

**VILLAGE OF PORT CHESTER
BOARD OF TRUSTEES
Meeting, MONDAY, December 17, 2012
Special Meeting: 4:30-6:30 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: 4:30 P.M. to 6:30 P.M.

	WORKSESSION	ACTION
1	TIME: 4:30 P.M. to 5:30 P.M. Regarding Comprehensive Plan Process Finalization	
	TIME: 5:30 P.M. to 6:00 P.M. Housing Rehabilitation Program	

APPROXIMATE TIME: 6:00 P.M.

	PROPOSED MOTION FOR EXECUTIVE SESSION	ACTION
1	Negotiations with regard to successor collective bargaining agreement CSEA	
2	Employment status with regard to a particular individual	
3	Second Addendum to Consent Decree	

TIME: 7:00 P.M.

I	AWARD PRESENTATION	ACTION
1	Recognition award to Rosie Veltri, "Westchester Teen Idol"	
II	AFFIDAVIT OF PUBLICATION AND NOTICE OF PUBLICATION RE:	ACTION
1	Ability Beyond Disability to establish a community residential facility for six (6) developmentally disabled persons on vacant property adjacent to 51 Betsy Brown Road, Port Chester, New York.	
III	PUBLIC COMMENTS	ACTION

IV	RESOLUTIONS	ACTION
	Planning	
1	Board of Trustees adopts SEQRA Findings	
2	Board of Trustees adopts 2012 Comprehensive Plan	
	Legal	
3	Authorize the execution of the Second Addendum to the Consent Decree.	
	Administration	
4	Ratification of CSEA Agreement	
5	To extend and / or modify the amnesty program. <u>Resolution to Set a Public Hearing</u>	
6	Appointing Frank Ferrara to the Port Chester Local Development Corporation (LDC)	
	Department of Public Works	
7	Change Order for MVM Construction LLC	
	Courts	
8	Justice Courts Audit	
V	REPORT OF THE VILLAGE MANAGER	
1	Status of General Code Scanning Project	
2	Request for permission to hold a Procession	
VI	DISCUSSIONS	ACTION
1	Bulkhead district	
2	March Election Planning	
VII	CORRESPONDENCE	ACTION
1	From Mellor Engine & Hose Co. No. 3, on the election of Mr. John Texiere to active membership.	
2	From Port Chester Board of Ethics, Dated 12-04-2012	
3	From Port Chester Board of Ethics, Dated 12-11-2012	

4	From Monroe Yale Mann regarding Stop Work Order	
5	From Zarin & Steinmentz regarding FGEIS	
6	From Cuddy & Feder regarding FGEIS	
VII	PUBLIC COMMENTS AND BOARD COMMENTS	ACTION

TIME: _____

WORKSESSION



Village of Port Chester Office of Planning and Development

222 Grace Church Street, rm. 202 Port Chester, New York 10573

To: Hon. Mayor Pilla and Board of Trustees

From: Christopher Gomez, Director of Planning and Development

Re: Comprehensive Plan Process Finalization Workshop –
SEQR Findings and Comprehensive Plan Adoption

CC: C. Steers, T. Cerreto, L. Douglas, J. Richards

Date: December 13, 2012

The purpose of the Comprehensive Plan Process Finalization workshop is to discuss the SEQRA Findings as attached and for the Board to come to a consensus on options presented in the conclusions portion of the document with respect to several potential alternatives. The preferred findings alternative (i.e. with the proposed PMU and DW, removal of PMU and DW etc.) can then be selected later in the meeting by motion to amend the circulated findings accordingly, *before* the Board can adopt the official SEQRA findings document by resolution (see attached SEQR Findings adoption resolution in packet for Planning Resolution agenda item #1).

Adoption of the findings concludes the SEQR environmental review process and allows for the Board of Trustees to adopt the Comprehensive Plan by subsequent action (see attached comprehensive plan adoption resolution in packet for Planning Resolution agenda item #2). Following plan adoption, the related zoning text and map amendments can be vetted during an additional public hearing in due course before ultimate adoption by local law.

**LEAD AGENCY’S FINDINGS STATEMENT WITH RESPECT TO ADOPTION OF
THE VILLAGE OF PORT CHESTER COMPREHENSIVE PLAN AND ZONING TEXT AND
MAP AMENDMENTS**

INTRODUCTION

This document is a Findings Statement prepared pursuant to and as required by the New York State Environmental Quality Review Act (“SEQRA”), Environmental Conservation Law Article 8, and the implementing regulations in Title 6, Part 617 of the New York Code of Rules and Regulations (“NYCRR”) (the Regulations implementing the relating to the adoption of the Village of Port Chester *Comprehensive Plan and Zoning Text and Map Amendments* (“Proposed Action”). This Findings Statement draws upon the matters set forth in the administrative record for the Proposed Action, including the Generic Environmental Impact Statement (“GEIS”), consisting of the Draft Generic Environmental Impact Statement (“DGEIS”), dated September 26, 2012, and the Final Generic Environmental Impact Statement (“FGEIS”), dated November 30, 2012. The GEIS is expressly incorporated into these Findings by this reference.

This Findings Statement sets forth the findings and conclusions of the Lead Agency, as well as the matters upon which such findings and conclusions were based, and confirms that the Village of Port Chester Board of Trustees, as Lead Agency, has complied with all of the applicable procedural requirements of Part 617 in reviewing the Proposed Action including, but not limited to:

- A. Designation of the Board of Trustees as Lead Agency on February 6, 2012;
- B. Issuance by the Board of Trustees of a Positive Declaration on April 2, 2012, together with direction to prepare a DGEIS;
- C. Preparation and public review of a written Scoping Document for the DGEIS, and adoption of the written scope on May 7, 2012;
- D. Acceptance of the DGEIS as adequate in scope and content by the Board of Trustees and the filing and circulation of the DGEIS October 1, 2012;
- E. Holding of a Public Hearing on the DGEIS by the Board of Trustees on October 22, 2012;
- F. Receipt of all public comments on the DGEIS until November 1, 2012;
- G. Preparation of a FGEIS and acceptance of the FGEIS as complete by the Board of Trustees on December 3, 2012;
- H. Filing and circulation of the FGEIS by the Board of Trustees on December 4, 2012;
- I. Consideration of all public comments on the FGEIS until December 13, 2012;
- J. Adoption of this Findings Statement by the Board of Trustees.

This Findings Statement confirms that the Village of Port Chester Board of Trustees has given due consideration to the GEIS prepared in conjunction with this action and the public comments

submitted thereon. Further, this Findings Statement sets forth the facts and conclusions relied upon by the Village of Port Chester Board of Trustees to support its decision and indicates the social, economic and other considerations which form the basis thereof 6 NYCRR § 617.11(d).

DESCRIPTION OF THE PROPOSED ACTION

The Proposed Action, according to the Positive Declaration issued by the Lead Agency on April 2, 2012, involves the adoption of the proposed *Comprehensive Plan* and proposed *Zoning Text and Map Amendments* by the Board of Trustees. Thus, while treated together in the SEQRA process, including the GEIS, these are two separate components. For example, adoption of the draft *Comprehensive Plan* does not dictate for every area of the Village a particular amendment to the draft *Zoning Text and Map Amendments*, as there are certain areas where multiple alternatives could be considered consistent with the draft *Comprehensive Plan*. Accordingly, this Finding Statement differentiates between the draft *Comprehensive Plan* and draft *Zoning Text and Map Amendments*. Furthermore, as is commonplace, the Village Board of Trustees may adopt the proposed *Comprehensive Plan* and may defer adoption of some or all of the proposed *Zoning Text and Map Amendments*. In addition, the Village Board of Trustees notes that the Village will undertake a site specific review of proposed redevelopment of the former United Hospital site and, in the course of that site specific review, there will be additional opportunity for public hearing, input and comment concerning the potential impacts of the proposed redevelopment and any implementing rezoning. Finally, any other proposed rezoning to implement the *Comprehensive Plan*, as finally adopted, would also provide additional opportunity for public hearing, input and comment.

The *Comprehensive Plan* provides a blueprint of the Village's planning strategies and actions that are proposed for implementation over the next decade in the Village of Port Chester. As stated in the proposed *Plan*, the Village's vision involves capitalizing on Port Chester's existing physical, social, economic and human capital while improving growth and development patterns, physical constraints limiting waterfront access, and underutilized non-residential properties. In pursuit of this vision, the *Plan's* guiding principles are to:

- Place focus on major elements of the built environment, including maintenance and enhancement of residential neighborhoods;
- Revitalize commercial areas and the waterfront;
- Strengthen industrial areas;
- Improve transportation and infrastructure facilities;
- Identify opportunities for new development;
- Address the issues and challenges associated with governmental and non-governmental jurisdictions; and

- Provide a framework for collaboration and coordination among relevant decision-makers and stakeholders.

The central purpose of the Proposed Action – most particularly the proposed *Comprehensive Plan* – is to establish the nature and level of potential development in the Village of Port Chester under proposed land use policies and zoning regulations; make changes as necessary to existing regulations to ensure that future development is in keeping with the character of the Village; follow sound planning principles and standards; and protect public safety, health and welfare. Approvals authorized by the Proposed Action involve adoption of the proposed *Comprehensive Plan* and proposed *Zoning Map and Text Amendments* by the Village of Port Chester Board of Trustees.

This document focuses on the proposed *Comprehensive Plan* because, as noted above, it is the focus of the GEIS and would be the catalyst for amendments to the zoning text and/or map to achieve its goals and objectives.

ENVIRONMENTAL IMPACTS OF THE PROPOSED ACTION

Land Use, Zoning and Public Policy

The Proposed Action is intended to guide development and preservation patterns in a proactive and predictable manner and ultimately realize the Village’s vision for a sustainable and prosperous future.

The proposed Plan sets forth major land use strategies based on location and intensity. The three Planning Intensity Zones are based on the existing and future character of the Village of Port Chester. The ‘Neighborhood Protection and Enhancement’ designation seeks to protect and enhance the existing low-density character of neighborhood; the ‘Limited Intensity Planning Zone’ is intended to maintain and allow for additional appropriate uses; and the ‘Higher Intensity Planning Zone’ is proposed to allow for mixed-use development to reinforce key commercial activity in strategic downtown, train station and central waterfront areas in addition to absorbing future development pressure in residential areas. Overall, the proposed Plan encourages a focused land use plan to accommodate increased density in strategic locations – not Village-wide – while upzoning select residential neighborhoods helps achieve an overall reduction of density and impacts for those areas.

The Proposed Action involves changes to both residential and non-residential zones – consistent with the proposed *Comprehensive Plan* – to help reduce Village-wide density. In strategic residential zones, proposed upzoning via reductions in floor area ratio (“FAR”) and building story height will help achieve neighborhood character protection and enhancement. The areas in which potential density would be reduced include selected One Family R20, R7, and R5; Two Family R2F; and Multi Family RA2, RA3 and RA4 districts. Changes in the non-residential/mixed use districts

include the elimination of the existing C4 General Commercial and PRSPD Planned Railroad Station Plaza Development districts and the modification of the existing DW Design Waterfront district. Strategic downzonings will occur in the existing C2 Central Business district, proposed to change to C2 Main Street Business, and three new districts – C5 Train

Station Mixed Use, C5T Downtown Mixed Use Transitional and PMU Planned Mixed Use – are proposed to allow for focused development.

In order to evaluate the land use and zoning recommendations described by the proposed *Comprehensive Plan*, a Build-Out Analysis was prepared, which indicated that implementation of the Proposed Action would result in a potential net reduction of 242 dwelling units. Additional analyses evaluated various zoning options for the proposed PMU and DW districts, providing a range of alternative amendments to the zoning text and map. Please see the GEIS section titled ‘Alternatives’ for additional information.

Because there is a potential net reduction in dwelling units anticipated from the Proposed Action, the Lead Agency finds that the proposed *Comprehensive Plan*, as implemented by amendments to the zoning text and/or map consistent with the Plan and assessed in the GEIS, will not adversely impact the overall environment of the Village due to reduced potential impacts to transportation, infrastructure, and the School District. The Proposed Action encourages increased density in strategic locations in order to target future development in appropriate districts.

Overall, the Lead Agency finds the proposed *Comprehensive Plan*, together with amendments to the zoning text and/or map adopted to achieve its goals and objectives, is consistent with local and regional planning policies, including *Westchester County 2025* and the *Local Waterfront Revitalization Program* (1992), which includes comprehensive strategies for the portion of the Village that abuts the Byram River.

Parks, Open Space and Recreational and Historic Resources

As part of the Proposed Action, the proposed *Comprehensive Plan* identifies the need to expand and improve existing community and visual resources, such as parks and open space, to provide Port Chester residents with needed active and passive recreation space. The proposed *Comprehensive Plan* recommends exploring innovative solutions designed to provide additional open space and recreational opportunities. Moreover, the proposed *Comprehensive Plan* aims to connect neighborhoods, parks and the waterfront through pedestrian and bicycle-friendly streets and trails via strategically acquiring parcels to link such spaces together. Another major component of the proposed *Comprehensive Plan* is to reactivate and enhance the public waterfront via the creation of new recreational opportunities and the preservation of key vistas and view corridors of the Bryam River and the Long Island Sound.

Additionally, the proposed *Comprehensive Plan*, as implemented by zoning changes, will strengthen the historic character of Port Chester by preserving qualities unique to the Village. Five resources are listed on the National Register of Historic Places (Bush-Lyon Homestead, Capitol

Theater, Port Chester Post Office, St. Peter's Episcopal Church and the Life Savers Building). The proposed *Comprehensive Plan* specifically recommends protecting and preserving the Village's historic resources through design standards and zoning controls used in conjunction with financial mechanisms, such as grants and tax incentives.

The Lead Agency finds the proposed *Comprehensive Plan*, together with amendments to the zoning text and/or map adopted to achieve its goals and objectives, is specifically designed to enhance the Village's visual and community character and to affect positive impacts on the community.

Environmental Resources

The proposed *Comprehensive Plan* promotes the conservation of natural resources through environmentally sound principles and strategies. It recommends protecting environmentally significant and sensitive areas, such as the Byram River Waterfront and, ultimately, the Long Island Sound. Additionally, the proposed Plan advises the Village to lead by example in terms of resource conservation and encourages the Village establish and adopt sustainable design and development guidelines through improved development procedures and green/retrofitting design practices. The proposed *Comprehensive Plan* also advances efforts to coordinate planning among neighboring communities, New York State and Federal agencies to address regional sustainability issues. For example, the proposed *Comprehensive Plan* recommends that the Village engage in collaboration with New York State regarding brownfield assessment and remediation for sites within the Village and form a joint venture with the State of Connecticut to help protect the Byram River.

Overall, the Lead Agency finds the proposed *Comprehensive Plan*, together with amendments to the zoning text and/or map adopted to achieve its goals and objectives, will further the protection and enhancement of the Village's environmental resources and will not pose significant adverse impacts.

Socio-economic Resources

The proposed *Comprehensive Plan* recommends preserving, restoring and revitalizing Port Chester's housing stock and neighborhoods through strategic upzonings in existing multi-family residential neighborhoods and enforced building code regulations. Also, the proposed Plan encourages a mandate for all homes with accessory apartments to be owner-occupied to help ensure property maintenance and reduce the potential of tenant exploitation by an absentee landlord.

The proposed Plan, as effectuated by amendments to the zoning text and/or map, also encourages a range of housing types and densities to help balance future service costs. The Proposed Action will reduce overall potential density, thereby reducing population and associated impacts to traffic, infrastructure and the Port Chester Rye Union Free School District (School District). A range of housing types, including specialized housing options for the elderly, handicapped and young adult population, will assure a diversity of housing types in the Village, including multi-

family and affordable units. Strategic residential upzonings in select districts outlined in the Proposed Action will allow the Village to help protect neighborhood character through compatible scale, density and aesthetics.

The Lead Agency finds that the Proposed Action will not result in a substantial adverse impact on the socio-economic resources of the Village and encourages multifamily housing and mixed use in strategic districts (i.e., C5, C5T and PMU).

To help improve baseline economic conditions in the Village, the proposed *Comprehensive Plan* recommends strengthening and expanding business opportunities through supportive financing and redevelopment tools. Leveraging supportive industries in the Downtown Business District will help promote quality of life through new business and career ventures. The Lead Agency finds that the proposed *Comprehensive Plan*, together with amendments to the zoning text and/or map adopted to achieve its goals and objectives, will encourage positive economic expansion tailored to further the Village's economic development visions and will not significantly impose adverse impacts on the Village.

Infrastructure and Community Facilities/Resources

Overall, the proposed *Comprehensive Plan*, together with effectuating zoning modifications, seeks to maintain and enhance public infrastructure systems and services via preserving the quality of life and commerce within the Village.

SEQRA recognizes the importance of assessing the Proposed Action's impacts on a community's infrastructure and vital services, including police, fire protection, schools, emergency services, public works and recreation facilities. In terms of water supply, United Water Company provides four connections to the Village; however, the water pipes are substandard and require upgrading to increase capacity through cost-effective measures. The overall water system provides a separate storm and sanitary sewer system, and the proposed *Comprehensive Plan* recommends the maintenance and replacement of any inadequate pipes to better serve the needs of Port Chester residents. The stormwater collection system covers thirty-five (35) miles of storm sewers. The system is aging, and the proposed Plan suggests upgrading and replacing strategic sections in order to better manage stormwater runoff to the Byram River. Overall, the proposed *Comprehensive Plan* finds that areas of lower intensity planning strategies, i.e. upzoned districts, will likely have less adverse impact on the Village's infrastructure and community resources. The proposed *Comprehensive Plan* also encourages mitigation measures such as the improvement, upgrade or replacement of aging water and sewer infrastructure to reduce potentially adverse impacts from future development in the Village.

The Village of Port Chester Police Department has five divisions and provides protection in the Village. The Village of Port Chester Fire Department provides fire protection and emergency services to all of Port Chester in addition to nighttime services to neighboring Village of Rye Brook. The Proposed Action recommends adequately supporting the duties, responsibilities, staffing and

training of personnel to protect the health, safety and welfare of Port Chester residents. Doing so will help promote a high quality of public services for the comfort of residents and business owners. Because the Proposed Action anticipates a net reduction in dwelling units, there will be no additional burden imparted; however, a redistribution of employees and/or services may be required in the High Intensity Planning Zones.

Recreational facilities will also be enhanced as a result of the proposed *Comprehensive Plan*. It recommends maintaining and enhancing Village community resources in order to provide a sustainable and high quality parks and recreation system, providing and activating recreational programming for residents of all ages, and connecting neighborhoods, parks and the waterfront through pedestrian/bicycle friendly facilities.

Overall, the Lead Agency finds there will be no significant adverse environmental impact on community facilities and services as a result of the proposed *Comprehensive Plan*, together with amendments to the zoning text and/or map adopted to achieve its goals and objectives.

Transportation

The proposed *Comprehensive Plan* to manage all transportation systems in the Village of Port Chester, including roadways, public transit, and bicycle and pedestrian facilities. More specifically, the proposed *Comprehensive Plan* recommends managing the roadway network by investing in operational and reconstruction improvements, including the creation and implementation of a 10-year plan and the feasibility of reconfiguring Main Street and Abendroth Avenue from two-way streets to one-way streets. Managing traffic through signal timing upgrades and Village-wide congestion management studies is also recommended by both the Proposed Action and the *Route 1/North Main Street Corridor Study* (2012).

In terms of public transportation, the proposed *Comprehensive Plan* encourages investing in mass transit as a means to help reduce vehicular congestion and parking demand. The proposed *Comprehensive Plan* supports efforts to develop a comprehensive parking approach in select residential and downtown areas. Shared parking or additional parking structures are suggested to help alleviate parking constraints as recently outlined in a parking feasibility study¹. Additionally, collaborating with Westchester County, the Metropolitan Transportation Authority, and other state/regional transportation agencies will help identify transit supply and demand linkages, aimed to reduce parking demand.

The proposed Plan also promotes improved bicycle and pedestrian facilities, including promoting infrastructure investments and creating a citizens advisory group to help provide strategies for a convenient and safe network. Additionally, the proposed *Comprehensive Plan* recommends public safety considerations, including developing walkways to and along the waterfront; linking

¹ *Preliminary Parking Garage Feasibility Analysis*, Desman Associates (2012); *Route 1/North Main Street Corridor Study* (2012).

sidewalks into a continuous system; and creating design standards for all bicycle and pedestrian initiatives, especially at public parks, schools and buildings.

The Lead Agency finds that the proposed *Comprehensive Plan*, together with amendments to the zoning text and/or map adopted to achieve its goals and objectives, will not result in significant adverse impacts to transportation systems in the Village of Port Chester. Although more traffic may occur in the High Intensity Planning Zones, traffic will be reduced in the Limited Intensity Planning Zones and in the upzoned residential areas, resulting in an overall decrease of traffic impacts.

