 1st line with the following:
- “With respect to Medicare eligible members (individuals age sixty-five (65) and above), the Village shall”
25. Pg. 12, Article XII, Section 1 – Holidays – delete 2nd sentence stating “[e]ffective June 1, 2010, each employee shall be provided with one (1) floating holiday.”
26. Pg. 19, Article XIV, Section 3 – Vacation Policy – replace existing language with the following:
- The vacation roster for the Sanitation Department shall be established by seniority. The Village reserves the right to adjust vacation schedules according to the need for drivers.
27. Pg. 27, Schedule A – Titles and Pay Grades – update Schedule A so that it accurately reflects the titles and pay grades of employees in the Unit.
7. The following changes from the Village’s and CSEA’s Substantive Proposals that were tentatively agreed to prior to September 27, 2012 shall be made:²
3. Pg. 3, Article V – Rights of the Union –
- a) Section 1(B) – Add 2nd sentence stating:

² The numbering below coincides with the numbering of the Village’s Original Proposals.

The Union remains responsible for the content of all notices, communications, and other materials posted on such bulletin boards.

- b) Section 1(F) – last sentence – change “Department Head” to “Village Manager.
- 6(a). Update Schedule B (Chain of Command)
8. Pg. 5, Article IX, Section 1 – Retirement – Insert new Section 5 stating the following:
- Section 5. Notwithstanding Sections 1 – 4 above, retirement benefits for employees hired under Tier 5 and tiers created thereafter shall be determined by NYSERS.
11. Pg. 14, Art. XIII, Section 2(A) – Workers’ Compensation – Move “except that the first five (5) days of such absence shall be charged to accumulated sick leave credits” to the end of the first sentence (after parenthetical).
- 13(e). Pgs. 19 – 20, Article XV, Section 1(B) – Uniforms
- Replace with “Upon presentation of a paid receipt, the Village shall reimburse Highway and Sanitation workers up to \$150 per year toward the purchase of boots.”
14. Pg. 27 – Titles and Pay Grades for Non-Supervisory Employees of the Village of Port Chester (Schedule A) – Change Automotive Mechanic from Grade 15A to Grade 16A.
- 14(c). Pgs. 20 – 21, Article XVI, Section 3 – Work Out of Grade and Classification
- In the first sentence, replace “to a specific salary grade, his salary shall be increased to the same rate of pay presently allocated to that position.” with “to a higher salary grade, his salary shall be increased to the same rate of pay presently allocated to that grade at the step occupied by the temporarily assigned employee.”
8. The following changes shall also be made as per the substantive tentative agreements reached on September 27, 2012:³

³ Unless otherwise indicated, the numbering below coincides with the numbering of the Village’s Original Proposals.

1. ⁴ Pg. 26, Article XXIV, Section 1 – Duration of Agreement – Replace with:

Section 1. It is mutually agreed that the provisions of this Agreement, including Schedules A – F shall be effective June 1, 2011 and be continued in full force and effect until May 31, 2015. Existing provisions shall remain in full force and effect until a negotiated Agreement has been adopted by the parties.

- 1(a). Pg. 24, Article XIX, Section 3 – Review Past Practices – replace with “The Labor-Management Committee will identify and review past practices during the term of the agreement.”

2. ⁵ Pg. 4, Article VIII, Section 1 – Wages – replace chart with:

Section 1. Salary. Salary Schedules for June 1, 2011 – May 31, 2015 are attached as Schedule C.

Fiscal Year	Effective Dates	Salary Increase
2011-2012	06/01/11 – 05/31/12	1.25% (retroactive)
2012-2013	06/01/12 – 05/31/13	2% (retroactive)
2013-2014	06/01/13 – 05/31/14	2%
2014-2015	06/01/14 – 05/31/15	2%

Rules for Administration of Salary Plan are attached as Schedule D.

The parties will update Schedule C.

3. ⁶ Pg. 13, Article XIII, Section 1(C), ¶ 1 – Leaves of Absence – Replace 1st paragraph with:

With the exception of a termination for cause, upon the death, retirement or separation of service of an employee occurring on or after October 1, 2012, a lump sum payment for all unused sick leave time, up to a maximum of 180 days, will be paid at the then-applicable regular rate of pay to the employee or his/her beneficiary, except that payouts for sick leave accrued on or after June 1, 2012 shall be paid at the regular rate in effect for the year earned.

⁴ The numbering of this item coincides with the CSEA’s first proposal on the CSEA’s Revised Open Proposals dated 8/22/12.

⁵ The numbering of this item coincides with the CSEA’s second proposal on the CSEA’s Revised Open Proposals dated 8/22/12.

⁶ The numbering of this item coincides with the CSEA’s third proposal on the CSEA’s Revised Open Proposals dated 8/22/12.

For employees hired prior to October 1, 2012, sick days used on or after June 1, 2012 shall be on a first in, first out basis. For example, if someone who begins employment with the Village in 2000 accrued five (5) sick days in that year and then uses five (5) sick days in 2012, the days from 2000 will be the first days removed from the employee's accrued sick leave.

For employees hired on or after October 1, 2012, sick days used shall be on a last in, first out basis. For example, if someone who begins employment with the Village in 2013 accrues five (5) sick days in that year and accrues five (5) more sick days in 2014 and 2015, and then uses five (5) sick days in 2015, the days from 2015 will be the first days removed from the employee's accrued sick leave.

In instances where an employee is terminated for cause, he/she shall not be entitled to any payment for unused sick leave time.

- 4.⁷ Pgs. 21-23, Article XVII – General Provisions – Add Section 10, which should read as follows:

Section 10. The Village agrees to reimburse members up to five hundred dollars (\$500) per year for health club membership, not to exceed members' actual expenditure or eight thousand dollars (\$8,000) for the unit under the guidelines outlined below:

- a) Reimbursement shall be made on a monthly basis.
 - b) To be eligible for a monthly reimbursement, the unit member must have used the membership a minimum of three times a month, subject to Village verification.
 - c) Eligibility shall be determined on a first come, first served basis, effective _____.
 - d) The Village's total expenditures hereunder shall not exceed \$8,000 for the entire unit per contract year, pro rated for 2012-2013.
5. Pg. 3, Article VI, Section 1 – Rights of the Village – The Parking Enforcement Officer IPC (Case No. U-30970) shall be withdrawn, with prejudice.

⁷ The numbering of this counterproposal coincides with the Union's fourth proposal on the CSEA's Revised Open Proposals dated 8/22/12.

- 5.⁸ Pg. 18, Article XIV, Section 1 – Vacation Policy – Add the following sentence at the end of Section 1:

The Village shall credit employees hired on or after June 1, 2012 with accrued vacation time on June 1 of each year. Employees hired prior to the fifteenth calendar day of a calendar month⁹ shall accrue a full calendar month of vacation credit for their initial calendar month of employment, whereas employees hired on or after the fifteenth calendar day of a calendar month shall accrue no vacation credit for their initial calendar month of employment. Such accrued vacation shall be taken in the subsequent fiscal year but no vacation may be taken before a minimum of twelve (12) months of service has been completed.

- 7.¹⁰ Pg. 20, Article XVI, Section 2 – Work Out of Grade and Classification – Add Section 2(F) to read:

- F. When an employee is temporarily assigned by a non-unit person, with the approval of the Village Manager, to perform the duties of a higher paid, non-unit position for five (5) or more consecutive days, the temporarily-assigned employee will be paid the salary of the person regularly assigned to the non-unit position, retroactive to the first day of the assignment, except where the civil service job description for the unit position states that one of the duties of the unit position is to temporarily fill in for the person regularly assigned to the non-unit position. The temporarily-assigned employee must be fully qualified to perform all the duties of the non-unit position and shall perform such duties to the satisfaction of the person regularly assigned to such non-unit position.

Also alter Section 2(B) to read as follows:

- B. Where an employee is assigned to perform the duties of a higher classification within the unit for which he/she is not qualified, he/she shall be compensated at the higher rate of pay and shall not be held responsible for damages as a result of his/her lack of knowledge in performing the assigned duties.

⁸ The numbering of this counterproposal coincides with the Union's fifth proposal on the CSEA's Revised Open Proposals dated 8/22/12.

⁹ Calendar months are January through December.

¹⁰ The numbering of this counterproposal coincides with the Union's seventh proposal on the CSEA's Revised Open Proposals dated 8/22/12.

8(i). Pgs. 5-7, Article X, Section 1(A) – Hours of Work and Overtime –

Add the following to the “Nutrition Program”:

Hours of work may be adjusted by the designated supervisor as required.

Also, if Nutrition Program employees regularly work Monday through Saturday, change contract to reflect that the regular days for the Nutrition Program are Monday through Saturday.

Add the following to Public Works/Garage section:

The hours of the Sweeper shall be referred to the Labor-Management Committee.

15(d). Pgs. 21 – 23, Article XVII, Section 8 – General Provisions – Add:

The Village may implement an Electronic Use Policy after prior consultation with the Union at the Labor-Management Committee.

16.¹¹ Pg. 23, Article XVIII, Section 1 – Seniority – Replace Section 1 with:

For non-competitive, labor or unclassified titles, seniority will commence from the date of original appointment in a permanent position covered by this Agreement. If a break in service occurs for more than one (1) year, any seniority accrued prior to the break in service is null and void.

In the event of a layoff or closing of any department or abolition of any function within the Village, such layoff for non-competitive, labor or unclassified titles shall occur by title in inverse order of seniority. Any employee who qualifies under Section 85 of the NYS Civil Service Law will be granted additional Veterans Credit pursuant to subsections 1, 7 and 8 of said law. The employee must have provided proof of eligibility under this law to the Village Manager prior to the layoff event. Employees displaced from their positions shall have bump and retreat rights and shall be placed on a preferred rehiring list for any title previously held by the laid off employee, or substantially similar title created, for a period of four (4) years.

¹¹ Village proposal # 16 coincides with the CSEA's "Amended Layoff Proposal" dated 9/27/12.

In the event two (2) members have the exact same seniority, the decision as to who has greater seniority for the purposes of job retention shall be determined by toss of a coin with representatives from CSEA and the Village present.

Prior to the imposition of layoffs, the Union shall be given 45 days written notice of the proposed layoff. During the 45-day period prior to the layoff, the Union shall be given the opportunity to discuss alternatives to the layoffs and the impact of the layoffs on the bargaining unit personnel.

17. Pgs. 24 – 25, Article XXI – Grievance Procedure –
 - a) Section 1, Step 1 – Reduce time period for initial filing of grievance from 90 days to 75 days.
18. Pg. 25, Article XXIII – Drug/Alcohol Testing – Replace existing first paragraph with the following:

In order to help provide a safe work environment and to protect staff members and the public by insuring that Village personnel have the ability to perform their assigned duties, the Village may require employees to submit to drug/alcohol testing where there is reasonable suspicion of improper drug or alcohol use as set forth below:

(a) The order to submit to testing must be justified by a "reasonable suspicion" that the employee is using and/or under the influence of illegal controlled substances or alcohol while on duty or has engaged in the use, sale, distribution, or possession of illegal controlled substances. Whether "reasonable suspicion" exists or not, an employee may also be ordered to submit to testing if he/she is involved in a motor vehicle accident while operating a Village-owned vehicle.

(b) While the "reasonable suspicion" standard does not lend itself to precise definition or mechanical application, vague or unparticularized or unspecified hunches or intuitive feelings do not meet the standard.

(c) "Reasonable suspicion" is the quantum of knowledge sufficient to induce an ordinarily prudent and cautious person to act under the circumstances. "Reasonable suspicion" must be directed at a specific person and be based on specific and articulable facts and the logical inferences and deductions that can be drawn from those facts.

