

VILLAGE OF PORT CHESTER
BOARD OF TRUSTEES
 Meeting, MONDAY, OCTOBER 15, 2012
Special Meeting: 6:00-6:45 P.M.
PROPOSED EXECUTIVE SESSION 6:45-7:00PM
Regular Meeting: 7:00 P.M.
VILLAGE JUSTICE COURTROOM
 350 North Main Street
 Port Chester, New York
AGENDA

TIME: 6:00 P.M. to 6:45 PM

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

TIME: 6:45 P.M. to 7:00 PM

	PROPOSED MOTION FOR EXECUTIVE SESSION	ACTION
1.	Consultation with staff on real property negotiations.	

TIME: 7:00 P.M.

	PUBLIC COMMENTS	ACTION
	DISCUSSIONS	ACTION
1	Building Department update and proposed local law for Temporary Certificate of Permitted Use.	
2	Review of the rules to use the Senior Community Center.	
3	Mandate Relief for cost recovery of Village services.	
4	<u>Planning Commission follow-up for Tarry Market</u> <ul style="list-style-type: none"> • From Michiel Boender, AIA on behalf of Tarry Market, E.J. Port Realty requesting removal or parking spaces on Abendroth Avenue in conjunction with final site plan approval. • From Traffic Sargent Charles Vaccaro regarding on- 	

	<ul style="list-style-type: none"> From Anthony Carbone, Esq. on behalf of Tarry Market, E. J. Port Realty offering existing truss structures to the Village. 	
5	<p>Discussion in response to The Village of Rye Brook of a Subdivision, Site Plan and Rezoning petition for 80 Bowman Avenue.</p> <ul style="list-style-type: none"> Resolution 	
	REPORTS	ACTION
1	Request from Putnam Engine & Hose Co. No. 2 to expel the following members: Estuardo Perez, Brandon Hall, and Auriel Fernandez.	
	CORRESPONDENCE	ACTION
1	Planning Commission recommendation resolution to Board of Trustees regarding downtown parking.	
2	Notice of Planning Commission's intent to serve as Lead Agency under SEQRA for 110 Midland Avenue zoning text amendment petition.	
3	Acceptance of zoning map amendment petition and designation of Lead Agency under SEQRA for 2 Osborne Place.	
4	Permission from Port Chester Fire Department for use of Oak Street parking lot for their annual inspection on Thursday, October 25, 2012 at 7:15pm and request that the lot be cleared beginning at 3:00pm.	
5	Request from Saint Peter's Church for The Immaculate Virgin of Guadalupe Parade for about 80 people on Sunday, October 21, 2012 from 12:00pm to 1:00pm. The parade will begin at 141 South Main Street and proceed to Pearl Street, 179 Westchester Avenue and finish at Saint Peter's Church Parking lot.	
6	From Tamarack Tower Foundation to hold a Turkey Trot on November 22, 2012 beginning at 9:30am and requesting street closures from 9:30am to 10:30am.	
7	From Church of Our Lady of Rosary requesting permission to have a procession with approximately 300 people on October 21, 2012 beginning at 1:30 pm at Don Bosco center.	
8	Request for "all night permit" for January 1, 2013 from G&A Entertainment Corp. d/b/a La Dolce Vita, 451 North Main Street.	

9	Request for "all night permit" for January 1, 2013 from La Gratta Inc., 107 Adee Street.	
	MINUTES	ACTION
1	Minutes from July 2, 2012	
	PUBLIC COMMENTS AND BOARD COMMENTS	ACTION

A LOCAL LAW AMENDING CHAPTER 345 OF THE CODE
OF THE VILLAGE OF PORT CHESTER TO ESTABLISH
TEMPORARY CERTIFICATES OF PERMITTED USE

SECTION 1: Purpose and Intent

The Board of Trustees has made code enforcement its first policy priority and has taken the initiative by supporting the development and implementation of a comprehensive, non-discriminatory code enforcement program.

In the course of such implementation, the Board has become aware of existing and preexisting *unlawful* non-conforming uses of property that are currently being conducted without the required certificate of occupancy. The requirements for such certificates are not new, and have been in effect since the adoption of the Village's initial Zoning Regulation in 1927.

The Board is also aware that there are lawful existing and preexisting nonconforming uses that do not have a certificate of occupancy simply because they predate the requirement.

The Board finds that the current situation with regard to unlawful nonconforming uses is long-standing and pervasive. The Board also finds that widespread and abrupt termination of such uses would cause undue social and economic hardship upon Village residents, inclusive of displacement, and that while code compliance is of paramount importance, it is in the best interests of the Village and its residents that such compliance be obtained over a period of time sufficient to lessen its potentially disruptive impact. While existing administrative provisions do provide some relief, there is a need to address the issue of existing and preexisting *unlawful* and *lawful* nonconforming uses in a more comprehensive, efficient and equitable manner.

SECTION 2: Definitions: For purposes of this section, the specified term shall have the following meaning:

Unlawful nonconforming- A building, structure or property use that post-dates adoption of the current zoning of the property and is inconsistent with such zoning.

SECTION 3: Temporary Certificate of Permitted Use

A. Upon written request from the owner, the Board of Trustees may, by resolution, authorize the issuance of a Temporary Certificate of Permitted Use for any unlawful nonconforming building, structure, or use duly existing on the effective date of this section, as prescribed herein.

B. An applicant for a Temporary Certificate of Permitted Use shall be required to furnish the Building Inspector with appropriate documentation, including but not limited to, an updated

survey, electrical underwriters certificate, and/or a floor plan, in order for the Building Inspector to ascertain whether the building, structure or premises meets the criteria for consideration by the Board of Trustees. As part of such consideration, the Building Inspector shall conduct an inspection of the entire premises in order to assess compliance with the provisions of the building code.

C. A fee as required in Chapter 175, the Fee Schedule, must accompany the request for a Temporary Certificate of Permitted Use.

D. A Temporary Certificate of Existing Use shall not be issued unless:

(1) The building, structure and/or premises or use does not comply with the current zoning applicable to the premises, and was constructed, erected, structurally altered, and/or used in its current fashion after the current zoning regulations affecting the premises were in effect in the Village of Port Chester. Additionally, the following criteria must be satisfied:

- a) The building, structure or premises was so constructed, erected or last structurally altered 10 years or more prior to the effective date of this local law, and/or the current use of the premises has continued uninterrupted for 10 years or more prior to the effective date of this local law; and
- b) The use is not a prohibited use under every zoning classification in the Village Code; and
- c) The action is capable of classification either as a Type II Action or negative declaration under the State Quality Environmental Review Act (SEQRA); and
- d) There are no open building code or zoning code prosecutions pending in relation to the subject premises; and
- e) An inspection conducted by the Building Inspector reveals that the premises are in compliance with the building code.

E. Procedure

(1) Notice

Upon receipt of the application from the Building Inspector, the Board of Trustees shall schedule a public hearing. The public notice requirements contained in Article XXI of this chapter shall be followed with regard to notice.

(2) The Board of Trustees shall consider the documentation and testimony submitted in support of the application, as well as any objections filed, as well as the criteria contained in Section 3(D)(1)(a-e) of this Section, and grant the application only if the applicant shall establish his/her entitlement to the certificate by a preponderance of the evidence.

(3) Upon the granting of the application, the Building Inspector is authorized to issue a Temporary Certificate of Permitted Use.

F. Effect of Temporary Certificate of Permitted Use

A. The Building Inspector shall thereupon issue the Temporary Certificate of Permitted Use to the applicant. The building, structure or use temporarily authorized by the Board of Trustees may continue until the Certificate's expiration. All future alteration, enlargement, change or abandonment of use shall be regulated and proscribed by the restrictions contained in Section 345-13.

B. A Temporary Certificate of Permitted Use issued under this section shall expire upon the earlier of ten (10) years from the effective date of this local law, or upon a transfer of title. The temporary certificate of existing use shall not be renewed, and shall plainly state on its face that it is temporary. It shall set forth its expiration date and indicate that the certificate is not transferrable. The certificate shall also state that its issuance is not a representation of building or zoning code compliance.

C. The building, structure or premises subject to the Temporary Certificate of Permitted Use must be rendered zoning compliant prior to or upon expiration of the temporary certificate of existing use. Issuance of the certificate shall not be a defense to any zoning prosecution maintained by the Village upon expiration of the temporary certificate of existing use.

D. The Temporary Certificate of Permitted Use creates no legal rights in its holder other than a temporary grant of permission to utilize such building, structure or use in a manner consistent with the certificate, which permission is extinguished immediately upon its expiration.

SECTION 4. Compliance

A. Nothing herein shall be deemed to excuse compliance with the provisions of the New York Municipal Residence Law or the New York Fire Prevention and Building Code.

B. Issuance of the Temporary Certificate of Permitted Use shall not be construed to indicate that the building, structure or premises is building or zoning code compliant.

SECTION 5: Supereession

So as to fully accomplish the intentions of the Board of Trustees, this local law supercedes any inconsistent or otherwise applicable provisions of Chapter 345 of the Village Code.

SECTION 6: Validity; severability.

Should any section or provision of this local law be decided by a court of competent jurisdiction to be held unconstitutional or otherwise invalid, such decision shall not affect the validity of the local law in whole or in part not decided to be unconstitutional or otherwise invalid.

SECTION: Effective Date

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

Village of Port Chester
Senior/Community Center Facility Policy
Rules and Regulations

The Village Board of Trustees recognizes that the Port Chester Senior/Community Center belongs to the people of the Village of Port Chester. The Board affirms that the primary use of the Senior/Community Center is for programs supporting seniors of the community. The Board desires to provide for the additional use of the Senior/Community Center to governmental entities and non-profit organizations with special tax designation (Section 501 (c) (3) that provides programs or services in the Village. The Board is mindful of its fiduciary obligations to ensure that the Senior/Community Center is in optimum condition and available for use by generations to come.

Permits to use the Senior/Community Center may be cancelled in the event of a conflict with a Village activity or for any reason that is deemed necessary by the Village. The Village reserves its right to permit use of the Senior/Community Center and full access to the facility at all times. The Senior/Community Center is handicapped-accessible and is open to all individuals and groups regardless of age, race, national origin, sexual orientation, marital status, disability, military status or other specified classes protected by law.

The Village may restrict the use of the Senior/Community Center to certain times and areas as governed by the following rules and regulations:

1. Permits are issued by the Village Manager's designee on a first-come, first-serve basis, with a limit on the number of permits to ten per month. The facility may not be used by the same permittee more than three times in a calendar year, it being the intention of the Village to ensure a general use of the facility.
2. Application forms are available at the Senior/Community Center, 220 Grace Church Street and on the Village's website.
3. The Senior/Community Center is available for permit use on weekdays (except Mondays and Wednesdays), and Saturdays from 6 p.m. to 9 p.m. and on Sunday from 12 noon to 9 p.m. or as otherwise authorized.
4. A permit fee and clean-up security deposit are required at the time the permit is issued and reservation made.
5. The schedule of fees is as follows:

Government Entities

Governmental entities shall pay the actual cost of the Village's custodian's services.

All others:

	Up to 2 hours*	Up to 3 hours*	Up to 4 hours*
Multi-Purpose Room	\$100.00	\$150.00	\$200.00

*includes one hour set-up time.

Security Deposit of \$250.00 (refundable)

Use of the kitchen is an additional \$100 fee.

An additional overtime fee of \$75.00 per hour or part thereof shall be imposed on all activities/events that are permitted and extend beyond four hours.

6. The Senior/Community Center will be open for one hour prior to the start of the proposed event or activity and shall close one hour after the end of the event or activity. The Village's custodian will be responsible for opening and closing the facility and will be present for entire period of use.
7. Permittees are expected to act in an orderly manner. It is the responsibility of the permittee to clear and clean the facility/area used, including the kitchen and all the equipment if kitchen privileges are granted, at the conclusion of the function. The facility shall be left in the same or better condition that in which it was found. The clean-up deposit shall be returned to the permittee within two weeks after the event following the inspection made by the Village's custodian certifying that the premises have been returned to such level of condition. A report shall be made by the custodian after each usage and advise the Director of the Senior/Community Center if there are any damages or extraordinary cleanup necessary. Permittees are held responsible for any such damages or cleanup costs.
8. Cancellations are discouraged and must be reported no later than one day prior for a weekday event or function or on Friday before a weekend function. In the event of a cancellation, permit fees are refundable on the following basis:

4 weeks or more notice -	100% refundable
2 to 4 weeks notice -	75% refundable
Less than 2 weeks notice -	50% refundable
9. Smoking and the sale, use or consumption of alcoholic beverages is prohibited.
10. Nothing shall be affixed to the walls or doors or hung from ceiling. No helium balloons may be used for decoration. No smoke machines or pyrotechnics may be used.

11. Occupancy limits are posted and shall not be exceeded.
12. Means of ingress and egress shall not be blocked.
13. No fee for admission shall be charged.
14. The permittee shall execute an indemnification agreement satisfactory in form to the Village Attorney holding the Village harmless arising out of the use of the Senior/Community Center. In addition, a certificate of insurance shall be provided evidencing that the permittee has general liability insurance in the minimum amount of \$1 million / \$2 million dollars coverage, naming the Village of Port Chester as an additional insured. Such certificate shall be provided no less than fourteen days prior to the event or function.
15. Unlawful discrimination shall not be tolerated and are grounds for summary revocation of a permit to use the Senior/Community Center.