ALTERNATIVES

The GEIS evaluated the No Action Alternative (existing zoning). Additionally, two detailed analyses for the proposed PMU Planned Mixed Use district, including the proposed district zoning and a variant of the district, as well as a detailed assessment of the proposed DW Design Waterfront district were completed.

Under the No Action Alternative, land use development would continue to be regulated by the existing zoning, site plan, subdivision and other land use regulations guiding the physical development in the Village of Port Chester. This alternative would not further the Village's long-term planning goals and would prevent the Village from achieving its vision for the future. Without the adoption and implementation of the proposed *Comprehensive Plan* and effectuating zoning amendments, many of the public benefits identified would not be realized. While the existing regulations may be sufficient to protect natural resources, one benefit of the proposed *Comprehensive Plan* is that it suggests a manner in which the Village can accommodate growth while enhancing community character and protecting its valuable resources. The proposed *Comprehensive Plan*, as implemented by consistent amendments to the zoning text and/or map, will generate positive impacts, such as the flexibility for additional mixed-used development, the expansion of open space, a reduction in School District costs, and upgrading aging infrastructure services. Alternatively, development under the current zoning may potentially exacerbate usage and demand for public facilities and services, induce increased traffic volumes and congestion, and impair environmentally sensitive areas. Further, economic development potential in some areas could be limited. The absence of the proposed *Comprehensive Plan* and implementing zoning amendments would place the Village in a position of reacting to development instead of being proactive in its efforts.

Proposed PMU Planned Mixed Use District

The GEIS assessed three broad alternatives, a No Action Alternative (existing zoning) and two alternatives zoning amendments for the proposed PMU Planned Mixed Use district.

Detailed analysis was conducted for the former United Hospital site for several reasons. First, it is a gateway into the Village of Port Chester from Interstate 95 / Interstate 287. Second, the site's

large size (approximately 15.4 acres) is unusual in southern Westchester County and can provide exceptional redevelopment potential for the Village. Because the site has the potential to provide such redevelopment value, determining appropriate land uses and densities was an iterative process discussed among the Comprehensive Plan Advisory Committee (“CPAC”), project consultants, and the public over a five (5) year period². Additional information was derived from the *Route 1/North Main Street Corridor Study* (2012), which recommended repositioning the Route 1 corridor as a network of clustered, retail nodes in conjunction with mixed use buildings to strengthen the corridor’s competitive share of the regional market.

The No Action Alternative for this site would retain the existing R2F Two Family Residential zoning. Under this scenario, a maximum build-out potential of 240 dwelling units is permitted by-right and can include both single and two-family structures. The R2F district does not permit non-residential uses, which does not further the Proposed Action’s recommendations for mixed uses. Moreover, the site could remain vacant or underutilized if the No Action Alternative is adopted. Benefits derived from a No Action Alternative include lower densities, potentially more open space due to the general character of a residential district, and potentially less obstructed sight lines to and from the district. The associated impacts, as previously outlined, would likely be minimal except for potential impacts incurred by the School District; however, as noted in the GEIS, the impacts of any residential development on the School District would depend on the type and mix of units, understanding that an efficiency unit will likely generate fewer public school children than a two or three-bedroom unit.

The owner of the property in this district has proposed a rezoning to a PMU district which differs from that recommended in the proposed *Comprehensive Plan* (discussed below), primarily by allowing increased density (the “Increased Overall Density Scenario”). In addition to the proposed zoning text and map amendments, the owner has advanced a development proposal that has both residential and commercial uses, which would be generally consistent with the proposed *Comprehensive Plan’s* recommendation for mixed uses in this area. One factor relevant to these Findings, and addressed further below, is whether the Village Board of Trustees prefers to await the site-specific environmental and land use review before determining what amended zoning text and map for this site would be most consistent with the goals and objectives of the proposed *Comprehensive Plan*. Such a site-specific assessment is (properly) not included in this GEIS but would be in the Environmental Impact Statement (“EIS”) that would be prepared for the owner’s proposal. For example, as noted below, the proposed *Comprehensive Plan* recommends efficiency (studio) and one-bedroom units targeted to serve young professionals, empty nesters or a combination of both to reduce potential impacts to the School District; to the extent the owner’s proposal incorporates that recommendation, it could avoid adverse impacts to the District.

The more limited PMU zoning scenario proposed in the GEIS allows a mix of land uses as recommended by the proposed *Comprehensive Plan*. The range of uses for the decommissioned

² As referenced in Board of Trustees meetings and CPAC workshops (May 16, July 16, 2012).

hospital at 406 Boston Post Road includes residential, commercial, office and community facilities. Under this PMU district, each land use is assigned a specific floor area ratio (FAR) with varying zoning allowances for both non-restricted and age-restricted residential development. Table 1 outlines the different FARs by land use.

Table 1 Proposed PMU District FAR Allotments by Land Use

Land Use	Permitted FAR
Hotel/Conference Center	0.40
Commercial	0.20
Unrestricted Residential	0.20
Age Restricted Residential	0.30
Community Facility	0.10

See §345-62 in the *Zoning Text and Map Amendments* for additional detail.

As indicated in Table 1, the maximum FAR allowed for a hotel/conference center is 0.40; the maximum FAR allowed for commercial and unrestricted residential is 0.20; the maximum FAR for age restricted residential is 0.30; and the maximum FAR allowed for a community facility is 0.10. All land uses, when combined, cannot exceed a permitted FAR of 0.8³. The variation of density by land use is designed to provide a range of opportunities that does not reduce the overall density permitted in the existing R2F district.

The maximum build-out potential for this scenario, inclusive of maximizing residential potential, resulted in a possible 432 dwelling units and approximately 336,000 square feet of non-residential space. The associated impacts would likely affect the existing infrastructure and transportation systems as well as the School District to a greater extent than the No Action Alternative due to the increase in dwelling units/development potential. However, the proposed *Comprehensive Plan* recommends efficiency (studio) and one-bedroom units targeted to serve young professionals, empty nesters or a combination of both, which is incorporated into this PMU scenario. Thus, a development under this scenario would be expected to reduce undue burden to the School District. Also, senior housing, to the extent included, would help reduce traffic and School District impacts. However, as with each alternative scenario, the precise impacts could vary based on specific development proposals.⁴ Furthermore, even if this PMU alternative is adopted, the zoning regulations would be subject to modification based upon a site specific EIS and evaluation of the parameters of a proposal submitted by the property owner.

³ A 0.2 FAR bonus up 1.0 FAR can be achieved pursuant to §345-67 of the Zoning Code Text and Map Amendments.

⁴ The Board notes that the owner submitted information regarding asserted comparables by which to gauge the number of school children from its proposal. That information is part of the GEIS; however, a detailed analysis of such a submission best awaits a site-specific review of a particular proposal

The Increased Overall Density Scenario studied in the GEIS mirrors the rezoning proposal of the owner noted above. The proposal includes a permitted and unrestricted FAR to be 1.60 for all land uses combined – not apportioned by land use. This approach could afford additional development flexibility. Under this alternative PMU scenario, the maximum build-out potential results in 820 dwelling units and 20,000 square feet of non-residential space. The proposal – and proposed PMU district – provides a specific mix of residential and non-residential uses. The property owner conducted independent studies, which posited fiscal and socio-economic benefits, including job creation and tax generation. Although this scenario complies with the proposed *Comprehensive Plan's* general recommendation to increase mixed use development opportunities, the scenario could have potential adverse impacts imposed on local traffic patterns, water and sewer line capacities, and costs to the School District. As noted above, however, the extent to which potential impacts are realized would depend on the actual development proposal.

Overall, both PMU scenarios align with the recommendations of the proposed *Comprehensive Plan* by offering a mixed use landscape with housing targeted to efficiency (studio) and one and two-bedroom units. However, the owner's proposed PMU district, by allowing 820 dwelling units, exceeds the maximum build-out potential of either the No Action or proposed PMU scenario of 242 and 432 dwelling units, respectively. Such an increase has a greater potential than the other two alternatives to adversely affect the School District and existing transportation and infrastructure networks.⁵

There are, of course, potential variations to the alternative scenarios for the former United Hospital site based on the range of impacts identified in these alternatives. For example, the existing zoning could be modified to allow commercial uses, thus providing for a mix of uses. It could also be amended to restrict the types of housing units, thus limiting certain potential impacts. The potential for such variations has been considered by the Village Board of Trustees in making these Findings.

Proposed DW Design Waterfront District

The GEIS generically analyzed the proposed DW Design Waterfront district, located from Willett Avenue and Mill Street on the eastern side of Abendroth Avenue and including a portion on the north side of Mill Street from the Byram River to North Main Street (**See Appendix F**), at the request of the Mayor and discussed at the October 22, 2012 Board of Trustees Meeting (**See Appendix D, p. 39, Lines 16-23**). The proposed DW district recommends an FAR of 1.6 with rear, front, and side yard setbacks in addition to a parking requirement. There is also a proposed reduction in building story height. The proposed DW district is in concert with the proposed *Comprehensive Plan*, i.e. providing more appropriate land uses along the Byram River waterfront, improving sightlines to the water's edge and helping to manage potentially adverse environmental

⁵ Concerns regarding additional public school children generated and impacts to transportation and infrastructure were expressed by CPAC, the Board of Trustees and the public throughout the *Comprehensive Plan* process.

impacts through specific dimensional regulations. However, it will reduce development potential due to setback and FAR restrictions as well as the inclusion of a parking requirement.

CONCLUSION

The Lead Agency finds that the Proposed Action, as described below, is consistent with the goals and objectives of the Village of Port Chester, that such objectives are reasonable, taking into account all of the circumstances, characteristics and environs of the Village, and that the alternatives required to be studied in the Scoping Document were studied to sufficient degree to permit the Lead Agency to make a determination. The proposed *Comprehensive Plan* seeks to balance growth and development with the protection of neighborhood and Village character through the use of targeting appropriate land use and zoning strategies, i.e. strategic upzonings in select residential districts and strategic downzonings in select non-residential districts. The overall vision of the Proposed Action includes the reduction of density on a Village-wide basis in order to reduce environmental impacts to transportation, infrastructure, the visual landscape, economics and the School District. The amendments to the zoning text and map described below are consistent with the overall goals and objectives of the proposed *Comprehensive Plan*.

Proposed PMU Planned Mixed Use District

The Proposed Action provides a range of land uses and densities for the proposed PMU district, including residential, commercial, office and community facilities.

The range of alternatives for the zoning of the former Untied Hospital site, as noted above, includes a No Action Alternative scenario and two variants of the proposed PMU district, whereby maximum build-out potential and generic impacts (land use and zoning, transportation, infrastructure, visual, environmental and fiscal) were evaluated.

The Village finds, with respect to the former United Hospital site, that the following zoning amendments would be consistent with the Comprehensive Plan: **[choose one]**

Option 1

The No Action Alternative scenario would maintain the existing R2F Two Family Residential zoning, which does not permit non-residential uses and thus may not be in concert with the proposed *Comprehensive Plan*. The potential adverse impacts of this alternative, pursuant to the GEIS, are primarily in regard to impacts on the School District. In light of the owner's extant proposal to amend the zoning text and map for this site, and for a specific redevelopment of the property, the Village Board of Trustees finds that the best approach to assure consistency with the Comprehensive Plan and overall Village interests is for that proposal to undergo a site-specific environmental review under SEQRA. This would allow the Village Board of Trustees, which is the designated Lead Agency for that environmental review, to consider the detailed site-specific impacts of the particular proposal, rather than relying on the generic assessment in the GEIS. That

site-specific review would analyze in detail the potential impacts of the proposed rezoning on critical areas of concern, including transportation, infrastructure and the School District, and would incorporate any proposed measures to mitigate any adverse impacts. The assessment in a generic EIS, such as prepared for the Proposed Action, properly and appropriately did not contain the level of detail that can be ascertained through a site-specific SEQRA review.

Option 2

The PMU Planned Mixed Use district aligns with the overall goal for mixed uses in the Proposed Action. Specifically, the proposed district includes the appropriation of FARs by land use with a permitted combined FAR density of 0.80, bonusable up to 1.0⁶ (**Table 1**). With a potential maximum build-out of 432 dwelling units, associated impacts would likely affect the surrounding transportation and infrastructure systems and, with the increase in potential dwelling units from 240 (existing R2F district) to 432, potentially burden the School District. One measure to help reduce potential School District impacts is the allowance of only efficiency (studio), one bedroom and two bedroom units. Moreover, the permitted 0.30 FAR for age restricted housing will likely reduce traffic, infrastructure and School District impacts. Overall, this alternative, which is part of the Proposed Action, appears to best meet the goals and objectives of the Comprehensive Plan. However, given the pending application by the owner for zoning amendments accompanied by a specific redevelopment proposal, it is possible that some variant of this district could be found, after a site-specific review, to be as or even more consistent with the proposed *Comprehensive Plan*.

Option 3

The owner's proposed PMU district includes a mix of residential and non-residential uses and thus aligns with this broad-based goal of the Proposed Action. The proposal recommends a bulk FAR of 1.6 with no specific appropriation of FAR by individual land use. The provision of an overall FAR, rather than having the FAR limited to specific uses, would provide more flexibility than the PMU district that is part of the Proposed Action. However, this increased FAR could result in a potential build-out of 820 dwelling units and 20,000 square feet of non-residential space, and potentially adversely affect transportation and infrastructure systems. Although the recommended unit structure of efficiency (studio), one bedroom and two bedroom units would serve to limit potential impacts to the School District, and specific development proposals might include measures to mitigate any significant adverse effects, the permissible density would tend to exacerbate the potential for adverse impacts, even with a site-specific review of the owner's development proposal.

As noted above, the owner's proposed zoning amendments are accompanied by a detailed redevelopment proposal, which will be subject to a site-specific review. Although the owner has provided certain preliminary information relating to that proposal, that information cannot

⁶ Pursuant to §345-67 of the Zoning Map and Text Amendments.

substitute for the comprehensive evaluation to be undertaken pursuant to SEQRA and Village Law. Such a further assessment is of particular significance given the importance of the area to Village planning, and thus to the public interest. Accordingly, while the Village Board of Trustees may consider amendments to the zoning arising from the owner's proposal, that consideration would follow and be predicated upon the comprehensive site-specific evaluation.

Based on the foregoing, the Village Board of Trustees approves the No Action Alternative scenario for the former Untied Hospital site, with the explicit condition that the owner's proposal for rezoning and redevelopment of that site will be the subject of a detailed, comprehensive site-specific environmental review under SEQRA that would precede any modifications to this district.

OR

approves the PMU Planned Mixed Use district, recognizing that the owner's proposal for rezoning and redevelopment of that site and concomitant detailed, comprehensive site-specific environmental review under SEQRA could result in modifications to this district.

OR

approves the Increased Overall Density Scenario, recognizing that the owner's proposal for rezoning and redevelopment of that site and concomitant detailed, comprehensive site-specific environmental review under SEQRA could result in modifications to this district.

Proposed DW Design Waterfront District

Another detailed zoning alternative analyzed was the proposed DW Design Waterfront district, from Willett Avenue and Mill Street on the east side of Abendroth Avenue and including a portion on the north side of Mill Street from the Byram River to North Main Street, after potential development concerns were raised by Village officials and the public (**See Appendix C**).

Option 1

With the adoption of the proposed DW Design Waterfront district, from Willett Avenue and Mill Street on the east side of Abendroth Avenue and including a portion on the north side of Mill Street from the Byram River to North Main Street, there is a reduction in development potential of approximately fifty (50) percent or almost 422,000 square feet due to the increased setback regulations and a reduction in FAR (**See Appendix F**). These dimensional regulations ultimately reduce the 'development envelope' of a parcel, thereby reducing the amount of commercial space available. Benefits of the proposed DW district include the preservation of sightlines to the Byram River waterfront through a building height and land use intensity 'step-down' approach and setback regulations that will likely reduce the amount of impervious surface and environmental impacts to the Bryam River. The proposed district is also in concert with the *Local Waterfront Revitalization Program* (1992) that encourages water-dependent uses.

Option 2

The elimination of the proposed DW Design Waterfront district, from Willett Avenue and Mill Street on the eastern side of Abendroth Avenue and including a portion on the north side of Mill Street from the Byram River to North Main Street (**See Appendix F**), will maintain the area's existing zoning, C2 Central Business. As part of the Proposed Action, the remainder of the existing C2 Central Business district is proposed to be C2 Main Street Business to allow for more appropriate land uses in the overall downtown area. The same bulk requirements, i.e. FAR and setbacks, remain consistent between the two C2 districts with the exception of a potential density bonus available in the proposed C2 Main Street Business district. There is also a change in permitted building height from eight stories (70 feet) to five stories (60 feet), respectively. Both of these districts are potentially inconsistent with the proposed *Comprehensive Plan* and *Local Waterfront Revitalization Program* (1992) for this area due to permitted building heights and lack of permitted water-dependent uses.

Option 3

The adoption of a modified DW Design Waterfront district with appropriate dimensional regulations and schedule of permitted water-dependent uses is in concert with both the proposed *Comprehensive Plan* and *Local Waterfront Revitalization Program* (1992). A modified district boundary will create a rational nexus between portions of the Abendroth Avenue/Mill Street and desired water-dependent uses. Further, dimensional regulations, including FAR, setback requirements, and building height cap (4 stories), will provide viable future development and public waterfront access opportunities without having significant, adverse impacts to the surrounding environs within the thresholds recommended and evaluated, respectively, in the FGEIS **Appendix F**.

Based on the foregoing, the Village Board of Trustees:

approves the adoption of the proposed DW Design Waterfront district with the proposed dimensional regulations and uses, thereby furthering the overall goals recommended by the proposed *Comprehensive Plan* and the *Local Waterfront Revitalization Program* (1992);

OR

approves the elimination of the proposed DW Design Waterfront district in favor of retaining the existing C2 Central Business district zoning, which is proposed to become C2 Main Street Business. Both C2 districts are not consistent with the proposed *Comprehensive Plan* and the *Local Waterfront Revitalization Program* (1992) in terms of maximum building heights along Abendroth Avenue.

OR

approves the adoption of a modified DW Design Waterfront district along Abendroth Avenue/Mill Street with appropriate dimensional regulations and schedule of permitted water-dependent uses

in concert with both the proposed *Comprehensive Plan* and *Local Waterfront Revitalization Program* (1992).

Summary

Based upon the foregoing, having considered the relevant environmental impacts, facts and conclusions disclosed in the Generic Environmental Impact Statement; having weighed and balanced relevant environmental impacts with social, economic, transportation, community facilities and other considerations; and having set forth the rationale for its decision in the foregoing Findings, the Lead Agency now certifies that the requirements of New York Code of Rules and Regulations Part 617, Title 6 have been met; and further certifies that, consistent with social, economic and other essential consideration from among the reasonable alternatives available, the Proposed Action [as modified herein with regard to the former United Hospital site and/or DW Design Waterfront district] is one that avoids or minimizes adverse environmental impacts to the maximum extent practicable.

For Final Generic Environmental
Impact Statement (FGEIS)
Click on the Link Below

[FDGIS Final](#)

or

[http://www.portchesterny.com/Pages/PortChesterNY_Webdocs/FINAL%20PCH%20FGEIS%20COMPILE
D%20DEC%2014.pdf](http://www.portchesterny.com/Pages/PortChesterNY_Webdocs/FINAL%20PCH%20FGEIS%20COMPILE
D%20DEC%2014.pdf)

MEMORANDUM FROM THE VILLAGE ATTORNEY

TO: Mayor and Board of Trustees
THRU: Christopher D. Steers, Village Manager
FROM: Anthony M. Cerreto, Village Attorney *AC*
DATE: December 13, 2012
RE: Housing Rehabilitation Program

In anticipation of the discussion item for the December 14, 2012 meeting, Attorney Rose Noonan will be in attendance.

Attached are additional copies of her DRAFT Rehabilitation Program and DRAFT Agreement that would afford the Village greater flexibility in the use of the funds proffered in relation to the Mariner and Castle Projects.

The applicant's attorney, Anthony Gioffre, and I have been in close consultation as to the draft agreement. We agree that there will need to be two separate agreements, one for each parcel. He has identified the signatory for the Mariner Project, Lou Madigan and needs to speak to ownership about the Castle Project. He has advised that he is prepared to finalize the agreements after Board authorization and approval.