(d) "Reasonable suspicion" may be based, among other things, on the following:

(a) Observable phenomena, such as direct observation of drug or alcohol use or possession and/or conduct or physical symptoms of being under the influence of drugs or alcohol; or

(b) A pattern of unusual or abnormal conduct or erratic behavior; or

(c) Arrest or conviction for a drug-related offense, or the identification by law enforcement personnel that an employee is the focus of a criminal investigation into illegal drug possession, use, or trafficking; or

(d) Information provided by a reliable and credible source.

(e) Disputes concerning the issue of whether the Village had "reasonable suspicion" to order a test shall be subject to review during the disciplinary process if disciplinary charges are pursued as a result of a positive test result.

(f) The decision to test an employee shall be made by the Village Manager or in his/her absence, by his/her designee, in accordance with the standards discussed above.

It is intended that where a decision is made to test, the employee will be given a direct order to submit to the test and advised of his/her right to have a Union representative present for such testing, but the test shall not be delayed more than one (1) hour to accommodate the presence of a Union representative or to give the employee an opportunity to talk with a Union representative. The Union President shall be notified of such order. The test shall be



conducted as soon as possible thereafter. The employee shall be given a brief verbal statement of the basis for reasonable suspicion, which shall be confirmed in writing within five (5) working days from the test.

VILLAGE OF PORT CHESTER

VILLAGE OF PORT CHESTER
UNIT OF THE CSEA, LOCAL
1000 AFSCME, AFL-CIO,
WESTCHESTER COUNTY
LOCAL 860

Christoph J. Lynn 10/9/12

(Date)
Christoph J. Lynn 10-12-12

(Date)

(Date)

(Date)

(Date)

(Date)

RESOLUTION

AWARDING BID FOR PARKING TICKET MANAGEMENT SERVICES

On motion of TRUSTEE _____, seconded by TRUSTEE _____, the following resolution was adopted by the Board of Trustees of the Village of Port Chester, New York:

WHEREAS, the Village of Port Chester solicited bids for parking ticket management services through a Request for Proposals process (RFP-2012-4); and

WHEREAS, proposals were returnable on August 10, 2012; and

WHEREAS, the incumbent vendor, Complus Data Innovations, Inc. 560 White Plains Road, Tarrytown, New York 10591, was the single proposer; and

WHEREAS, the parties have since been involved in post-bid negotiations; and

WHEREAS, Complus submitted a revised proposal in correspondence dated November 8, 2012 which the Village Manager recommends be accepted. Now, therefore, be it

RESOLVED, that the Board of Trustees hereby accepts the proposal of Complus Data Innovations, Inc., 560 White Plains Road, Tarrytown, New York 10591 included in correspondence dated November 8, 2012 to provide parking ticket management services to the Village of Port Chester, with a two year term and fee schedule as follows:

12% of all in-state parking ticket collections on Village parking ticket revenues up to \$1,300,000 annually; 16 % of all out-of-state parking ticket collections on Village parking ticket revenues up to \$1,300,000 annually and 11% of all in-state and out-of-state parking ticket collections on Village parking ticket revenues in excess of \$1,300,000 annually, and be it further.

RESOLVED, that the Village Manager is hereby authorized to sign an agreement with the vendor consistent with such terms.

APPROVED AS TO FORM:

Village Attorney



November 8, 2012

Mr. Christopher Steers
Village Manager
Village of Port Chester
10 Pearl Street
Port Chester, NY 10573

Mr. Steers:

Below is an outline of the solution being offered by Complus Data Innovations, Inc. for the Village of Port Chester's ongoing Parking Ticket Management needs. First is a section outlining exclusive benefits that Complus provides over and above any other Parking Management vendors. Second is a review of the new fee structure available with a new contract. Third is a section outlining the cost savings that the Village will benefit from with a new contract.

I. Exclusive Benefits with Complus

Listed below is a brief description of the added value we offer the Village of Port Chester above and beyond any other parking ticket management vendor.

A. Proximity to the Village

Distance from our office to the Village is only ten (10) miles. No other Parking Ticket Management company is based in the Northeast, let alone the same County, as the Village of Port Chester. Benefits of our proximity include:

- Frequent and fast client service and technical support
- Personal messenger service for ticket pickup and delivery
- Supports local economy

B. Long-standing, successful program

Working together for the past thirteen years, Complus and the Village of Port Chester have enjoyed a very successful parking management program. Some of the highlights include:

- Achieving an average collection rate of 93% or higher each year
- Many program updates and technical enhancements have been provided at no charge to the Village (online payments, new equipment, pay-by-phone, digital ticket imaging)
- **Never a price increase to the Village. Instead several price reductions.**

C. Nationwide DMV Lookups

No other parking ticket management service has the extensive access and experience to match that of Complus. Benefits exclusively available to Complus clients include:

- Direct access to state DMVs rather than relying on third party sources
- Agreements that allow access to all fifty (50) states and the District of Columbia
- Use of National Change of Address (NCOA) to confirm DMV information

D. Mailing Expertise

Complus mails several million delinquent notices per year. The economies of scale prove beneficial to the Village in several ways:

- Complus successfully mailed twenty-nine thousand (29,000) notices last year on behalf of the Village, which would not be possible to accomplish without expensive equipment and dedicated staff
- Postage savings available to Complus (due to high volume mailings) are passed on to the Village
- Address updates are made through the Post Office prior to mailing to ensure successful delivery

E. Access to New Features

Some of the new services and features now available to the Village at no additional charge:

- Ad-hoc, real-time reporting tool
- Spanish-speaking pay-by-phone application
- Integrated Residential Parking Permit Management Program
- Online Appeals for violators
- Ability to email violators from **FastTrack™**
- New handhelds that can take color photographs with flash
- Ability to print a picture of the violator's plate on handheld tickets

II. New Fee Schedule

Here is proposed pricing for a new two year contract

- 12.0% of all In-State Parking Ticket Collections on CLIENT parking ticket revenues up to \$1,300,000 annually.
- 16.0% of all Out-of-State Parking Ticket Collections on CLIENT parking ticket revenues up to \$1,300,000 annually.
- 11.0% of all In-State and Out-of-State Parking Ticket Collections on CLIENT parking ticket revenues in excess of \$1,300,000 annually.

III. Cost Savings for the Village

A. Reduced Fees

Below is an estimate of annual cost savings based on 2012's estimated revenue of \$1,457,365.20:

- **CURRENT FEE STRUCTURE**
 - In-state fees - \$125,916.35
 - Out-of-state fees - 81,612.45
 - Total 2012 Costs - \$207,528.80

- **NEW CONTRACT FEE STRUCTURE**
 - In-state fees (up to \$1,300,000) - \$112,320.00
 - Out-of-state fees (up to \$1,300,000) - \$58,240.00
 - All fees for revenue over \$1,300,000 - \$17,310.17
 - Total 2012 Costs (New Fee Structure) - \$187,870.17

Estimated Two-Year Savings with New Fee Structure: \$39,317.26.

B. Ticket Stock

Below is an estimate of cost savings for annual ticket printing:

- Handheld Ticket Stock- 41,212 tickets @ \$0.18 per ticket:
\$7,418.16 per year
- Book Tickets- 9,602 tickets @ \$0.16 per ticket:
\$1,536.32 per year

Estimated Two-Year Savings on Ticket Stock: \$17,908.96.

C. Total Savings with a Two Year contract: \$57,226.22

D. 2012 Savings

While a new contract has not yet been executed, Complus is willing to honor the terms of the new contract now, if a new contract is in place by the end of November.

This will provide the following savings for the current budget year:

- Reduction in fees for the months of November and December (assuming the new contract begins in November 2012). Approximate value of \$6056.56.
- Reimbursement for last Book Ticket purchase. Approximate value of \$3,939.00

2012 Savings: \$9,995.56.

We welcome the opportunity to continue working with the Village of Port Chester for many years to come. Please contact me at (914) 747-1200 x 231 to discuss any questions about this proposal.

Sincerely,

A handwritten signature in black ink, appearing to read 'S. Hittman', with a large, sweeping flourish extending to the right.

Stephen J. Hittman
C.O.O.
Complus Data Innovations, Inc.

RESOLUTION
DPW HOT BOX PURCHASE

On motion of TRUSTEE _____, seconded by TRUSTEE _____, the following resolution was adopted by the Board of Trustees of the Village of Port Chester, New York:

WHEREAS, the Village Manager is recommending the purchase of an hot box for street patches during the winter months from Trius Inc, 458 Johnson Avenue, P.O. Box 158, Bohemia, NY 11716 for \$21,500 , and

WHEREAS, the funds are already budgeted in the General Fund Transfer to Capital line, 1.9900.400. Now, therefore be it

RESOLVED, that the Board of Trustees of the Village of Port Chester, New York hereby authorizes the Village Treasurer to modify the 2012-13 Capital Fund Budget as follows:

CAPTIAL FUND

Establish Project Budget– DPW Hot Box

Revenues:

5.5.5031.2012.123 Transfer from General Fund \$21,500.00

Appropriation:

5.5110.200.2012.123 DPW Hot Box \$21,500.00

Vote:	Aye	Nay	Abstain	Absent
Brakewood				
Terenzi				
Didden				
Branca				
Kenner				
Marino				
Pilla				



TRIUS inc.



458 JOHNSON AVENUE • PO BOX 158 • BOHEMIA, N.Y. 11716
631-244-8600 • FAX 631-244-8661

July 27, 2012

Village of Port Chester
10 Pearl Street
Port Chester, NY 10573

Attn: Rocky

Dear Rocky,

We are pleased to quote you Budget Pricing on the following equipment:

- One (1) Spaulding 2-Ton Hot Box
- Insulated Hopper and Doors
 - Triple Wall construction
 - Continuous Welds
 - Single Axle with Electric Brakes
 - Heated Unlading Platform
 - Adjustable Hitch
 - Pintle eye
 - Tool box
 - Fire Extinguisher
 - Strobe Light
 - Battery Charger

BUDGET PRICE, F.O.B. BOHEMIA, NY \$21,500.00

Sincerely,

Steve Froehling

Steve Froehling
Sales Representative

DISCUSSION

From: Rosemarie Noonan [rnoonan@affordablehomes.org]
Sent: Friday, November 16, 2012 5:46 PM
To: Cerreto, Tony
Subject: Housing Rehabilitation Program

Unfortunately, I will be unable to attend Monday's (November 19) Board of Trustees meeting but would be happy to attend a subsequent meeting. I remind you that I presented a draft of a proposed Rehabilitation Program in June to the Board and subsequent to that meeting drafted an agreement between the Village and the developer to clarify the uses of the housing funds. I understand that you discussed this with the developer.

I am prepared to take additional comments on the plans and/or respond to questions. I am also prepared to finalize the plan as presented to the Board during the summer.

Please advise.

Rose Noonan, Executive Director
Housing Action Council, Inc.
55 South Broadway, 2nd Fl
Tarrytown, NY 10591
Tel: 914-332-4144
Fax: 914-332-4147

DICHTER LAW LLC
ATTORNEYS AT LAW
488 MADISON AVENUE
10TH FLOOR
NEW YORK, NEW YORK 10022

TELEPHONE: (212) 593-4202
FAX: (212) 994-5394
Website: www.dichterlaw.com

JOEL R. DICHTER
Dichter@dichterlaw.com

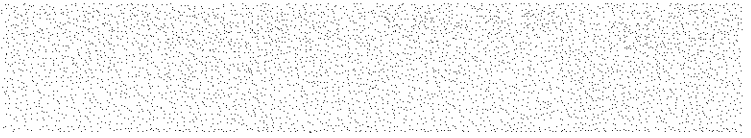
Memorandum

To: Christopher Steers and Anthony Cerreto
From: Joel R. Dichter
Date: 11/15/2012
Re: Update on sewer rent project

United Water Westchester (UWW) has agreed to negotiate an agreement with the Village of Port Chester to bill for charges for sewer service on behalf of the Village. Upon negotiation of the terms of the agreement, UWW has also agreed to our firm preparing and filing a Joint Petition with the Public Service Commission for approval of both the use of water data to bill for sewer charges and the terms of the agreement.