Adopted: April 6, 2010

Security Deposit: \$250.00 (refundable within 5 days of event)

Rental Fee: \$ _____

Kitchen Fee: \$100.00 extra Yes _____ No _____

Total Fee: \$ _____

Amount Received: \$ _____

Name of Caretaker on Duty: _____

Cancellations: 4 weeks or more notice	100% refundable
2 to 4 weeks notice	75% refundable
Less than 2 weeks	50% refundable

Application accepted by: _____

Insurance Certificate accepted by: _____

**APPLICATION FOR USE OF THE VILLAGE OF PORT CHESTER
SENIOR COMMUNITY CENTER
220 Grace Church Street, Port Chester, NY 10573
(914) 939-4975 FAX: (914) 305-2523**

Application for use of the Village of Port Chester's Senior Community Center must be filed with the Village of Port Chester's Senior Community Center at least thirty (30) days prior to the Date of the Event.

Please make two separate checks, one for the deposit, one for the rental, payable to the Village of Port Chester.

Date of Event _____

Time of Event: From _____ to _____

Purpose of Event: _____

Tables and Chairs Requested: _____ Estimated Attendance: _____

Name of Responsible Person: _____

Address: _____

Telephone # _____ Cell Phone # _____

City _____ State: _____ Zip Code: _____

Name of Organization: _____ Name of Presiding Officer: _____

Address of Organization: _____ Telephone # _____

ALCOHOLIC BEVERAGES PROHIBITED

(Please read before signing)

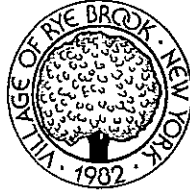
I, the undersigned, in consideration for permission to use the Port Chester Senior Community Center, agree to abide by the Village of Port Chester Facility Policy, Rules & Regulations and the fee structure furnished to me; and I, further agree to defend, save, indemnify and hold harmless the Village of Port Chester, it's officers and employees from liability for any and all loss, damage or injury to persons or property by reason of or arising out of my use of the Center.

I have read the rules & regulations attached and agree to be bound by them:

Applicants Signature: _____ Date: _____

To receive a date commitment, the appropriate fees **PAID IN FULL** must accompany this application.

APPROVAL _____ **DISAPPROVAL** _____ **DATE** _____



VILLAGE OF RYE BROOK

MAYOR
Joan L. Feinstein

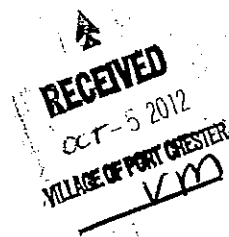
938 King Street, Rye Brook, N.Y. 10573
(914) 939-1121 Fax (914) 939-0242
www.ryebrook.org

ADMINISTRATOR
Christopher J. Bradbury

TRUSTEES
David M. Heiser
Toby S. Marrow
Jeffrey B. Rednick
Paul S. Rosenberg

September 27, 2012

Village of Port Chester
Christopher Steers, Village Manager
222 Grace Church Street
Port Chester, NY 10573



Dear Mr. Steers:

The Village of Rye Brook Board of Trustees at their September 24, 2012 meeting set a public hearing to consider applications for approval of a Subdivision, Site Plan and Rezoning petition for 80 Bowman Avenue. The public hearing was set for October 30, 2012.

Enclosed please find pertinent information regarding said applications.

As a courtesy referral please share with your Mayor and Board in order to become more familiar with the project.

If you have any questions, please contact the Rye Brook Administration Office at the above number.

Best regards,

David Burke
Assistant to Administrator

cc: Hon. Mayor and Board of Trustees
Christopher Bradbury, Village Administrator

Enclosures

On a motion made by Trustee Rednick and seconded by Trustee Heiser the following resolution was adopted.

SETTING A PUBLIC HEARING FOR APPLICATIONS FOR APPROVAL OF A SUBDIVISION APPLICATION, SITE PLAN APPLICATION AND REZONING PETITION FOR 80 BOWMAN AVENUE

WHEREAS, the Board of Trustees is in receipt of a Subdivision Application, Site Plan Application and a Petition submitted by Bowridge Commons, LLC pursuant to Section 250-26.1(E)(2) of the Village Code to rezone property located at 80 Bowman Avenue, designated as Section 141.27, Block 1, Lots 26, 31 & 32 on the Town of Rye Tax Map, from the C-1 Zoning District to the Fair and Affordable Housing ("FAHP") Zoning District; and

WHEREAS, on April 12, 2011 the Board of Trustees, pursuant to the State Environmental Quality Review Act (SEQRA) determined the proposed action to be an Unlisted Action pursuant to SEQRA to proceed with an uncoordinated review; and

WHEREAS, on April 12, 2011 the Board of Trustees referred the application to the Village of Rye Brook Planning Board for Report and Recommendation; and

WHEREAS, the Planning Board of the Village of Rye Brook submitted a Report and Recommendation to the Board of Trustees dated September 13, 2012; and

WHEREAS, on September 17, 2012 the applications were referred to the Westchester County Department of Planning.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Trustees of the Village of Rye Brook shall hold a public hearing on October 30, 2012 at 7:30p.m. at Village Hall, 938 King Street, Rye Brook, New York, to consider the application for approval of a Subdivision, Site Plan and Rezoning Petition for property located at 80 Bowman Avenue; and

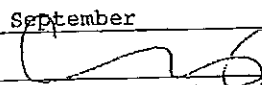
BE IT FURTHER RESOLVED, that the Applicant is directed to comply with the notification requirements required under Section 250-40 of the Village Code.

TRUSTEE HEISER	AYE
TRUSTEE MARROW	AYE
TRUSTEE REDNICK	AYE
TRUSTEE ROSENBERG	AYE
MAYOR FEINSTEIN	AYE

STATE OF NEW YORK
COUNTY OF WESTCHESTER
VILLAGE OF RYE BROOK } ss:

I hereby certify that this is the Resolution adopted by the Board of Trustees of the Village of Rye Brook which was duly passed by said Board on September 24, 2012.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Seal of the Village of Rye Brook, this 25 day of September, 2012.


Christopher J. Bradbury, Village Clerk

September 13, 2012 APPROVED 6-0

RESOLUTION

**AUTHORIZING SUBMISSION OF REPORT AND RECOMMENDATIONS TO
THE BOARD OF TRUSTEES ON THE ON THE
PROPOSED REZONING PETITION, SITE PLAN AND SUBDIVISION
APPLICATIONS FOR 80 BOWMAN AVENUE**

BE IT RESOLVED, that the Planning Board of the Village of Rye Brook adopts the attached Report and Recommendation to the Village of Rye Brook Board of Trustees on the proposed Rezoning Petition, Site Plan and Subdivision applications and requests the Secretary to the Planning Board forward a copy of the Report to the Board of Trustees and the Village Administrator.

**PLANNING BOARD OF THE VILLAGE OF RYE BROOK
REPORT AND RECOMMENDATIONS TO THE
VILLAGE OF RYE BROOK BOARD OF TRUSTEES ON THE
PROPOSED REZONING PETITION, SITE PLAN AND SUBDIVISION
APPLICATION FOR 80 BOWMAN AVENUE**

I. PROJECT OVERVIEW

On April 12, 2011, Village of Rye Brook Board of Trustees (“BOT”) referred a proposed Site Plan and Subdivision Application to the Village of Rye Brook Planning Board (“Planning Board”) for submission of a Report and Recommendation. The application was made by property owner, Bowridge Commons LLC (Frank Madonna) (“Applicant”) to construct eight (8) two-family attached dwellings on property located at 80 Bowman Avenue and designated as Section 141.27, Block 1, Lots 26, 31 and 32 on the Town of Rye Tax Map (“Property”). The Property is located in the C-1 Zoning District.

After the BOT adopted new affordable housing legislation creating the FAH District and pursuant to the provisions of that legislation, the Applicant submitted a Petition to the BOT requesting a zone change from C-1 to the FAH Zoning District. That Petition was referred to the Planning Board on March 27, 2012.

II. PLANNING BOARD DISCUSSION

The Planning Board reviewed this application at its May 12, 2011, July 14, 2011, October 13, 2011, May 10, 2012, July 12, 2012 and September 13, 2012 meetings. At the request of the Applicant the application was adjourned from the Planning Board’s August 11, 2011, September 13, 2011, November 10, 2011, December 8, 2011, January 12, 2012, February 9, 2012, March 8, 2012 and April 12, 2012.

F.P. Clark Associates, the Village's Planning Consultant, provided Memoranda to the Planning Board, dated April 29, 2011, July 8, 2011, May 23, 2012, July 9, 2012 and September 7, 2012, based on a review of the application and information provided by the Applicant and Village Staff. Dolph Rotfeld Engineer, P.C. ("DRE"), the Village's Engineering Consultant, provided Memoranda to the Planning Board dated April 27, 2011, July 11, 2012, September 6, 2012 and September 12, 2012, regarding stormwater management and site engineering. The Village's Emergency Services Task Force provided Memoranda to the Planning Board dated June 29, 2012 and September 6, 2012. HDR, the Village's environmental consultant, provided a Memorandum to the Planning Board dated September 12, 2012. The memoranda are incorporated by reference herein and the comments set forth in the memoranda will be incorporated below, as applicable.

At the Planning Board's May 12, 2011 meeting, the Applicant presented the proposed site plan and subdivision application. The Applicant stated that the proposed configuration of a one-bedroom rental unit on the ground floor with a two-bedroom ownership unit on the 2nd and 3rd floor with a total of 16 units divided into two buildings has been reviewed by Westchester County in connection with the Applicant's affordable housing subsidy. The Planning Board questioned whether the site plan could be revised to reduce the bulk and create a more attractive view from Barber Place, perhaps through reducing the size of the end units in each of the buildings.

The Applicant's submission for the July 14, 2011 meeting stated that the Applicant intended to request a rezoning to the proposed Fair and Affordable Housing District (FAH²) if and when the Board of Trustees approves the then-pending proposed legislation

creating the FAH District. Between the Planning Board's July 14, 2011 meeting and its May 10, 2012 meeting, the Applicant requested adjournments for appearances before the Planning Board. In the meantime, the BOT adopted legislation creating an FAH District. At the Planning Board's May 10, 2012 meeting, after the BOT's referral of the Applicant's Petition for inclusion in the FAH District, substantive review of the application by the Planning Board resumed.

A. FAH Petition

The purpose of the FAH District is to "provide flexible land use regulations, a streamlined permitting process and incentives to encourage the development of fair and affordable housing within the Village that will remain fair and affordable for at least 50 years as required pursuant to the Stipulation" and to "encourage a balanced demographic." (Village Code §250-26.1(B)). Rezoning the property from the C-1 District to the FAH District will permit the construction of sixteen (16) units of affordable housing in a transitional area between the C-1 District to the west and the R-2F District to the north, east and south. The consensus of the Planning Board is that rezoning the Property to FAH [*is/is not*] appropriate.

Pursuant to the proposed site plan, the following waivers¹ would be necessary from the BOT, as set forth in the Village of Rye Brook Building Inspector's Zoning Analysis,

¹ Section 250-26.1(F)(3)(b) permits the BOT to waive the applicable dimensional and bulk requirements as it deems appropriate upon the balancing of the factors set forth therein. The dimensional and bulk standards applicable in the FAH District are those of the current zoning district (in this case C-1) plus any additional FAH District requirements (i.e. minimum floor area, occupancy standards).

dated August 29, 2012, in order for the site plan to be consistent with the provisions of the

FAH District:

1. §250-32.F.(1). The minimum front yard setback is 30 ft. The applicant proposes an 11.5 ft setback at the Barber Place elevation. Therefore an 18.5 ft front yard setback waiver is required.
2. §250-32.F.(3). The minimum required rear yard setback is 30 ft. The applicant proposes a 10.6 ft. rear yard setback at the south elevation. Therefore a 19.4 ft. rear yard setback waiver is required.
3. §250-32.H. The minimum required useable open space is 3,200 sq. ft. The applicant proposes to provide 2,036 sq. ft. Therefore a 1,164 sq. ft. useable open space waiver is required.
4. §250-32.G./250-31.G.(2). The maximum allowable building height is 30 ft. The applicant proposes a height of 33 ft. Therefore a 3 foot maximum building height waiver is required.
5. §250-32.G./250-21.G.(1). The maximum number of stories is 2. The applicant proposes 3 stories. Therefore a one story waiver is required. *(The code allows for a maximum height of 40 ft. and 4 stories if semi-fireproof construction is proposed. The plans contain no information in this regard.)*
6. §250-32.K.(1)/250-6.G.(1)(c)[2]. The minimum number of required off-street parking spaces is 5/two-family dwelling for a total of 40 spaces. The applicant is proposing 24 spaces. Therefore a waiver for 16 off-street parking spaces is required.
7. §250-2 Definitions, PARKING SPACE. The minimum parking space size is 175 sq. ft. The applicant proposes to provide parking spaces measuring 162 sq. ft. in size. Therefore a 13 sq. ft. waiver is required for each parking space.
8. §250-26.1.F.(3)(d). The minimum required floor area of a one-bedroom AFFH unit is 675 sq. ft. The applicant is proposing all the one bedroom units to be 617 sq. ft. in size. Therefore a waiver of 58 sq. ft. is required for all one bedroom units.