Attachments

cc: Rose Noonan

**Village of Port Chester
Rehabilitation Program**

Draft
6/15/12

Introduction

The Village of Port Chester plans to initiate a Housing Rehabilitation Program to stabilize its existing housing stock and neighborhoods. The primary source for funding for such initiative will be the fees proffered by the developer of *The Castle* and *The Mariner* and future developments that will pay into an Affordable Housing Fund. The following outlines the following:

- Background of the contributions to the Affordable Housing Fund
- Re-structuring Issues for the Affordable Housing Fund
- Locational Targeting
- Primary Objective of Housing Rehabilitation Program
- Elements of Program Design – Eligible Applicants; Type of Assistance; Enforcement Mechanism, etc.
- Administration & Costs
- Other Sources of Funding

The Castle

The Board of Trustees, in its Negative Declaration Determination dated March 23, 2006 on an action to re-zone a 1.44 acre parcel on Willet Ave and Abendroth Place from RA-3 to C-2 and to amend the Special Exception Use criteria on a setback requirement, accepted the developer's offer to contribute \$200,000 to set up an Affordable Housing Fund. (The Castle is an 4 story multi-family residential project with a parking garage and commercial space – originally proposed as 83 units but later increased to 120.)

BE IT FURTHER RESOLVED, that the offer of the applicant to contribute of the sum of \$200,000 is hereby accepted. Said funds shall be utilized for the establishment of an "Affordable Housing Incentive Fund" to assist qualified moderate income families to acquire affordable housing. Such funds may be applied to down payments and other customary closing costs and expenses incurred in such acquisitions or in such manner as the Board of Trustees may determine to promote the goal of affordable home ownership. If appropriate, the qualifications for family participation in the program shall be as determined by the Village authority. The applicant shall tend the said sum no later than the application for a building permit for the construction of 83 units. Said Fund shall be administered by the Board of Trustees or its designee and shall provide benefits, consistent with the provisions of Code Section 345-18(J) which states, "*Preference for moderate-income housing units shall be given to Port Chester residents and employees of the Village of Port Chester, including volunteer*

firefighters, and the Port Chester School District."

The Mariner

The Marine is a 100 unit residential building with a parking garage, waterfront walkway and a 25 slip marina. The Planning Commission on January 25, 2010 gave Final Site Plan Approval condition on the following:

The applicant shall deposit a payment of six hundred thousand dollars (\$600,000.00) into the Village Affordable Housing Fund, prior to the Issuance of a Building Permit.

Issues

1. Has the Village set up a distinct "fund" or financial account for these funds?
2. The Affordable Housing Fund as crafted to date limits its use to the promotion of affordable homeownership. ("Such funds may be applied to down payments and other customary closing costs and expenses incurred in such acquisitions or in such manner as the Board of Trustees may determine to promote the goal of affordable home ownership.") The Village will need to "re-establish" the Fund and consider whether they want to maintain the Fund in-house or establish a not-for-profit or use an existing not-for-profit organization to accomplish the objectives of the funds.

Targeted Housing Rehabilitation Program

In order to have an impact, it is recommended that the Housing Rehabilitation Program target the Neighborhood Revitalization Strategy Area (NRSA) which is comprised of 16 contiguous of the 28 census block groups in the Village and is primarily residential. (See attached.)The population of the NRSA represents 67.6% of the Village population and 79.4% of the Village low/moderate income population. The Village has already determined that the rehabilitation of housing units, especially multifamily buildings, in the NRSA is necessary. A goal of the NRSA Plan for FY 2009-2013 is the stabilization of the existing housing stock by rehabilitating single-family and multi-family units. Further support of the Housing Rehabilitation initiative is provided in the draft Comprehensive Plan Update. Its first Housing Recommendation is to "Preserve, restore and revitalize Port Chester's housing stock and neighborhoods" by encouraging the revitalization of the existing housing stock."

It is also recommended that the Housing Rehabilitation Program complement the Village's Code Enforcement Program by linking the resources of the rehabilitation program with code enforcement efforts. This too is supported in the Village's NRSA Plan – "Housing inspections must be increased to eliminate illegal apartments and rehabilitation of housing units is necessary" and "Stabilize existing housing stock by reducing and eliminating housing code violations." and in the draft Comprehensive Plan Update – "Continue to enforce codes and occupancy limits in all types of housing units".

Program Design

Goal: To stabilize the existing housing stock and neighborhoods in the Neighborhood Revitalization Strategy Area.¹

Strategies:

1. To concentrate housing rehabilitation activities in one or more neighborhoods/census blocks at a time;
2. To identify single family and multi-family properties with code violations or health and safety hazards through linkage with the Village's Code Enforcement Program;
3. To make loans, including deferred loans, to owner occupants of one to four family properties and to owners of rental properties of 10 or fewer units

Eligible Applicants:

1. Owners of rental properties of 10 or few units – at least 50% of the units must be occupied by tenants whose household incomes are at or below 80% of the median income of Westchester County.
2. Owner-occupants of one to four units with household incomes at or less than 80% of the median income of Westchester County, including new homebuyers.

Household Income Limits as of June, 2012

One Person Household -- \$60,450
Two Person Household -- \$69,050
Three Person Household -- \$77,700
Four Person Household -- \$86,300

Eligible Repairs:

1. Removal of hazardous code violations
2. Repairs related to health and safety, including but not limited to electrical and plumbing repairs, roof repairs and replacement, and replacement of heating systems
3. Repairs that prolong the useful life of a structure or system and/or energy conservation improvements done in connection with removal of hazardous code violations and/or repairs for health and safety

¹ The program design is focused on neighborhood stabilization, including reducing code violations, making residences safe, and reducing illegal occupancies.

Type of Assistance²:

For Rental Properties: Term of the loan and interest rate to be based on the property's income and expense. Includes a possibility of a full or partial deferred loan due at transfer of ownership.

For Owner Occupied Properties: Term of the loan and interest rate based on homeowner's ability to cover additional debt. Includes a possibility of a full or partial deferred loan due at transfer of ownership.

Maximum Loan Amount: \$50,000³ (Direct Loan or Interest Subsidy⁴)

Conditions:

1. Rental Properties:

- a. At least 50% of the apartments must be occupied by households with incomes at or less than 80% of median income with rents affordable to households at 50% of median income with occupancy standards for all the units.⁵

Maximum Rents as of June, 2012 (assuming owner pays all utilities)

One Bedroom -- \$1013

Two Bedroom -- \$1215

Three Bedroom -- \$1340

Occupancy Standards

1 Bedroom -- 1 to 3 person households

2 Bedrooms -- 2 to 5 person households

3 Bedrooms -- 3 to 5 person households

- b. The property is inspected annually to determine continue compliance with the Housing Code.

2. Owner-Occupied Properties: must occupy home as his/her primary residence. No income requirements imposed on rental units if applicable.

² The type of assistance will depend upon the applicant's ability to incur additional debt depending on the property's income and expense in the case of rental properties and the applicant's household income in the case of owner occupied properties. This approach responds to the experience of municipal and not-for-profit operated housing rehabilitation programs throughout the New York metropolitan area that most applicants are unable to incur additional debt on the property for repairs.

³ The maximum amount is based on the experience of local rehabilitation programs, i.e., this level of funding is needed to effectively remove code violations and make health and safety repairs, i.e., the type of repairs targeted under this program.

⁴ If the applicant can carry additional debt and is credit worthy, the Program Administrator will assess whether an Interest Subsidy would be feasible, e.g., reduction of an interest rate from 5% to 2%, as an Interest Subsidy would be less costly to the program than a Direct Loan.

⁵ The objective is to incentivize prospective renters at the higher income eligibility categories to rent apartments in the targeted neighborhoods and at the same time provide housing that is affordable to a lower income household.

Enforcement Mechanism: Mortgage and Note in favor of the Village of Port Chester

Administration:

Tasks: Community Outreach
Coordinate with Code Enforcement Office
Review Applications for Income Eligibility
Inspect Properties
Prepare Scope of Work and Solicit Bids
Qualify Contractors
Prepare Contracts with Property Owner
Oversee Rehabilitation
Determine Terms of Financial Assistance
Coordinate with Banks
Prepare and Record Mortgages
Conduct Annual Inspections & Review of Rents & Tenancy
Financial Recording Keeping & Disbursements
Program Reports
Fund Development
Coordinate with other Funding Sources, e.g., LeadSafe Westchester

Proposed Annual Cost (assuming an Affordable Housing Fund of \$800,000 with an average loan of \$35,000 for 20 to 25 properties)

Program Director --	\$65,000
Fringe (22%)	<u>14,330</u>
	\$79,330

Rehabilitation Specialist	57,500 (est. at \$2500/property)
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Office Services	<u>10,000</u> (office space, telephone, bookkeeping, reproduction, etc.)
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TOTAL	\$146,830⁶
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Other Sources of Funds

The Affordable Housing Fund can be supplemented with funding from other sources:

NYS Division of Homes & Community Renewal (HCR) -- Through the Consolidated Funding process, applications will be entertained by July 11, 2012 for Local Program Administrator funding which can be used to support a Housing Rehabilitation Program. The program funding limits is \$500,000.

⁶ It is important to have a person dedicated to implementation of the program. This could be done in-house with an additional staff person or contracted to a not-for-profit organization.






Westchester LeadSafe – This would be available on a building by building basis. Westchester County would assess the presence of lead paint hazards and could provide approximately \$8,000/unit to mitigate the hazards.

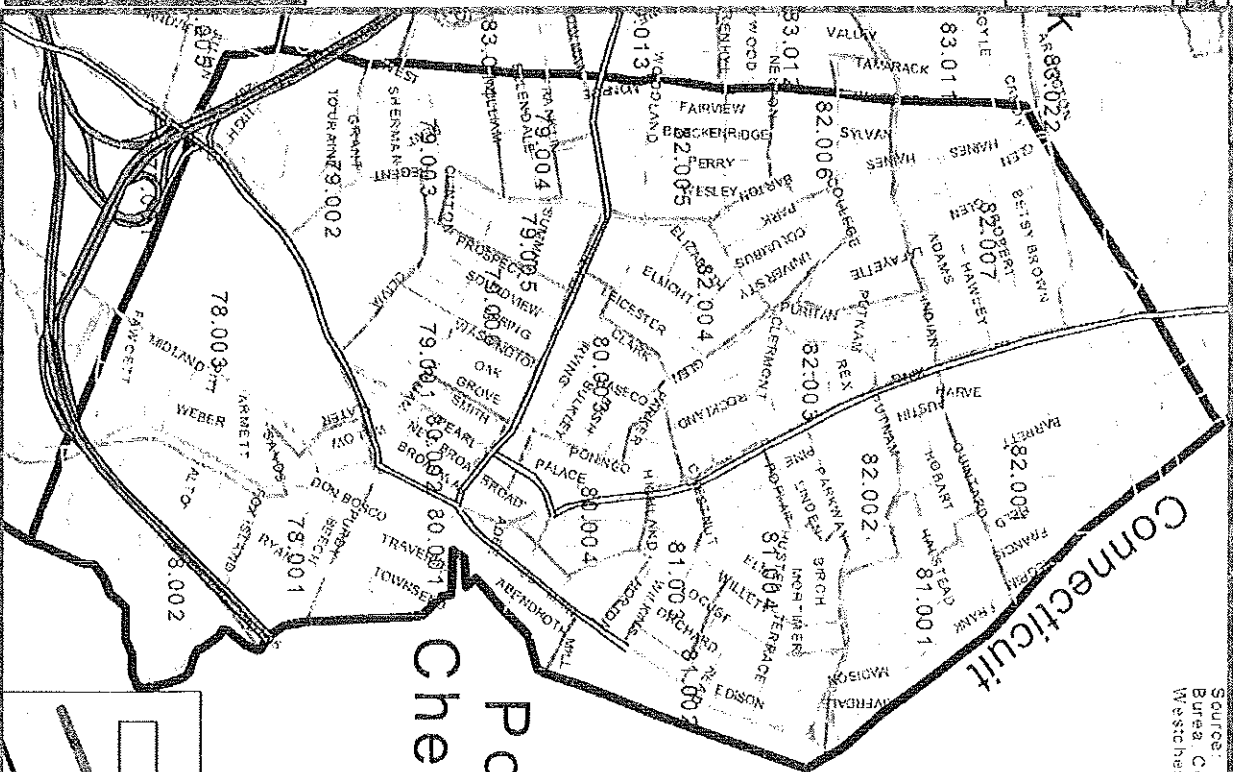
NYS Energy & Research Development Authority (NYSERDA) – NYSEDA through intermediaries has a number of programs that could be tapped on a building by building basis for energy related improvements, e.g., boiler replacement, insulation, and window replacements. The Community Environmental Center, one of the intermediaries, also has funding from HUD for similar purposes.

PORT CHESTER TARGET NEIGHBORHOOD AREAS





Source: US Dept. of HUD and the US Census Bureau, Census 2000 data. Prepared by the Westchester County Department of Planning.

LEGEND

-  Low/Mid Areas
-  Major Highway
-  Main Road
-  Municipality Boundary
-  Block Group Boundary



LEGEND

-  Low/Mid Areas
-  Major Highway
-  Main Road
-  Municipality Boundary

Source: US Dept. of HUD and
Bureau of Census 2000 data.
Westchester County Department of Planning

Port Chester

AGREEMENT

This is an agreement dated September __, 2012 between the Village of Port Chester (hereinafter "Village"), a municipal corporation with an address of 22 Grace Church Street, Port Chester, NY 10573 and Phoenix Capital Partners IV LLC, a New York corporation with its principal place of business at _____ and Phoenix Mariner LLC, a New York corporation with its principal place of business at _____ (hereinafter both corporations "Phoenix Capital").

WHEREAS in 2006 Phoenix Capital proffered \$200,000 to the Village to support housing activities that improve or expand housing opportunities in the Village;

WHEREAS the Village by resolution ____ dated March 23, 2006 and adopted by the Village's Board of Trustees accepted the contribution for the establishment of a housing fund and indicated its interest in using the funds to promote the goal of homeownership with the funds; and

WHEREAS, Phoenix Capital tendered its contribution to the Village on or about _____; and

WHEREAS, Phoenix Capital proffered an additional \$600,000 for the housing fund and the Village Planning Commission accepted it as set for in a site plan ____ resolution dated January 25, 2010 and as amended; and

WHEREAS, Phoenix Capital intends to tender this additional contribution on or before _____;

WHEREAS, it is the desire of the Village and Phoenix Capital to clarify the intent of the \$800,000 contribution and its use.

IT IS THEREFORE AGREED that the Village has accepted the proffer for the purpose of establishing a Housing Fund to be used by the Village to fund housing activities that promote improved housing conditions and housing opportunities in the Village, including administrative costs, and that the specific housing uses of the funds contributed by Phoenix Capital are in the sole discretion of the Village.

Phoenix Capital Partners IV LLC

VILLAGE OF PORT CHESTER

BY: _____

BY: _____

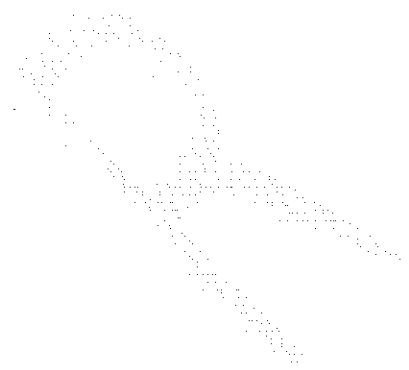
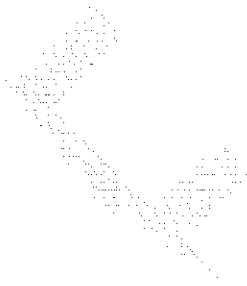
Date: _____

Date: _____

Phoenix Capital Mariner LLC

BY: _____

Date: _____



**PROPOSED MOTION
FOR
EXECUTIVE SESSION**

AWARD PRESENTATION

AFFIDAVIT OF PUBLICATION
AND
NOTICE OF PUBLICATION RE

At Ability Beyond Disability, we discover, build and celebrate the ability in all people.



VILLAGE OF PORT CHESTER

November 13, 2012

NOV 15 2012

Certified Mail:

RECEIVED *KM*

The Honorable Dennis Pillar, Mayor
Village of Port Chester
222 Grace Church Street
Port Chester, NY 10573

Re: Proposed Community Residence
Betsy Brown Road
Port Chester, NY 10573

Dear Mayor Pilla,

Last December, we wrote to inform you of our plans to develop a home for six people with developmental disabilities in the Village of Port Chester. We subsequently temporarily withdrew our notification while the State further reviewed our plans. That process is now complete and I am writing at this time to provide you with formal notification of our plan to build a home on vacant land adjacent to 51 Betsy Brown Road (tax ID #s for the property: 136.37-1-44.2, 3 and 4) pursuant to Section 41.34 of the Mental Hygiene Law. A copy is attached for you convenience.

Ability Beyond Disability is a nonprofit organization with a 60 year history of providing community services for people with disabilities. We are committed to providing opportunities for people with disabilities to participate fully in the community and, in turn, we are committed to being good neighbors and members of the community.

I would be pleased to have the opportunity to meet with you or other Village officials to discuss our plans more fully at your convenience. Thank you.

Sincerely,

Thomas H. Fanning
President/CEO

Enc.

Services throughout Western Connecticut and Hudson Valley New York

PUBLIC COMMENTS

RESOLUTIONS

**RESOLUTION MAKING LEGISLATIVE FINDINGS BY THE BOARD OF TRUSTEES
WITH RESPECT TO THE ADOPTION OF THE COMPREHENSIVE PLAN AND
RELATED ZONING TEXT AND MAP AMENDMENTS**

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, in May 2012 a draft Comprehensive Plan and draft related Zoning Text and Map Amendments were completed; and

WHEREAS, on February 6, 2012 the Village of Port Chester Board of Trustees was designated to act as Lead Agency for this Type 1 Action under the State Environmental Quality Review Act (“SEQRA”) to determine if the adoption of the proposed Comprehensive Plan and proposed related Zoning Text and Map Amendments (the “Proposed Action”) would have any significant adverse environmental impacts (which proposals were, for the purposes of SEQRA, considered together); and

WHEREAS, on April 2, 2012 the Board of Trustees of the Village of Port Chester, as Lead Agency, determined that the Proposed Action may have a significant adverse impact on the environment and that a Generic Impact Statement (“GEIS”) would be prepared; and

WHEREAS, on May 7, 2012 a Scoping Document for the Draft GEIS was adopted; and

WHEREAS, on October 1, 2012 a Draft GEIS was accepted by the Village of Port Chester Board of Trustees as adequate with respect to its scope and content for the purpose of commencing public review; and

WHEREAS, on October 22, 2012 the Village of Port Chester Board of Trustees conducted a public hearing on the Draft GEIS, and provided for a period for written comments that extended through and including November 1, 2012; and

WHEREAS, on December 3, 2012 a Final GEIS was accepted as complete by the Village of Port Chester Board of Trustees; and

WHEREAS, the Village of Port Chester Board of Trustees conducted a review of the entire record with respect to the Proposed Action (including testimony at the public hearing held on October 22, 2012 and written comments on both the DGEIS and FGEIS) and gave consideration to the potential significant adverse environmental impacts of the Proposed Action in light of the criteria set forth in the SEQRA regulations

NOW, THEREFORE, BE IT RESOLVED, by the Village of Port Chester Board of Trustees as follows:

1. Having thoroughly reviewed the record, the Village of Port Chester Board of Trustees hereby adopts the Findings Statement pursuant to SEQRA as attached hereto; and
2. The Village of Port Chester Board of Trustees' specific findings and determinations are recited in the attached Findings Statement and are hereby incorporated into this Resolution by reference.

AND BE IT FURTHER RESOLVED that the attached Findings Statement as adopted herein shall be filed and circulated to all involved and interested agencies in accordance with the SEQRA regulations, 6 NYCRR Part 617.

Approved as to Form:

Village Attorney

ADOPTION OF THE VILLAGE OF PORT CHESTER COMPREHENSIVE PLAN

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, as follows:

WHEREAS, pursuant to Village Law, Section 7-722, the Board of Trustees established a Comprehensive Plan Advisory Committee (“CPAC”) to propose the Village’s first-ever comprehensive plan; and

WHEREAS, such pro-active Board action thereupon commenced a multi-year, community-inclusive and iterative process that included the assistance of special planning consultants, special counsel and in-house planning and legal staff; an

WHEREAS, after public hearing, the CPAC proposed a draft comprehensive plan dated March 21, 2012 to the Board of Trustees; and

WHEREAS, on April 2, 2012, the Board of Trustees, as Lead Agency, determined that the comprehensive plan and enactment of related zoning amendments (“Proposed Action”), may have a significant impact on the environment and that a Generic Environmental Impact Statement (“GEIS”) be prepared in accordance with the State Environmental Quality Review Act (“SEQRA”); and

WHEREAS, after finalizing the draft comprehensive plan and enactment of related zoning amendments, a referral as made to the Westchester County Planning Board which commended the Village for undertaking this important project and recommended that the Board of Trustees adopt the same after consideration of the County’s comments and those of the Village’s residents; and

WHEREAS, the Board of Trustees held a hearing on June 18, 2012, July 16, 2012 and August 6, 2012 on the comprehensive plan and related zoning amendments and provided for a period of written comments that extended through and including August 16, 2012;

WHEREAS, on December 17, 2012, and following the Board’s separate receipt and actions on the Draft and Final GEIS, the Board adopted a Findings Statement approving the Proposed Action thereby concluding SEQRA review; and

WHEREAS, the Board finds that the Comprehensive Plan will serve as the vision for future community-based, sustained and rational decision-making in furtherance of the public interest. Now, therefore, be it

RESOLVED, that the Comprehensive Plan annexed is hereby adopted as the Comprehensive Plan of the Village of Port Chester.