UWW held internal discussions over the last few weeks on how to handle this matter. After management meetings, it was determined that UWW desired to embark upon the business of billing on behalf of municipalities for services. As a consequence, UWW transferred responsibility for negotiating the terms of our agreement from the regulatory department that we had been dealing with to date to UWW's Contract Services Division. Hurricane Sandy and the transition to the Contract Services Division did slow up discussions. However, we have been in communication with our points of contact within the Contract Services Division. We expect to move forward in earnest and negotiate the terms of the agreement, including the charges for UWW's services to the Village, over the course of the next few weeks. In addition to telephone conferences, the parties are planning on sitting down the week after Thanksgiving. We are looking to be in a position to present updated terms of the agreement to the Village for review by the December meeting of the Board of Trustees.

If the terms are acceptable, we anticipate filing the Joint Petition with the Public Service Commission next month. Under PSC rules, interested parties would have 21 days to submit comments or responses to the Petition. If responses are filed, we would have an opportunity to submit reply comments. A ruling from the PSC on the Joint Petition would be due within sixty (60) days of the filing of the petition. Accordingly, if we file the Joint Petition in mid-December, then the decision by the PSC would be due by mid-February, 2013.



CORRESPONDENCE



Companies:
 Reliance Chemical & Hose
 No. 1
 Putnam Steamer & Hose
 No. 2

Fire Department
Village of Port Chester

WESTCHESTER COUNTY, N. Y.



Headquarters: Westchester Avenue and Honinga Street

Harry Howard Hook &
 Ladder No. 1
 Fire Police No. 1
 Mellor Hose No. 1
 Washington Engine & Hose
 No. 4
 Brooksville Hose No. 5

TO THE HONORABLE BOARD OF TRUSTEES OF THE VILLAGE PORT CHESTER, N. Y.:

The *Reliance Co. No. 1* respectfully reports that at a meeting

held on *October 5, 2012* favorable action was taken on the following:

- Elected active members.....
- Elected honorary members.....
- Members resigned.....
- Members expelled *JAMES GREEN, 50 HONINGA AVE. P.C. NY.*
- Members suspended.....
- Members died.....
- Badges returned (numbers).....
- Remarks.....

Received
 NOV 5 2012
 Village Clerk
 VILLAGE OF PORT CHESTER

M. DeVittorio
 Secretary.
 563 LOCUST AVE.
 PORT CHESTER, NY 10573

C 2

Received
NOV 6 2012
Village Clerk
VILLAGE OF PORT CHESTER

November 2, 2012

To Mayor, Board of Trustees and the village of Port Chester;

My name is Rosa Castillo and my husband Liborio Castillo and I are the owners of Pollo A La Brasa Misti Restaurant Inc and Misti Café Take Out, which is located at 110 North Main Street and 100-104 North Main Street. There is a small piece of village-owned land that is in between both of these buildings that we would really love to buy.

We got the key to the gates at the end of August because we called it was very dirty and people were throwing all types of garbage in there. When they gave us the key they gave permission to clean it up so we did I am enclosing a picture of this is how it looks now. I will keep up the maintenance but I would really appreciate if you would sell it to us, if it is not maintained clean it makes a bad impression on the businesses around it and to all pedestrians. It looks bad when someone does not take care of this area and before we got the key it was not a nice thing to see especially having a restaurant people walking down the block see that first before they walk into our restaurant When the see food just thrown around it makes the place around it look dirty. Also it helps with pest control because all the garbage that was there brings the pest.

These are the reasons why we would love to buy this property from the village. We own both of the buildings adjacent to the space and would like to keep it clean to improve its appearance and the Main Street Streetscape. I would really appreciate if this can get a lot of consideration it something that is very important to us. Thank you for your time and consideration.

Sincerely;

Rosa Castillo

Rosa Castillo

110 North Main Street

Port Chester, NY 10573

(646) 773-2142 (Christina Sepulveda)



www.pcrbchamber.com
pcrbchamber@gmail.com
Tel 914-939-1900 Fax 914-437-7779

222 Grace Church Street
Suite 304 B
Port Chester, NY 10573



Chairman
Frank Madonia

Vice Chairman
Gerald Logan

President
Ken Manning

November 12, 2012

Treasurer
Dan Colangelo

Chairman Emeritus
Michael Borrelli

Mayor Dennis G. Pilla and
Board of Trustees
Village of Port Chester
222 Grace Church Street
Port Chester, NY 10573

Ex Officio Members
Christopher Russo
Christopher Bradbury

Secretaries
Donna Mead
Toni Rovello

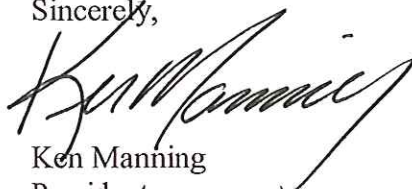
Gentlemen:

Board of Directors
Richard Abel
Michael Borrelli
Dan Colangelo
Dawn French
George S. Latimer
Gerald Logan
Frank Madonia
Ken Manning
Scott Moore
George Pawlush
Dennis Pilla
Richard Reidy
Martin Rogowsky
Dally Sculky
Pat Sestito

On behalf of the Port Chester/Rye Brook/Rye Town Chamber of Commerce, I am making our annual request for the Village of Port Chester to allow free street parking (with a two-hour limit) on North Main Street, South Main Street, Abendroth Avenue, the lower portion of Willett Avenue from North Main Street to Abendroth Avenue, and Westchester Avenue from December 17 through and including December 28, 2012.

Thank you for your consideration.

Sincerely,


Ken Manning
President

MINUTES

MEETING HELD JULY 16, 2012

A meeting of the Board of Trustees of the Village of Port Chester, New York, was held on Monday, July 16, 2012 at 6:30 P.M., in the Court Room of the Police Headquarters Building, 350 North Main Street, Port Chester, New York, with Mayor Dennis Pilla presiding.

Present in addition to Mayor Pilla, were Trustees Daniel Brakewood, Bart Didden, and Luis Marino.

It should be noted that Trustees Saverio Terenzi, Joseph Kenner and John Branca were absent.

Also present were Assistant Village Manager/Director of Code Enforcement, Christopher Steers; Village Attorney, Anthony Cerreto; Village Treasurer, Leonie Douglas, Director of Planning and Development, Christopher Gomez and Deputy Village Clerk, Jacqueline Johnson.

* * * * *

On motion of Trustee Didden, seconded by Trustee Brakewood, the meeting was declared opened at 6:38 p.m.

AYES: Trustees Brakewood, Didden, Marino, and Mayor Pilla
NOES:
ABSENT: Trustees Terenzi, Kenner and Branca

* * * * *

MOTION FOR EXECUTIVE SESSION

At 6:40 p.m., on motion of Trustee Brakewood, seconded by Trustee Marino, the Board of Trustees adjourned to an executive session for consultation with Village staff regarding law enforcement of places of entertainment.

AYES: Trustees Brakewood, Didden, Marino and Mayor Pilla
NOES: None
ABSENT: Trustees Terenzi, Kenner and Branca

No action was taken in executive session.

At 7:10 p.m., on motion of Trustee Marino, seconded by Trustee Brakewood, the executive session was closed and the public portion of the meeting was reopened.

AYES: Trustees Brakewood, Didden, Marino and Mayor Pilla
NOES: None
ABSENT: Trustees Terenzi, Kenner and Branca,

AFFIDAVIT OF PUBLICATION AND NOTICE OF PUBLICATION RE:

Public Hearing: Comprehensive Plan and the Zoning Amendments and Amendments to the Village Official Zoning Map Implementing the Comprehensive Plan.

The following Public Notices were duly published in the Journal News and the Westmore News on June 29, 2012, certified by Cecilia Hernandez, Principal Clerk of the Journal News and Angelina Brescia, Office Manager of the Westmore News.

PUBLIC NOTICE

Village of Port Chester

Comprehensive Plan, Zoning Amendments and Amendments
to the Village Official Zoning Map Implementing the Comprehensive Plan

NOTICE IS HEREBY GIVEN that the Board of Trustees of the Village of Port Chester, New York, will hold a public hearing on Monday, July 16, 2012, and August 6, 2012 at 7:00 p.m. or as soon thereafter in the Village Justice Court Courtroom, 350 North Main Street, Port Chester, New York, to consider the advisability of adopting the Comprehensive Plan and a local law amending Chapter 345 of the Code of the Village of Port Chester with regard to zoning amendments and amendments to the Official Zoning Map implementing the Comprehensive Plan.

An electronic copy of the Comprehensive Plan and local law can be downloaded from the Village's website www.portchesterny.com (located on the Home Page "Where do I go for?" section at the Public Hearing July 16, 2012 link). Paper copies of the Comprehensive Plan and local law are available for viewing at Village Hall, 222 Grace Church Street, Port Chester, N.Y. 10573 and the Port Chester-Rye Brook Library, 1 Haseco Avenue, Port Chester. For information, please call (914) 937-6780.

Interested persons will be afforded the opportunity to be heard.

Dated: June 26, 2012

On motion of Trustee Didden, seconded by Trustee Marino, the public hearing was declared open.

Mr. Frank Fish from BFJ Planning presented to the Board and to the public the overall vision of the Comprehensive Plan.

Mayor Pilla asked if there was anyone who would like to speak in favor or against the Comprehensive Plan.

Ms. Goldie Solomon commented that as a citizen, historian and tax payer, the consultants the Village hired do not know anything about the Village of Port Chester and the Village cannot afford more residential properties. Ms. Terry Berlingo commented that there

should be more public notification about the meetings and asked several questions regarding the Comprehensive Plan. Mr. Anthony Gioffre, Esq. representing Starwood Capital commented regarding the old United Hospital site. Mr. Reavis commented regarding Village negotiations with developers and how the new development will impact the traffic patterns and parking on the street. Ms. Bea Conetta commented about the Comprehensive Plan process and congratulated the Board and Comprehensive Plan Committee with their progress.

Further questions and comments were heard from the following people regarding the Comprehensive Plan and code enforcement policy: Mr. Montoya; Ms. Carol Guss; Mr. Michael James; Ms. Hillary Louis; Mr. Ron Luiso; Ms. Kathleen James; Ms. Heather Paul; Mr. Chris Pirro; and Mr. Sal Moralino.

Mayor Pilla thanked everyone for coming out and stated that the next public hearing will be on August 6, 2012.

On motion of Trustee Didden, seconded by Trustee Marino, the public hearing was adjourned to August 6, 2012.

PRESENTATION

1. Use of Village property adjacent to downtown shoppers' parking lot.

Mr. Frank Blasi of B & H USA Grill spoke regarding the proposed lease agreement. There was also a discussion with Mr. Cerreto, Mr. Steers and the Board on how the proposed lease agreement should be treated. The Board asked staff to come back to the Board with a proposed lease agreement.

PUBLIC COMMENTS

Mayor Pilla asked if there was anyone from the audience who would like to make any comments.

Ms. Goldie Solomon commented about Port Chester being a diverse community and Port Chester's current economic status.

Ms. Bea Conetta commented regarding the old United Hospital site, Starwood Capital, and the code enforcement policy.

Mr. Aldo Vitagliano, P.C. commented regarding the rezoning process and also submitted his comments in writing to the Board of Trustees for the record. Please see insert "A".