The dimensional and bulk requirement waivers requested by the Applicant from the BOT must be reviewed in accordance with the standards set forth at Section 250-26.1(F)(3)(b) which are as follows:

- [1] Consistency with the purpose and intent of the Village of Rye Brook Zoning Code and Official Map;
- [2] Furthering fair and affordable housing within the Village;
- [3] Harmony with the appropriate and orderly development of the immediate area;
- [4] Impacts upon the orderly development and quality of life for neighboring areas;
- [5] Advancement of economic development within the Village;
- [6] The location, nature and height of buildings, location of parking and the nature and extent of landscaping on the site such that the modified dimensional or bulk requirement will not hinder or discourage the appropriate development and use of adjacent land and buildings or substantially impair the value thereof;
- [7] Adverse environmental impacts; and
- [8] Whether the requested modification or waiver is the minimum necessary to maintain the economic viability of the development proposal.

Based on the aforementioned standards, the Planning Board recommends the waivers be granted.

B. Subdivision Application

The Property currently consists of three tax lots: (1) SBL 141.27-1-26 a.k.a. 80 Bowman Avenue ("Tax Lot 26"); (2) SBL 141.27-1-31 a.k.a. 14 Barber Place ("Tax Lot 31"); and (3) SBL 141.27-1-32 a.k.a. 12 Barber Place ("Tax Lot 32"). Pursuant to the "*Subdivision Map of Property Belonging to BCK Realty Corporation in the Town of Rye, Westchester County, NY*," dated July 6, 1929 and filed in the Office of the Westchester County Clerk on September 11,

1929 as Vol. 71, Page 36, Tax Lot 26 consists of three separate building lots which are identified on the 1929 Subdivision Map as Lots 6, 7 and 8. Tax Lots 31 and 32 are labeled on the 1929 Subdivision Map as Lots 10 and 9, respectively.

The current Subdivision Application proposes to merge the 5 building lots shown on the 1929 Subdivision Map into a single lot which will consist of 0.5046 acres. The Subdivision Application and proposed "*Preliminary Merger and Reapportionment Map Prepared for Bowridge Commons LLC*," dated July 12, 2012, prepared by Thomas C. Merritts Land Surveyors, P.C., was reviewed by the Village Attorney who provided the following comments:

1. Pursuant to Village Code § 219-30(B), the *Preliminary Merger and Reapportionment Map Prepared for Bowridge Commons LLC* should be revised to include the names of owners of record or properties directly across Bowman Avenue and Barber Place from the proposed subdivision.
2. Topographic information pursuant to Village Code §219-30(C) should be added to the *Preliminary Merger and Reapportionment Map Prepared for Bowridge Commons LLC* or the Applicant should indicate whether a waiver of this requirement is requested.

The consensus of the Planning Board is that the *Preliminary Merger and Reapportionment Map Prepared for Bowridge Commons LLC* should be revised to address these comments, but otherwise the Planning Board recommends approval of the Subdivision Application.

C. Site Plan Application

The Planning Board has received comments on the site plan from FP Clark, DRE, HDR and the Village's Emergency Services Task Force ("ESTF"). Outstanding comments from Village Staff and Consultants are as follows:

1. DRE's September 12, 2012 Memorandum states in relevant part:

1. To accompany the painted pavement arrows, it is recommended that a "Do Not Enter" sign be installed where the angled parking meets the larger parking area.
2. Snow storage on the lawn areas creates annual maintenance problems in the spring. It is recommended that a temporary snow storage area be provided for loading onto trucks. With regards to snow removal, no snow may be plowed into Bowman Avenue or Barber Place.
3. A detail of the concrete driveway apron must be provided.

2. The ESTF's September 6, 2012 Memorandum states in relevant part:

1. Cover Letter Item 12-1.² The applicant's response fails to address this concern. The ESTF recommendation to increase the width of the roadway at Barber Place is directly related to the proposed density. Considering the parking status on Barber Place, the current roadway width could impede apparatus staging & resident evacuation in an emergency situation. As previously stated, the width of the Barber Place roadway should be increased to the maximum extent possible by eliminating the grass buffer strips currently shown on either side of the proposed sidewalk at the Barber Place elevation, and relocating the sidewalk closer to the property line. (*Barber Place is one way with parking on the east side of the street, the west side of the street will remain an enforceable no parking zone*)
2. Cover Letter Item 12-4. The applicant has revised the plans to include a 3'-0" wide stripped access aisle serving the south building. The ESTF recommends that this aisle be increased in width to the maximum extent possible by relocating the proposed waste recycling enclosure as close to the west property line as possible. This would then allow the curbing as well as parking spaces 20, 21, 22, 23 & 24 to be shifted accordingly thus increasing the aisle width.

² References to "Cover Letter" refer to the August 23, 2012 cover letter from Federico Associates to the Planning Board.

DRE's comments, which DRE states are relatively minor, are based upon the latest plan submittal *Bowridge Commons Fair and Affordable Housing Project*, Sheets 1-10, prepared by Federico Associates, dated March 28, 2011, last revised September 10, 2012. However, with respect to DRE Comment #2 regarding snow storage the Village Planning Consultant does not share DRE's concern with snow storage on lawn areas and recommends that snow storage remain on the lawn and that the Landscape Plan be revised to remove or relocate the proposed tree in the area of the proposed snow storage. The consensus of the Planning Board is that it does not recommend changing the plans as recommended by DRE's Comment #2 and recommends that the Landscape Plan be revised in accordance with the Village Planning Consultant's comment.

The ESTF has not yet reviewed the September 10, 2012 plans to determine whether the revised plans satisfy the comments set forth in the September 6, 2012 ESTF Memorandum.

Remaining site plan issues such as lighting and traffic, including comments from FP Clark's September 7, 2012 Memorandum regarding landscaping and parking, have been satisfactorily addressed by the Applicant.

The Planning Board has also reviewed the site plan in terms of environmental impacts, such as hazardous materials, construction impacts, school district impacts, and impacts to vegetation:

- 1. Hazardous Materials**

Due to the Property's proximity to the former gas station and a former dry cleaning establishment the Planning Board requested that the Applicant submit a Phase I

Environmental Site Assessment. In response, the Applicant submitted a Phase I prepared by TEAM Environmental Consultants, Inc. which was reportedly conducted in general conformance with the ASTM Practice E 1527-05 guidelines. The Phase I concluded that "Based on the property setting and planned site use, availability of a municipal water supply, review of available information, performance of Phase I ESA interviews, and findings of the property walk through inspection, no significant and immediate environmental liability issues or "recognized environmental conditions" associated with the subject property were identified." The Phase I also concluded that "No follow up environmental site investigations are recommended at this time."

The Phase I was reviewed by the Village's Environmental Consultant, HDR. HDR reviewed information regarding reported spills on adjacent or nearby properties including, 107 South Ridge Street (Millers Dry Cleaners), 101-105 South Ridge Street (former Mobil station) and 93 South Ridge Street (Valero station). HDR also reviewed the laboratory results from the soil samples collected by Long Island Analytical Laboratories in April 2012. Based on its review, HDR made the following findings and recommendations in its September 12, 2012 Memorandum:

- The subject site has undergone only limited environmental testing during the application process. Shallow soil sampling by Long Island Analytical Laboratories Inc. at depths of 0-1.5 ft below grade were collected on April 24, 2012 at locations designated as "behind gas station" and "behind dry cleaners". The depths of these samples are not adequate to assess potential impacts - especially from VOCs, which can be mobile in the subsurface environment - from adjacent properties.
- PCE was detected at a relatively low concentration of 0.0093 mg/kg (below NYSDEC guidelines), in one soil sample collected in May 2011 at the former Mobil property. The sample location

is near the eastern property line. PCE is a compound typically associated with dry cleaning operations.

- It is mentioned in the Phase I submitted by the applicant (May 2012) that a vapor barrier will be installed beneath the proposed residential structures. We agree that the installation of a vapor barrier – and/or a subslab venting system – is appropriate for the site, as a safe guard against potential vapor intrusion of VOCs. As noted, the subject site is in close proximity to sites with (or which have historically had) NYSDEC spills associated with them. These sites include 101-105 South Ridge Street (former Mobil gasoline service station), 107 South Ridge Street (Millers Cleaners), and 93 South Ridge Street (Valero). Given the residential nature of the proposed development, a vapor barrier and / or subslab venting system would provide an added safeguard for building occupants subsequent to construction (and over the long term).
- Based on the above recommendation to address potential vapor intrusion at the subject site, supplemental environmental testing is recommended on a limited basis for purposes of characterizing current VOC levels in the subsurface. It is recommended that soil samples be collected from five additional on-site locations, with soils visually assessed and field screened (i.e., 2 ft intervals) from ground surface to the shallow water table. A minimum of one sample – biased towards any observed observation of potential contamination – should be collected from each location and submitted to an analytical laboratory for VOC analysis (full list). Five supplemental sample locations – including one beneath the proposed building footprint located closest to the former Mobil Station - provide a sample frequency of approximately 1 per 4,400 s.f., which appears appropriate for the subject site.
- It is also recommended that the soil sample location beneath the proposed building footprint closest to the former Mobil station be converted to a flush-mounted shallow monitoring well point, using well construction details that will allow for development and low-flow sampling of VOCs (full list). It is recommended that one sample be collected from this well point. The recommended sampling should be conducted by a qualified environmental professional, and samples should be analyzed by an ELAP-certified laboratory. It is anticipated that the

recommended soil sampling and shallow well installation can be conducted in 1-2 days of site work, assuming the site is readily accessible and no existing subsurface utilities or obstructions are present. Groundwater sampling can be conducted 2-3 weeks after well installation and development.

- Field notes, documentation, and analytical data generated from the supplemental sampling should be reported to the Village upon receipt, along with a narrative memorandum that provides interpretation of the data (including comparison of data to corresponding NYS Soil Cleanup Objectives [SCOs] and groundwater standards). This site-specific data will allow full scoping of the applicant's approach to address potential vapor intrusion (i.e., vapor barrier and/or subslab venting system).

Further, as noted in the Phase I, prior to the issuance of a Demolition Permit for existing dwellings on the Property a formal asbestos inspection must be completed.

2. Construction Impacts

The Applicant submitted a Draft Construction Management Plan which was reviewed by the Village Engineer/Superintendent of Public Works. The Memorandum from the Village Engineer/Superintendent of Public Works, dated September 13, 2012, provided comments regarding the Draft CMP which were incorporated by the Applicant in a revised submission on September 13, 2012, as confirmed by the Village Engineer's second Memorandum dated September 13, 2012.

3. School District Impacts

FP Clark's May 24, 2012 Memorandum provides an analysis regarding the potential school age children generated by the proposed application which concludes that "the total number of school-age children that may be generated by the development would be six to seven children that would attend schools in the Port Chester-Rye school district." The

analysis also studied the cumulative impacts when considering the two school age children that would be generated by the nearby development of affordable housing in the FAH District that would be located at 525 Ellendale Avenue in Rye Brook. In this regard, the May 24, 2012 FP Clark Memorandum provides:

To be conservative, assume that all seven school age children from Bowridge Commons and the two school-age children from 525 Ellendale Avenue would attend the public schools in the Port Chester-Rye Union Free School District. If this is the case, the two affordable housing developments would add a potential nine additional school-age children to the school district's student population. In a school district with a student population of 4,183 students (according to the *NYS District Report Card: Port Chester-Rye Union Free School District 2010-2011*; www.reportcards.nysed.gov) this would be an increase in the student population of 0.22%.

Based on this analysis, the consensus of the Planning Board is that the cumulative number of school age children generated by this project and the nearby development located at 525 Ellendale Avenue would not create a significant impact on the Port Chester-Rye Union Free School District.

4. Impacts to Vegetation

The Applicant's arborist, Allan F. Fenner, Davey Resource Group, submitted a memorandum dated June 26, 2012 which enclosed an inventory and assessment of the trees located on the Property. The inventory included a tree-by-tree protection plan including recommendations and procedures for the protection and care of trees selected for retention.

FP Clark's July 9, 2012 Memorandum contains the following comments:

A survey of existing trees on the site was submitted along with a tree protection plan. According to the tree protection plan, 17 regulated trees would be removed during construction. Pursuant to Chapter 235 of the Village Code, and pending verification by the

Superintendent of Public Works/Village Engineer, eight replacement shade trees are required to be planted to mitigate the loss of mature trees on the site.

In addition, the tree-protection detail shown on Sheet 8 of 10 should be revised to comply with the requirements of Chapter 235 of the Village Code.

The Village Engineer/Superintendent of Public Works reviewed Mr. Fenner's memorandum and the proposed tree protection measures and issued a Memorandum, dated September 13, 2012, which states, "The details and methodology of tree protection are in accordance with Village Code." However, the Memorandum provides the following comments regarding tree replacement:

Sheet 7 shows the appropriate number of trees (16) to be replanted and is in compliance with 235-18-A.

The plans only show 13 hardwood trees being replanted with the rest being Pines or Ornamental species. Applicant shall add 3 more hardwood species trees onsite. Silver Maples will not be allowed in the Village Right of way.

Silver Maple shall be replaced with a different hardwood variety. Silver maples are prone to damage as they mature and create unique maintenance issues long term.

These comments must be addressed by the Applicant.

III. PLANNING BOARD RECOMMENDATIONS

After discussion and consideration of the issues raised by the Village's staff and consultants the Planning Board recommends approval of the Rezoning Petition, Site Plan and Subdivision Applications, provided the following items are satisfactorily addressed:

1. Subdivision Plat. Topographic information pursuant to Village Code §219-30(C) should be added to the *Preliminary Merger and Reapportionment Map Prepared for Bowridge Commons LLC* or the

Applicant should indicate whether a waiver of this requirement is requested.

2. Subdivision Plat. Pursuant to Village Code § 219-30(B), the *Preliminary Merger and Reapportionment Map Prepared for Bowridge Commons LLC* should be revised to include the names of owners of record or properties directly across Bowman Avenue and Barber Place from the proposed subdivision.