APPROVED AS TO FORM:

Village Attorney

For Final Port Chester 2012
Comprehensive Plan
Click on the Link Below

THE PLAN

or

http://www.portchesterny.com/Pages/PortChesterNY_Webdocs/PORT%20CHESTER%20COMPREHENSIVE%20PLAN%20Final%20Draft%2011-30-2012.pdf

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;

WHEREAS, the Consent Decree expressly authorizes early voting for the Trustee election;

WHEREAS, the election of March 19, 2013, will allow voters to vote for the office of Mayor as well as the office of Trustee;

WHEREAS, the Village of Port Chester has determined to permit early voting for Mayor

along with early voting for Trustee;

WHEREAS plaintiffs the United States and Cesar Ruiz agree that early voting for Mayor should be allowed to ensure the efficacy of early voting for Trustee; 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 or optical scanner 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. To effectuate the purposes of the Decree under federal law, any voter wishing to vote early for Trustee may also vote early for Mayor, during the times and places set forth in paragraph 4, above. Any voter choosing to vote early for Trustee must cast their vote for Mayor at the same time and at the same place as he or she votes for Trustee, instead of voting for Mayor on Election Day.

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 AND CONSENTED TO this ____ day of _____ 2012:

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

BRIAN SOKOLOFF
Sokoloff Stern LLP
355 Post Avenue, Suite 201
Westbury, New York 11590
Tel. No.: (516) 334-4500

TIMOTHY F. MELLETT
Deputy Chief, Voting Rights Section
Civil Rights Division
U.S. Department of Justice

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
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

APPROVED AS TO FORM:

Village Attorney

AYES:

NOES:

ABSENT:

DATE:

RESOLUTION
SET PUBLIC HEARING
MODIFYING THE AMNESTY PERIOD SET FORTH IN LOCAL LAW NO. 4
OF 2012 ESTABLISHING A PERMIT AMNESTY PROGRAM

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:

RESOLVED, that the Board of Trustees of the Village of Port Chester, New York, will hold a PUBLIC HEARING on Monday, December 17, 2012, at 7:00 P.M., at the Village Justice Courtroom, 350 North Main Street, Port Chester, New York, to consider a local law that would modify the amnesty period set forth in Local Law No. 4 of 2012 establishing a Permit Amnesty Program.

APPROVED AS TO FORM:”

Village Attorney

AYES:

NOES:

ABSENT:

DATE:

**AN INTERIM LOCAL LAW MODIFYING THE AMNESTY
PERIOD WITH REGARD TO LOCAL LAW NO. 4 OF 2012
ESTABLISHING A PERMIT AMNESTY PROGRAM**

SECTION 1: Purpose and Intent.

Pursuant to Local Law No. 4 of 2012, the Board of Trustees adopted an interim local law establishing a permit amnesty program to all properties within the Village of Port Chester under certain terms and conditions. The local law provided for an application period from October 1, 2012 to December 31, 2012. The Board of Trustees finds that this period, described under the local law as the Amnesty Period, should be extended to provide more opportunity for individuals to learn and participate in the program thereby more fully satisfying the Board's intentions in establishing the amnesty program. .

SECTION 2. Section 2 of Local Law No. 4 of 2012 is hereby modified so that the application period for the Permit Amnesty Program shall be deemed to expire on April 31, 2013.

SECTION 3: Effective Date

This local law shall be effective upon due publication and filing with the Secretary of State.

RESOLUTION

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

RESOLVED, that FRANK FERRARA, residing in Port Chester, New York, be and he hereby is appointed a member of the Port Chester LOCAL DEVELOPMENT CORPORATION, in place and in the stead of Philip Siemprevivo, effective immediately, and to serve at the pleasure of the Board of Trustees.

APPROVED AS TO FORM:

Village Attorney

ROLL CALL

AYES:

NOES:

ABSENT:

DATE:

RESOLUTION

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, by resolution adopted on September 18, 2012, MVM Construction, LLC, 100 Oak Street, Mount Vernon, NY 10550 was awarded the bid for the Concrete Sidewalks and Concrete Curbs Project (Bid No. 12-05) in the amount of \$148,310.00; and

WHEREAS, the contractor has been requested to provide a proposal for work similar to that in the current contract but outside of the scope of the bid items which includes the removal and replacement of the concrete coping on the existing retaining walls and removal of the concrete bedding of the existing Belgian block curb at Memorial Park and the resetting of an existing drain inlet with associated concrete apron repair and the layout and setting of a detectable warning strip and associated construction of a new handicap ramp at Lyon Park; and

WHEREAS, MVM has submitted a proposal for this additional work in the amount of \$6,651.51; and

WHEREAS, MVM Construction LLC is already mobilized to do work under the contract at these sites and is very familiar with the full scope of the additional work and has is completing the work under the original scope of the project to the satisfaction of the Village's consulting engineer, Dolph Rotfeld, P.E., and is prepared to commence the additional work as soon as possible, and

WHEREAS, the additional funds are available in the Sidewalk/Curb Improvement Project 5.5110.400.2011.120. Now therefore be it

RESOLVED, that the proposal submitted by MVM Construction, LLC for Change Order #1 is hereby accepted in the amount of \$6,651.51 thereby increasing the total contract price from \$148,310.00 to \$154,961.51 for the Sidewalk/Curb Improvement Project 5.5110.400.2011.120.

Dolph Rotfeld Engineering, P.C.

CONSULTANTS & DESIGNERS

200 White Plains Road, Tarrytown, NY 10591 • (914) 631-8600

December 3, 2012

Mr. Chris Steers
Village Manager
222 Grace Church Street
Port Chester, N.Y. 10573

RE: Concrete Sidewalk
And Concrete Curb Replacement
Bid No. 12-05
Port Chester, New York

Dear Mr. Steers:

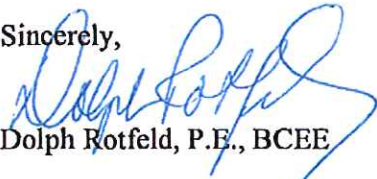
Last week a change order proposal was received from MVM Construction LLC for work similar to that in the current contract but outside of the scope of the bid items. The work includes the removal and replacement of the concrete coping on the existing retaining walls at Memorial Park, removal of the concrete bedding of the existing Belgian block curb also at Memorial Park, the resetting of an existing drain inlet with associated concrete apron repair at Lyon Park and the layout and setting of a detectable warning strip and associated construction of a new handicap ramp also at Lyon Park.

The original total bid price for this contract is \$148,310.00. The additional work is proposed to add \$6,651.51 including overhead and profit. Based on experience, it is the opinion of this office that MVM Construction's proposal represents reasonable costs for this work and the quotes are in line with prevailing estimates to complete similar work.

MVM Construction LLC is already mobilized to do work (under the contract) at these sites and is very familiar with the full scope of the additional work. MVM Construction LLC has also completed work under the original scope of the project to the satisfaction of this office and is prepared to commence the additional work as soon as tomorrow, December 4.

Please advise us of your decision to approve the additional work.

Sincerely,



Dolph Rotfeld, P.E., BCEE

C: A. Cerreto, Village Attorney
J. Richards, Village Clerk

Dolph Rotfeld Engineering, P.C.

CONSULTANTS AND DESIGNERS

200 White Plains Road, Tarrytown, N.Y. 10591 * (914) 631-8600

CHANGE ORDER

PROJECT TITLE Concrete Sidewalk and Concrete Curb Replacement
PROJECT NO. 12-05 CONTRACT NO. 12-05 CONTRACT DATE 8/2012
CLIENT Village of Port Chester CONTRACTOR MVM Construction, LLC

The following changes are hereby made to the Contract Documents:

1. Remove and replace concrete coping on existing retaining walls at Memorial Park (\$3,201.18)
2. Remove existing concrete bedding on Belgian block curb at Memorial Park (\$808.76)
3. Remove and reset one (1) existing drain inlet at Lyon Park (\$1,955.80)
4. Layout and setting of detectable warning strip at handicap ramp (\$685.77)

Justification:

The items listed above are in disrepair. The contractor possesses the resources, ability and time to restore these locations for a reasonable cost at prevailing rates.

CHANGE TO CONTRACT PRICE

Original Contract Price: \$ 148,310.00

Current contract price, as adjusted by previous change orders: \$ 148,310.00

The Contract Price due to this Change Order will be [increased] [decreased] by \$ 6,651.51

The new Contract Price due to this Change Order will be: \$ 154,961.51

Approvals Required:

To be effective, this order must be approved by the Owner if it changes the scope or objective of the project, or as may otherwise be required under the terms of the Supplementary General Conditions of the Contract.

Requested by JAMES NATARELLI Signature  date 12/3/12
Recommended by DOLPH ROTFELD Signature  date 12/3/12
Ordered by _____ Signature _____ date _____
Accepted by _____ Signature _____ date _____

RESOLUTION
ACCEPTANCE OF COURT AUDIT FOR FY 2011-2012

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

WHEREAS, Section 2019-a of the Uniform Justice Court Act requires that town and village justices annually provide their court records and dockets to their respective governing boards; and

WHEREAS, the State of New York Chief Administrative Judge has requested a copy of the Village of Port Chester's most recent examination and audit of the Port Chester Justice Court's records and a copy of the Board of Trustees' resolution acknowledging that the required examination and audit was conducted, together with a copy of the audit; and

WHEREAS, the Village has retained Drescher Malecki LLP, Buffalo, New York, as independent auditors; and

WHEREAS, the Board of Trustees was presented with the Village's audit for the Fiscal Year 2011-2012, including the Justice Court, and that same has been reviewed and is in order. Now, therefore, be it

RESOLVED, that the Village Board of Trustees acknowledges that the required audit was conducted of the Port Chester Justice Court for the fiscal year ending May 31, 2012 and hereby accepts said audit; and be it further

RESOLVED, that a certified copy of this resolution together with a copy of the audit for the aforesaid year be provided to the New York State Office of Court Administration pursuant to Section 2019-a of the Uniform Justice Court Act.

APPROVED AS TO FORM:"

Village Attorney

ROLL CALL

AYES:

NOES:

ABSENT:

DATE:

**VILLAGE OF PORT CHESTER,
NEW YORK**

*Statement of Changes in Cash Balances
and Statement of Cash Receipts and
Disbursements of the Village Justices
Year Ended May 31, 2012 and
Independent Auditors' Report*

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

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Village Justices - Statement of Changes in Cash Balances	2
Village Justices - Statement of Cash Receipts and Disbursements	3
Note to the Financial Statements	4

Certified Public Accountants

REPORT OF INDEPENDENT AUDITORS

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

We have audited the accompanying statement of changes in cash balances and the related statement of cash receipts and disbursements of the Village of Port Chester, New York, Village Justices, for the year ended May 31, 2012. These financial statements are the responsibility of the management of Village of Port Chester, New York. Our responsibility is to express an opinion 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. 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 examining, on a test basis, evidence supporting the amounts and disclosures in the financial statements. An audit also includes 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 opinion.

As discussed in Note 1 to the financial statements, these financial statements are intended to present the financial position, and the changes in financial position of the Village that is attributable to the transactions of the Village Justices. They do not purport to, and do not, present fairly the financial position of the Village as of May 31, 2012, the changes in its financial position, or, where applicable, its cash flows for the year then ended in conformity with accounting principles generally accepted in the United States of America. Additionally, as discussed in Note 1 to the financial statements, these financial statements were prepared on the basis of cash receipts and disbursements, which is a comprehensive basis of accounting other than accounting principles generally accepted in the United States of America.

In our opinion, such financial statements present fairly, in all material respects, the cash receipts and disbursements, and changes in cash balances of the Village of Port Chester, New York, Village Justices, as of May 31, 2012, and the related statements of cash receipts and disbursements during the year then ended, on the basis of accounting described in Note 1.

Drescher & Malecki LLP

September 19, 2012

VILLAGE OF PORT CHESTER, NEW YORK
Village Justices—Statement of Changes in Cash Balances
Year Ended May 31, 2012

Cash balance—June 1, 2011	\$ 420,917
Add: Cash receipts	2,717,529
Deduct: Cash disbursements	<u>2,733,877</u>
Cash balance—May 31, 2012	<u>\$ 404,569</u>

The note to the financial statements is an integral part of this statement.

VILLAGE OF PORT CHESTER, NEW YORK
Village Justices— Statement of Cash Receipts and Disbursements
Year Ended May 31, 2012

	<u>Justice Troy</u>	<u>Justice Sisca</u>	<u>Joint Bail</u>	<u>Towing</u>	<u>Total</u>
CASH BALANCE, JUNE 1, 2011	\$ 75,797	\$ 90,879	\$ 253,691	\$ 550	\$ 420,917
RECEIPTS:					
Fines, fees and other	1,010,101	1,488,161	-	8,165	2,506,427
Bail	<u>-</u>	<u>-</u>	<u>211,102</u>	<u>-</u>	<u>211,102</u>
Total receipts	<u>1,010,101</u>	<u>1,488,161</u>	<u>211,102</u>	<u>8,165</u>	<u>2,717,529</u>
DISBURSEMENTS:					
Payments to Village	1,014,182	1,468,877	-	6,905	2,489,964
Bail forfeitures & refunds	<u>-</u>	<u>-</u>	<u>243,913</u>	<u>-</u>	<u>243,913</u>
Total disbursements	<u>1,014,182</u>	<u>1,468,877</u>	<u>243,913</u>	<u>6,905</u>	<u>2,733,877</u>
CASH BALANCE, MAY 31, 2012	<u>\$ 71,716</u>	<u>\$ 110,163</u>	<u>\$ 220,880</u>	<u>\$ 1,810</u>	<u>\$ 404,569</u>

The note to the financial statements is an integral part of this statement.

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

1. The accompanying cash basis financial statements include the operations of the Village Justices. This department maintains accounting records on the cash basis; whereby, revenue is recognized as cash is received and expenditures are recognized when cash is disbursed. Consequently, accounts receivable due and amounts due to others at May 31, 2012 are not included in the financial statements.

Revenues of the Village, which are collected by this department, are remitted by the department to the Village Treasurer to the extent specified under Village Law. Other receipts are remitted directly to individuals or entities designated to receive such funds.

The departments' bank accounts are independent of the Village's general books of accounts. All cash balances at May 31, 2012 are FDIC insured or covered by collateral held in the Village's name.

* * * * *

DISCUSSION



Village of Port Chester
Office of Planning and Development

222 Grace Church Street, rm. 202 Port Chester, New York 10573

To: Hon. Mayor Pilla and Board of Trustees

From: Christopher Gomez, Director of Planning and Development
Leonie Douglas, Treasurer

Re: Bulkhead District Discussion

CC: C. Steers, T. Cerreto, J. Richards

Date: December 13, 2012

Find the attached analysis of two distinct bulkhead district scenarios as requested by the Board of Trustees. The first scenario entails G&S parcels only, where there will be a direct benefit from the proposed improvement. The second scenario includes a defined downtown district east of the train tracks to the Byram River from Mill Street to Purdy Avenue where property owners will also receive a benefit from the project.

Note that the financials provided are based on a \$6 million cost spread over a 15,20,25 and 30 year term.



Potential Bulkhead District Comparison

Bulkhead District Scenarios	# of Parcels	Total Assessment	G&S as % of District AV	Rest of District AV
G&S Only	19	\$99,982,500	100%	0%
Downtown	148	\$202,361,300	49%	51%

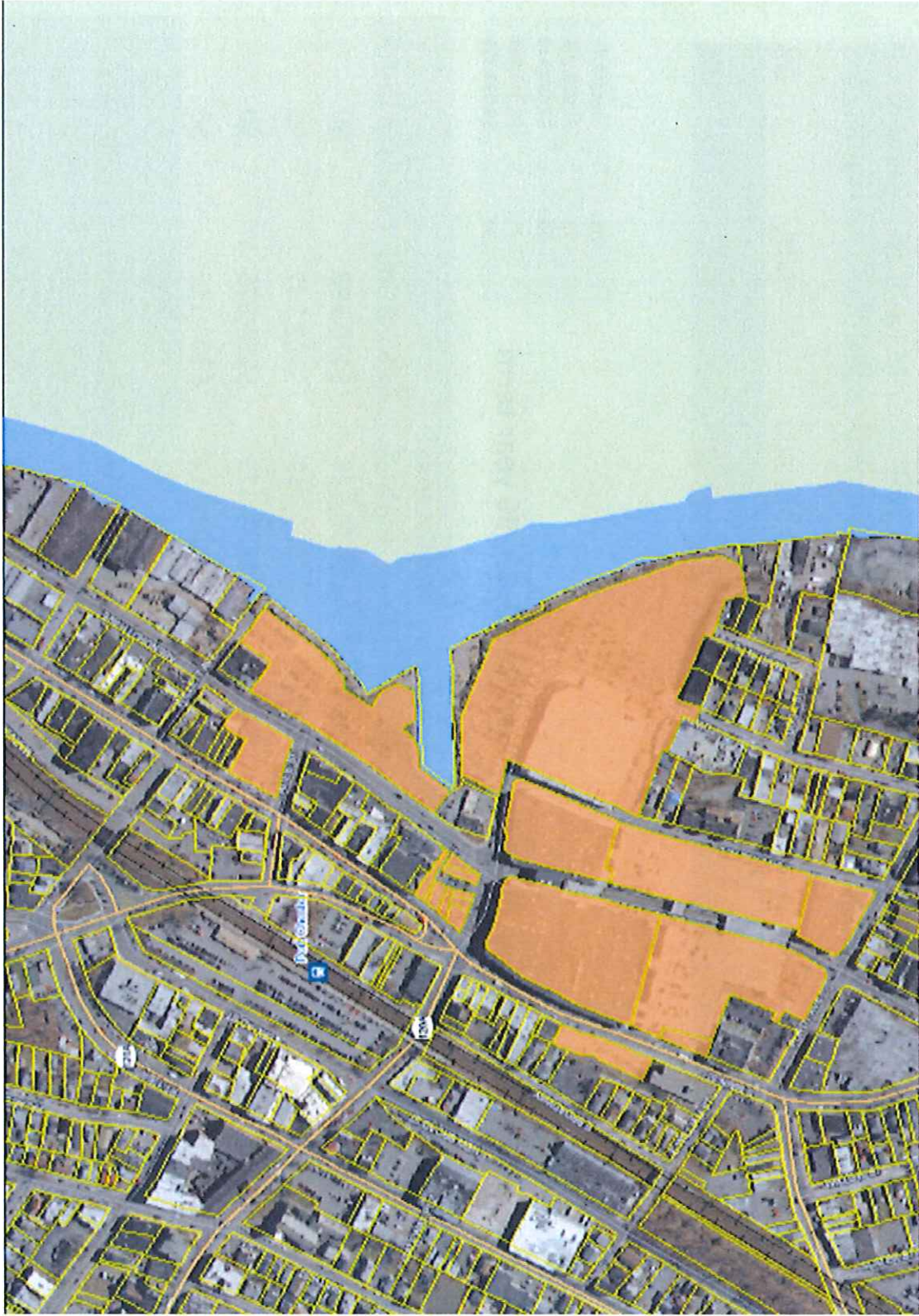
Yrs.	Total P/I
15	\$7,058,968
20	\$7,654,943
25	\$8,346,864
30	\$9,093,355

Estimated Cost Comparison: Borrowing \$6 Million over 15, 20, 25, 30 year term

Bulkhead District Scenario	Term (yrs)	Rate per 1,000 AV	Total Annual PMT	G&S Portion	Others in District
G&S Only	15	\$4.71	\$470,598	\$470,598	\$0
	20	\$3.83	\$382,747	\$382,747	\$0
	25	\$3.34	\$333,875	\$333,875	\$0
	30	\$3.03	\$303,112	\$303,112	\$0
Downtown	15	\$2.33	\$470,598	\$230,593	\$240,005
	20	\$1.89	\$382,747	\$187,546	\$195,201
	25	\$1.65	\$333,875	\$163,599	\$170,276
	30	\$1.50	\$303,112	\$148,525	\$154,587