RESOLUTIONS

RESOLUTION

On motion of TRUSTEE Didden, seconded by TRUSTEE Marino, the following resolution was adopted by the Board of Trustees of the Village of Port Chester, New York:

WHEREAS, by letter dated June 27, 2012, Capital Enterprises, Inc. d/b/a the Capital Theater, which was subsequently forwarded to the Village Clerk, the Village has been advised that an application will be made to the New York State Liquor Authority for approval of substantial alteration to premises located at 149 Westchester Avenue; and

WHEREAS, unless waived applicants for liquor licenses are required to provide 30-day advance notice to a municipality so that it may provide comment to the Liquor Authority; and

WHEREAS, the Police Department and Building Department have since advised that it has no objection to same. Now, therefore, be it

RESOLVED, that the Board of Trustees has no objection to the application of Capital Enterprises, Inc. d/b/a the Capital Theater, 149 Westchester Avenue, for approval of a substantial alteration to the subject premises; and be it further

RESOLVED, that the Village Clerk be directed and authorized to provide a certified copy of this resolution to the State Liquor Authority.

Approved as to Form:

Anthony Cerreto
Village Attorney

AYES: Trustees Brakewood, Didden, Marino, and Mayor Pilla
NOES: None
ABSENT: Terenzi, Branca, Kenner
DATE: July 16, 2012

RESOLUTION

On motion of TRUSTEE Didden, seconded by TRUSTEE Marino, the following resolution was adopted by the Board of Trustees of the Village of Port Chester, New York:

WHEREAS, by letter dated June 27, 2012, Capital Enterprises, Inc. d/b/a the Capital Theater, which was forwarded to the Village Clerk, request has been made to continue and expand the use of the existing sidewalk vault on the Broad Street frontage of the premises located at 149 Westchester Avenue; and

WHEREAS, such request is made as part of ongoing renovations being made to the theater; and

WHEREAS, Board action would formalize an apparent long-standing special use of the sidewalk. Now, therefore, be it

RESOLVED, that the Board of Trustees hereby grants permission in the form of a revocable license to Capital Enterprises, Inc. d/b/a the Capital Theater to continue and expand the use of the existing sidewalk vault on the Broad Street frontage of the premises located at 149 Westchester Avenue, subject to such terms and conditions as may be imposed by the Village Manager or his designee.

Approved as to Form:

Anthony Cerreto
Village Attorney

AYES: Trustees Brakewood, Didden, Marino, and Mayor Pilla
NOES: None
ABSENT: Terenzi, Branca, Kenner
DATE: July 16, 2012

RESOLUTION

DONATIONS TO REPLACE AND RESTORE WORLD WAR II PLAQUES IN LYON PARK

On motion of TRUSTEE Brakewood, seconded by TRUSTEE Didden, the following resolution was adopted by the Board of Trustees of the Village of Port Chester, New York:

WHEREAS, countless Village residents have laid their down their lives in the honor of this country; and

WHEREAS, in memorial to their ultimate sacrifice, plaques had been placed on trees in Lyon Park with the veteran's name, date and place of death, and

WHEREAS, over the years many of these plaques have went missing or are in state of disrepair; and

WHEREAS, correspondence has been received by Richard Cuddy dated June 27, 2012 whereby he and friends have proposed to donate funds to replace these plaques; and

WHEREAS, it is proposed that the Village provide assistance to this effort by having the Department of Public Works place all plaques in a cement base at the foot of the trees so as to rightfully preserve the memory of the fallen veterans, and

WHEREAS, the Park Commission has recommended this noble endeavor; and

WHEREAS, Board action is required to accept the generous donations of Richard Cuddy and friends of the Lyons Park Project on the conditions above-described. Now, therefore, be it

RESOLVED, that the Board of Trustees of the Village of Port Chester hereby accepts commends Richard Cuddy for his leadership role in honoring those residents who have fallen defending their country; and be it further

RESOLVED, that the Village Treasurer is authorized to accept and record said donations in the Trust/Agency Funds, Donation – World War 2 Plaques, line 3.3.76.

Approved as to Form:

Anthony Cerreto
Village Attorney

AYES: Trustees Brakewood, Didden, Marino, and Mayor Pilla
NOES: None
ABSENT: Terenzi, Branca, Kenner
DATE: July 16, 2012

RESOLUTION
REPLACEMENT OF ROOF AT BUSH HOMESTEAD
On motion of TRUSTEE Marino, seconded by TRUSTEE Didden, the following

resolution was tabled by the Village of Port Chester, New York:

WHEREAS, the wood roof at the Bush Homestead is in urgent need of replacement; and

WHEREAS, the Village obtained technical assistance for the New York Historic Preservation Office (SHPO) for guidance as to this work; and

WHEREAS, the Village sought proposals from qualified roofing contractors; and

WHEREAS, Cabrera Home Improvement, Inc. submitted the lowest proposal in the amount of \$34,400; and

WHEREAS, the work will be done consistent with New York State guidelines for historical buildings; and.

WHEREAS, the contractor's background and references are all favorable. Now, therefore, be it

RESOLVED, that the Village Manager is hereby authorized to enter into an agreement with Cabrera Home Improvement, Inc., 105 Pearl Street, Port Chester, New York, for the replacement of the wood roof at the Bush Homestead, in the amount of \$34,400, payment to be made from Capital Fund – project, Police & Village Owed Building Improvement a/c 5.1620.400.2007.0068.

Approved as to Form:

Anthony Cerreto
Village Attorney

AYES: Trustees Brakewood, Didden, Marino, and Mayor Pilla
NOES: None
ABSENT: Terenzi, Branca, Kenner
DATE: July 16, 2012

RESOLUTION
BUDGET AMENDMENT – DEA FUNDS
REMOTE ACCESS TO RECORDS MANAGEMENT SYSTEM

On motion of TRUSTEE Marino, seconded by TRUSTEE Didden, the following resolution was adopted by the Board of Trustees of the Village of Port Chester, New York:

WHEREAS, the Police Chief recommends the use of DEA Funds to purchase additional software for remote report writing capabilities for six (6) marked patrol vehicles for a total cost of \$9096.03. The breakdown is as follows: \$7000 from vendor Steamboat Data Systems, Inc., 20 Paddlewheel Court, Waterford, NY 12188 for software and licensing; \$1096.03 for purchase of Dell computer to add additional capabilities to current system from New York State contract number 83AEA; and \$1000 for IT installation from contracted IT company Dyntek. Now, therefore be it

RESOLVED, that the Board of Trustees of the Village of Port Chester, New York hereby authorizes the Village Treasurer to modify the 2012-13 General Fund Budget as follows:

GENERAL FUND

Balance Sheet:

001-001-0695	Deferred Revenue DEA	\$(9,096.03)
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Revenues:

001-0001-2613	Use of Deferred DEA Funds	\$9,096.03
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Appropriations:

001-3120-0200	Police Equipment	\$8,096.03
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Appropriations:

001-3120-0411	Computer Services	\$1,000.00
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Approved as to Form:

Anthony Cerreto
Village Attorney

AYES: Trustees Brakewood, Didden, Marino, and Mayor Pilla
NOES: None
ABSENT: Terenzi, Branca, Kenner
DATE: July 16, 2012

RESOLUTION
BUDGET AMENDMENT – DEA FUNDS
TASER EQUIPMENT

On motion of TRUSTEE Marino, seconded by TRUSTEE Didden, the following resolution was adopted by the Board of Trustees of the Village of Port Chester, New York:

WHEREAS, the Police Chief recommends the use of DEA Funds to purchase three (3) new Taser model X26 weapons to replace the existing due to exceeded service life from vendor Taser, 17800 North 85th Street, Scottsdale, AZ, 85255-9603 for a total cost of \$2,421. Now, therefore be it

RESOLVED, that the Board of Trustees of the Village of Port Chester, New York hereby authorizes the Village Treasurer to modify the 2012-13 General Fund Budget as follows:

GENERAL FUND

Balance Sheet:

001-001-0695	Deferred Revenue DEA	\$(2,421.00)
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Revenues:

001-0001-2613	Use of Deferred DEA Funds	\$2,421.00
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Appropriations:

001-3120-0200	Police Equipment	\$2,421.00
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Approved as to Form:

Anthony Cerreto
Village Attorney

AYES: Trustees Brakewood, Didden, Marino, and Mayor Pilla
NOES: None
ABSENT: Terenzi, Branca, Kenner
DATE: July 16, 2012

RESOLUTION
BUDGET AMENDMENT – DEA FUNDS
BALLISTIC VESTS

On motion of TRUSTEE Marino, seconded by TRUSTEE Didden, the following resolution was adopted by the Board of Trustees of the Village of Port Chester, New York:

WHEREAS, twelve (12) of the Police Department ballistic vests assigned to individual officers have reached or exceeded the five (5) year recommended service life, and the total replacement cost is \$6,916.44, and

WHEREAS the Police Chief recommends that DEA Funds be used to purchase six (6), \$3,458.22 of the twelve (12) new ballistic vests from NYS vendor, contract number PC64783, Buckshollow Emergency Equipment Corp., 15 Secor Road, Mahopac, NY 10541, for a total cost of \$6,916.44, the remaining 50% is already budgeted in FY 2012-13 Police Department, General Fund . Now, therefore be it

RESOLVED, that the Board of Trustees of the Village of Port Chester, New York hereby authorizes the Village Treasurer to modify the 2012-13 General Fund Budget as follows:

GENERAL FUND

Balance Sheet:

001-001-0695	Deferred Revenue DEA	\$(3,458.22)
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Revenues:

001-0001-2613	Use of Deferred DEA Funds	\$3,458.22
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Appropriations:

001-3120-0200	Police Equipment	\$3,458.22
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Approved as to Form:

Anthony Cerreto
Village Attorney

AYES: Trustees Brakewood, Didden, Marino, and Mayor Pilla

NOES: None

ABSENT: Terenzi, Branca, Kenner

DATE: July 16, 2012

RESOLUTION
SENIOR NUTRITION TITLE III-C1 and NSIP

On motion of TRUSTEE, Marino seconded by TRUSTEE, Didden the following resolution was adopted by the Board of Trustees of the Village of Port Chester, New York:

RESOLVED, that the Village Manager be and is authorized to enter into an agreement with the County of Westchester for the Older Americans Act and New York State Community Services for the Elderly Act, for Title III-C1 for \$52,278.00 and Nutrition Services Incentive Program (NSIP) for \$23,814.00 to cover the programs provided by the Village of Port Chester for period covered January 1, 2012 through December 31, 2012.

AYES: Trustees Brakewood, Didden, Marino, and Mayor Pilla
NOES: None
ABSENT: Terenzi, Branca, Kenner
DATE: July 16, 2012

RESOLUTION
SENIOR NUTRITION TITLE III-C2 and NSIP

On motion of TRUSTEE, Marino seconded by TRUSTEE, Didden the following resolution was adopted by the Board of Trustees of the Village of Port Chester, New York:

RESOLVED, that the Village Manager be and is authorized to enter into an agreement with the County of Westchester for the Older Americans Act and New York State Community Services for the Elderly Act, for Title III-C2 for \$8,637.00 and Nutrition Services Incentive Program (NSIP) for \$2,282.00 to cover the programs provided by the Village of Port Chester for period covered January 1, 2012 through December 31, 2012.

Approved as to Form:

Anthony Cerreto
Village Attorney

AYES: Trustees Brakewood, Didden, Marino, and Mayor Pilla
NOES: None
ABSENT: Terenzi, Branca, Kenner
DATE: July 16, 2012

RESOLUTION
SENIOR NUTRITION TITLE III-B

On motion of TRUSTEE, Marino seconded by TRUSTEE, Brakewood the following resolution was adopted by the Board of Trustees of the Village of Port Chester, New York:

RESOLVED, that the Village Manager be and is authorized to enter into an agreement with the County of Westchester for the Older Americans Act and New York State Community Services for the Elderly Act, for Title III-B for \$17,245.00 to cover the programs provided by the Village of Port Chester for period covered January 1, 2012 through December 31, 2012.