3. Barber Place. The Planning Board recommends that the BOT explore the basis for the ESTF's recommendation regarding Barber Place. Based on the current ESTF report, the Planning Board recommends that the width of the roadway at Barber Place should be increased. The ESTF has opined that the current roadway width could impede apparatus staging and resident evacuation in an emergency situation. The width of the roadway could be increased by eliminating the grass buffer strips on either side of the proposed sidewalk at the Barber Place elevation, and relocating the sidewalks closer to the property line. Alternatively, the Planning Board recommends the BOT explore alternatives to the widening of Barber Place.

4. Hazardous Materials. The installation of a vapor barrier and/or a subslab venting system beneath the proposed residential structures may be required as a safeguard against potential vapor intrusion of VOCs. Supplemental environmental testing must be performed for the purposes of characterizing current VOC levels in the subsurface. Soil samples must be collected from no less than five additional on-site locations in the manner set forth in HDR's September 12, 2012 Memorandum. The soil sample to be taken beneath the proposed building footprint closest to the former Mobil station shall be converted to a flush-mounted shallow monitoring well-point, using well construction details that will allow for development and low-flow sampling of VOCs (full list), as set forth in HDR's September 12, 2012 Memorandum.

5. Internal Traffic Circulation. To accompany the painted pavement arrows, a "Do Not Enter" sign must be installed where the angled parking meets the larger parking area.

6. A detail of the concrete driveway apron must be provided.

7. Tree Replacement. Of the 16 replacement trees to be planted, 13 are proposed as hardwoods and 3 are proposed as Pines or Ornamental species. The Applicant shall replace the 3 non-hardwoods with 3 hardwood trees to be approved by the Superintendent of Public Works/Village Engineer. The proposed Silver Maples shall be replaced with a different hardwood variety to be approved by the Superintendent of Public Works/Village Engineer.

Dated: Rye Brook, New York
September 13, 2012

**APPROVED AT THE SEPTEMBER 13, 2012 MEETING
AT THE VILLAGE OF RYE BROOK PLANNING BOARD
BY A VOTE OF 6-0**

ACCEPTING THE REPORT AND RECOMMENDATION

Ayes: Dominick Accurso, Robert Goodman, John Grzan, Bill Laufer, Amy Schoen, Gary Zuckerman

Nays:

APPROVING THE REFERRAL RESOLUTION

Ayes: Dominick Accurso, Robert Goodman, John Grzan, Bill Laufer, Amy Schoen, Gary Zuckerman

Nays:

Excused: Dan Tartaglia

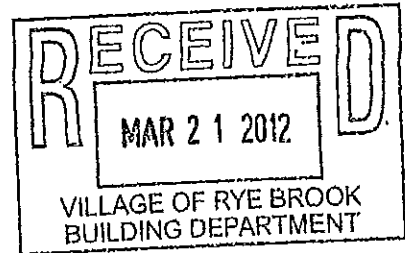
FEDERICO ASSOCIATES
ARCHTECTURE - PLANNING
1048 DOBBS FERRY ROAD
WHITE PLAINS NEW YORK, 10607

Telephone 914693-5401

ANTHONY F. FEDERICO R.A.

March 9, 2012
March 21, 2012 Revised

Honorable Joan L. Feinstein, Mayor
And Members of the Village Board
938 King Street
Rye Brook, NY 10573



Re: Petition of BOWRIDGE COMMONS LLC to REZONE tax lots; Section 141.27, Block 1, Lots 26, 31 & 32 from zoning district C-1 District to Fair and Affordable Housing ("FAH") District.)

Dear Mayor Feinstein and Members of the Village Board:

We represent BOWRIDGE COMMONS LLC, the Petitioner in connection with their property located at Barber Place, Rye Brook, New York (Section 141.27 Block 1 Lots 26, 31 & 32).

On behalf of the Petitioner and in accordance with Section 250-26.1 of the Code of the Village of Rye Brook, we respectfully make this petition regarding the proposed development.

The parcel is comprised of three existing lots all located in the C-1 zoning district. Tax Lot 26 is a 14,128.19 square foot vacant parcel, and tax lots 31 and 32 are 4,173.21 square feet and 3,680.07 square feet respectively and each are developed with two family residences. Both existing residences will be demolished as part of the new AFFH housing project. The uses surrounding the parcel are as follows; to the north are residences located in the R-2F zoning district and a gas station located in the C-1 zoning district; to the south is an office building located in the C-1 zoning district; to the east are residences located in the R-2F zoning district; to the west is a dry cleaners and a soon to be built a bank, both located in the C-1 zoning district.

The parcel's topography is very gently sloping from Bowman Avenue on the north to the parcels southerly property line. The site will be served by public sanitary sewer located in Barber Place and public water also located in Barber Place. Natural gas and electricity is available to the site via existing Con Edison facilities within Barber Place.

The proposed Bowridge Commons development is proposed as condominiums comprised of sixteen (16) affordable and fair housing units on 0.51 acres. The sixteen (16) housing units will be located in eight two-family attached town houses grouped in a five unit townhouse building and a three unit townhouse building. The housing units will be made up of eight (8) one-bedroom units

and eight (8) two bedroom units. Off-Street parking is provided on site and provides twenty-four spaces which allows for one (1) space for each one bedroom housing unit and two (2) spaces for each two bedroom housing unit. The homes will be three stories in height and designed in a traditional architecture.

Rezoning of this property from the C-1 District to Fair and Affordable Housing District will conform to the intent of the Village of Rye Brook Board of Trustees to provide sixteen (16) units of affordable housing within the Village.

By permitting flexible use regulations and a streamlined permitting process rezoning this property will further the goals of the Westchester County Fair and Affordable Housing Implementation Plan in order to provide a more balanced demographic in the Village of Rye Brook.

In order to construct the Bowridge Commons affordable housing project and to maintain the economic viability of the development proposal a number of modifications or waivers are being requested from the C-1 District.

The modifications or waivers being requested from the C-1 District are as follows;

Section 250-32F (1)

Front Yard

Required 30 feet

Proposed 11.5 feet

Therefore an 18.5 ft. front yard setback variance is required.

Section 250-32 F3

Rear Yard

Required 30 feet

Proposed 10.6 feet

Therefore a 19.4 ft. rear yard setback variance is required.

Section 250-32 G (1)

Maximum Height- Stories

Permitted 2 stories

Proposed 3 stories

Therefore a 3 foot maximum building height variance is required.

Section 250-32 G (2)

Maximum Height- Feet

Permitted 30 feet

Proposed 33 feet

Therefore a one story variance is required.

Section 250-32 H

Minimum Usable Open Space

Required 200 square feet for each dwelling unit- $200 \times 16 = 3200$ square feet

Proposed 2036 square feet

Therefore a 1,164 sq. ft. usable open space variance is required.

Section 250-32 K (1) Refer to Section 250-6.G. (1) (c) (2)

Off-Street Parking

Required Each two-family dwelling shall provide 5 spaces
8 two-family dwellings X 5 = 40 spaces
Total spaces required= 40 spaces

Proposed 1 space for each 1 bedroom dwelling unit
2 spaces for each 2 bedroom dwelling unit
8 1 bedroom du X 1 = 8 spaces
8 2 bedroom du X 2 = 16 spaces
Total spaces proposed 24 spaces
Therefore a variance for 16 off-street parking spaces is required.

In addition a modification or waiver is requested to reduce the FAH District requirement that a one (1) bedroom dwelling unit be 675 square feet to 600 square feet for this project.

The Bowridge Commons Affordable Housing Development is consistent with the purpose and intent of the Village of Rye Brook zoning code and Official Map in that the development will allow for a more equitable distribution of affordable housing within the village and compliments the existing zoning established by the zoning code.

The proposed development will be furthering affordable housing in the village by the fact that the sixteen (16) unit development will be 100% affordable.

The location of the proposed development is appropriate for the orderly development of the area in that the development will serve as a transitional area between the two-family zone and the commercial zone fronting on South Ridge Street.

Impact to the orderly development and the quality of life for the neighboring areas should improve by rezoning this property from a commercial district to a residential district.

The addition of sixteen families should have a positive effect on the advancement of economic development within the village however minor.

The impact of the modifications or waivers requested will be lessened by the extensive landscaping proposed which will screen the commercial areas for the proposed development as well as for the neighboring properties. The proposed development architecture will be tradition in style so as to be in harmony with the adjacent housing.

All the surrounding properties are developed and therefore the proposed development will not discourage future development or substantially impair the value of adjacent land or buildings.

The proposed development will have little or no impact on the environment.

The modifications or waivers request are the minimum necessary to maintain the economic viability of the development in that the entire project is to be an affordable housing development with no market rate units.

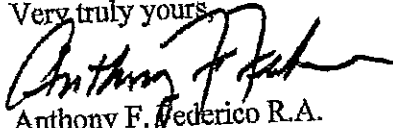
Prior to the enactment of the Fair and Affordable Housing District we received comments from both the Village Board of Trustees and the Planning Board concerning our original development plan.

Based on the comments received the plan was revised to show a lesser density, replacing two-bedroom units with one-bedroom units and reorientation of the buildings and parking areas.

In addition a number of comments received from your staff and consultants have been addressed and presented to the planning board.

Thank you for your consideration.

Very truly yours,



Anthony F. Federico R.A.



.....
.....
.....

**BOWRIDGE
COMMONS
LLC**

**7 SPRUCE HILL COURT
PLUGCAITVILLE, NEW YORK**

**BOWRIDGE
COMMONS**

**MARK N. LEE
PLUGCAITVILLE, NY**

.....
.....
.....

**COVER
SHEET**



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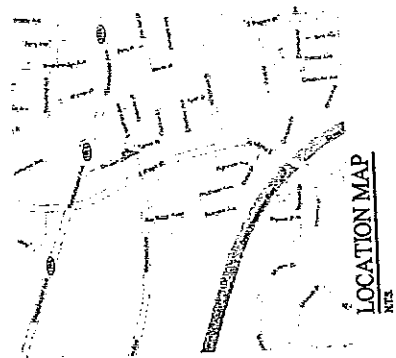
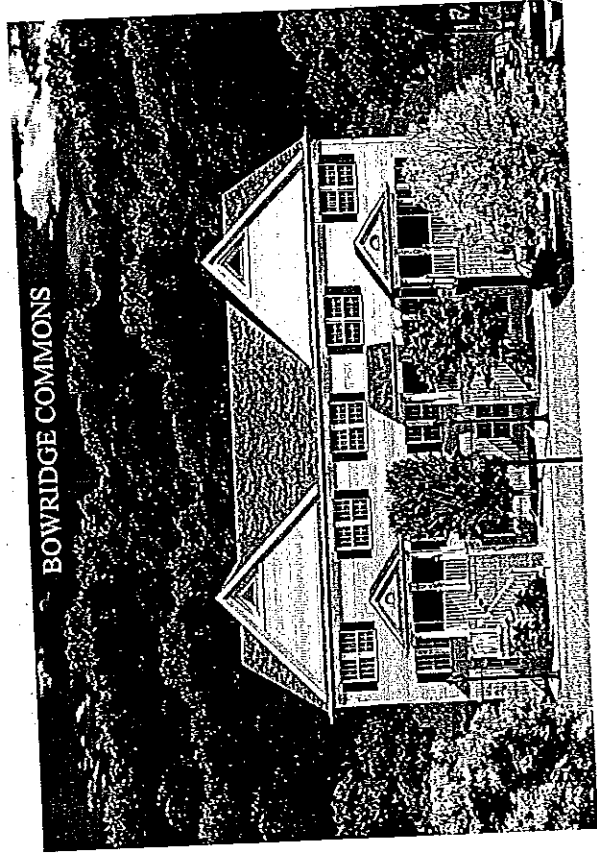
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PARCEL DATA

TONING DISTRICT : C-1 NEIGHBORHOOD RETAIL
VILLAGE OF RYE BROOK
TAX MAP DESIGNATION
SECTION 141.27, BLOCK 1, LOTS 26, 31 & 32
100 ACRES, 21,082.00 SF
WESTCHESTER COUNTY, N.Y.