Potential Bulkhead District Scenario: G&S Parcels Only



Bulkhead District Scenario 1	# of Parcels	Total Assessment	G&S as % of District AV	Rest of District AV
G&S Only	19	99,982,500	100%	0%



Potential Bulkhead District Scenario: Downtown



Bulkhead District Scenario	# of Parcels	Total Assessment	G&S as % of District AV	Rest of District AV
Downtown	148	202,361,300	49%	51%



Village of Port Chester
\$6 Million Bulk Head Project Analysis
Prevailing Aa3 Scale +.25 BPS

Bulk Head Project Fiscal Totals

<u>Year</u>	<u>15 Years</u>	<u>20 Years</u>	<u>25 Years</u>	<u>30 Years</u>
2014	\$ 51,890	\$ 61,658	\$ 70,067	\$ 76,825
2015	467,886	377,691	329,669	298,294
2016	465,861	381,260	333,599	302,474
2017	468,379	379,505	332,282	301,462
2018	465,437	377,438	330,732	300,269
2019	466,877	379,929	328,870	298,837
2020	467,534	381,850	331,596	302,080
2021	467,252	378,124	328,836	299,941
2022	465,874	378,638	330,502	302,347
2023	468,343	378,349	331,546	299,299
2024	469,732	377,343	332,028	300,844
2025	465,263	380,684	332,034	301,998
2026	465,139	378,513	331,671	302,839
2027	469,389	380,932	331,017	298,491
2028	468,018	377,947	330,075	298,955
2029	466,095	379,561	333,786	299,172
2030	-	380,716	332,152	299,147
2031	-	381,398	330,233	298,871
2032	-	381,597	332,951	298,341
2033	-	381,299	330,300	302,476
2034	-	380,513	332,283	301,281
2035	-	-	328,877	299,810
2036	-	-	330,030	302,945
2037	-	-	330,654	300,679
2038	-	-	330,747	303,009
2039	-	-	330,330	299,952
2040	-	-	-	301,575
2041	-	-	-	302,843
2042	-	-	-	298,837
2043	-	-	-	299,555
2044	-	-	-	299,912
	<u>\$ 7,058,968</u>	<u>\$ 7,654,943</u>	<u>\$ 8,346,864</u>	<u>\$ 9,093,355</u>



Village of Port Chester

\$6 Million

Bulk Head Project

15 Years

Debt Service Schedule

Part 1 of 2

Date	Principal	Coupon	Interest	Total P+I	Fiscal Total
06/15/2013	-	-	-	-	-
12/15/2013	-	-	51,890.25	51,890.25	-
05/31/2014	-	-	-	-	51,890
06/15/2014	365,000.00	0.490%	51,890.25	416,890.25	-
12/15/2014	-	-	50,996.00	50,996.00	-
05/31/2015	-	-	-	-	467,886
06/15/2015	365,000.00	0.620%	50,996.00	415,996.00	-
12/15/2015	-	-	49,864.50	49,864.50	-
05/31/2016	-	-	-	-	465,861
06/15/2016	370,000.00	0.730%	49,864.50	419,864.50	-
12/15/2016	-	-	48,514.00	48,514.00	-
05/31/2017	-	-	-	-	468,379
06/15/2017	370,000.00	0.860%	48,514.00	418,514.00	-
12/15/2017	-	-	46,923.00	46,923.00	-
05/31/2018	-	-	-	-	465,437
06/15/2018	375,000.00	1.050%	46,923.00	421,923.00	-
12/15/2018	-	-	44,954.25	44,954.25	-
05/31/2019	-	-	-	-	466,877
06/15/2019	380,000.00	1.250%	44,954.25	424,954.25	-
12/15/2019	-	-	42,579.25	42,579.25	-
05/31/2020	-	-	-	-	467,534
06/15/2020	385,000.00	1.510%	42,579.25	427,579.25	-
12/15/2020	-	-	39,672.50	39,672.50	-
05/31/2021	-	-	-	-	467,252
06/15/2021	390,000.00	1.780%	39,672.50	429,672.50	-
12/15/2021	-	-	36,201.50	36,201.50	-
05/31/2022	-	-	-	-	465,874
06/15/2022	400,000.00	2.030%	36,201.50	436,201.50	-
12/15/2022	-	-	32,141.50	32,141.50	-
05/31/2023	-	-	-	-	468,343
06/15/2023	410,000.00	2.220%	32,141.50	442,141.50	-
12/15/2023	-	-	27,590.50	27,590.50	-
05/31/2024	-	-	-	-	469,732
06/15/2024	415,000.00	2.370%	27,590.50	442,590.50	-
12/15/2024	-	-	22,672.75	22,672.75	-
05/31/2025	-	-	-	-	465,263
06/15/2025	425,000.00	2.450%	22,672.75	447,672.75	-
12/15/2025	-	-	17,466.50	17,466.50	-
05/31/2026	-	-	-	-	465,139
06/15/2026	440,000.00	2.520%	17,466.50	457,466.50	-
12/15/2026	-	-	11,922.50	11,922.50	-
05/31/2027	-	-	-	-	469,389
06/15/2027	450,000.00	2.590%	11,922.50	461,922.50	-

15 Years | SINGLE PURPOSE | 12/11/2012 | 2:52 PM

Village of Port Chester

\$6 Million

Bulk Head Project

15 Years

Debt Service Schedule

Part 2 of 2

Date	Principal	Coupon	Interest	Total P+I	Fiscal Total
12/15/2027	-	-	6,095.00	6,095.00	-
05/31/2028	-	-	-	-	468,018
06/15/2028	460,000.00	2.650%	6,095.00	466,095.00	-
05/31/2029	-	-	-	-	466,095
Total	\$6,000,000.00	-	\$1,058,968.00	\$7,058,968.00	-

Yield Statistics

Bond Year Dollars	\$49,940.00
Average Life	8.323 Years
Average Coupon	2.1204806%
Net Interest Cost (NIC)	2.1204806%
True Interest Cost (TIC)	2.0993088%
Bond Yield for Arbitrage Purposes	2.0993088%
All Inclusive Cost (AIC)	2.0993088%

IRS Form 8038

Net Interest Cost	2.1204806%
Weighted Average Maturity	8.323 Years

Village of Port Chester

\$6 Million

Bulk Head Project

20 Years

Debt Service Schedule

Part 1 of 2

Date	Principal	Coupon	Interest	Total P+I	Fiscal Total
06/15/2013	-	-	-	-	-
12/15/2013	-	-	61,657.75	61,657.75	-
05/31/2014	-	-	-	-	61,658
06/15/2014	255,000.00	0.490%	61,657.75	316,657.75	-
12/15/2014	-	-	61,033.00	61,033.00	-
05/31/2015	-	-	-	-	377,691
06/15/2015	260,000.00	0.620%	61,033.00	321,033.00	-
12/15/2015	-	-	60,227.00	60,227.00	-
05/31/2016	-	-	-	-	381,260
06/15/2016	260,000.00	0.730%	60,227.00	320,227.00	-
12/15/2016	-	-	59,278.00	59,278.00	-
05/31/2017	-	-	-	-	379,505
06/15/2017	260,000.00	0.860%	59,278.00	319,278.00	-
12/15/2017	-	-	58,160.00	58,160.00	-
05/31/2018	-	-	-	-	377,438
06/15/2018	265,000.00	1.050%	58,160.00	323,160.00	-
12/15/2018	-	-	56,768.75	56,768.75	-
05/31/2019	-	-	-	-	379,929
06/15/2019	270,000.00	1.250%	56,768.75	326,768.75	-
12/15/2019	-	-	55,081.25	55,081.25	-
05/31/2020	-	-	-	-	381,850
06/15/2020	270,000.00	1.510%	55,081.25	325,081.25	-
12/15/2020	-	-	53,042.75	53,042.75	-
05/31/2021	-	-	-	-	378,124
06/15/2021	275,000.00	1.780%	53,042.75	328,042.75	-
12/15/2021	-	-	50,595.25	50,595.25	-
05/31/2022	-	-	-	-	378,638
06/15/2022	280,000.00	2.030%	50,595.25	330,595.25	-
12/15/2022	-	-	47,753.25	47,753.25	-
05/31/2023	-	-	-	-	378,349
06/15/2023	285,000.00	2.220%	47,753.25	332,753.25	-
12/15/2023	-	-	44,589.75	44,589.75	-
05/31/2024	-	-	-	-	377,343
06/15/2024	295,000.00	2.370%	44,589.75	339,589.75	-
12/15/2024	-	-	41,094.00	41,094.00	-
05/31/2025	-	-	-	-	380,684
06/15/2025	300,000.00	2.450%	41,094.00	341,094.00	-
12/15/2025	-	-	37,419.00	37,419.00	-
05/31/2026	-	-	-	-	378,513
06/15/2026	310,000.00	2.520%	37,419.00	347,419.00	-
12/15/2026	-	-	33,513.00	33,513.00	-
05/31/2027	-	-	-	-	380,932
06/15/2027	315,000.00	2.590%	33,513.00	348,513.00	-

Village of Port Chester

\$6 Million

Bulk Head Project

20 Years

Debt Service Schedule

Part 2 of 2

Date	Principal	Coupon	Interest	Total P+I	Fiscal Total
12/15/2027	-	-	29,433.75	29,433.75	-
05/31/2028	-	-	-	-	377,947
06/15/2028	325,000.00	2.650%	29,433.75	354,433.75	-
12/15/2028	-	-	25,127.50	25,127.50	-
05/31/2029	-	-	-	-	379,561
06/15/2029	335,000.00	2.710%	25,127.50	360,127.50	-
12/15/2029	-	-	20,588.25	20,588.25	-
05/31/2030	-	-	-	-	380,716
06/15/2030	345,000.00	2.770%	20,588.25	365,588.25	-
12/15/2030	-	-	15,810.00	15,810.00	-
05/31/2031	-	-	-	-	381,398
06/15/2031	355,000.00	2.830%	15,810.00	370,810.00	-
12/15/2031	-	-	10,786.75	10,786.75	-
05/31/2032	-	-	-	-	381,597
06/15/2032	365,000.00	2.890%	10,786.75	375,786.75	-
12/15/2032	-	-	5,512.50	5,512.50	-
05/31/2033	-	-	-	-	381,299
06/15/2033	375,000.00	2.940%	5,512.50	380,512.50	-
05/31/2034	-	-	-	-	380,513
Total	\$6,000,000.00	-	\$1,654,943.00	\$7,654,943.00	-

Yield Statistics

Bond Year Dollars	\$67,210.00
Average Life	11.202 Years
Average Coupon	2.4623464%
Net Interest Cost (NIC)	2.4623464%
True Interest Cost (TIC)	2.4328317%
Bond Yield for Arbitrage Purposes	2.4328317%
All Inclusive Cost (AIC)	2.4328317%

IRS Form 8038

Net Interest Cost	2.4623464%
Weighted Average Maturity	11.202 Years

Village of Port Chester

\$6 Million

Bulk Head Project

25 Years

Debt Service Schedule

Part 1 of 3

Date	Principal	Coupon	Interest	Total P+	Fiscal Total
06/15/2013	-	-	-	-	-
12/15/2013	-	-	70,067.00	70,067.00	-
05/31/2014	-	-	-	-	70,067
06/15/2014	190,000.00	0.490%	70,067.00	260,067.00	-
12/15/2014	-	-	69,601.50	69,601.50	-
05/31/2015	-	-	-	-	329,669
06/15/2015	195,000.00	0.620%	69,601.50	264,601.50	-
12/15/2015	-	-	68,997.00	68,997.00	-
05/31/2016	-	-	-	-	333,599
06/15/2016	195,000.00	0.730%	68,997.00	263,997.00	-
12/15/2016	-	-	68,285.25	68,285.25	-
05/31/2017	-	-	-	-	332,282
06/15/2017	195,000.00	0.860%	68,285.25	263,285.25	-
12/15/2017	-	-	67,446.75	67,446.75	-
05/31/2018	-	-	-	-	330,732
06/15/2018	195,000.00	1.050%	67,446.75	262,446.75	-
12/15/2018	-	-	66,423.00	66,423.00	-
05/31/2019	-	-	-	-	328,870
06/15/2019	200,000.00	1.250%	66,423.00	266,423.00	-
12/15/2019	-	-	65,173.00	65,173.00	-
05/31/2020	-	-	-	-	331,596
06/15/2020	200,000.00	1.510%	65,173.00	265,173.00	-
12/15/2020	-	-	63,663.00	63,663.00	-
05/31/2021	-	-	-	-	328,836
06/15/2021	205,000.00	1.780%	63,663.00	268,663.00	-
12/15/2021	-	-	61,838.50	61,838.50	-
05/31/2022	-	-	-	-	330,502
06/15/2022	210,000.00	2.030%	61,838.50	271,838.50	-
12/15/2022	-	-	59,707.00	59,707.00	-
05/31/2023	-	-	-	-	331,546
06/15/2023	215,000.00	2.220%	59,707.00	274,707.00	-
12/15/2023	-	-	57,320.50	57,320.50	-
05/31/2024	-	-	-	-	332,028
06/15/2024	220,000.00	2.370%	57,320.50	277,320.50	-
12/15/2024	-	-	54,713.50	54,713.50	-
05/31/2025	-	-	-	-	332,034
06/15/2025	225,000.00	2.450%	54,713.50	279,713.50	-
12/15/2025	-	-	51,957.25	51,957.25	-
05/31/2026	-	-	-	-	331,671
06/15/2026	230,000.00	2.520%	51,957.25	281,957.25	-
12/15/2026	-	-	49,059.25	49,059.25	-
05/31/2027	-	-	-	-	331,017
06/15/2027	235,000.00	2.590%	49,059.25	284,059.25	-

Village of Port Chester

\$6 Million

Bulk Head Project

25 Years

Debt Service Schedule

Part 2 of 3

Date	Principal	Coupon	Interest	Total P+I	Fiscal Total
12/15/2027	-	-	46,016.00	46,016.00	-
05/31/2028	-	-	-	-	330,075
06/15/2028	245,000.00	2.650%	46,016.00	291,016.00	-
12/15/2028	-	-	42,769.75	42,769.75	-
05/31/2029	-	-	-	-	333,786
06/15/2029	250,000.00	2.710%	42,769.75	292,769.75	-
12/15/2029	-	-	39,382.25	39,382.25	-
05/31/2030	-	-	-	-	332,152
06/15/2030	255,000.00	2.770%	39,382.25	294,382.25	-
12/15/2030	-	-	35,850.50	35,850.50	-
05/31/2031	-	-	-	-	330,233
06/15/2031	265,000.00	2.830%	35,850.50	300,850.50	-
12/15/2031	-	-	32,100.75	32,100.75	-
05/31/2032	-	-	-	-	332,951
06/15/2032	270,000.00	2.890%	32,100.75	302,100.75	-
12/15/2032	-	-	28,199.25	28,199.25	-
05/31/2033	-	-	-	-	330,300
06/15/2033	280,000.00	2.940%	28,199.25	308,199.25	-
12/15/2033	-	-	24,083.25	24,083.25	-
05/31/2034	-	-	-	-	332,283
06/15/2034	285,000.00	3.010%	24,083.25	309,083.25	-
12/15/2034	-	-	19,794.00	19,794.00	-
05/31/2035	-	-	-	-	328,877
06/15/2035	295,000.00	3.090%	19,794.00	314,794.00	-
12/15/2035	-	-	15,236.25	15,236.25	-
05/31/2036	-	-	-	-	330,030
06/15/2036	305,000.00	3.160%	15,236.25	320,236.25	-
12/15/2036	-	-	10,417.25	10,417.25	-
05/31/2037	-	-	-	-	330,654
06/15/2037	315,000.00	3.230%	10,417.25	325,417.25	-
12/15/2037	-	-	5,330.00	5,330.00	-
05/31/2038	-	-	-	-	330,747
06/15/2038	325,000.00	3.280%	5,330.00	330,330.00	-
05/31/2039	-	-	-	-	330,330
Total	\$6,000,000.00	-	\$2,346,863.50	\$8,346,863.50	-

Village of Port Chester

\$6 Million

Bulk Head Project

25 Years

Debt Service Schedule

Part 3 of 3

Yield Statistics

Bond Year Dollars	\$85,285.00
Average Life	14.214 Years
Average Coupon	2.7517893%
Net Interest Cost (NIC)	2.7517893%
True Interest Cost (TIC)	2.7120482%
Bond Yield for Arbitrage Purposes	2.7120482%
All Inclusive Cost (AIC)	2.7120482%

IRS Form 8038

Net Interest Cost	2.7517893%
Weighted Average Maturity	14.214 Years

Village of Port Chester

\$6 Million

Bulk Head Project

30 Years

Debt Service Schedule

Part 1 of 3

Date	Principal	Coupon	Interest	Total P+I	Fiscal Total
06/15/2013	-	-	-	-	-
12/15/2013	-	-	76,824.75	76,824.75	-
05/31/2014	-	-	-	-	76,825
06/15/2014	145,000.00	0.490%	76,824.75	221,824.75	-
12/15/2014	-	-	76,469.50	76,469.50	-
05/31/2015	-	-	-	-	298,294
06/15/2015	150,000.00	0.620%	76,469.50	226,469.50	-
12/15/2015	-	-	76,004.50	76,004.50	-
05/31/2016	-	-	-	-	302,474
06/15/2016	150,000.00	0.730%	76,004.50	226,004.50	-
12/15/2016	-	-	75,457.00	75,457.00	-
05/31/2017	-	-	-	-	301,462
06/15/2017	150,000.00	0.860%	75,457.00	225,457.00	-
12/15/2017	-	-	74,812.00	74,812.00	-
05/31/2018	-	-	-	-	300,269
06/15/2018	150,000.00	1.050%	74,812.00	224,812.00	-
12/15/2018	-	-	74,024.50	74,024.50	-
05/31/2019	-	-	-	-	298,837
06/15/2019	155,000.00	1.250%	74,024.50	229,024.50	-
12/15/2019	-	-	73,055.75	73,055.75	-
05/31/2020	-	-	-	-	302,080
06/15/2020	155,000.00	1.510%	73,055.75	228,055.75	-
12/15/2020	-	-	71,885.50	71,885.50	-
05/31/2021	-	-	-	-	299,941
06/15/2021	160,000.00	1.780%	71,885.50	231,885.50	-
12/15/2021	-	-	70,461.50	70,461.50	-
05/31/2022	-	-	-	-	302,347
06/15/2022	160,000.00	2.030%	70,461.50	230,461.50	-
12/15/2022	-	-	68,837.50	68,837.50	-
05/31/2023	-	-	-	-	299,299
06/15/2023	165,000.00	2.220%	68,837.50	233,837.50	-
12/15/2023	-	-	67,006.00	67,006.00	-
05/31/2024	-	-	-	-	300,844
06/15/2024	170,000.00	2.370%	67,006.00	237,006.00	-
12/15/2024	-	-	64,991.50	64,991.50	-
05/31/2025	-	-	-	-	301,998
06/15/2025	175,000.00	2.450%	64,991.50	239,991.50	-
12/15/2025	-	-	62,847.75	62,847.75	-
05/31/2026	-	-	-	-	302,839
06/15/2026	175,000.00	2.520%	62,847.75	237,847.75	-
12/15/2026	-	-	60,642.75	60,642.75	-
05/31/2027	-	-	-	-	298,491
06/15/2027	180,000.00	2.590%	60,642.75	240,642.75	-