Approved as to Form:

Anthony Cerreto
Village Attorney

AYES: Trustees Brakewood, Didden, Marino, and Mayor Pilla
NOES: None
ABSENT: Terenzi, Branca, Kenner
DATE: July 16, 2012

RESOLUTION
SENIOR NUTRITION SNAP & NSIP

On motion of TRUSTEE, Marino seconded by TRUSTEE, Didden the following resolution was adopted by the Board of Trustees of the Village of Port Chester, New York:

RESOLVED, that the Village Manager be and is authorized to enter into an agreement with the County of Westchester for the Older Americans Act and New York State Community Services for the Elderly Act, Supplemental Nutrition Assistance Program (SNAP) for \$32,614.00 and Nutrition Services Incentive Program (NSIP) for \$13,563.00 for period covered April 1, 2012 through March 31, 2013.

Approved as to Form:

Anthony Cerreto
Village Attorney

AYES: Trustees Brakewood, Didden, Marino, and Mayor Pilla
NOES: None
ABSENT: Terenzi, Branca, Kenner
DATE: July 16, 2012

**SEQR DETERMINATION OF SIGNIFICANCE
NEGATIVE DECLARATION
RESOLUTION OF THE VILLAGE OF PORT CHESTER
BOARD OF TRUSTEES**

July 13, 2012

License agreement between the Village of Port Chester and the Port Chester Soccer Club, Inc. to administer the Village's recreation soccer program at Columbus Park.
Section 142.47 Block 1 Lot 34

WHEREAS, the Village of Port Chester Board of Trustees ("Village") seeks to enter into a formal public-private license agreement with the not-for-profit Port Chester Soccer Club, Inc. ("Club") to administer the Village Recreation Department's Soccer Program ("Program").

WHEREAS, the agreement states that the Club will solely and exclusively undertake all aspects of the program, including youth and adult soccer, for a period of one year commencing on July 18, 2012 and ending on July 18, 2013 at Columbus Park, more specifically known and designated as Section 142.47 Block 1, Lot 34; and

WHEREAS, the project is defined as an Unlisted Action; and

NOW THEREFORE BE IT RESOLVED, that pursuant to Part 617 of the SEQR Regulations, the Village of Port Chester Board of Trustees hereby designates itself as the Lead Agency for the SEQR Review of this Unlisted Action, and in this capacity will conduct an Uncoordinated Review.

BE IT FURTHER RESOLVED, that pursuant to Part 617 of the implementing regulations pertaining to Article 8 (State Environmental Quality Review Act) of the Environmental Conservation Law, the Lead Agency has determined that the proposed Unlisted Action will not have a significant effect on the environment for the reasons enumerated in the attached Negative Declaration Form.

Approved as to Form:

Anthony Cerreto
Village Attorney

On the motion of TRUSTEE Didden, seconded by TRUSTEE Marino, it was adopted by the following vote:

AYES: Trustees Brakewood, Didden, Marino, and Mayor Pilla
NOES: None
ABSENT: Terenzi, Branca, Kenner
DATE: July 16, 2012

RESOLUTION

AGREEMENT WITH
PORT CHESTER SOCCER CLUB INC.

On motion of TRUSTEE Didden, seconded by TRUSTEE Marino, the following resolution was adopted by the Board of Trustees of the Village of Port Chester, New York:

RESOLVED, that the Village Manager be authorized to enter into an agreement with Port Chester Soccer Club Inc., 22 Soundview Street, Port Chester, New York 10573 for the Village's Recreation Department Soccer Program for fiscal year 2012-2013 in the amount of \$31,000.

Approved as to Form:

Anthony Cerreto
Village Attorney

AYES: Trustees Brakewood, Didden, Marino, and Mayor Pilla
NOES: None
ABSENT: Terenzi, Branca, Kenner
DATE: July 16, 2012

DISCUSSIONS

1. March 2013 Election & Voter Education Program Coordinator (Bilingual).

Mayor Pilla commented that the Village Manager, Christopher Russo, as well as he, did receive responses for the position of Voter Education Program Coordinator (Bilingual).

2. Zoning and Code Enforcement Amnesty Workshop follow-up.

Mayor Pilla stated that there will be a work session for the zoning and code enforcement amnesty program on August 6 and August 20, 2012 at 6:00pm.

3. Sewer Rent Project status update.

Mayor Pilla stated that this discussion will be deferred to the August 6, 2012 meeting.

4. Bulkhead follow-up.

Mayor Pilla stated that this discussion will be deferred to the August 6, 2012 meeting.

5. Downtown Parking.

Mayor Pilla commented about G & S and their change request regarding the parking management plan.

6. Starwood Capital workshop follow-up.

Assistant Village Manager/Director of Code Enforcement Mr. Christopher Steers said that he will meet with Starwood Capital and will come back to the Board with an update.

7. Property Maintenance.

Trustee Didden commented regarding the property on 48 Irenhyl Avenue.

VII. CORRESPONDENCE

The Deputy Clerk presented correspondence from the residents of Glendale Place requesting permission for traffic and the following roads be blocked between the end of Glendale Place and Leicester Street as well as the end of Glendale Place and Clermont Avenue for a Block party to be held on Saturday, July 21, 2012 from 2:00pm to 8:00pm. The Board referred the correspondence to staff.

The Deputy Clerk presented correspondence from Saint Peter's Episcopal Church requesting permission for a procession of 50 to 70 people on Saturday, August 25, 2012 at 4:00pm to celebrate St. Mary the Virgin, The Assumption beginning from 466 Westchester Avenue and ending by entering the church through Smith Street. The Board referred the correspondence to staff.

The Deputy Clerk presented correspondence from Centro Bolivian requesting permission to place a banner across Westchester Avenue and Main Street to advertise the Bolivian Culture Parade to be held on Sunday, August 26, 2012. The Board referred the correspondence to staff.

The Deputy Clerk presented correspondence from Port Chester Council of Community Services requesting permission to place a banner across North Main Street and Westchester Avenue to announce Port Chester Fest from July 18th to August 4th 2012. The Board referred the correspondence to staff.

PUBLIC COMMENTS AND BOARD COMMENTS

Public Comments:

Mayor Pilla asked if there was anyone from the audience who would like to make any comments.

Mr. Ceccarelli commented regarding the old United Hospital site and Starwood Capital.

ADD-ON RESOLUTION

The Director of Planning and Development, Christopher Gomez stated that he received a referral letter from the Village of Rye Brook regarding four (4) affordable housing units for 525 Ellendale Avenue. Mr. Gomez stated that the Village of Rye Brook will be having a public hearing on July 24, 2012. Mr. Gomez asked the Board permission to draft a letter to all interested parties regarding the Village of Port Chester's remarks to this matter.

The following add-on resolution was motioned by TRUSTEE Didden, seconded by TRUSTEE Marino, granting permission to the Director of Planning and Development, Christopher Gomez to draft a letter on behalf of the Mayor and Board of Trustees to the Village of Rye Brook regarding the property on 525 Ellendale Avenue, Rye Brook, NY.

AYES: Trustees Brakewood, Didden, Marino, and Mayor Pilla
NOES: None
ABSENT: Terenzi, Branca, Kenner
DATE: July 16, 2012

RESOLUTION
VILLAGE OF RYE BROOK AFFORDABLE HOUSING
FOR 525 ELLENDALE AVENUE

On motion of TRUSTEE Brakewood, seconded by TRUSTEE Didden, the following resolution was adopted by the Board of Trustees of the Village of Port Chester, New York:

WHEREAS, the board has taken a consistent position that the construction of Fair and Affordable housing so proximate to the Village of Port Chester border does not meet the *spirit* of the affordable housing agreement to provide for more integrated neighborhoods within the Settlement's 31 eligible communities ; and

WHEREAS, on July 24, 2012, the Village of Rye Brook Board of Trustees is holding a public hearing to accept oral and written comments on the matter; now, therefore, be it

RESOLVED, that the Village of Port Chester Board of Trustees authorizes the Mayor to submit written comments on this matter to the Village of Rye Brook; Honorable Robert Astorino, Westchester County Executive; Sean Donovan, Secretary of Housing and Urban Development (HUD); and James Johnson, Federal Housing Monitor.

Approved as to Form:

Village Attorney

AYES: Trustees Brakewood, Didden, Marino, and Mayor Pilla
NOES: None
ABSENT: Terenzi, Branca, Kenner
DATE: July 16, 2012

Board Comments: There were no Board comments.

At 11:13 p.m., on motion of Trustee Didden, seconded by Trustee Marino, the Board of Trustees adjourned to an executive session to discuss a particular person(s) for the position of Village Clerk and property acquisition negotiations.

No action was taken in executive session.

At 11:30 p.m., on motion of Trustee Marino, seconded by Trustee Didden, the executive session was closed.

AYES: Trustees Brakewood, Didden, Marino, and Mayor Pilla
NOES:
ABSENT: Trustees Terenzi, Kenner and Branca

Respectfully submitted,

Jacqueline Johnson
Deputy Village Clerk

LAW OFFICES
OF
ALDO V. VITAGLIANO, P.C.
ATTORNEY AT LAW

150 PURCHASE STREET - RYE, NEW YORK 10580-2136

(914) 921-0333

FAX: (914) 921-0796

E-mail: avvpc@verizon.net

ALDO V. VITAGLIANO*

*Also admitted in Fla. & Conn.

ANGELO A. GUGLIELMO**

**Also admitted in Conn.

July 16th, 2012

Hon. Dennis Pilla, Mayor and
Board of Trustees
Village of Port Chester
222 Grace Church Street
Port Chester, NY 10573

Re: Rezoning Hearing

Mayor and Board of Trustees:

I am unable to attend tonight's continued Public Hearing in connection with major rezoning amendments under consideration by your Board. I write to make sure an important concern is not overlooked. I have seen no proposed zoning text amendment that might allay my fears, but I admit that I have not been completely attentive to the current undertaking.

Port Chester's Zoning Code, has an important pressure relief valve for non-conforming properties, specifically Section 345-13 which states in (A) "lawfully permitted uses of land and building and structures existing at the time of this Regulation may be continued... Said uses, buildings and structures shall be deemed nonconforming uses." The remainder of the Section includes restrictions on expansion of the use, and more importantly in (C) (3) allowed that "If no structural alterations are made, a non-conforming use of a building may be changed to another nonconforming use which, in the opinion of the Board of Appeals, either by general rule adopted on request by the Building Inspector or on a specific finding on appeal of a particular case, is of the same or of a more restricted nature."

This important safety net has been eviscerated by the draconian and restrictive policies of the current Building Department officials with their zero tolerance. The result has been claims by the Acting Building Inspector that interior non-demising walls are structural alterations which would prevent use of the pressure relief of 345-13 (C) (3). Fortunately, in Zoning Board case 2011-0005 *in that case alone*, the interpretation was rejected.

What was not rejected was the Acting Building Inspector's position that absent 100% perfect paperwork for permits and certificates of occupancy, a business was not legally non-conforming and could not avail itself of the relief mechanism offered therein.

The zero tolerance is extremely troubling, and may in fact serve to immediately destroy perceived or owned real property rights of hundreds of businesses and landowners. Consider the

two businesses such identified in that Zoning Case that lacked permits to conduct business as an Auto Detailing use in a C-2 zone, (copy of memo attached) or one of the many businesses that lack proper paperwork. If I am correct, I believe I heard the Acting Building Inspector state at a public Board of Trustee meeting that 95% of businesses or properties in the Village of Port Chester proper paperwork.