OWNER / APPLICANT

BOWRIDGE COMMONS LLC
7 SPRUCE HILL COURT
PLUGCAITVILLE, NEW YORK 10570





BOWRIDGE COMMONS LLC

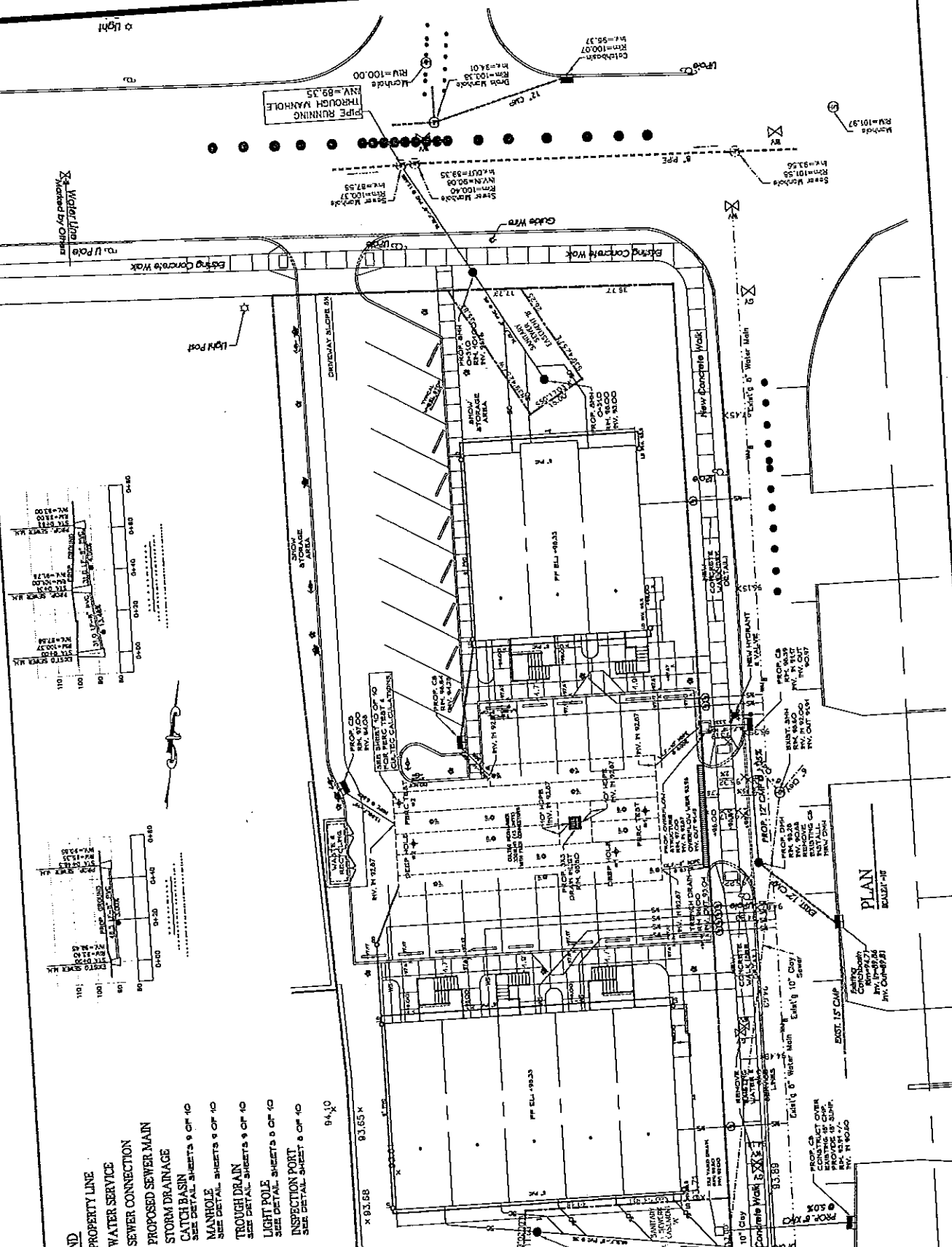
BOWRIDGE COMMONS

PRELIMINARY UTILITY PLAN

PRELIMINARY UTILITY PLAN



PROJECT NO. 15-000000
 SHEET NO. 15-000000
 DATE: 10/15/15



- LEGEND**
- PROPERTY LINE
 - WATER SERVICE
 - SEWER CONNECTION
 - PROPOSED SEWER MAIN
 - STORM DRAINAGE
 - CATCH BASIN
SEE DETAIL SHEETS 8 OF 10
 - MANHOLE
SEE DETAIL SHEETS 8 OF 10
 - TROUGH DRAIN
SEE DETAIL SHEETS 8 OF 10
 - ⊙ LIGHT POLE
SEE DETAIL SHEETS 8 OF 10
 - ⊙ INSPECTION PORT
SEE DETAIL SHEET 8 OF 10

PLAN
 SHEET 15



BOWRIDGE COMMONS LLC
 10000 BOWRIDGE COMMONS DRIVE
 SUITE 100
 FARMINGTON, CT 06030
 (860) 646-1111

BOWRIDGE COMMONS LLC
 10000 BOWRIDGE COMMONS DRIVE
 SUITE 100
 FARMINGTON, CT 06030
 (860) 646-1111

7000 HILL COUNTRY
 HARTFORDVILLE, CT 06105

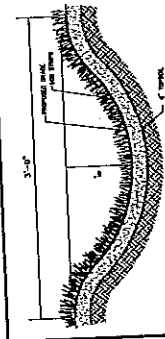
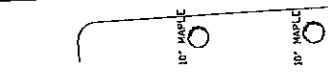
BOWRIDGE COMMONS
 10000 BOWRIDGE COMMONS DRIVE
 SUITE 100
 FARMINGTON, CT 06030
 (860) 646-1111

MARKET PLACE
 10000 BOWRIDGE COMMONS DRIVE
 SUITE 100
 FARMINGTON, CT 06030
 (860) 646-1111

**PRELIMINARY
 GRADING,
 SEDIMENT
 & EROSION
 CONTROL &
 TREE PROTECTION
 PLAN**



DATE: 08/14/2018
 PROJECT: BOWRIDGE COMMONS
 SHEET: 10 OF 10

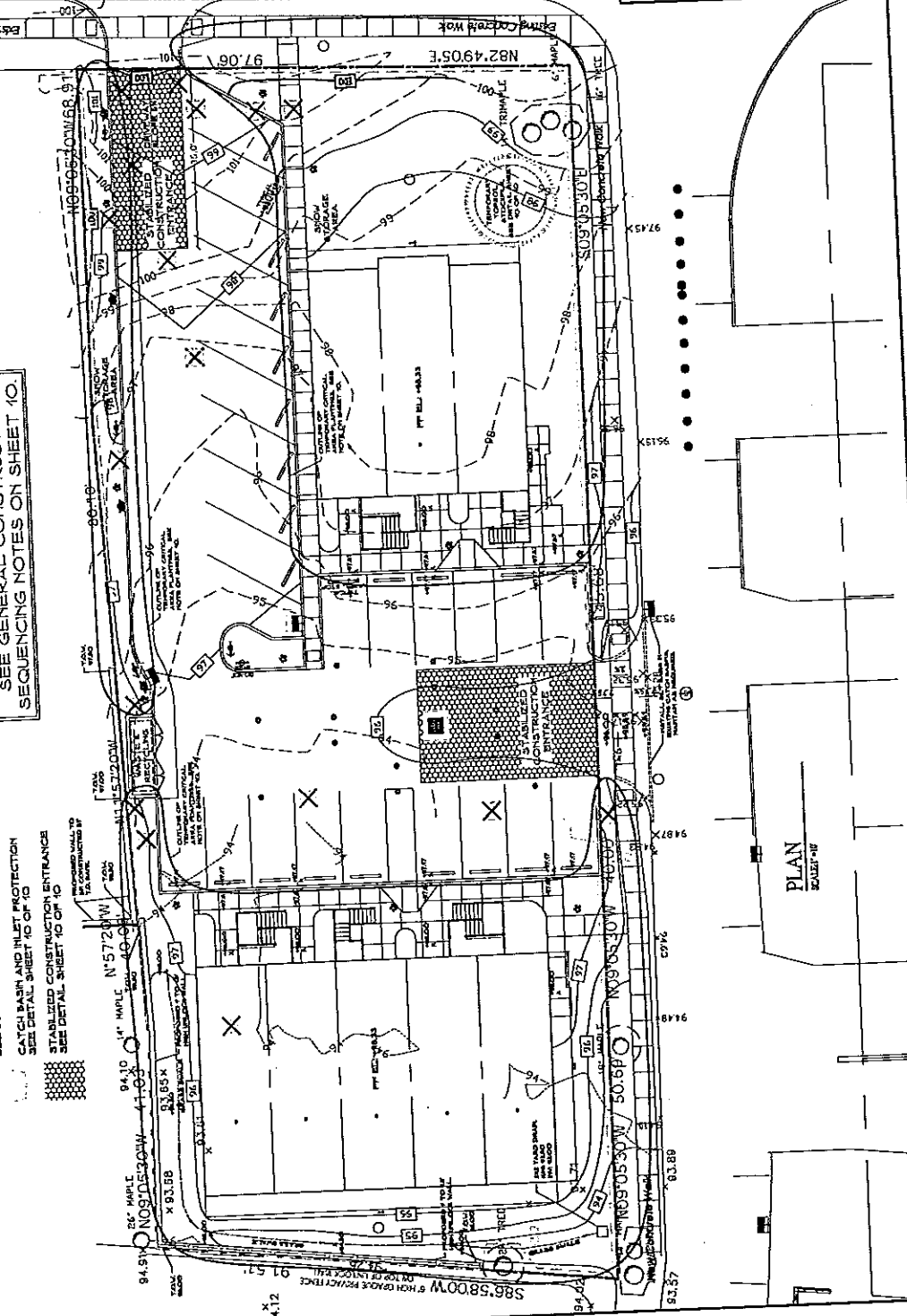


NOTES
 1. ALL TREE PROTECTION MEASURES SHALL BE INSTALLED PRIOR TO THE START OF CONSTRUCTION.
 2. ALL TREE PROTECTION MEASURES SHALL BE MAINTAINED THROUGHOUT THE CONSTRUCTION PERIOD.
 3. ALL TREE PROTECTION MEASURES SHALL BE REMOVED UPON COMPLETION OF CONSTRUCTION.
 4. ALL TREE PROTECTION MEASURES SHALL BE REPAIRED TO ORIGINAL CONDITION OR BETTER.
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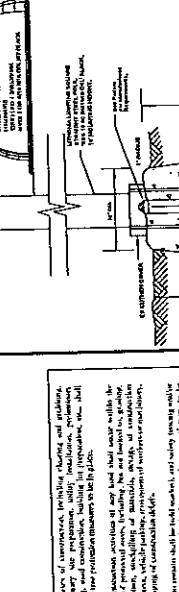
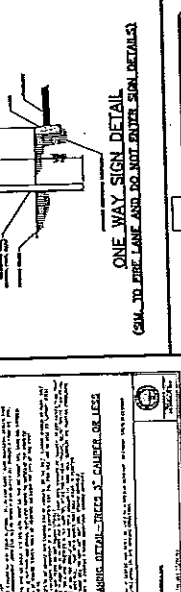
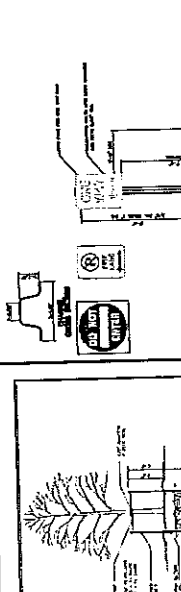
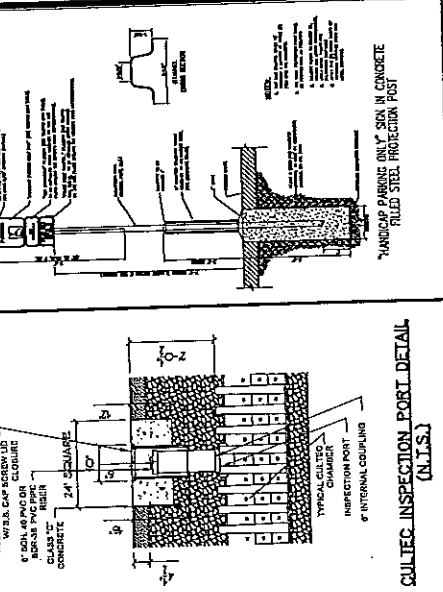
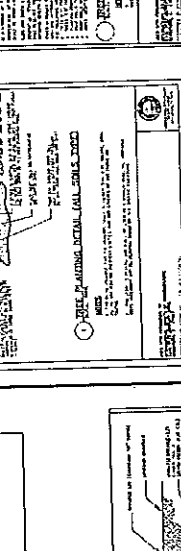
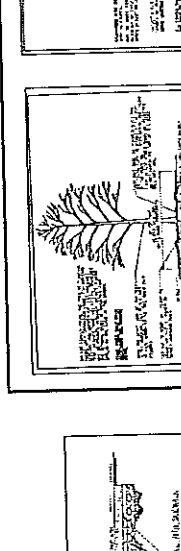
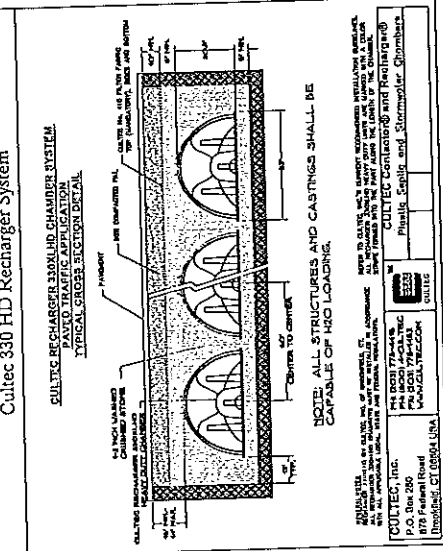
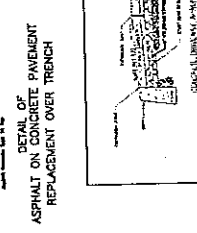
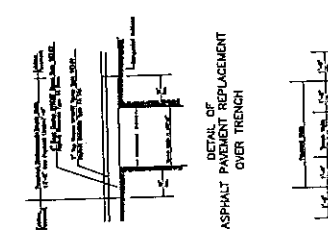
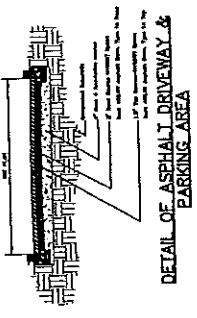
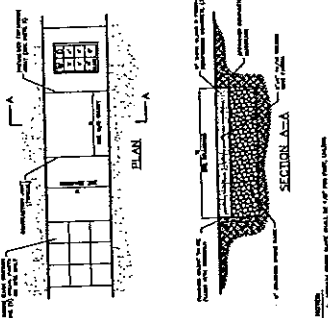
TREE PROTECTION NOTES:
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 7. ALL TREE PROTECTION MEASURES SHALL BE REPAIRED TO ORIGINAL CONDITION OR BETTER.