Village of Port Chester

\$6 Million

Bulk Head Project

30 Years

Debt Service Schedule

Part 2 of 3

Date	Principal	Coupon	Interest	Total P+I	Fiscal Total
12/15/2027	-	-	58,311.75	58,311.75	-
05/31/2028	-	-	-	-	298,955
06/15/2028	185,000.00	2.650%	58,311.75	243,311.75	-
12/15/2028	-	-	55,860.50	55,860.50	-
05/31/2029	-	-	-	-	299,172
06/15/2029	190,000.00	2.710%	55,860.50	245,860.50	-
12/15/2029	-	-	53,286.00	53,286.00	-
05/31/2030	-	-	-	-	299,147
06/15/2030	195,000.00	2.770%	53,286.00	248,286.00	-
12/15/2030	-	-	50,585.25	50,585.25	-
05/31/2031	-	-	-	-	298,871
06/15/2031	200,000.00	2.830%	50,585.25	250,585.25	-
12/15/2031	-	-	47,755.25	47,755.25	-
05/31/2032	-	-	-	-	298,341
06/15/2032	210,000.00	2.890%	47,755.25	257,755.25	-
12/15/2032	-	-	44,720.75	44,720.75	-
05/31/2033	-	-	-	-	302,476
06/15/2033	215,000.00	2.940%	44,720.75	259,720.75	-
12/15/2033	-	-	41,560.25	41,560.25	-
05/31/2034	-	-	-	-	301,281
06/15/2034	220,000.00	3.010%	41,560.25	261,560.25	-
12/15/2034	-	-	38,249.25	38,249.25	-
05/31/2035	-	-	-	-	299,810
06/15/2035	230,000.00	3.090%	38,249.25	268,249.25	-
12/15/2035	-	-	34,695.75	34,695.75	-
05/31/2036	-	-	-	-	302,945
06/15/2036	235,000.00	3.160%	34,695.75	269,695.75	-
12/15/2036	-	-	30,982.75	30,982.75	-
05/31/2037	-	-	-	-	300,679
06/15/2037	245,000.00	3.230%	30,982.75	275,982.75	-
12/15/2037	-	-	27,026.00	27,026.00	-
05/31/2038	-	-	-	-	303,009
06/15/2038	250,000.00	3.280%	27,026.00	277,026.00	-
12/15/2038	-	-	22,926.00	22,926.00	-
05/31/2039	-	-	-	-	299,952
06/15/2039	260,000.00	3.290%	22,926.00	282,926.00	-
12/15/2039	-	-	18,649.00	18,649.00	-
05/31/2040	-	-	-	-	301,575
06/15/2040	270,000.00	3.300%	18,649.00	288,649.00	-
12/15/2040	-	-	14,194.00	14,194.00	-
05/31/2041	-	-	-	-	302,843
06/15/2041	275,000.00	3.310%	14,194.00	289,194.00	-
12/15/2041	-	-	9,642.75	9,642.75	-

30 Years | SINGLE PURPOSE | 12/11/2012 | 2:49 PM

Village of Port Chester

\$6 Million

Bulk Head Project

30 Years

Debt Service Schedule

Part 3 of 3

Date	Principal	Coupon	Interest	Total P+I	Fiscal Total
05/31/2042	-	-	-	-	298,837
06/15/2042	285,000.00	3.320%	9,642.75	294,642.75	-
12/15/2042	-	-	4,911.75	4,911.75	-
05/31/2043	-	-	-	-	299,555
06/15/2043	295,000.00	3.330%	4,911.75	299,911.75	-
05/31/2044	-	-	-	-	299,912
Total	\$6,000,000.00	-	\$3,093,355.00	\$9,093,355.00	-

Yield Statistics

Bond Year Dollars	\$104,495.00
Average Life	17.416 Years
Average Coupon	2.9602900%
Net Interest Cost (NIC)	2.9602900%
True Interest Cost (TIC)	2.9146797%
Bond Yield for Arbitrage Purposes	2.9146797%
All Inclusive Cost (AIC)	2.9146797%

IRS Form 8038

Net Interest Cost	2.9602900%
Weighted Average Maturity	17.416 Years

G&S Scenario Parcel List

Section Block Lot	Address	Land Assessment	Total Assessment
142.30-2-66	30-48 S. Main St	\$660,000	\$1,835,500
142.31-1-20	13 1/2 N. Main St	\$193,100	\$193,100
142.31-1-21	11 N. Main St	\$51,300	\$51,300
142.31-1-22	9 N. Main St	\$185,100	\$185,100
142.31-1-23	5 N. Main St	\$163,100	\$163,100
142.31-1-24	1 N. Main St	\$194,500	\$194,500
142.31-1-3	61 Westchester Ave	\$46,400	\$46,400
142.31-1-39	Abendroth Ave	\$1,265,900	\$1,674,300
142.31-1-4	59 Westchester Ave	\$269,600	\$269,600
142.31-1-42	1 Westchester Ave	\$9,367,000	\$23,868,600
142.31-1-43.1	Waterfront PI	\$9,078,800	\$37,065,400
142.31-1-43.2	Waterfront PI	\$3,218,400	\$15,024,200
142.31-1-43.3	Waterfront PI	\$2,557,900	\$5,214,200
142.31-1-44	107 N. Main St	\$965,200	\$3,240,200
142.31-1-5	55 Westchester Ave	\$73,100	\$73,100
142.31-1-6	Westchester Ave	\$51,100	\$51,100
142.38-2-12	55 S. Main St	\$504,100	\$3,750,000
142.38-2-62	S. Main St	\$229,400	\$442,300
142.39-1-71	Waterfront PI	\$2,036,000	\$6,640,500
			\$99,982,500

Downtown Scenario Parcel List

Section, Block, Lot	Address	Land Assessment	Total Assessment
136.79-2-44	183-195 N. Main St	\$446,400	\$1,401,400
136.79-2-45	13 Mill St	\$554,500	\$1,027,200
136.79-2-46	Mill St	\$28,300	\$28,300
142.23-1-1	King St	\$86,700	\$86,700
142.23-1-10	116 N. Main St	\$152,500	\$247,700
142.23-1-11	118 N. Main St	\$182,600	\$533,900
142.23-1-12	120 N. Main St	\$193,900	\$620,400
142.23-1-13	122 N. Main St	\$223,200	\$1,523,600
142.23-1-14	110 Willett Ave	\$125,500	\$448,800
142.23-1-3	109 Adee St	\$139,100	\$419,100
142.23-1-31	Willett Ave	\$328,200	\$610,700
142.23-1-32	Willett Ave	\$145,300	\$145,300
142.23-1-33	126 N. Main St	\$203,900	\$804,700
142.23-1-34	128 N. Main St	\$242,000	\$1,161,200
142.23-1-35	132-134 N. Main St	\$285,100	\$824,200
142.23-1-36	136-138 N. Main St	\$307,700	\$480,000
142.23-1-37	140-144 N. Main St	\$224,000	\$770,100
142.23-1-38	148-150 N. Main St	\$217,500	\$669,100
142.23-1-39	152-154 N. Main St	\$243,300	\$633,200
142.23-1-4	105-107 Adee St	\$176,100	\$630,500
142.23-1-40	156 N. Main St	\$229,300	\$459,100
142.23-1-41	112 Highland St	\$114,600	\$3,114,600
142.23-1-45	158-160 N. Main St	\$257,500	\$384,100
142.23-1-46	164-166 N. Main St	\$238,100	\$583,900
142.23-1-47	168-180 N. Main St	\$291,000	\$1,549,100
142.23-1-47.1	139 Highland St	\$120,100	\$3,120,100
142.23-1-48	182 N. Main St	\$112,600	\$325,600
142.23-1-5	106 N. Main St	\$76,700	\$76,700
142.23-1-50	Willett Ave/King St.	\$330,200	\$330,200
142.23-1-6	REAR N. Main St	\$244,800	\$244,800

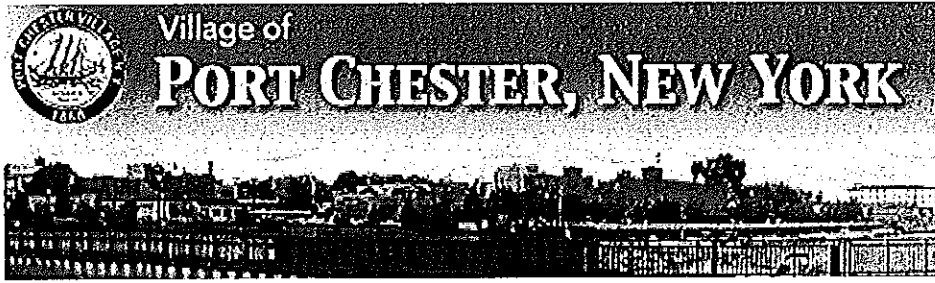
142.23-1-6.1	110 N. Main	St	\$215,700	\$842,300
142.23-1-7	112 N. Main	St	\$183,700	\$593,500
142.23-1-8	114 N. Main	St	\$194,000	\$521,500
142.23-1-9	116 N. Main	St	\$83,000	\$354,900
142.23-2-1	181-183 N. Main	St	\$233,700	\$1,004,300
142.23-2-10	10 Mill	St	\$280,700	\$587,700
142.23-2-11	21 Abendroth	Ave	\$456,700	\$1,173,400
142.23-2-12	25 Abendroth	Ave	\$835,100	\$1,899,200
142.23-2-14	2 Highland	St	\$1,389,700	\$3,859,900
142.23-2-16	11-Jan Willett	Ave	\$205,300	\$723,000
142.23-2-17	14-20 Willett	Ave	\$396,200	\$2,372,600
142.23-2-19	28 Willett	Ave	\$138,500	\$914,900
142.23-2-2	21 Mill	St	\$179,300	\$421,600
142.23-2-20	133 N. Main	St	\$362,100	\$1,913,100
142.23-2-21	29 Willett	Ave	\$109,100	\$440,600
142.23-2-22	25 Willett	Ave	\$184,100	\$541,100
142.23-2-25	20 Abendroth	Ave	\$731,600	\$1,477,700
142.23-2-26	18 Mill	St	\$205,900	\$1,330,900
142.23-2-27	179 N. Main	St	\$220,600	\$744,800
142.23-2-28	175 N. Main	St	\$209,700	\$1,026,100
142.23-2-29	163 N. Main	St	\$590,100	\$2,274,200
142.23-2-3	19 Mill	St	\$183,000	\$412,200
142.23-2-30	N. Main	St	\$255,100	\$278,200
142.23-2-31	155 N. Main	St	\$303,700	\$647,800
142.23-2-32	151 N. Main	St	\$274,700	\$773,100
142.23-2-33	145 N. Main	St	\$158,500	\$429,200
142.23-2-34	143 N. Main	St	\$256,100	\$703,900
142.23-2-35	141 N. Main	St	\$179,000	\$351,100
142.23-2-36	139 N. Main	St	\$179,400	\$715,800
142.23-2-38	125 N. Main	St	\$387,700	\$1,213,100
142.23-2-39	123 N. Main	St	\$194,800	\$597,500
142.23-2-4	Mill	St	\$193,100	\$193,100
142.23-2-40	119-121 N. Main	St	\$265,800	\$433,000
142.23-2-41	117 N. Main	St	\$172,800	\$310,000

142.23-2-42	115 N. Main	St	\$183,200	\$334,500
142.23-2-43	113 N. Main	St	\$183,300	\$356,000
142.23-2-47	141 Abendroth	Ave	\$695,000	\$5,937,500
142.23-2-5	15-17 Mill	St	\$323,100	\$544,000
142.23-2-6	Mill	St	\$215,600	\$215,600
142.23-2-7	1 Mill	St	\$138,300	\$337,600
142.30-2-24	101-111 Westchester	Ave	\$412,200	\$1,434,900
142.30-2-25	12 King	St	\$113,100	\$163,300
142.30-2-26	14 King	St	\$111,400	\$167,300
142.30-2-27	16-18 King	St	\$290,300	\$1,046,600
142.30-2-28	20-24 King	St	\$357,900	\$1,116,300
142.30-2-29	King	St	\$338,900	\$371,900
142.30-2-44	22 S. Main	St	\$195,800	\$420,000
142.30-2-45	20 S. Main	St	\$96,700	\$318,800
142.30-2-46	18 S. Main	St	\$227,500	\$779,300
142.30-2-47	16 S. Main	St	\$229,800	\$1,008,000
142.30-2-48	14 S. Main	St	\$170,100	\$609,200
142.30-2-49	10 S. Main	St	\$156,900	\$284,400
142.30-2-50	8 S. Main	St	\$198,300	\$677,600
142.30-2-51	6 S. Main	St	\$166,300	\$363,500
142.30-2-52	4 S. Main	St	\$156,200	\$339,600
142.30-2-53	2 S. Main	St	\$130,800	\$406,600
142.30-2-54	106 Westchester	Ave	\$75,200	\$295,400
142.30-2-55	110 Westchester	Ave	\$206,100	\$502,100
142.30-2-56	112 Westchester	Ave	\$133,200	\$476,700
142.30-2-57	7 E. Broadway		\$197,400	\$201,800
142.30-2-58	15 E. Broadway		\$77,900	\$202,700
142.30-2-59	21 E. Broadway		\$106,200	\$314,000
142.30-2-60	25 E. Broadway		\$125,800	\$406,600
142.30-2-61	43 E. Broadway		\$116,800	\$358,600
142.30-2-66	30-48 S. Main	St	\$660,000	\$1,835,500
142.31-1-10	47 N. Main	St	\$130,000	\$305,500
142.31-1-11	45 N. Main	St	\$332,400	\$1,503,100
142.31-1-12	41 N. Main	St	\$49,600	\$49,600

142.31-1-13	37-39 N. Main	St	\$60,900	\$60,900
142.31-1-14	37-39 N. Main	St	\$190,200	\$808,500
142.31-1-15	33-35 N. Main	St	\$208,900	\$512,600
142.31-1-16	29 N. Main	St	\$308,300	\$1,457,200
142.31-1-17	27 N. Main	St	\$195,600	\$518,700
142.31-1-18	17 N. Main	St	\$607,200	\$1,902,700
142.31-1-19	15 N. Main	St	\$87,100	\$87,100
142.31-1-20	13 1/2 N. Main	St	\$193,100	\$193,100
142.31-1-21	11 N. Main	St	\$51,300	\$51,300
142.31-1-22	9 N. Main	St	\$185,100	\$185,100
142.31-1-23	5 N. Main	St	\$163,100	\$163,100
142.31-1-24	1 N. Main	St	\$194,500	\$194,500
142.31-1-25	16 N. Main	St	\$182,900	\$937,600
142.31-1-26	18 N. Main	St	\$138,100	\$417,700
142.31-1-27	20 N. Main	St	\$118,600	\$327,700
142.31-1-28	22-24 N. Main	St	\$240,800	\$606,500
142.31-1-29	26 N. Main	St	\$155,600	\$346,500
142.31-1-3	61 Westchester	Ave	\$46,400	\$46,400
142.31-1-30	28 N. Main	St	\$157,800	\$330,900
142.31-1-31	30 N. Main	St	\$179,300	\$443,500
142.31-1-32	34 N. Main	St	\$254,300	\$511,600
142.31-1-33	36-40 N. Main	St	\$231,400	\$1,981,300
142.31-1-34	42 N. Main	St	\$241,400	\$564,900
142.31-1-35	46-48 N. Main	St	\$231,600	\$1,117,000
142.31-1-36	104 N. Main	St	\$181,100	\$614,200
142.31-1-39	Abendroth	Ave	\$1,265,900	\$1,674,300
142.31-1-4	59 Westchester	Ave	\$269,600	\$269,600
142.31-1-40.1	37 Westchester	Ave	\$1,541,700	\$1,912,200
142.31-1-42	1 Westchester	Ave	\$9,367,000	\$23,868,600
142.31-1-43.1	Waterfront PI		\$9,078,800	\$37,065,400
142.31-1-43.2	Waterfront	PI	\$3,218,400	\$15,024,200
142.31-1-43.3	Waterfront	PI	\$2,557,900	\$5,214,200
142.31-1-44	107 N. Main	St	\$965,200	\$3,240,200
142.31-1-5	55 Westchester	Ave	\$73,100	\$73,100

142.31-1-6	Westchester	Ave	\$51,100	\$51,100
142.31-1-7	28 Adee	St	\$182,000	\$603,400
142.31-1-8	34 Adee	St	\$181,300	\$418,500
142.31-1-9	49 N. Main	St	\$72,300	\$313,900
142.38-1-35	108 S. Main	St	\$241,400	\$241,400
142.38-1-45	47 E. Broadway		\$119,100	\$331,100
142.38-1-46	51 E. Broadway		\$123,200	\$314,000
142.38-1-47	55 E. Broadway		\$112,700	\$296,300
142.38-1-48	57-59 E. Broadway		\$95,200	\$358,200
142.38-1-49	63 E. Broadway		\$95,500	\$365,500
142.38-1-50	65 E. Broadway		\$90,100	\$335,000
142.38-1-51	113-115 William	St	\$129,800	\$452,200
142.38-1-53	50 S. Main	St	\$1,820,000	\$5,711,800
142.38-2-12	55 S. Main	St	\$504,100	\$3,750,000
142.38-2-62	S. Main	St	\$229,400	\$442,300
142.39-1-71	Waterfront	Pl	\$2,036,000	\$6,640,500
				\$202,361,300

REPORT OF THE VILLAGE MANAGER
REPORT OF THE POLICE CHIEF
REPORT OF THE FIRE CHIEF



TO: The Mayor and Board of Trustees

FROM: The Office of the Village Manager

DATE: December 4, 2012

RE: Status of General Code Scanning Project

As of this date, we have scanned 275 boxes of files out an estimated 440.

General Code has provided us with the following.

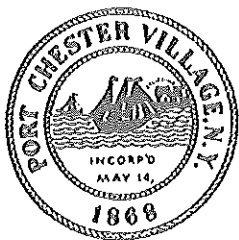
	Loose leaf	large Format	Index Cards
Contract	921,750	32,712	70,000
Images scanned	278,240	26,255	
Remaining on contract	643,510	6,457	70,000

Our estimated date of completion for the remaining files is June of 2013.

<u>Department</u>	<u>File Sub-group</u>	<u>Date of Completion</u>	<u># of Boxes</u>
All ZBA cases have been scanned,		completed 1/23/12	50 Boxes
All Planning cases have been scanned,		completed 4/28/12	50 Boxes
Building Department*	Building Permits	approx 12/12	175/190 Boxes
	Property files	approx 2/13	35 Boxes
PCCE files		approx 5/13	80 Boxes
Index Cards and Assorted Archive Items**		approx 6/13	45 Boxes

* Building and Code Enforcement Department files are considered essential items and are required on a daily basis. As such, these files are sent out in smaller batches to reduce operational friction. These files also require more research to appropriately categorize and label prior to scanning. As such, they take longer for general code to process.

** These "Assorted Archive Items" include maps, plans and other documents currently in storage which are related to building and zoning, but currently require categorization and organization prior to scanning and integration in our system. General code is performing this work, the cost of which is already included in our contract.



VILLAGE OF
PORT CHESTER

222 Grace Church Street, Port Chester, NY 10573

Christopher D. Steers
Village Manager

(914) 939-2200
Fax: (914) 937-3169
E-mail: csteers@portchesterny.com

December 6, 2012

Mr. Moises Tenesaca
Divino Nino Dios de Narancay Ecuador
Port Chester, NY 10573

Dear Mr. Tenesaca:

Please be advised that your request for permission to hold a procession for your organization, Divino Nino Dios de Narancay Ecuador, on December 16, 2012, from approximately 12:00 – 12:30pm has been granted. The procession will be leaving from 18 Rollhaus Place and ending at 114 North Main Street.

Please submit a Certificate of Insurance naming the Village of Port Chester as an additional insured for this event.

Please verify your travel route with Sergeant Charles Vaccaro of the Port Chester Police Department at (914) 939-6608.

The Department of Public Works, Police, Fire and the Port Chester/Rye/Rye Brook Emergency Medical Services have all been notified of this event.

Our best wishes for a successful event.

Very truly yours,

Christopher D. Steers
Village Manager

CDS: mtv

cc: Joseph Krzeminski, Police Chief
Kevin McFadden, Fire Chief
Rocky Morabito, General Foreman - DPW
Scott Moore, EMS Administrator
Charles Vaccaro, Police Sergeant

CORRESPONDENCE



**MELLOR ENGINE &
HOSE Co. No 3, INC.**
P.O. BOX 575
PORT CHESTER, NEW YORK 10573

Leslie Murphy, *President*
Christopher Sandor, *Vice President*
John Colucci, *Treasurer*
Michael Leon, *Secretary*

Fred Myers, *Captain*
Luis Marino, *1st Lieutenant*
John Scullion, *2nd Lieutenant*
Frank Gordiski, *Sergeant*
Peter Mutz, *Chief Driver*

December 3, 2012

Village of Port Chester
Village Clerk
222 Grace Church St.
Port Chester, New York 10573

To whom it may concern:

The members of Mellor Engine & Hose Company #3, Inc. have elected Mr. John Texiere, to active membership in the our company. This action took place during our regular monthly meeting, which took place September 6, 2011

Mr. Texiere resides at 14 Morgan ave. Greenwich Ct 06831. We believe Mr. Texiere will be an asset to the Fire Department. Upon completion of the necessary physical exam requirements, Mr. Texiere will present a copy of this letter to your office.

We hope the Village Trustees approve Mr. Texiere for membership in the Port Chester Fire Department.

Sincerely,

Michael Leon
Secretary of Mellor E&H Co. #3
Engine61@PortChesterFD.org
914-843-9910 (Cell)

Board of Ethics

222 Grace Church Street
Port Chester, NY 10573

TO: Port Chester Board of Trustees

FROM: Port Chester Board of Ethics

DATE: December 4, 2012

Gentlemen:

We respectfully request that the Board consider replacing Reverend Gerald Washington as soon as possible. Despite being contacted by telephone and written notice of meetings, Rev. Washington has not attended a meeting in a very long time or given any reason for his continued absence.