Unless the new code recognizes that whatever authority the business was operating under, could continue in some way upon passage or adoption of the new code, those business could only operate upon passage by procuring a use variance, something that under the law is virtually impossible to do. When we combine this strict interpretation with a regimen of fines, the Village, in my opinion, has engaged in an unconstitutional taking, and will likely be subject to expensive litigation and likely damage awards.

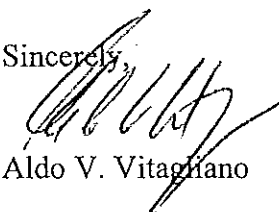
No time period is provided for businesses to check their paperwork and even more importantly, if the prior use they succeeded to did not have their proper paperwork, and therefore in the eyes of the Acting Building Inspector was illegal, they will never be able to legalize existing businesses, and must immediately cease operation and confirm or risk fines.

The dollars and cents impact on businesses, if I am correct, is staggering. Zoning Case 2011-0005 involved a potential new business taking over from a believed to be valid legal non-confirming use. Yet the Acting Building Inspector stated that "Based on the records found for the listed address. . . staff has found no lawfully established non-conforming uses at this location/address." It was only after our office provided proof of prior Zoning Board action and building permits, that the Acting Building Inspector amended his findings.

Serious study and attention must be paid to the impact the current rezoning effort will have on all existing businesses impacted by its passage, including those with perfect paperwork, and those without.

Thank you.

Sincerely,



Aldo V. Vitagliano

MEETING HELD AUGUST 6, 2012

A meeting of the Board of Trustees of the Village of Port Chester, New York, was held on Monday, August 6, 2012 at 6:00 P.M., in the Court Room of the Police Headquarters Building, 350 North Main Street, Port Chester, New York, with Mayor Dennis Pilla presiding.

Present in addition to Mayor Pilla, were Trustees Daniel Brakewood, Bart Didden, and Joseph Kenner.

It should be noted that Trustees Luis Marino and John Branca were absent.

Also present were Village Manager, Christopher Russo, Assistant Village Manager/Director of Code Enforcement, Christopher Steers; Village Attorney, Anthony Cerreto; Village Treasurer, Leonie Douglas; Director of Planning and Development, Christopher Gomez and Deputy Village Clerk, Jacqueline Johnson.

* * * * *

On motion of Trustee Didden, seconded by Trustee Kenner, the meeting was declared opened at 6:06 p.m.

AYES: Trustees Brakewood, Terenzi, Didden, Kenner, and Mayor Pilla

NOES:

ABSENT: Trustees Marino and Branca

* * * * *

MOTION FOR EXECUTIVE SESSION

At 6:07 p.m., on motion of Trustee Didden, seconded by Trustee Kenner, the Board of Trustees adjourned to an executive session for consultation with Counsel to discuss a particular police personnel matter.

AYES: Trustees Brakewood, Terenzi, Didden, Kenner and Mayor Pilla

NOES: None

ABSENT: Trustees Marino and Branca

No action was taken in executive session.

At 7:10 p.m., on motion of Trustee Didden, seconded by Trustee Brakewood, the executive session was closed and the public portion of the meeting was reopened.

AYES: Trustees Brakewood, Terenzi, Didden, Kenner and Mayor Pilla
NOES: None
ABSENT: Trustees Marino and Branca

AFFIDAVIT OF PUBLICATION AND NOTICE OF PUBLICATION RE:

Public Hearing: Comprehensive Plan and the Zoning Amendments and Amendments to the Village Official Zoning Map Implementing the Comprehensive Plan.

The following Public Notices were duly published in the Journal News and the Westmore News on June 29, 2012, certified by Cecilia Hernandez, Principal Clerk of the Journal News and Angelina Brescia, Office Manager of the Westmore News.

PUBLIC NOTICE

Village of Port Chester

Comprehensive Plan, Zoning Amendments and Amendments
to the Village Official Zoning Map Implementing the Comprehensive Plan

NOTICE IS HEREBY GIVEN that the Board of Trustees of the Village of Port Chester, New York, will hold a public hearing on Monday, July 16, 2012, and August 6, 2012 at 7:00 p.m. or as soon thereafter in the Village Justice Court Courtroom, 350 North Main Street, Port Chester, New York, to consider the advisability of adopting the Comprehensive Plan and a local law amending Chapter 345 of the Code of the Village of Port Chester with regard to zoning amendments and amendments to the Official Zoning Map implementing the Comprehensive Plan.

An electronic copy of the Comprehensive Plan and local law can be downloaded from the Village's website www.portchesterny.com (located on the Home Page "Where do I go for?" section at the Public Hearing July 16, 2012 link). Paper copies of the Comprehensive Plan and local law are available for viewing at Village Hall, 222 Grace Church Street, Port Chester, N.Y. 10573 and the Port Chester-Rye Brook Library, 1 Haseco Avenue, Port Chester. For information, please call (914) 937-6780.

Interested persons will be afforded the opportunity to be heard.

Dated: June 26, 2012

On motion of Trustee Didden, seconded by Trustee Kenner, the public hearing was declared open.

Mr. Steers stated that the continuation of the public hearing is to hear the issues and concerns from the public. Mr. Steers said that he will have for the Board a summary list of all the changes during the public hearing process. Mr. Steers also asked the Board to close the public hearing tonight after all the oral comments, but to let the public hearing remain open for 10 days for only written comments.

Mr. Christopher Gomez read into the record a letter that was addressed to the Mayor Feinstein and Village Board of Trustees from the Village of Rye Brook regarding 525 Ellendale Avenue. Please see insert "E"

Mr. Fish, consultant from BFJ Planning said that he is keeping a running list of comments from the public and will have revised master plan update after the 10 days of written comments.

Mayor Pilla asked if there was anyone who would like to speak in favor or against the Comprehensive Plan.

Ms. Terry Berlingo had a question regarding East Broadway and she also thanked the Board and everyone else for their hard work and concern for the Village of Port Chester.

Further questions and comments were heard from the following people regarding the Comprehensive Plan: Ms. Goldie Solomon; Mr. Ron Luiso; Mr. Anthony Gioffre Esq.; Mr. Tom Kissner; Mr. Jensky; Mr. Peter Liu of Euro Asian Bistro; Mr. Dennis Shack; Mr. Colangelo; Mr. Michael Scarola; and Mr. Ceccarelli.

Trustee Didden commented that when Mr. Steers and Mr. Fish submit their final list of recommendations; he would like to see all the recommendations that were submitted from the public and have a comment inserted next to the recommendation if it was or was not considered.

Trustee Brakewood thanked the public for coming out and their comments.

Trustee Kenner asked Mr. Gomez about the Zoning Board recommendation regarding the bonus suggestion. Mr. Steers and Mr. Fish answered that they would like to give the Board a memo regarding the bonus suggestion.

Mr. Gomez read into the record the recommendation resolution from the Planning Commission dated July 30, 2012 and a list of revisions to the May 21, 2012 Public Hearing Draft of the Port Chester Comprehensive Plan and Zoning Code Amendments and Map. Please see insert letter "A", "B", "C", and "D".

Mayor Pilla commented that the summation of all the changes are not significant as it relates to the State Environmental Quality Review Act (SEQUA) and asked for a motion to close the hearing and keep the written comments open for ten days.

On motion of Trustee Didden, seconded by Trustee Kenner, the public hearing was closed.

WORKSESSION

1. Housing Rehabilitation Program design workshop.

Mayor Pilla commented that one of the goals he asked staff to achieve for 2012-2013 year was a housing rehabilitation program. Mayor Pilla stated that funds were given to the Village for housing rehabilitation and the Village retained Ms. Rose Noonan to help the

Village design the program. Ms. Noonan spoke regarding her scope of services for designing the program and about the various approaches of implementing the program. Ms. Noonan said that based on tonight's discussion, she will refine the details for the housing rehabilitation program and meet back with Board and Staff in about a month.

PUBLIC COMMENTS

Mayor Pilla asked if there was anyone from the audience who would like to make any comments.

Ms. Bea Conetta thanked Mr. Cuddy for his effort in the implementing the replacement and refurbishing of the war memorial plaques in Lyon Park. Ms. Conetta also commented about Port Chester Liberty Square and Christopher Russo resigning as the Village Manager. Ms. Terry Berlingo commented regarding the housing rehabilitation and asked specific questions to the Board regarding the program. Mr. Dave West of 16 King Street commented regarding the housing rehab program and code enforcement amnesty program. Mr. Scarola commented regarding the housing rehab program and the proposed agreement with JCJ Architecture.

WORKSESSION

2. Proposed Amnesty and Pre-existing Use Permitting Program workshop.

Mr. Christopher Steers spoke about the proposed local law and asked the Board for their questions and comments. Based on the discussion, the Board asked Mr. Steers to bring back a final draft of the local law to determine if they would like set a public hearing.

RESOLUTIONS

RESOLUTION AUTHORIZING AGREEMENT FOR ARCHITECTURAL/PARKING GARAGE CONSULTING SERVICES

On motion of TRUSTEE TERENCE, seconded by TRUSTEE KENNER, the following resolution was adopted by the Board of Trustees of the Village of Port Chester, New York:

WHEREAS, an opportunity has been presented to the Village for the potential acquisition of property on Irving Avenue and Poining Streets for use as the potential site for a new Police/Justice Court facility, municipal parking and consolidation of municipal offices; and

WHEREAS, the Village needs to undertake due diligence in exploring this opportunity including consideration considering acquisition costs vs. short and long-term needs and objectives; and

WHEREAS, JCJ Architecture, 28 Prospect Street, Hartford, Connecticut 06103, has previously been retained by the Village to perform a needs assessment of the current Police/Justice Court facility; and

WHEREAS, based on this background and experience with the Village and partnering with Desman Associates, which specializes in parking facilities projects, JCJ is uniquely positioned to undertake the additional analysis and has submitted a proposal dated July 30, 2012 for consideration. Now, therefore, be it

RESOLVED, that the proposal of JCJ Architecture, 28 Prospect Street, Hartford, Connecticut 06103, Phase 1, "Schematic Design", to provide consulting services is hereby accepted, in the amount of \$22,500; and be it further

RESOLVED, that the Village Manager is hereby authorized to enter into an agreement with JCJ Architecture for the provision of said services, and be it further

RESOLVED, that the Village Treasurer is hereby authorized to establish a capital project account for the potential acquisition of real property for municipal use to be initially funded from General Fund, Contingency as follows:

GENERAL FUND

Decrease:

1.1990.400	Contingency	\$22,500
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Increase:

1.9900.900	Transfer to Capital Fund	\$22,500
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CAPITAL FUND

Establish Preliminary Costs for Parking Garage/ Police/Court Facility Project

Revenue:

5.5.5031.2012.121	Transfer from General Fund	\$22,500
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Appropriation:

5.3120.400.2012.121	Contractual	\$22,500
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Approved as to Form:

Village Attorney

AYES: Trustees Terenzi, Didden, Kenner and Mayor Pilla

NOES: Trustee Brakewood

ABSENT: Trustees Branca, Marino

DATE: August 6, 2012

**RESOLUTION AUTHORIZING INTERMUNICIPAL AGREEMENT FOR
ACCESS TO TELECOMMUNICATIONS SERVICES**

On motion of TRUSTEE DIDDEN, seconded by TRUSTEE TERENCE, the following resolution was adopted by the Board of Trustees of the Village of Port Chester, New York:

WHEREAS, in 2000, the County of Westchester originally entered into an agreement with Cablevision Lightpath, Inc. for the provision of telecommunications services; and

WHEREAS, this agreement was renewed in 2006 for a five-year term and again in 2011 for an additional five-year term; and

WHEREAS, under the terms of these agreements, Cablevision provided to the County a new state-of-the-art, secure, cost-effective and reliable telecommunications network and allowed Cablevision to provide municipalities in the County the opportunity to avail themselves of these services under the same terms and conditions; and

WHEREAS, the Village of Port Chester wishes to continue receiving the benefits of this agreement through a further intermunicipal agreement with the County of Westchester and that funds for these services in FY 2012-2013 have been budgeted. Now, therefore, be it

RESOLVED, that the Village Manager be authorized to enter into an intermunicipal agreement with the County of Westchester with regard to the provision of telecommunications services under an agreement with Cablevision Lightpath, Inc. for a five-year term beginning January 1, 2011.