SEE GENERAL CONSTRUCTION SEQUENCING NOTES ON SHEET 10.

LEGEND
 - - - - - PROPERTY LINE
 - - - - - EXISTING CONTOUR
 - - - - - PROPOSED CONTOUR
 ○ EXISTING TREE TO REMAIN
 ○ EXISTING TREE TO BE PROTECTED
 ○ EXISTING TREE TO BE REMOVED
 ○ SILT FENCE
 ○ CATCH BASIN AND INLET PROTECTION
 ○ STABILIZED CONSTRUCTION ENTRANCE



PLAN
 SCALE: 1/8" = 1'-0"



BOWRIDGE COMMONS LLC

1700 W. 10TH AVENUE
DENVER, CO 80202

BOWRIDGE COMMONS

1700 W. 10TH AVENUE
DENVER, CO 80202

HARDEN PLACE

1700 W. 10TH AVENUE
DENVER, CO 80202

DETAILS

1. Concrete slab shall be 4" thick.

2. Concrete slab shall be finished with a broom.

3. Concrete slab shall be finished with a score.

4. Concrete slab shall be finished with a 1/2" aggregate.

5. Concrete slab shall be finished with a 1/2" aggregate.

AGENT BRAND LIGHTING

1700 W. 10TH AVENUE
DENVER, CO 80202

SEE PHOTOGRAPHIC PLAN SHEET 1 OF 1

DATED AUG 3, 2012 BY AGENT BRAND LIGHTING

AGENT BRAND LIGHTING

1700 W. 10TH AVENUE
DENVER, CO 80202

SEE PHOTOGRAPHIC PLAN SHEET 1 OF 1

DATED AUG 3, 2012 BY AGENT BRAND LIGHTING



BOWRIDGE COMMONS LLC

7 FURNACE COURT
ALBANY, NY 12206

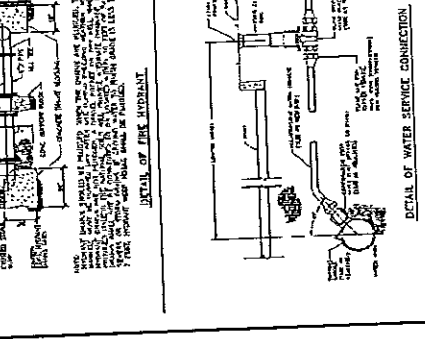
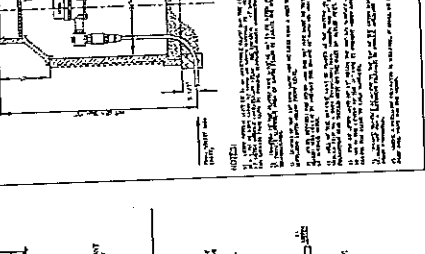
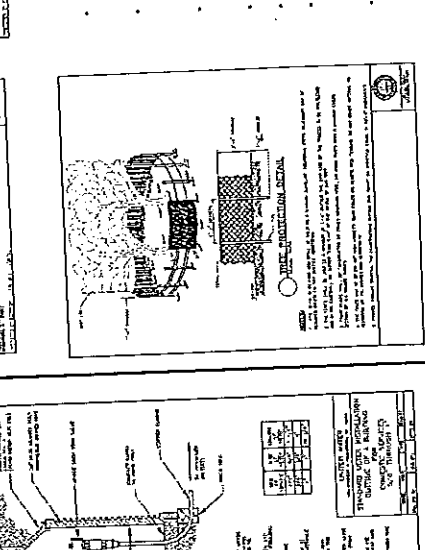
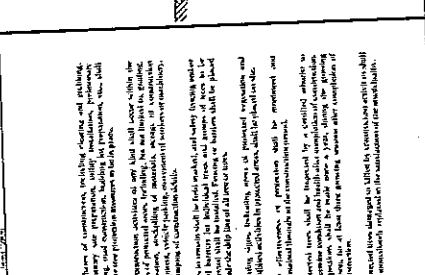
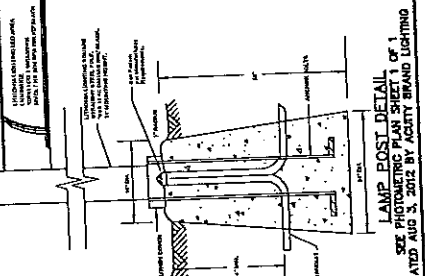
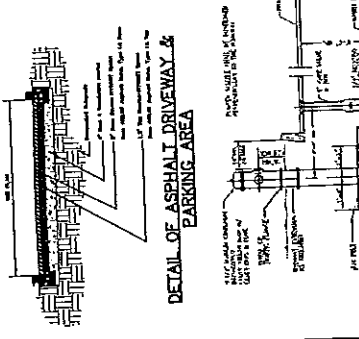
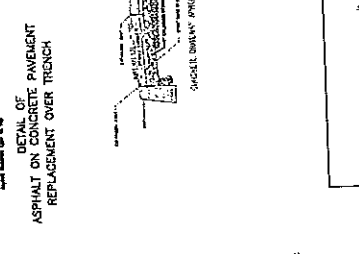
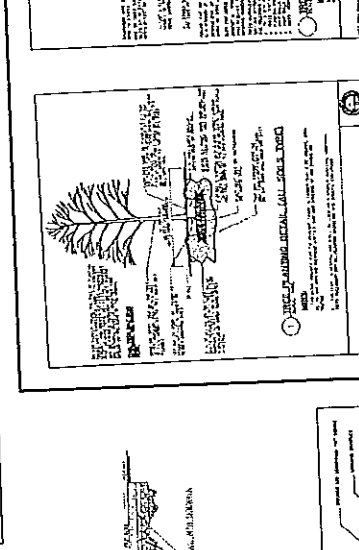
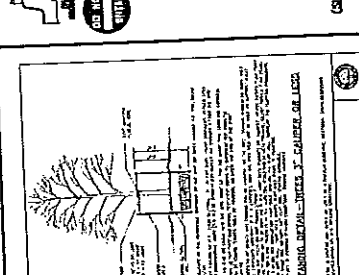
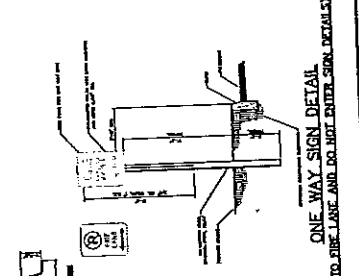
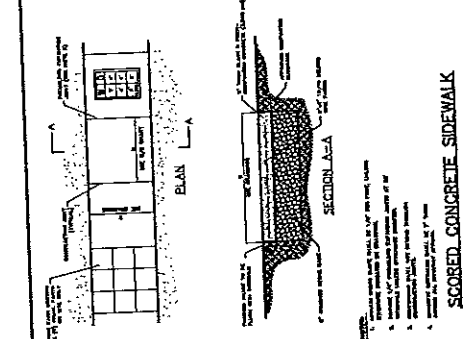
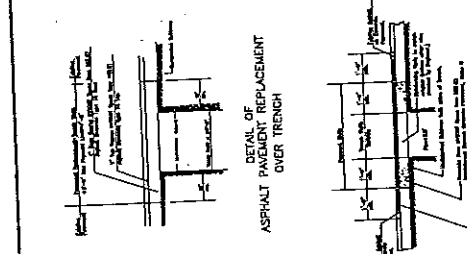
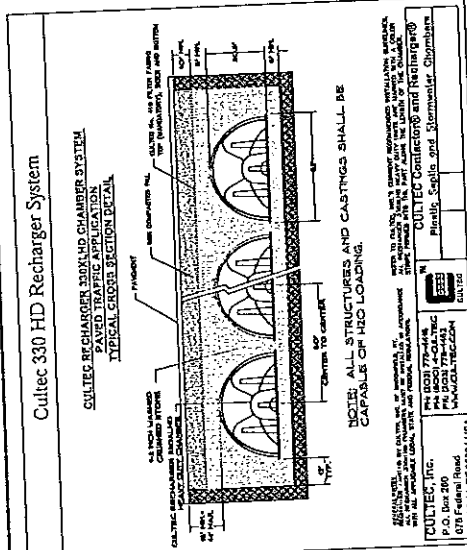
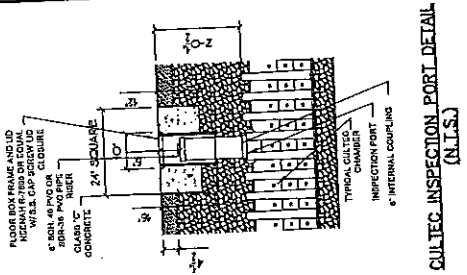
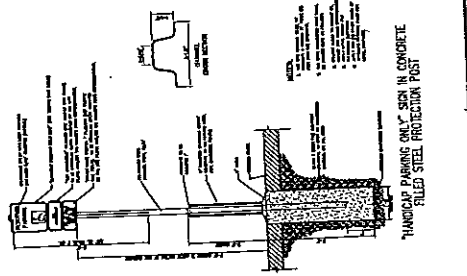
BOWRIDGE COMMONS

MARKET PLACE
HYDROLOGIST

DETAILS



PROJECT: MARKET PLACE HYDROLOGIST
DATE: 08/03/12
DRAWN BY: [Name]
CHECKED BY: [Name]





**BOWRIDGE
COMMONS
LLC**

7 BRUCKER HILL COURT
MASSACHUSETTS 01906

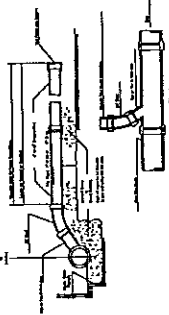
**BOWRIDGE
COMMONS**

MANAGER PLACE
100 BROADWAY

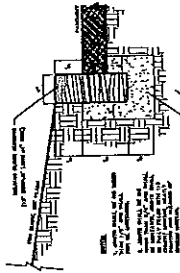
DETAILS



PROJECT NO. 2018-001
DATE: 08/20/18
SCALE: AS SHOWN
SHEET NO. 10 OF 12



SEWER CONNECTION

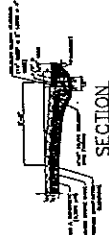


BELGIAN BLOCK CURB

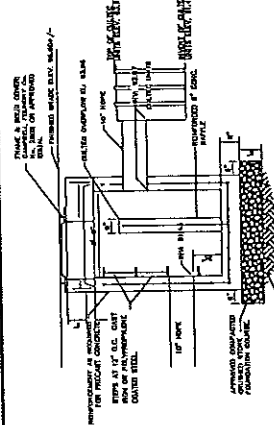
FINISH SURFACE OF
SLOPES TO BE IN
CONFORMANCE WITH
11.1.1.2003.



**PLAN
DROP CURB & RAMP**

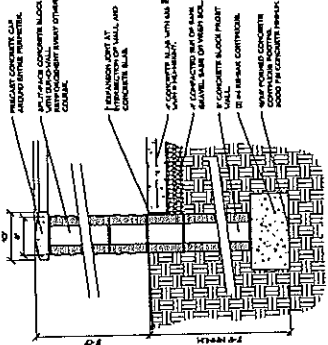


**SECTION
DROP CURB & RAMP**



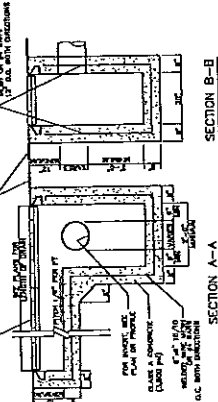
**SECTION A-A
OVERLOW STRUCTURE**

NOTE: ALL STRUCTURES AND CASTINGS SHALL BE
CAPABLE OF H2O LOADING.



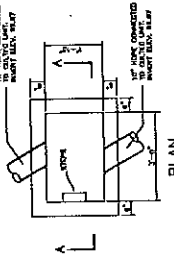
DUMPSTER ENCLOSURE SECTION DETAIL

FINISH SURFACE OF
SLOPES TO BE IN
CONFORMANCE WITH
11.1.1.2003.

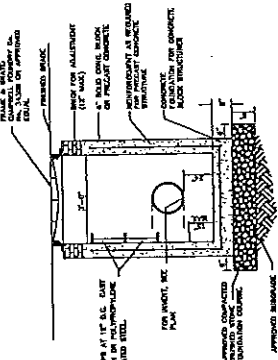


**TRENCH DRAIN
SECTION A-A
SECTION B-B**

NOTE: ALL STRUCTURES AND CASTINGS SHALL BE
CAPABLE OF H2O LOADING.

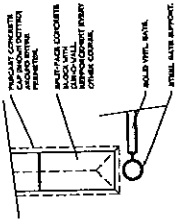


PLAN

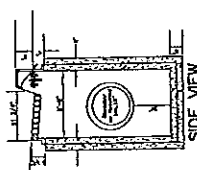


**SECTION A-A
DRAIN INLET DETAIL
WITH SUME**

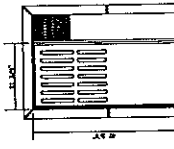
NOTE: ALL STRUCTURES AND CASTINGS SHALL BE
CAPABLE OF H2O LOADING.