Last year, Rev. Washington had indicated that he had other time commitments and promised to submit his resignation, but to date he has not done so.

It is unfair to the rest of the Board of Ethics members who take the time to attend meetings and who must all attend meetings for there to be a quorum to discharge the Board's duties as provided in the Village Code.

We note that Rev. Washington refers to his membership on the Board of Ethics in a recent biography given to the news media. . (i.e., The Westmore News article dated 10/19/12, Page 8: **"Rev Washington deserved parade grand marshal honor"**).

We appreciate your prompt attention to this matter. Thank you.

The Board of Ethics

Board of Ethics

222 Grace Church Street
Port Chester, NY 10573

TO: Port Chester Board of Trustees

FROM: Port Chester Board of Ethics

DATE: December 11, 2012

Gentlemen:

The Board of Ethics respectfully requests that the Board of Trustees review and make a decision to either approve or reject the revised proposed Code of Ethics for the Village of Port Chester, which was first sent to you for consideration on October 30, 2007. For your convenience, we again enclose herewith a copy of the proposed Code.

The BOE believes that this is an important document for the Village of Port Chester to have in place to guide Village employees and officials in their conduct and duties. If the BOT believes that changes should be made to the proposed Code, please advise us accordingly so that work can be commenced in that direction. If the BOT is satisfied with the proposed Code as presented, we request that it be passed forthwith and that the Village Attorney prepare a draft local law on all of these proposed changes to the existing Code of Ethics.

Thank you.

The Board of Ethics

Attachment

I. CODE OF ETHICS

The Code of Ethics at Section 53-1 currently states that where there is a conflict with General Municipal Law, Article 18, the "latter shall control". This is actually an incorrect reading of New York State statute. Section 801(1)(a) of the General Municipal Law provides that local codes of ethics may "regulate or prescribe conduct which is not expressly prohibited by this article but may not authorize conduct otherwise prohibited." This means that municipalities are given the flexibility to impose requirements that are stricter than that in Article 18 of the General Municipal Law.

II. BOARD OF ETHICS

The Board of Ethics finds that the Code of Ethics is lacking in several areas with regard to organizational structure, jurisdiction and mission. Significant amendment is required to Section 53-12 alone, and new sections must be added.

Organizational Structure

The Board of Ethics should consist of its full complement of five members. Members of the Board of Ethics currently serve at the pleasure of the Board of Trustees. The Board finds that its members should be appointed to staggered terms of office to ensure continuity in work, philosophy and independence of judgment. It is recommended that the term be three years. The Board recommends that the body be bipartisan, with diversity amongst its members as to affiliation with a particular political party, whether by registration, office held within a political party or elective office held in the Village. Further, in a significant change from the current Code, no more than one Village officer or employee should be on the Board. The Board finds that the Code should provide that members serve without compensation for their services, but that they shall be reimbursed for reasonable expenses in the performances of their duties.

The Board finds that there have been long periods where it has not been legally constituted due to lack of appointments. The Code should contain a requirement that vacancies be filled within a reasonable time, e.g. 60 days. Provision should also be made for removal of a member for cause after written notice and opportunity to be heard. Cause would be neglect of duty, gross misconduct in office, violation of the Code of Ethics or Article 18 of the General Municipal Law, etc.

In addition, there should be provisions for: a Chairperson of the Board of Ethics who should be elected by the members of the Board of Ethics, meetings, and the ability of the Board to retain independent counsel or experts if deemed appropriate, which expense shall be a Village charge. In the usual case, the Village Attorney will serve as counsel. The Board of Ethics should be entitled to rely upon the Village Clerk's office to take minutes and provide administrative support for its proceedings. The Chair, as well as a majority of the Board, e.g. three members, should have the ability to call for a meeting.

The Board should be required to promptly convene after a request for an advisory opinion or when a complaint is filed.

Jurisdiction

The jurisdiction of the Board of Ethics is presently limited to providing an advisory opinion to an officer or employee as to his or her own conduct. This is an important role that should not be understated. Public employees and officers should be strongly encouraged to avail themselves of the Board of Ethics to guide their conduct.

General Municipal Law, Section 808, does not envision that ethics boards have investigatory or enforcement power. However, the State Attorney General has opined that a municipality may, by local law, grant to its board of ethics the authority to receive complaints alleging violation of ethics regulations, investigate those complaints, including the right to serve subpoenas in its name to compel testimony of witnesses and books and records, make a determination, and to provide for the imposition of appropriate penalties.

The Board finds that it should have this additional authority in order to be more fully effective. The Code of Ethics was adopted 39 years ago. It is clear that since that time the environment in which public officials must operate has grown ever more complex. Public expectations have required a heightened sensitivity to ethical issues. The Board of Ethics therefore recommends that it be granted jurisdiction to render to the Village Manager and to the Board of Trustees an opinion or to investigate a complaint brought by the Village Manager or Board of Trustees with regard to the conduct of an officer or employee for conformance to the Code of Ethics and Article 18 of the General Municipal Law. This grant would assist appointing authorities in the exercise of their management functions by providing an advisory opinion with a recommended penalty. This additional jurisdiction would necessarily require that the Board of Ethics have investigatory and enforcement powers.

The Board of Ethics has considered, but does not recommend that such expanded jurisdiction further include the authority to accept and investigate complaints made by other parties, i.e. members of the general public. Responsibility to invoke the jurisdiction of the Board of Ethics on a complaint should be vested with the appointing authority that has the prerogative to initiate same. The Board should be empowered to promulgate rules and procedures to implement this additional authority. The Board, whose determinations would be non-final and non-binding, would necessarily follow the provisions of the Open Meetings Law and Freedom of Information Law to preserve confidentiality in the appropriate case.

Mission

The Board of Ethics finds that its mission should be transformed to a proactive and preventative body. For example, the Board is presently confined to merely making

recommendations on proposed amendments to the Code of Ethics at the request of the Board of Trustees. The Board of Ethics proposes that it provide a written, annual report to the Board of Trustees. The Board of Ethics should be involved in the development of appropriate public forums and training programs to educate officers and employees as well as the public.

III. NEPOTISM

Nepotism, or favoritism shown to family members, is an abuse of public office or position. The Board of Ethics finds that a prohibition of family members employed by the Village is neither practical nor desirable in a small village such as Port Chester. The Board takes judicial notice that there are many examples of multi-generational employment in the Village and that such a commitment to the public service should be encouraged, not prohibited. The Board concludes that the resolution of the issue should be not by a blanket rule, but rather, how to appropriately prevent public officers and employees from using their office or position of employment to benefit those related to them or from being placed in the position from which they could do so.

Existing provisions are generally adequate to provide such guidance, but some amendments are necessary.

Like Article 18 of the General Municipal Law, the Code of Ethics appears to expressly authorize a public official to hire a close family member. (see underlined) This section should be amended to delete the exception.

Section 53-15

As used in this chapter, the following terms shall have the meanings indicated:

INTEREST – Includes, without limitation, any right, title, share or participation in anything or in any advantage, profit, or benefit, whether such right, title, share or participation be direct or indirect, legal or beneficial, contingent or vested, financial or otherwise, as owner, partner, stockholder, mortgagee, creditor, broker, agent or in any other capacity, but shall not include an interest in any corporation listed on any security exchange, subject to the regulations of the Security Exchange Commission. For the purpose of this chapter, a municipal officer or employee shall be deemed to have an interest in the contract of his spouse, domestic partner, minor children, dependent, or person residing in the same household, except a contract of employment with the municipality which such officer or employee serves; a firm partnership or association of which the municipality which such officer or employee serves; a firm, partnership or association of which such officer or employee is a member or employee; a corporation of which such officer or employee is an officer, director or employee; and a corporation any

stock of which is owned or controlled or controlled directly or indirectly by such officer or employee.

The Code of Ethics should require an officer or employee to do more than abstain in the decision making process where a close family member, domestic partner or household member is involved (see underlined). It is recommended that such person make formal declaration and take affirmative action at every level so as to ensure there is complete insulation and recusal between the officer or employee and the family or household member. Broader language is necessary to satisfy this objective.

Section 53-7A

Any official, officer or employee of the Village shall abstain from making personal investments in enterprises which he has reason to believe may be directly affected in decisions to be made by him or which will otherwise create conflict between his public duty and his private interest and shall refrain from passing upon any questions of which he or any member or his household or immediate family has an interest which might reasonably be deemed to create such conflict.

The Code of Ethics is also imprecise as to the family or household member such that would trigger ethical obligation. For example, as previously stated in Section 53-15, it is spouse, minor children or dependent, but in Section 53-10, it is "immediate family" without definition and in Section 53-10B it is anyone of "kinship" also without limitation.

Code provisions should be reconciled with a common threshold of familial relationship, and to include household members as well, so as to cover other close familial type relationships such as life partners or persons in a committed but not spousal relationship so as to avoid the possibility of circumventing the Ethics Codes simply by not getting married.

IV. FINANCIAL DISCLOSURE

Article 18 of the General Municipal Law provides for the option of annual financial disclosure by elected and certain appointed officers and employees in local governments with less than 50,000 in population. The Board of Ethics takes no position with regard to this option with regard to elected officials, but does not recommend that this option be exercised for appointed officials or employees.

V. GIFTS/GRATUITIES

The Board of Ethics finds that the Code of Ethics should be consistent with Article 18 of the General Municipal Law, Section 805-a with regard to the dollar amount of gifts that can be accepted. The Code should prohibit the solicitation of gifts. It should also draw a distinction between gifts and forms of social hospitality, such as a present exchanged on a holiday, the latter of which would be permitted.

VI. TRAINING

The Board of Ethics finds that training is an essential part of any Code of Ethics and recommends that there be mandatory training of all Village officers and employees on an annual basis.

Respectfully submitted,

Michael Ritchie

Evelyn Petrone

Vincent DeMarr, Jr.

Gerald Washington

CAROLYN H. MANN*
MONROE YALE MANN**

EMILY C.F. MANN***

*NY AND FED BARS
**NY CT DC AND FED BARS
***NY AND CT BARS

MANN & MANN, LLP

ATTORNEYS AT LAW
316 WESTCHESTER AVENUE
PORT CHESTER, NEW YORK 10573

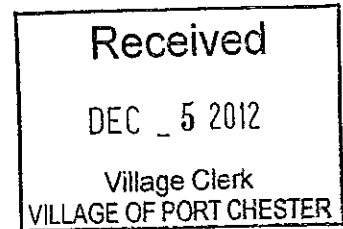
914 939-2000
FAX 914 939-2162

LEGAL ASSISTANTS

ELEANOR BOEKMAN
LOUISE URBANOWSKI

December 3, 2012

Hon. Mayor Dennis Pilla
and Members of the Board of Trustees
Village of Port Chester
222 Grace Church Street
Port Chester, NY 10573



Re: 316 Westchester Avenue

Dear Mayor and Members of the Board,

I write you regarding our office building located at 316 Westchester Avenue. Due to age and Hurricane Sandy, the floor wood on the front porch [consisting of large sheets of 4 x 8 and other wood] has to be replaced. There is absolutely nothing new being added. The Building Department stopped the work and advised that we would need a Building Permit and an "Architectural Rendering" (which would be extremely expensive) in order to replace the rotten wood. I am respectfully stating that the demands of the Building Department are unnecessary in order to replace existing wood. There is no alteration of the porch in any way. The building is not being altered or restructured in any way. The Code states that "No building or structure shall be erected, enlarged, structurally altered or moved until a permit therefor has been issued by the Building Inspector". None of this is occurring - all that is being done here is the replacement of rotted or damaged wood on the front porch.

I would appreciate it if the Building Department is instructed to withdraw its "Stop Work Order" and permit the repair to proceed.

Respectfully yours,

MANN & MANN, LLP


Monroe Yale Mann

ZARIN & STEINMETZ
ATTORNEYS AT LAW
81 MAIN STREET
SUITE 415
WHITE PLAINS, NEW YORK 10601

DAVID S. STEINMETZ*
MICHAEL D. ZARIN
DANIEL M. RICHMOND
BRAD K. SCHWARTZ

* ALSO ADMITTED IN D.C.
° ALSO ADMITTED IN CT
△ ALSO ADMITTED IN NJ

TELEPHONE: (914) 682-7800
FACSIMILE: (914) 683-5490
WEBSITE: WWW.ZARIN-STEINMETZ.NET

December 5, 2012

MEREDITH BLACK°
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Via Overnight Mail

Hon. Dennis Pilla and
Members of the Village Board of Trustees
Village of Port Chester
222 Grace Church St.
Port Chester, NY 10573

**Re: Proposed Comprehensive Plan And Zoning Amendments
Written Comments Regarding The FGEIS**

Dear Mayor Pilla and Members of the Village Board:

As you know, we represent TJI Realty ("TJI"), the owner of 25 Abendroth Avenue (the "Property"). We have had an opportunity to review the FGEIS, which we understand was accepted as complete on December 3, 2012.

We were pleased that the Village Board carefully considered our clients' concerns regarding the proposed rezoning of the applicable subarea to the DW District. We were also pleased that the further analysis of the DW District set forth in Appendix F of the FGEIS recommended that your Board reconsider rezoning the subarea to the "DW design Waterfront district as currently conceived in favor of a modified DW district with more appropriate dimensional regulations." (FGEIS, Appendix F at 392).

It is our understanding that your Board intends to discuss the proposed zoning map and text amendments at an upcoming Village Board work shop meeting. In light of the substantial time and effort already expended by the Village in connection with the Comprehensive Plan and zoning amendments, and the fact that the potential impacts of the DW2 Design Waterfront District have already been addressed in Appendix F of the FGEIS, our client submits that it would make sense for the Village to consider revising the proposed map and text amendments at this time to include a new DW2 Design Waterfront District, rather than deferring to a later date.

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Accordingly, in furtherance of the recommendation in Appendix F of the FGEIS, we have enclosed a Technical Memorandum from TJI's planning consultant, Syrette Dym, AICP, dated December 5, 2012 (the "Memo"). The Memo proposes for your Board's consideration a new "DW2 Design Waterfront District," which would, in terms of density, act as a transitional district between the proposed C2 Main Street Business District and the proposed DW Design Waterfront District. The permitted uses in the DW2 District would remain identical to the DW District, in order to encourage uses that are more compatible with the waterfront. We believe the Memo reflects the recommendation of the FGEIS, while remaining consistent with the goals and objectives of the proposed Comprehensive Plan.

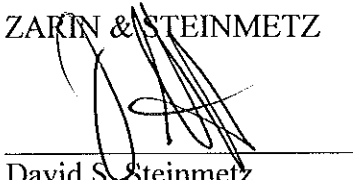
We urge your Board to incorporate the proposed DW2 District into the SEQRA Findings Statement, and to make the minor revisions necessary in order to implement the DW2 District to the proposed zoning map and text amendments prior to their adoption. We hope that your Board and your consultants take this suggestion seriously, and we look forward to the opportunity to work together to achieve a mutually beneficial result.

If you have any questions, or if you require any additional information, please do not hesitate to contact us. Thank you for your consideration.

Respectfully submitted,

ZARIN & STEINMETZ

By:



David S. Steinmetz
Jody T. Cross

Encls.

cc: (via regular mail)
Chris Gomez, Director of Planning & Development
Christopher Steers, Village Manager
Vince Ferrandino, AICP
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TO: David Steinmetz, Zarin & Steinmetz
Jody Cross, Zarin & Steinmetz
Kathleen Lanza, TJI Realty Corp.

FROM: Syrette Dym, AICP

RE: Proposed dimensional Regulations for a New DW-2 District as part of Village of Port Chester Proposed Rezoning

DATE: December 5, 2012

TJI Realty Corp. and its representatives are pleased to see that the conclusions of the Appendix F: DW Design Waterfront District Analysis, prepared by Ferrandino & Associates, November 2012, reached the same conclusion stated in our submitted technical memorandum of October 31, 2012. That is, that its property located at 25 Abendroth Avenue and the fifteen other parcels included in the Abendroth Avenue corridor should not be rezoned to the existing DW Design Waterfront district, but to a modified DW district, perhaps designated as DW2. Based on the analysis presented in Appendix F of the FGEIS and, in light of the goals and objectives of the comprehensive plan as well as established planning principles, we would recommend the following dimensional regulations for any proposed DW2 Design Waterfront district.

Schedule of Regulations for Proposed Nonresidence Districts Part 2, Dimensional Regulations				
Type of Use	Districts			
	C2 Central Business(1)	C2 Main Street Business	DW Design Waterfront	DW2 Design Waterfront
Maximum Floor Area Ratio	3.2	3.5 (0.5 FAR bonus available)	1.6	3.0
Maximum Floor Area Ratio for 1 Story	NR	NR	0.4	NR
Minimum Size of Lot:				
Area, nonresidential (square feet)	NR	NR	10,000	NR
Area per dwelling unit (square feet)	750	250	750	250
Width (feet)	40	40	40	40
Depth (feet)	NR	NR	NR	NR
Minimum Yard Dimensions:				
Front (feet)	NR	NR	20	NR
Side				
One (feet)	NR(a)	NR (a)	(c)	NR (a)

Total of 2 on interior lot (feet)	NR (a)	NR (a)	(c)	(d)
Rear (feet)	20	20	30	20
Maximum Height of Building:				
In stories	8	5	4	5
in feet	70	60	50	60
Minimum Usable Open Space on Lot:				
For each dwelling unit (square feet)	100	50	100	50
(1) To be eliminated (a) If provided, at least ten(10) feet per yard; (c) Each twenty-five (25) feet or one-half height of the building whichever is greater; NR - non required; (d) Each 10 feet				

The proposed dimensional regulations mirror those of the newly to be created C2 Main Street Business District to which it is adjacent with the exception that there is a slightly lower FAR adjacent to the waterfront. The FAR is lower to encourage a step down in density from Main Street uses to those lining the waterfront.

The lot area per dwelling unit of 250 square feet was selected to encourage the findings of the comprehensive plan that the waterfront should provide smaller units serving a demographic that will support downtown uses while not adding significant school population.

The requirement for no front yard is based on the existing character of the Abendroth Avenue corridor which has buildings built to the streetwall. Both Willet Avenue and Highland Street provide breaks in this streetwall. The existing loft building setback from Abendroth Avenue is likely to remain in its current configuration even in any future adaptive reuse scenario, also providing a break in the zero setback streetwall along the corridor. There is not a heavy pedestrian flow along Abendroth Avenue and the pedestrian flow should be directed toward adjacent Main Street business uses. The only side yards that should be provided are those for interior lots. Given the mix of uses that could be developed, it is recommended that 10 foot interior side yards would be sufficient, resulting in a total of a 20 foot distance between any newly developed uses on adjacent lots. The 20 foot rear yard setback of the C2 district is appropriate for these waterfront parcels since the opportunity for developing a continuous waterfront walkway in this waterfront segment is limited due to old and newly developed parcels that have already precluded this opportunity. In any event, 20 feet would be sufficient for individual parcels to create their own waterfront open spaces, some of which may be accessed by the public from intervening streets leading to the waterfront.

A height limit of 5 stories and 60 feet has been recommended as a way to continue the pre-existing character of development along the corridor, as well as a way to provide sufficient developable square footage when parking requirements are considered. Even if parking requirements are modified, on site parking will likely be provided in the first story of any building leaving four additional stories for the proposed use. This height will provide a step down from the height of new uses that will be permitted in and around the rail station at heights of up to eight stories and 90 feet with available bonuses of two additional stories.

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**BY HAND AND
ELECTRONIC MAIL**

Mayor Dennis Pilla
And Members of the Board of Trustees
Village of Port Chester
222 Grace Church Street
Port Chester, NY 10573

Re: Village of Port Chester Final Generic Environmental Impact Statement

Dear Mayor Pilla and Members of the Board of Trustees:

Reference is made to the Village of Port Chester Final Generic Environmental Impact Statement (“FGEIS”) 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 “Starwood”), the owner of certain property located at 406 Boston Post Road, more commonly referred to as the former “United Hospital Site.” As the owner of the former Hospital Site, Starwood has a significant interest in the growth and development of the Village of Port Chester, and 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. Indeed, since the publishing of the draft Comprehensive Plan in January 2012, we have appeared at every Board public hearing, at work sessions with the Board and at meetings with Village Staff in connection with this matter.

The Village is proposing to rezone the United Hospital Site from a Two-Family Residential (“R2F”) Zoning District to the proposed, new Planned Mixed Use (“PMU”) District. We recognize that the future development of the United Hospital Site is a critical factor in the overall implementation of the Comprehensive Plan, which is demonstrated by the fact that the FGEIS specifically mentions the United Hospital Site on approximately 55 pages – significantly more than any other property in the Village. With that in mind, we respectfully submit this letter as Starwood’s comments on the proposed 2012 Comprehensive Plan and Zoning Code and Map Amendments FGEIS, specifically as it relates to the draft PMU District which applies only to the United Hospital Site.