Approved as to Form:

Village Attorney

AYES: Trustees Brakewood, Terenzi, Didden, Kenner and Mayor Pilla

NOES:

ABSENT: Trustees Branca, Marino

DATE: August 6, 2012

RESOLUTION
APPOINTMENT OF CHAIRMAN OF THE
WATERFRONT COMMISSION

On motion of TRUSTEE DIDDEN, seconded by TRUSTEE BRAKEWOOD, the following resolution as adopted by the Board of Trustees of the Village of Port Chester,

New York:

WHEREAS, by resolution dated February 6, 2012, Gene Ceccarelli was appointed as a full member of the Waterfront Commission for a term to expire December 2, 2013; and

WHEREAS, pursuant to Section 332-5(b) of the Village Code, the Chairperson of the Waterfront Commission is appointed by the Board of Trustees. Now, therefore be it

RESOLVED, that Gene Ceccarelli is hereby appointed as the Chairperson of the Waterfront Commission.

Approved as to Form:

Village Attorney

AYES: Trustees Brakewood, Terenzi, Didden, Kenner and Mayor Pilla
NOES: None
ABSENT: Trustees Branca, Marino
DATE: August 6, 2012

RESOLUTION
APPOINTMENT OF MEMBER OF THE
WATERFRONT COMMISSION

On motion of TRUSTEE, BRAKEWOOD seconded by TRUSTEE, TERENCE the following resolution was adopted by the Board of Trustees of the Village of Port Chester, New York:

RESOLVED, that Alejandro Payán, residing at 434 West William Street, Port Chester, New York, and he hereby is appointed as a full member of the Port Chester WATERFRONT COMMISSION, effective immediately, and to expire December 2, 2013; and be it further

Approved as to Form:

Village Attorney

AYES: Trustees Brakewood, Terenzi, Didden, Kenner and Mayor Pilla
NOES: None
ABSENT: Trustees Branca, Marino
DATE: August 6, 2012 Village Attorney

RESOLUTION
SET PUBLIC HEARING TO CHAPTER 345,
WITH REGARD TO SITE PLAN REVIEW
PROCEDURES AND STANDARDS

On motion of TRUSTEE TERENCE, seconded by TRUSTEE, BRAKEWOOD the following resolution was adopted by the Board of Trustees of the Village of Port Chester, New York:

WHEREAS, the Planning Commission has a broad grant of authority with regard to the administration of the Zoning Regulation, Chapter 345; and

WHEREAS, consistent with such grant, the Planning Commission has pro-actively recommended to the Board of Trustees that the Section 345-23 of the Village Code, be amended with regard to the applicant furnishing a CD and 3D Model Submission at the time of application; and

WHEREAS, such proposed amendment would significantly enhance the site plan review process not only for the members of the Planning Commission but also the general public. Now, therefore, be it

RESOLVED, that a public hearing is to be held on September 18, 2012 at 7:00 p.m. at the Village Justice Courtroom, 350 North Main Street, Port Chester, New York 10573, to consider the advisability of adopting a local law to amend the Code of the Village of Port Chester, Chapter 345, Section 345-23C(2)(a), with regard to the applicant furnishing a CD and 3D Model Submission as part of the site plan application process.

Approved as to Form:

Village Attorney

AYES: Trustees Brakewood, Terenzi, Didden, Kenner and Mayor Pilla
NOES: None
ABSENT: Trustees Branca, Marino
DATE: August 6, 2012

RESOLUTION
WITHDRAW AUGUST 20, 2012 PUBLIC HEARING
CHAPTER 165 "DANCE HALLS AND CABARETS"

On motion of TRUSTEE, Terenzi, seconded by MAYOR Pilla, the following resolution was amended by the Board of Trustees of the Village of Port Chester, New York:

RESOLVED, that a public hearing be withdrawn on August 20, 2012 at 7:00 p.m. at the Village Justice Courtroom, 350 North Main Street, Port Chester, New York 10573, to consider the advisability of adopting a local law amending the Code of the Village of Port Chester, Chapter 165 entitled "Dance Halls and Cabarets."

Approved as to Form:

Village Attorney

AYES: Trustees Terenzi, Brakewood, Kenner and Mayor Pilla
NOES: Trustee Didden
ABSENT: Trustees Branca, Marino
DATE: August 6, 2012

DISCUSSIONS

Bulkhead follow-up.

The Village Manager, Mr. Christopher Russo stated that the bid specifications will be going out at the end of this week.

Journal Entry Policy.

The Village Treasurer stated that the Village was cited in their last audit for not having a journal entry policy and that the next audit will begin on August 20, 2012.

Five year financial forecast.

The Board and Staff discussed the financial forecast and a motion was made by Trustee Kenner, seconded by Trustee Didden to add-on the following resolution:

RESOLUTION

ADDITIONAL PERSONNEL FOR TREASURER'S OFFICE TO ASSIST IN THE PREPARATION OF A FIVE YEAR OPERATING BUDGET & CAPITAL PLAN

On motion of TRUSTEE Kenner, seconded by TRUSTEE Didden, the following resolution was adopted by the Board of Trustees of the Village of Port Chester, New York:

RESOLVED, that the Board of Trustees hereby authorizes the Village Treasurer amended to transfer \$5,000 from the Contingency account for additional personnel in the

Treasurer's Office to assist the Village Treasurer in the preparation of a five (5) year General Fund Operating Budget and a five (5) year Capital Plan.

AYES: Trustees Brakewood, Terenzi, Didden, Kenner and Mayor Pilla
NOES:
ABSENT: Trustees Branca, Marino
DATE: August 6, 2012

Leasing Village Property on Willett Avenue update.

Mr. Christopher Gomez spoke to the Board regarding the proposed lease and Mr. Frank Blasi answered questions from the Board. The Board asked Staff to come back to the Board with a proposed lease agreement.

Rye Brook affordable housing update

Mr. Christopher Gomez spoke regarding the letter that was sent on behalf of the Board of Trustees to the Village of Rye Brook Mayor and Trustees regarding the property on 525 Ellendale Avenue. Trustee Kenner stated that the letter was sent on behalf of the Board, but noted that he recused himself from the discussion when the letter was authorized by the Board.

Parking update

Mayor Pilla withdrew this discussion.

CORRESPONDENCE

The Deputy Clerk presented correspondence request from John B. Colangelo for his client to continue to have a wooden trellis overhang from his front yard setback. The Board and Staff discussed the request and a motion was made by Trustee Didden, seconded by Trustee Brakewood to add-on the following resolution:

**RESOLUTION
GRANT OF PERMISSION FOR ENCROACHMENT**

On motion of TRUSTEE DIDDEN, seconded by TRUSTEE BRAKEWOOD, the following resolution was adopted by the Board of Trustees of the Village of Port Chester, New York:

WHEREAS, 78-80 Purdy Avenue Holdings Corp. has made application to the Zoning Board of Appeals requesting variances and an interpretation to permit the existing floral shop's operations; and

WHEREAS, as part of the site plan, a wooden structure was erected in the required front yard set-back that encroaches on the public sidewalk; and

WHEREAS, by letter dated July 23, 2012, petition has been made for permission to allow for such minor encroachment. Now, therefore, be it

RESOLVED, that the Board of Trustees hereby grants permission to 78-80 Purdy Avenue Holdings Corp. to encroach into the public right-of-way in the form of a revocable license to be prepared by the Village Attorney and on such terms and conditions as appropriate to protect and hold the Village of Port Chester harmless of any liability, and be it further

RESOLVED, that such grant is subject to the applicant obtaining all necessary land use approvals, permits and certificate of occupancy.

Approved as to Form:

Village Attorney

AYES: Trustees Brakewood, Terenzi, Kenner and Mayor Pilla
NOES: None
ABSENT: Trustees Branca, Marino
DATE: August 6, 2012

The Deputy Clerk presented correspondence request from the Columbus Day Celebration Committee for their annual Columbus Day Parade scheduled for Sunday, October 7, 2012 and a financial contribution for this event. The Board referred the correspondence to staff.

The Deputy Clerk presented correspondence request from Lisa Dileo to close a portion of Irenhyl and Irving Avenue for their annual Breckenridge Block Party on Saturday, September 15, 2012 from 4:00pm to 11:00pm. The Board referred the correspondence to staff.

The Deputy Clerk presented correspondence request from Andrea Winchester to close a portion of Linden Street for a Block Party on Saturday September 1, 2012 from 4:00pm to 10:00pm. The Board referred the correspondence to staff.

PUBLIC COMMENTS AND BOARD COMMENTS

Public Comments:

Mayor Pilla asked if there was anyone from the audience who would like to make any comments. A resident commented regarding the intersection on Pearl Street.

At 12:10 a.m., on motion of Trustee Didden, seconded by Trustee Terenzi, the Board of Trustees adjourned to an executive session for the following items:

1. Discuss with Staff regarding the legal strategy for the Amnesty Program.
2. Discuss with Village Manager regarding the position of Village Manager and Village Clerk.
3. Discuss with Board regarding a particular police matter.

No action was taken in executive session.

At 12:20 a.m., on motion of Trustee Terenzi, seconded by Trustee Marino, the executive session was closed at 12:20 a.m.

AYES: Trustees Brakewood, Terenzi Didden, Kenner, and Mayor Pilla

NOES:

ABSENT: Trustees Marino and Branca

Respectfully submitted,

Jacqueline Johnson
Deputy Village Clerk

BFJ Planning

Sec. 345:62. Planned Mixed Use District.

F. **Site Plan Approval.** Before a building permit may be issued by the Building Inspector for any use for which a special permit has been issued within the Planned Mixed Use district, a site plan shall be approved therefore in accordance with the provisions of Article V of this Zoning Regulation. Authority to approve site plans for such uses is vested in the Village Board of Trustees.

II. ZONING SCHEDULES

DW Design Waterfront:

- Allow for "Heating, air-conditioning, plumbing, electrical and similar construction businesses, excluding open storage of materials" by Special Exception in order to accommodate such uses currently existing in the M1 district targeted for a rezoning to DW. (See *Schedule of Use Regulations for Nonresidence Districts, Part 1, Use Regulations* (Sheet 1, last row under "Business Uses".)

III. REVISED ZONING MAP

- Adjust new C2 district boundary to include the property at the northeast corner of Main Street and Mill Street (currently proposed for DW).

The following two items of concern were submitted by Michael Scarola, Chair of the Village Planning Commission.

Section 345:16.C Bonus Floor Area Option:

1. Concerned that 10% of the Assessed Value of the bonusable floor area is low.

Possible revision: Increase to 15% of assessed value.

2. FAR Bonus procedure: Will the Board of Trustees be the lead agency for all cases in PMU, C5, C5T and C2? With the exception of the PMU district, Mr. Scarola advocates that the Planning Commission remain Lead agency for applications, and where bonus is requested, sent to Board of Trustees for their review/approval with an expected 90 day turnaround.

BFJ Planning

Monday, August 6, 2012

VILLAGE OF PORT CHESTER ZONING CODE AMENDMENTS AND MAP

The following is a record of all proposed revisions to the **May 21, 2012 Public Hearing Draft of the Port Chester Zoning Code Amendments and Map** that we have received since its submission date. These are considered "non-substantive changes" and can be made after the close of the Public Hearing.