**DUMPSTER ENCLOSURE PLAN
DETAIL**



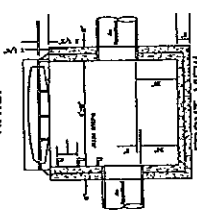
SIDE VIEW



FRONT VIEW

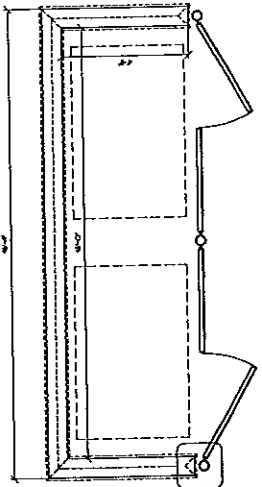
NOTE: Highway Catch Basin Head Curb
Comply Foundry No. 2877 or equal.

**DETAIL OF CATCH BASIN HEAD
CURB TYPE A
N.T.S.**

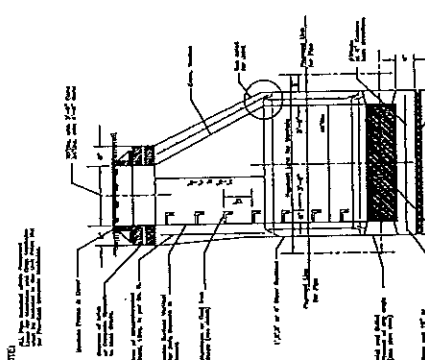


**FRONT VIEW
DETAIL OF PRECAST CONCRETE
CATCH BASIN TYPE A, N.T.S.**

NOTE: ALL STRUCTURES AND CASTINGS SHALL BE
CAPABLE OF H2O LOADING.

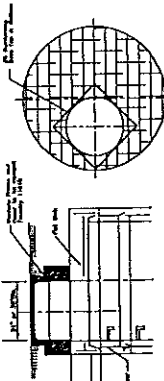


DUMPSTER ENCLOSURE PLAN



SANITARY SEWER MANHOLE

NOTE: ALL STRUCTURES AND CASTINGS SHALL BE
CAPABLE OF H2O LOADING.



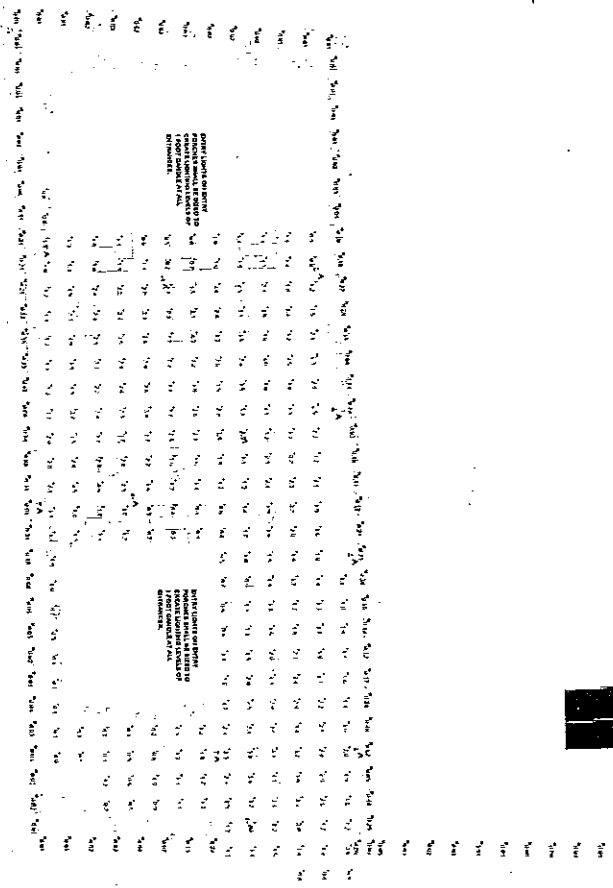
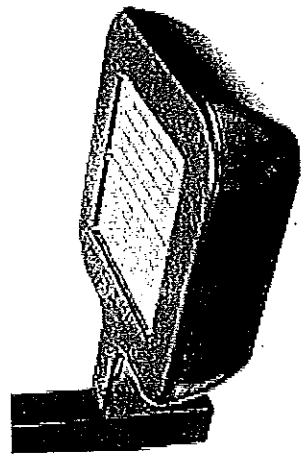
**REINFORCEMENT
LAYOUT OF SLAB**

NOTE: ALL STRUCTURES AND CASTINGS SHALL BE
CAPABLE OF H2O LOADING.

LUMINAIRE SCHEDULE			
Symbol	Label	Qty	Location
1	CSX1-LED 530mA DRIVER, 1 LED LIGHT ENGINE, TYPE IV DISTR., HS SHIELD	12	EXISTING LOCATIONS
2	CSX1-LED 530mA DRIVER, 1 LED LIGHT ENGINE, TYPE IV DISTR., HS SHIELD	12	EXISTING LOCATIONS

STATISTICS			
Quantity	Symbol	Area	Area
Total Luminaire Quantity	1	1.61E	6.27E
Total Pole Quantity	1	0.00E	0.00E

NOTES
 1. LUMINAIRE CALCULATIONS DO NOT FACTOR IN MOUNT HEIGHTS,
 POLES OR LOCATIONS.
 2. REFER TO ALL POLE REQUIREMENTS FOR THESE AND RELATED DETAILS.



Sheet 1 of 1

BOWRIDGE COMMONS - RYE BROOK, NY - SITE LIGHTING
 LITHONIA CSX1-LED ON NEW 14' POLES AT EXISTING LOCATIONS
 530mA DRIVER, 1 LED LIGHT ENGINE, TYPE IV DISTR., HS SHIELD
 CALCULATED MAINTAINED LIGHT LEVELS AT FINISHED GRADE



Prepared By: Eric Padua, LC, MIB3
 Date: Aug. 2nd, 2012
 Scale: As Noted
 Drawing No.:
 1 of 1



10000 BOWMAN AVE
BOWRIDGE COMMONS LLC
10000 BOWMAN AVE
BOWRIDGE COMMONS LLC

**BOWRIDGE
COMMONS
LLC**

**7 FINCH HILL COURT
PLANNING & DESIGN, PLLC**

**BOWRIDGE
COMMONS**

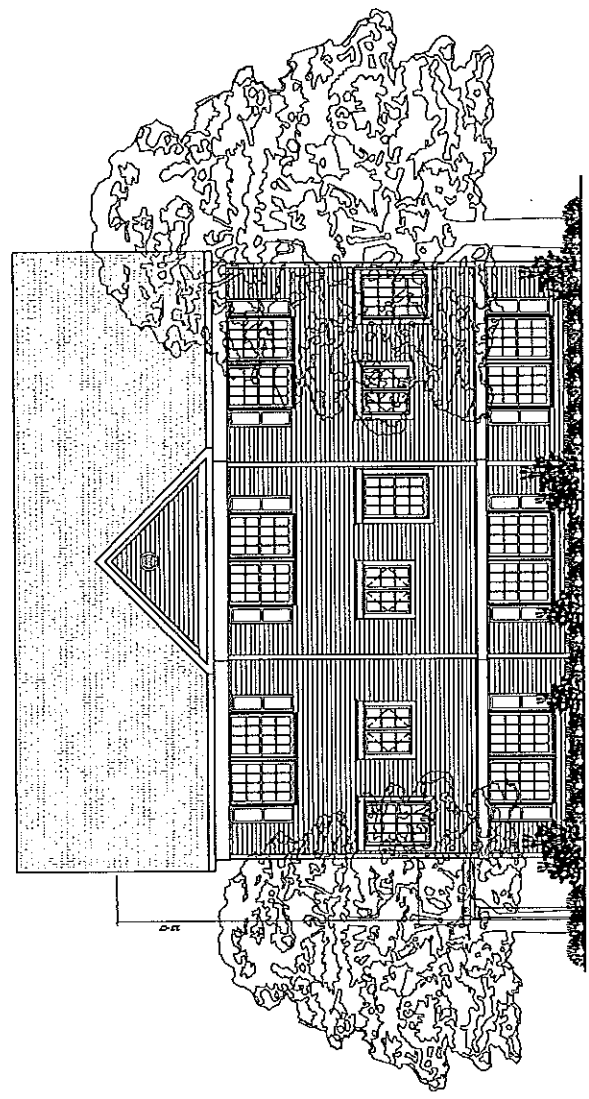
**BOWMAN AVE
STREET**

ELEVATION

**BOWMAN AVE
STREET
ELEVATION
6 UNIT BLDG**



10000 BOWMAN AVE
BOWRIDGE COMMONS LLC
10000 BOWMAN AVE
BOWRIDGE COMMONS LLC



BOWMAN AVENUE STREET ELEVATION - 6 UNIT BUILDING

SCALE: 1/4" = 1'-0"



.....

**BOWRIDGE
 COMMONS
 LLC**

**7 BRIDGE HILL COURT
 ALABAMAVILLE, TN 37015**

**BOWRIDGE
 COMMONS**

**NUMBER PLACE
 BY BLOCK/UNIT**

.....

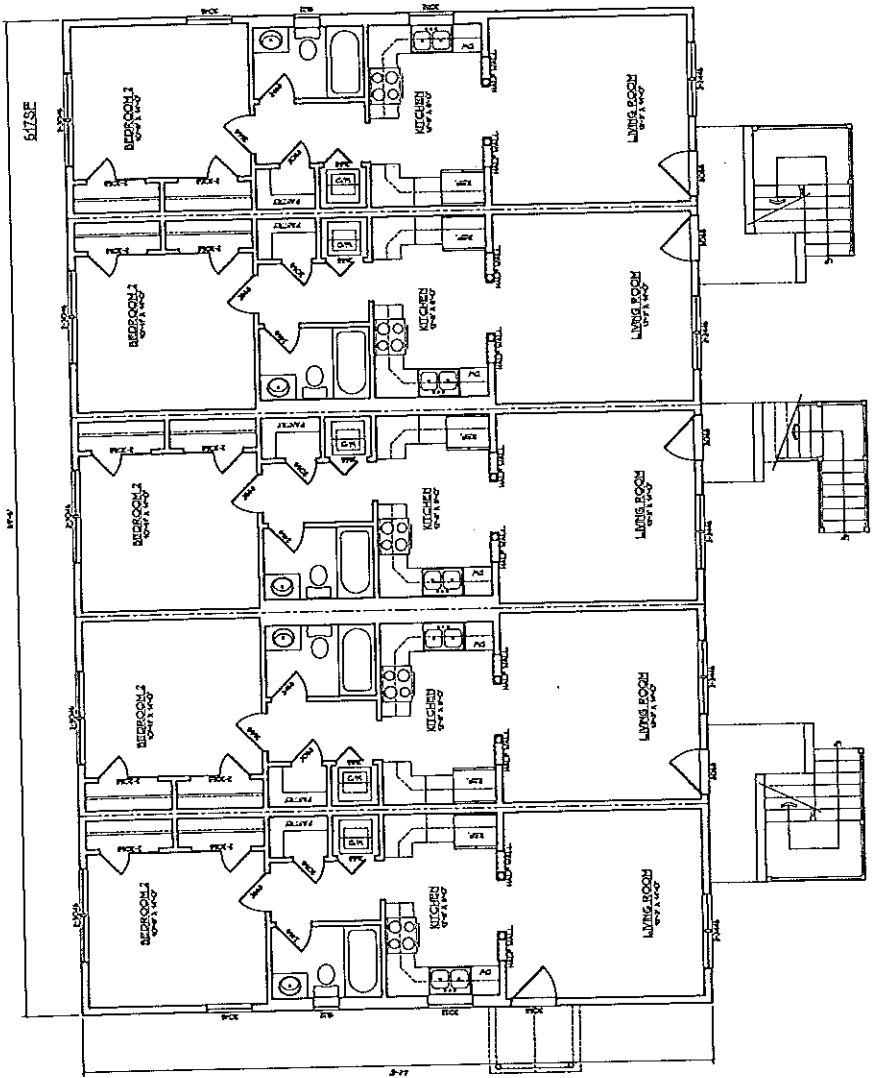
**GROUND
 LEVEL
 PLAN
 10 UNIT BLDG**



.....

.....

TYPICAL L. BDR. UNIT = 687 SF



GROUND LEVEL PLAN 10 UNIT BLDG
 SCALE: 1/8" = 1'-0"

EDGEWATER GROUP

A R C H I T E C T S

October 5, 2012

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

RE: Tarry Parking, 20 Abendroth Avenue Port Chester, NY

Honorable Mayor Pilla and Trustee Members,

On September 27, 2012, the Planning Commission voted to approve the Site Plan Application submitted by E.J. Port Realty for the above referenced project.

The project involves the partial demolition of an existing building on Abendroth Avenue for a new 36 space at-grade parking lot to serve customers for Tarry Lodge, Tarry Market and Tarry Wine, including storm-water management improvements, landscaping, "green wall", lighting, access gate control and other associated site improvements.

The prescribed location of the access drive as well as sight-distance requirements results in the elimination of 3 on-street parking spaces along Abendroth Avenue requiring your approval as a condition of the resolution. (Spaces 3,4 & 5 shown on the attached drawing)

We look forward to discussing this further with you at the October 15th hearing.

Sincerely yours,



Michiel A. Boender, AIA

To: Joseph M Krzeminski, Chief of Police
From: Sergeant Charles Vaccaro, Traffic Bureau
Re: 20-30 Abendroth Avenue / Tarry Market Parking
Date: 10/10/2012

The Tarry Market Parking Lot plan is in the final stages of approval. Previous memos were generated on 4/24/2012 and 5/21/2012. The previous correspondence discussed the loss of Village metered parking spaces, egress conflicts of the original plan and crash statistics in the area.