The PMU Zoning Text and Map Amendments

Reference is made to proposed Section 345-62, the proposed PMU Zoning District Text Amendment, and our comments previously presented to the Board of Trustees and Village Staff. The successful redevelopment of the United Hospital Site will be dependent on, among other things, the economic feasibility and factors such as market conditions, demand drivers, and financing conditions. With the current draft Amendments, the Village is proposing to rezone the

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United Hospital Site from a R2F District to the proposed, new PMU District. Accordingly, we respectfully suggest the Board make the following revisions to the proposed PMU Text to afford the flexibility necessary to maximize the redevelopment potential of this property in a way that is both economically viable and beneficial to the community:

- The proposed bulk regulations for the PMU District must be revised to allow for the opportunity to increase the Floor Area Ratio (“FAR”) to 1.60 in order to meet current and anticipated market conditions. This increase would of course have to be evaluated as part of the recently initiated State Environmental Quality Review Act (“SEQRA”) process for the site-specific redevelopment of the United Hospital Site.
- 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 cap of 0.20.¹ This alternative would provide a sensible way to encourage mixed-use development on the United Hospital Site starting with the existing residential ‘as-of-right’ 0.80 FAR and the ability to layer appropriate bonuses on top of that for other uses. The PMU Text should be revised to stipulate a maximum FAR of 1.6 consisting of one or more uses “where any new development would be properly controlled so as to not result in potential adverse impacts on public schools, traffic and infrastructure” (the same concept that is applied to the Fox Island Subarea). As stated herein, the successful redevelopment of the United Hospital Site will be dependent on economic feasibility. Thus, capping the FAR at 0.80 now without any market studies or data is arbitrary, capricious, and shortsighted for a Village that is looking for innovative ways to grow its ratables.

A revision reflected in either of these bullet points would be consistent with the proposed Comprehensive Plan and still leave the Board of Trustees with control and complete discretion over any proposed density increases that would be available under the proposed Floor Area Bonus Program.² Either requested revision above 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 principles.

¹ See, Footnote 5 in Section 345 Attachment 3B, Schedule of Regulations for Nonresidential Districts Part 2, Dimensional Regulations. Please note that the only Zoning District in the entire Village that this FAR bonus density cap will be applicable to is the PMU. Moreover, the Village fails to identify any basis as to why it singles out the United Hospital property as the only property in the Village which this FAR bonus cap applies. Further, the FGEIS fails to provide any grounds whatsoever as to how the 0.20 FAR cap was arrived at, other than a conclusory explanation that this amount constitutes a 25% increase over the as of right FAR.

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

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The United Hospital Site is the only major residential/mixed-use site in the Comprehensive Plan that had specific FAR requirements. In the noted section of the Comprehensive Plan, the language read “the existing FAR of the United Hospital Site is 0.80; it is recommended that this FAR be maintained under the proposed rezoning.” (Emphasis added.)³ The Plan however, failed to provide any basis as to why this Site is being treated differently than the Purdy Avenue or Fox Island Subareas. For these areas, the Plan simply suggested a “de-emphasis on future residential uses,” and that “...any new residential development would be properly controlled so as to not result in potential adverse impacts on public schools, traffic and infrastructure.”⁴ Further, while the Plan suggests the FAR be maintained, the proposed PMU Text for the United Hospital Site would actually downsize residential development from 0.80 FAR to 0.20 FAR, and only contemplates buildings with more than one use. This downsize in residential FAR constitutes an arbitrary and capricious reduction that equates to a 75% diminution of the current ‘as-of right’ zoning. The proposed PMU Text would destroy the greater part of the value of the Site because it permanently precludes the use for which it is most readily adapted. New York’s highest court has held such actions to be an unconstitutional *de facto* taking.⁵

In addition to the above mentioned 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.⁶ The Board along with Village Staff agreed to revise the Draft Comprehensive Plan to remove the chart that imposed rigid allocations of FAR for specific planner approved uses – i.e., hotel/conference center, commercial, residential, age restricted, and community facility. However, the Board has not yet amended the draft PMU Text to conform with that change. The FGEIS does not provide any evidence justifying the inclusion of these unprecedented development limitations. Striking the rigid FAR matrix allocations will make the proposed PMU Text consistent with the draft Comprehensive Plan revisions that the Board has already approved. Such changes to the PMU text will not curb the Board’s control over the review and approval of Starwood’s project plans. Further, any density or height bonuses sought by Starwood will be completely discretionary and thus subject to transparent review and approval by the Board. Put another way, if the Board incorporates

³ See, Proposed Port Chester Comprehensive Plan, dated March 21, 2012, p. 154.

⁴ See, Proposed Port Chester Comprehensive Plan, dated March 21, 2012, p. 153.

⁵ See, *Vernon Park Realty, Inc. v. City of Mount Vernon*, 307 N.Y. 493 (1954).

⁶ Indeed, the only property in the entire Village that this apportioned FAR and building height approach will be applicable to is the United Hospital Site.

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Starwood's proposed PMU revisions, the Village will have zoning in place that is consistent with the Comprehensive Plan, and the flexibility to review Starwood's proposal on the actual merits of the application, while preserving complete control over any bonus increases.⁷

- Similarly, a single maximum PMU building height of 8 stories/85 feet should 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 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 FGEIS. 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.

The FGEIS Contains a Deficient Analysis of School Impacts

The FGEIS provides a fiscal analysis relative to the school children associated with the proposed rezoning of the United Hospital Site.⁸ This analysis however, only utilizes the multipliers provided in the 2006 Rutgers University study, and fails to properly supplement its findings as recommended by the authors of the study, with a "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"⁹ despite such an analysis being provided to the Village.¹⁰

⁷ See, Cuddy & Feder submission, dated December 3, 2012, for Starwood's Revisions to Zoning Amendment Text.

⁸ See, FGEIS, p. 129-130.

⁹ See, Rutgers University, Center for Urban Policy Research. "Residential Demographic Multipliers: Estimates of the Occupants of New Housing," June 2006.

¹⁰ See, Preliminary Fiscal and Socioeconomic Impact Assessment, prepared by VHB Engineering, Surveying, and Landscape Architecture, P.C., p. 10.

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At the public hearings and meetings, the Board of Trustees expressed an objective, which is further identified as a goal in the Comprehensive Plan, that the overall density of the Village relative to producing school aged children be controlled.¹¹ Assuming *arguendo* that the methodology utilized in the GEIS analysis (of using only the Rutgers multipliers) is accurate, the number of public school children generated Village wide with the PMU – Increased Density Scenario (i.e., the Starwood proposal) would still result in a net negative of 223 students.¹² Thus, the Village’s goals emphasized in the FGEIS and by the Board of Trustees would actually be accomplished by adopting Starwood’s proposed revisions to the PMU text in this regard.

Further, the FGEIS is deficient in that it fails to identify any estimated tax assessment and resultant tax revenues for public school children generated for any PMU scenario. The FGEIS identifies that, “[b]ecause the PMU is a proposed district, there are no existing residential PMU tax assessments available for this zone.”¹³ As discussed more fully below, the Village was provided with a fiscal analysis that the FGEIS failed to consider as part of its SEQRA review.

The Record Does Not Support the Adoption of the Village’s Proposed PMU Zoning Amendment

Given that the FGEIS specifically references the United Hospital Site numerous times on more than 55 pages – significantly more than for any other property in the Village – it is well settled that this Site presents one of the most important redevelopment opportunities in the Village, and should be paid specific attention from a rezoning perspective.

The FGEIS repeatedly states (and as Board members have acknowledged) that the United Hospital Site must be evaluated on a site specific basis in order to fully understand the impacts and potential redevelopment opportunities.¹⁴ Indeed, it further acknowledges that on November 19, 2012 the Board of Trustees “accepted Starwood’s petition for rezoning,” and will undertake a detailed analysis of the rezoning of this property.¹⁵ As such, if the Board chooses not to incorporate Starwood’s requested changes to the PMU Text (or adopt the PMU – Increased Density Scenario) at this time, then we respectfully request that the Board follow the guidance set forth by its Planning Consultant in the FGEIS and reserve its review and adoption of a new PMU zoning amendment until the necessary site specific environmental review can be completed.

While it is true that the FGEIS should include a generic evaluation, the approach that the Village chose to follow for its proposed PMU district (in completely changing the zoning for the United Hospital Site), the Village failed to consider, and thus summarily rejected the detailed testimony

¹¹ See, FGEIS, p. 13, 72; Port Chester Comprehensive Plan, dated November 30, 2012, p. 133, 135, 138, 140, 142, 153.

¹² See, FGEIS, Table 37, p. 130; Table 40, p. 132.

¹³ See, FGEIS, Table 37, p. 130.

¹⁴ See, FGEIS, p. 193, 195, 196, 198 (among others).

¹⁵ See, FGEIS, p. 196.

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and data provided in connection with evaluating the generation of school children, fiscal benefits, traffic impacts, and market data for certain preferred uses in the PMU district. Such dismissal of this important information is contrary to the intent and purpose of a generic evaluation in that the SEQR regulations expressly recommend GEISs "...include an assessment of specific impacts if such details are available."¹⁶ Conversely, the FGEIS repeatedly, and inadequately suggests that these crucial issues be deferred and reviewed as part of Starwood's site specific analysis.

Accordingly, if the Board of Trustees is still not inclined to make Starwood's proposed changes to the PMU Text now, the Board should "do no harm" by not adopting any PMU zoning map or text amendments for the United Hospital Site. State Law does not mandate the simultaneous adoption of zoning amendments with a Comprehensive Plan, but rather encourages their adoption after careful consideration, and in accordance with the Plan.¹⁷ The "do no harm" alternative, which has been vetted by the Village Attorney and Staff, would leave the existing R2F zoning intact. While the "do no harm" approach is not ideal for the Village or for Starwood, it is certainly preferable to a situation that pits both parties against each other at a time when we should be working together. Moreover, this option would at least prevent the Board from adopting a zoning amendment that is in conflict with the changes made to the approved Comprehensive Plan.

The Village Failed to Hold Public Hearings in accordance with State Law

"When a SEQR hearing is to be held, it should be conducted with other public hearings on the proposed action, whenever practicable..."¹⁸ Moreover, New York courts have held that a legislative body should not hold separate hearings on an EIS and a zoning amendment, as such a process fails to result in a complete environmental review.¹⁹ Therefore, in the given situation, where the proposed action involves the adoption of a Village wide Comprehensive Plan and associated Zoning Amendments, the public should have been provided an opportunity to review and comment on the environmental impacts associated with the proposed language before it was effectively finalized by the Village (i.e., before the public hearing on the Plan and the Amendments was closed).

On August 6, 2012, the Board of Trustees closed the public hearing on the Comprehensive Plan and Zoning Text and Map Amendments prior to preparing an EIS, or conducting a SEQRA public hearing. The primary purpose of a DEIS is "to relate environmental considerations to the inception of the planning process, to inform the public and other public agencies as early as possible about proposed actions that may significantly affect the quality of the environment, and to solicit comments which will assist the agency in the decision making process in

¹⁶ See, 6 NYCRR § 617.10(a).

¹⁷ See, NYS Village Law Sections 7-704; 7-222(11)(a).

¹⁸ 6 NYCRR § 617.9(a)(4)(ii); see, 6 NYCRR § 617.14(b); NYS Environmental Conservation Law § 8-0109(5).

¹⁹ See, Brookville Taxpayers Assoc. Inc., v. Town of Oyster Bay, New York Law Journal, May 8, 1985, p. 15, col. 3.

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determining the environmental consequences of the proposed action.”²⁰ An EIS is needed to “assemble relevant and material facts upon which an agency’s decision is to be made”, “...analyze the specific advisers impacts and evaluate all reasonable alternatives.”²¹ Moreover, where a public hearing is required, its purpose is to further “...aid the agency decision-making processes by providing a forum for, or an efficient mechanism for the collection of, public comment.”²² In other words, these environmental review tools provide a process to identify environmental impacts associated with a proposed action, consider any ways to mitigate such impacts, and ultimately develop the details of the action based on that information.

Given that SEQRA encourages the coordination of public hearings, the Village’s hearing on the Comprehensive Plan and Zoning Text and Map Amendments should have remained open and continued as a joint hearing on the GEIS. Indeed, the GEIS should have been prepared in advance of the Village closing the public hearing on the Comprehensive Plan and Zoning Text and Map Amendments to allow for the public to comment, and for the environmental review to explore any mitigation techniques to address identified impacts and, as a result, dictate the final language of the proposed action. That was not the case here. The public hearing was improperly conducted and closed prior to even commencing the SEQRA process. As a result, the associated environmental impacts and mitigation measures were not considered or evaluated as part of the public hearing and preparation of the proposed Comprehensive Plan and Zoning Text and Map Amendments. Thus, any comments or evaluations of impacts and mitigation from the SEQRA review were not considered in preparing the final language of these documents. Such action is clearly violative of the well settled rule that environmental findings must be made and adopted prior to finalizing a proposed action. This further demonstrates that the Village predetermined its environmental findings, and thus failed to take a “hard look.”²³

Miscellaneous

Below please find additional deficiencies with, or comments to the FGEIS:

- The FGEIS identifies that one of the Comprehensive Plan’s goals is to reduce the overall residential density on a Village wide basis.²⁴ There has been significant discussion, as evidenced in the FGEIS, and a concerted effort to limit residential density targeted at the United Hospital Site, without a proper and comprehensive justification as to whether there are any significant adverse impacts that would validate a reduction in density.

²⁰ NYS Environmental Conservation Law § 8-0109(4).

²¹ 6 NYCRR § 617.9(b)(1); see, 6 NYCRR § 617.2(n).

²² 6 NYCRR §§ 617.9(a)(4); see also 6 NYCRR § 617.3(d).

²³ See, MYC New York Marina, L.L.C. v. Town Bd. of Town of East Hampton, 17 Misc.3d 751, 842 N.Y.S.2d 899 (N.Y. Sup., 2007)(courts review FEIS to determine whether agency identified relevant areas of environmental concern, took hard look at them, and made reasoned elaboration of the basis for its determination).

²⁴ See, FGEIS, p. 13.

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Notwithstanding, the proposed revisions to the Village's Zoning Amendments include recommendations to add residential density to the Kohl's site directly across the street from the United Hospital. This recommendation is even more arbitrary in light of the fact that the CD zoning district, where this property is currently located, prohibits residential development.

- The FGEIS and Comprehensive Plan reference goals to preserve the Village's downtown area, and for the PMU District to avoid detracting from and competing with the downtown portion of the Village.²⁵ Yet, the Village is proposing to adopt a PMU Scenario that would permit approximately 336,000 square feet of retail/commercial space. Quite simply, this PMU Scenario is in direct conflict with the foregoing goal, and thus does not conform with the proposed Comprehensive Plan. We question the intent and manner in which an economically viable project can succeed in this vain with the significant restraints being imposed on it by the proposed PMU zoning text.
- Another stated goal of the Board and its Comprehensive Plan is to avoid traffic impacts, particularly with respect to the proposed PMU rezoning.²⁶ However, the Village's proposed PMU Scenario generates significantly more net new trips when compared with PMU-Increased Overall Density Scenario (proposed by Starwood), demonstrating a significant disconnect between the Village's objectives and its proposed actions.²⁷
- The FGEIS tax assessment analysis fails to consider the likely reduction in value of the United Hospital Site and corresponding tax revenues as a result of the pending Tax Certiorari action against the Village and its taxing jurisdictions.²⁸
- The Comprehensive Plan recommends that a hotel/conference center is a preferred use in the PMU District, but the FGEIS fails to provide any supporting documentation that would demonstrate this being a feasible use at this Site (such as a market analysis). Indeed, Starwood provided testimony and market data, which demonstrates that an approximately 250,000 square foot hotel/conference center is not an economically viable use in the Village at this time. This analysis was not evaluated in the FGEIS and was completely disregarded by the Village.
- The adoption of the proposed Comprehensive Plan and Zoning Text and Map Amendments would be arbitrary and capricious as the Village failed to evaluate a

²⁵ See, FGEIS, p. 187.

²⁶ See, Port Chester Comprehensive Plan, dated November 30, 2012, p. 135.

²⁷ See, FGEIS, p. 109; Table 24, p. 110.

²⁸ See, FGEIS, p. 196.

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sufficient range of alternatives in the GEIS. An EIS “... must analyze the significant adverse impacts and evaluate all reasonable alternatives.”²⁹ The alternatives that should be considered in a generic EIS should generally be broader than a site-specific environmental review so “that the resulting generic EIS will support a range of future agency choices and decisions.”³⁰ More specifically, in the context of reviewing a comprehensive plan and zoning revisions, SEQRA suggests that the analysis involve “different patterns or mixes of zoning within the study area; and a range of uses within a zone, including the most likely course of development as well as the most intensive use.”³¹ In other words, a broad “discussion is necessary for agencies to fulfill the mandate that they choose alternatives which minimize or avoid adverse environmental effects”,³² particularly with respect to a generic EIS. Nonetheless, the Village’s environmental review failed to evaluate even the most obvious of future uses. For example, the GEIS does not evaluate a hospital re-use scenario at the United Hospital Site, despite the fact that the property is improved with existing hospital center infrastructure.³³ The Response to our November 1, 2012 letter incorrectly states that the GEIS “is not required to address conditions or impacts associated with a hospital use since the former United Hospital has been inactive since 2005, and the site will not likely be a hospital in the future.” To the contrary, this analysis was necessary not only because it was required to serve as a baseline for measuring and comparing anticipated impacts at the United Hospital Site, but also because the proposed PMU Text expressly permits hospitals as a future Special Exception Use. Thus, it constitutes a reasonable alternative scenario, if not an expected one that should have been analyzed.

- The GEIS failed to utilize a proper baseline analysis for purposes of assigning mitigation measures, particularly with respect to sewer, water and traffic impacts.
- The FGEIS and Responses to DGEIS Comments state that numerous alternative scenarios have been evaluated. However, the FGEIS merely identifies alternative scenarios in relation to certain and specific individual impacts, but fails to consider the impacts in their totality as an alternative scenario to the proposed action. This is evidenced by Section 4.0, “Analysis of Alternatives”, which improperly identifies and evaluates only a “no action” alternative to the proposed 2012 Comprehensive Plan. Further, the “no action” discussion

²⁹ 6 NYCRR § 617.9(b)(1).

³⁰ See, The SEQRA Handbook, 3rd Ed. (2010), p. 146.

³¹ See, The SEQRA Handbook, 3rd Ed. (2010), p. 147.

³² See, Gerrard, et al, Environmental Impact Review In New York [Matthew Bender 2012] § 5.14[1]; NYS Environmental Conservation Law §§ 8-0109(1); 8-0109(8); 6 NYCRR § 617.11(d)(5).

³³ See, Village’s proposed PMU Zoning Amendment, Section 345-62(D)(2).

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should include a description of the likely circumstances if the proposed action does not proceed.³⁴

- In response to comments relative to the possible range of uses at the United Hospital Site, the FGEIS states that the Comprehensive Plan recommends a range of uses for the proposed PMU district to “encourage true mixed use development” thereby insinuating that the PMU – Increased Residential Scenario is not true mixed use development.³⁵ We respectfully submit that a proposal, such as Starwood’s, which involves commercial, residential and community facility uses, and meets the objectives of the Comprehensive Plan, certainly constitutes a “true” mixed use proposal. Indeed, the FGEIS language is contradicted later in the document wherein it states: “The Starwood proposal... is in general conformance with the draft Comprehensive Plan, which recommends balanced development between proposed upzoned and downzoned areas to help minimize adverse impacts to the Port Chester-Rye Union Free school district (school district), infrastructure and traffic.”³⁶

Conclusion

We look forward to appearing at the Board of Trustees December 17, 2012, work session to continue to discuss the current status of Starwood’s proposed development plans and the foregoing comments in more detail. 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, or to incorporate the R2F alternative. Thank you for your continued consideration.

Very truly yours,



Anthony B. Gioffre III

cc: Christopher D. Steers, Village Manager
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³⁴ See, The SEQRA Handbook, 3rd Ed. (2010), p. 124; MYC New York Marina, L.L.C., 842 N.Y.S.2d 899 (N.Y. Sup., 2007).

³⁵ See, FGEIS, p. 184.

³⁶ FGEIS, p. 192.

Mayor Dennis Pilla
And Members of the Board of Trustees
December 13, 2012
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**PUBLIC COMMENTS
AND
BOARD COMMENTS**