One proposed change is considered new and significant and should be made in Phase 2 of the Zoning Code amendments process, after the Comprehensive Plan and Zoning Code Amendments have been adopted. This proposed change would rezone the properties along Maple Place from R5 One Family to R2F Two Family.

ZONING CODE TEXT

Note: Proposed text *additions* are shown in **red**. Text proposed to be *deleted* is **crossed-out**.

Sec. 345.13. Nonconforming uses and nonconforming buildings and structures.

A. Continuing Existing Uses. Except as otherwise provided in this section, the lawfully permitted uses of land or buildings and structures existing at the time of the adoption of this Regulation, **or amendments made to this regulation inclusive of new zoning districts**, may be continued in accordance with the provisions of this section, although such use does not conform to the regulations specified by this Regulation for the district in which such land or building is located. Said uses, buildings and structures shall be deemed nonconforming uses.

C. Nonconforming use of buildings or structures.

(2) Any such nonconforming use may be extended throughout any parts of the building or structure which were manifestly arranged or designed for such use at the time of the adoption of this Regulation **and subsequent amendments**.

Sec. 346-16. Building Height and Floor Area Bonus Program.

B. General Regulations.

(1) The bonus program is available in the C2 Main Street Business, C5 Train Station Mixed Use, C5T Downtown Mixed Use Transitional and PMU Planned Mixed Use districts (see Schedule of Regulations for Nonresidence Districts, Attachment 3B) **by special exception only** and is subject to approval by the Village Board of Trustees.

C. Bonus Floor Area Option.

(1) Open Space Provision. In the eligible zoning districts specified herein, proposals that include an open space monetary contribution in addition to the minimum usable open space requirement of the respective district can receive bonus floor area, as specified in the Schedule of Regulations for Nonresidence Districts, Attachment 3B and subject to approval by the Village Board of Trustees. The payment **in-lieu for bonusable floor** area shall be calculated at 10 percent of the assessed value of the bonusable floor space, as determined by the Village Assessor.

**RECOMMENDATION RESOLUTION
OF THE VILLAGE OF PORT CHESTER
PLANNING COMMISSION**

Draft Zoning Amendments and Map

July 30, 2012

WHEREAS, on July 30, 2012, the Planning Commission considered the Village of Port Chester draft Zoning Amendments and Map (dated May 21, 2012) as prepared by BFJ Planning; and

WHEREAS, the Planning Commission recognizes New York State grants municipalities the authority to adopt zoning regulations and make amendments to those regulations to address the changing needs and desires of a community; and

WHEREAS, the proposed zoning amendments are the regulatory mechanism to implement the goals and vision of the Village's draft Comprehensive Plan and are in concert with the Plan's policy recommendations for the future development of the Village; and

WHEREAS, the core intent of the proposed zoning amendments is to reduce future density increases in residential neighborhoods, preserve existing neighborhood character, identify areas for limited growth, improve development predictability, and eliminate floating zones; and

WHEREAS, the Planning Commission is in support of the draft Zoning Amendments and Map (dated May 21, 2012) *except* for the specific comments listed below in bold:

Zoning 345-7.D –

*In the RA2, RA3 and RA4 Multifamily Residence Districts, the Village Board of Trustees may accept an offer of cash in lieu of 300 square feet of useable open space based on the appraised value of land on the site. **Remove in lieu fee in multi-family districts to preserve open space in residential neighborhoods as expressed in draft comprehensive plan.***

*Zoning 345:16.B(1) – Building Height and Floor Area Bonus Program General Regulations The bonus program is available in the C2 Main Street Business, C5 Train Station Mixed Use, C5T Downtown Mixed Use Transitional and PMU Planned Mixed Use districts (see schedule of regulations for non-residence districts, Attachment 3B), and is subject to approval by the Village Board of Trustees. **Clarify process and mechanism for all bonus provisions. The Planning Commission shall retain site plan approval authority and refer applicable applications to the Village Board of Trustees for jurisdiction over special exception use permit for bonus provision(s).***

Zoning 345:16.C(1)(2)(3) – Bonus Floor Area Option: Open Space Provision, Housing Rehabilitation Provision and Downtown Parking Garage Provision.

In eligible zoning districts specified herein, proposals that include an open space, housing rehabilitation or downtown parking garage monetary contribution.....can receive bonus floor area, as specified in the Schedule of Regulations for Nonresidence Districts Attachment 3B subject to approval by the Village Board of Trustees. The payment in lieu shall be calculated at 10% of assessed value of bonusable floor space, as determined by the Town Assessor. Utilize appraised versus assessed value in calculation of bonus fee for all three bonus provisions. 10% of assessed value is far too low a return for the Village for granting height and floor area ratio (FAR) bonuses; and

NOW THEREFOR BE IT RESOLVED, that the Planning Commission hereby forwards a positive recommendation to the Board of Trustees recommending the adoption of the draft Comprehensive Plan (dated May 31, 2012) as prepared by BFJ Planning but urges revisions to the zoning amendments reflected above; and

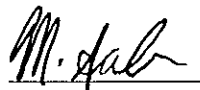
BE IT FINALLY RESOLVED that this resolution shall have an effective date of July 30, 2012

On the motion of Commissioner Gregory, seconded by Commissioner Coperine, it was adopted by the following vote:

AYES: Antaki, Baxter, Coperine, Gregory, Scarola

NAYES:

ABSENT: Cervinka, Pellon



Michael Scarola, Chairman

BFJ Planning

Monday, August 6, 2012

VILLAGE OF PORT CHESTER COMPREHENSIVE PLAN

The following is a record of all proposed revisions to the **May 21, 2012 Public Hearing Draft of the Port Chester Comprehensive Plan** that we have received since its submission date. These are considered "non-substantive changes" and can be made after the close of the Public Hearing.

CHAPTER 13.0 LAND USE STRATEGIES

Downtown/Train Station Subarea (p. 137):

Revise map boundary and corresponding text for the Downtown/Train Station subarea to reflect the proposed new C5 district. Willet Avenue will no longer be the northeast boundary line. The new boundaries will be N. Pearl St., King St. and Westchester Ave., as mapped on the proposed Draft Official Zoning Map.

CHAPTER 14.0 REGULATORY CONTROLS

Note: This text change responds to the request submitted by Starwood at the 6/18 Public Hearing.

United Hospital Site, Zoning Recommendations (pp. 154-155):

The existing FAR of the United Hospital site is 0.80; it is recommended that this FAR be maintained under the proposed rezoning. The maximum building height for a hotel/commercial use is proposed to be 8 stories (85 feet), while the maximum building height for a residential building is proposed to be 5 stories ~~(4 residential floors over ground floor retail).~~

INSERT "B"

BFJ Planning

UPDATED COMPREHENSIVE PLAN, ZONING AMENDMENTS AND SEQR ADOPTION SCHEDULE As of Friday, August 3, 2012

Monday August 6, 2012

- Close Public Hearing on Comprehensive Plan and Zoning Code; leave written comments open until 8/16.

Monday, August 20, 2012

- Submit DGEIS to BOT

Tuesday, September 4, 2012: BOT Meeting

- Comprehensive Plan and Zoning Final Draft
- Accept DGEIS for public distribution
- Set DGEIS Public Hearing for 9/17

Monday, September 17, 2012: BOT Meeting

- DGEIS Public Hearing
- Record kept open for 10 days for public comment

Monday, October 1, 2012: BOT Meeting

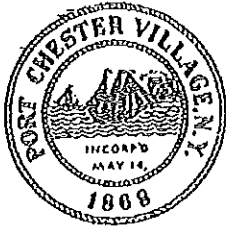
- BOT is briefed on FGEIS

Monday, October 15, 2012

- BOT accepts FGEIS and circulates

Monday, November 5, 2012

- BOT adopts Findings
- BOT adopts 2012 Comprehensive Plan and Zoning Text/Map changes.



VILLAGE OF PORT CHESTER

222 Grace Church Street, Port Chester, NY 10573



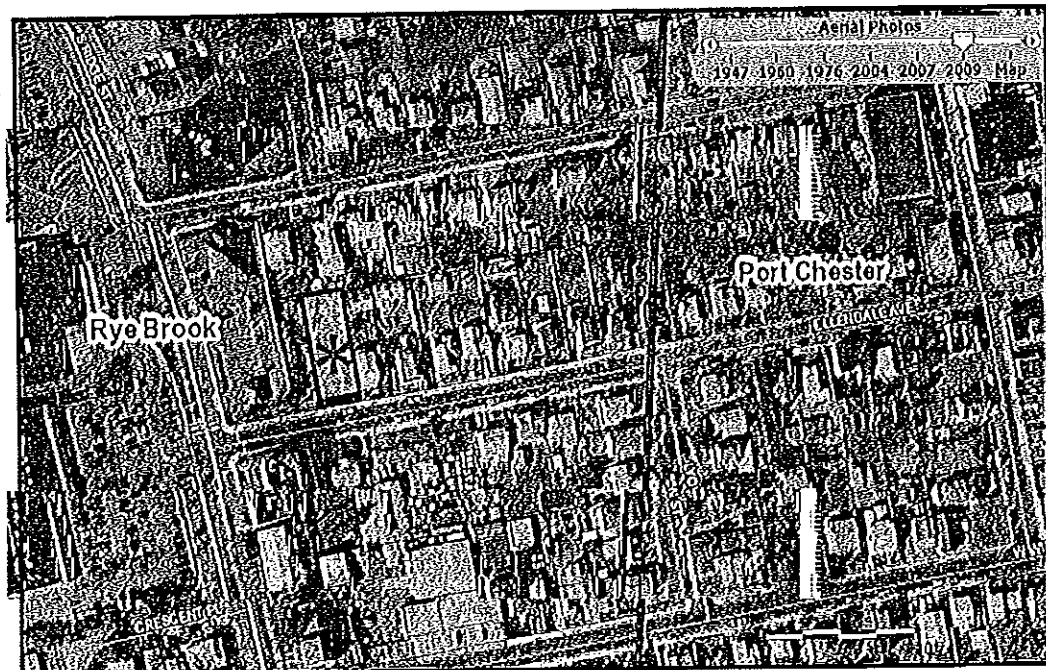
July 23, 2012

Honorable Mayor Feinstein &
Village Board of Trustees
Village of Rye Brook
938 King Street
Rye Brook, NY, 10573

**Subject: 525 Ellendale Avenue — Petition to rezone Town of Rye tax lot Section 141.27;
Block 1; Lot 49 from R-2F to Fair and Affordable Housing District**

Dear Mayor Feinstein and Village Board of Trustees:

The Village of Port Chester Board of Trustees is in receipt of a petition for a zoning change and supporting materials for approval to build four-units of affordable rental housing in a two-story multi-family residential building at 525 Ellendale Avenue within the Village of Rye Brook's floating Fair and Affordable FAH District and in compliance with the Westchester County Fair and Affordable Housing Implementation Plan. The 7,496 sq. ft. vacant parcel is located within the Village's existing R-2F zoning district approximately 400 feet west of border with the Village of Port Chester (see aerial photo below).



Sincerely,



Christopher Gomez
Director of Planning and Development
Village of Port Chester, NY

Cc: James E. Johnson, Esq., Federal Housing Monitor
Glenda L. Fussa, Esq., Deputy Regional Council, New York Office, HUD
Hon. Robert P. Astorino, Westchester County Executive
Kevin Plunkett, Deputy County Executive, Westchester County
Edward Burroughs, AICP, Westchester County Planning Commissioner
Chris Bradbury, Village of Rye Brook Administrator
Hon. Dennis Pilla, Mayor Village of Port Chester
Village of Port Chester Board of Trustees

PUBLIC COMMENTS
AND
BOARD COMMENTS