I have attached a sketch of the current parking changes that are necessary for the parking lot ingress / egress and site clearance. The current configuration results in the Village losing two metered parking spaces at a significant revenue loss.

The addition of the 92' section of prohibited parking enhances sight clearance for the driveway, existing driveway/loading dock and fire hydrant. The 41' section of prohibited parking to the north was not found in the Village Code and needs to be added, it is necessary for crosswalk and fire hydrant prohibition of parking.

Please see the necessary changes / additions to the Village Code to comply with the Planning Commission's approval of the Tarry Market's site plan for 20-30 Abendroth Avenue:

Village Code on Vehicle and Traffic, Schedule V, Section 319-66 pursuant to the provisions of Section 319-9: Prohibited Turns

<u>Name of Street</u>	<u>Travel</u>	<u>Turn</u>	<u>At Intersection of</u>
Abendroth Avenue	North	Left	Driveway of 20-30 Abendroth Avenue

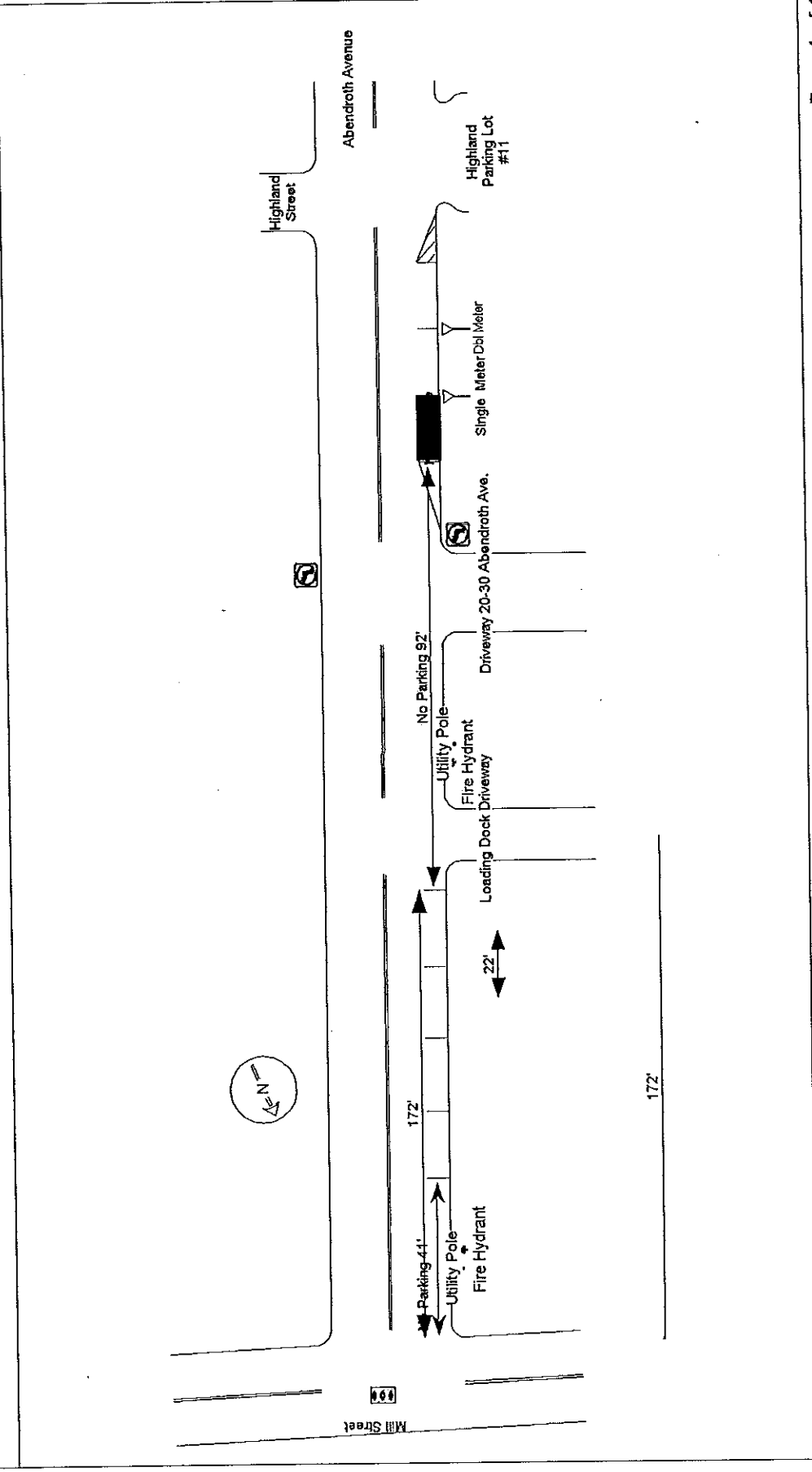
Village Code on Vehicle Traffic, Schedule XIII, Section 319-74 pursuant to the provisions of Section 319-20: Prohibited Parking.

<u>Name of Street</u>	<u>Side</u>	<u>Location</u>
Abendroth Avenue	West	From a point measured 172 feet south of the Curbline of Mill Street for a distance of 92 feet
Abendroth Avenue	West	From north curbline of Mill Street south for 41 feet

Case Number: _____ Date: _____

Location: _____

Description: _____



D-4C

BERLINGO & CARBONE, P.C.

ATTORNEYS AT LAW

320 WESTCHESTER AVENUE

PORT CHESTER, NEW YORK 10573

(914) 937-3100

FAX (914) 937-3629

acarbone@bercaresq.com

batty@bercaresq.com

September 25, 2012

NEW ROCHELLE OFFICE:
329 STRATTON ROAD
NEW ROCHELLE, NY 10804

ROLAND F. BERLINGO
(914)-19971
ANTHONY A. CARBONE

Via e-mail: cgomez@portchesterny.com

Village of Port Chester Planning Dept.
222 Grace Church Street
Port Chester, NY 10573
Attention: Christopher Gomez

Re: Application of E.J. Port Realty
20-30 Abendroth Avenue
Planning Commission Case #2012-0036

Dear Mr. Gomez:

As you are aware, the Planning Commission at its September 24, 2012, meeting voted to approve the site plan for a 36-space parking lot in the above matter.

A new condition that the Commission added to the approval resolution involved the 5-6 heavy timber structural trusses located in the building that is being demolished. These very large trusses are constructed of wood and steel tie-rods and gusset plates and are a structural part of the building.

The Commission requested that the applicant offer to donate to the Village of Port Chester these heavy timber trusses which the Village can utilize, if accepted, for a public use of historical significance.

To accomplish this proffer to the Village, the applicant is proposing the following:

1. The applicant will donate to the Village the heavy timber trusses to the extent that same can be salvaged prior to site demolition. The applicant will direct its demolition contractor to use its best and reasonable efforts during the demolition to accomplish this goal

2. The Village must remove the trusses from the site, at its sole cost and expense, after the trusses have been disengaged from the building and store them in a secure area.

3. The Village will keep the trusses intact and incorporate them into a public use to further a historical purpose, which historical purpose must be identified within one (1) year of acceptance.

4. In no event shall the trusses be disposed of by the Village or in any way be disassembled and/or sold without the prior consent of the applicant.

The applicant is in the process of obtaining proposals for the site demolition. In order to obtain a fair and accurate proposal, it must provide the bidding demolition contractors a specifications sheet. Obviously, such a specification sheet must reflect whether the Village wishes to accept the proffer herein presented.

Therefore, I would request that you submit this letter to the Village Manager and the Village Board of Trustees and kindly advise me of their position with respect to the trusses. If I do not hear from anyone by November 1, 2012, I will assume that the Village has no interest in the trusses and will proceed accordingly.

Respectfully yours,

BERLINGO & CARBONE, P.C.



Anthony A. Carbone

AAC/bl

cc: E.J. Port Realty (via email)
Boender (via email)
Cerrato
Steers



PUTNAM ENGINE & HOSE CO., NO.2

Organized October 4, 1854

Incorporated May 17, 1954

P.O. Box 933, Port Chester, NY 10573

October 6, 2012

VILLAGE OF PORT CHESTER
VILLAGE CLERK
222 Grace Church Street
Port Chester, NY 10573

Attn: Janusz R. Richards

Dear Mr. Richards:

As of our October 2012 meeting, held on October 3, 2012, the Putnam Engine & Hose, Company No.2, has expelled the following members:

Estuardo Perez
Badge: 2147

Brandon Hall
Badge: 2149

Auriel Fernandez
Badge: 2155

Sincerely yours,
PUTNAM ENGINE & HOSE COMPANY, NO. 2

Frank Cervinka
Secretary

Enclosure
cc: President Robert Gerardi

**RECOMMENDATION RESOLUTION
OF THE VILLAGE OF PORT CHESTER
PLANNING COMMISSION**

Downtown Accessory Parking

September 24, 2012

WHEREAS, the Planning Commission recognizes New York State grants municipalities the authority to adopt zoning regulations and make amendments to those regulations to address the changing needs and desires of a community; and

WHEREAS, the current provision of the zoning regulation permits private garage or private off-street parking area as an accessory use as of right in the C2 Central Business District; and

WHEREAS, sound planning principles dictate that such uses intended to serve individual businesses in a piecemeal fashion may detract from the overall quality of streetscape and sunder the urban fabric of our historic downtown; and

WHEREAS, consistent with the draft comprehensive plan, the village should consider the construction of municipal parking facilities in strategic locations throughout the village; and

NOW THEREFOR BE IT RESOLVED, that the Planning Commission hereby affirms the direction of the comprehensive plan with regard to the construction of municipal parking facilities throughout the village as soon as practicable; and

BE IT FURTHER RESOLVED, that coincident with such direction, the Board of Trustees consider amending that Chapter 345 of the Village Code, Schedule of Regulations for Non-residence Districts Part 1 Use Regulations (Sheet 1); and

BE IT FINALLY RESOLVED that this resolution shall have an effective date of September 24, 2012

On the motion of Commissioner Gregory, seconded by Commissioner Cervinka, it was adopted by the following vote:

AYES: Antaki, Baxter, Cervinka, Coperine, Gregory, Pellon, Scarola

NAYES:

ABSENT:



Michael Scarola, Chairman

**SEQR
Intent to be Lead Agency**

MEMO TO: ALL INVOLVED AGENCIES
FROM: Port Chester Planning Commission
222 Grace Church Street, Suite 202
Port Chester, NY 10573
PROJECT TITLE: Dent Wizard International – 110 Midland Ave.
MAILING DATE: September 26, 2012

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

Dent King Wizard – 110 Midland Ave

110 Midland Avenue is the site of the BMW Automobile Dealer Service Center. The applicant wishes to install a self-contained cosmetic spray booth within an open warehouse space on the property. To do so, they require a Zoning Text Change Amendment to Section 345-61 to eliminate the specific language prohibiting painting or auto body repair work within "Motor Vehicle Sales Lot" uses. This is a special exception use classification tied to this development based off a change in language of the Zoning Code made by Local Law #3, 2004. The applicant wishes to include "Cosmetic Reconditioning" to the list of services provided at the site, and states that any added equipment will be limited to 3,000 Sq. Ft., and only available for customers of the dealership. There will be no traditional body shop equipment added to the site, as any added equipment will only be used for cosmetic repairs.

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

Contact Person: Michael Scarola
Chairman of the Port Chester Planning Commission
222 Grace Church Street, Suite 202
Port Chester, NY 10573
T. (914) 937-6780

Involved Agencies: Hon. Dennis Pilla, Mayor
Port Chester Board of Trustees
222 Grace Church Street, Suite 120
Port Chester, NY 10573
T. (914) 939-5204

Interested Agencies: Chairman William Villanova
Port Chester Zoning Board of Appeals
222 Grace Church Street
Port Chester, NY 10573

City Manager Scott Pickup
City of Rye
1051 Boston Post Road
Rye, NY 10580

Hon. Joan Feinstein, Mayor
Village of Rye Brook
938 King Street
Rye Brook, NY 10573

Commissioner Edward Burroughs
Westchester County Department of Planning
148 Martine Avenue, Room 432
White Plains, NY 10601

Margaret Duke
New York State Department of Environmental Conservation
Region 3 Office
21 South Putt Corners Road
New Paltz, NY 12561-1696

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

Copy of this Notice of Intent on file with:

Connie Phillips
Port Chester Department of Planning and Development
222 Grace Church Street, Suite 202
Port Chester, NY 10573
T. (914) 937-6780

Appendix C
State Environmental Quality Review
SHORT ENVIRONMENTAL ASSESSMENT FORM
For UNLISTED ACTIONS Only

PART I - PROJECT INFORMATION (To be completed by Applicant or Project Sponsor)

1. APPLICANT/SPONSOR DCH / Dent Wizard	2. PROJECT NAME DCH / Dent Wizard
3. PROJECT LOCATION: Municipality <u>Port Chester</u> County <u>Westchester</u>	
4. PRECISE LOCATION (Street address and road intersections, prominent landmarks, etc., or provide map) <u>110 Midland Avenue, west side of Midland Avenue directly opposite the intersections of Midland & Pitt and Midland & Armett</u>	
5. PROPOSED ACTION IS: <input type="checkbox"/> New <input type="checkbox"/> Expansion <input checked="" type="checkbox"/> Modification/alteration	
6. DESCRIBE PROJECT BRIEFLY: <u>install self-contained cosmetic spray booth in open warehouse space in accordance with Westchester County emissions permit</u>	
7. AMOUNT OF LAND AFFECTED: Initially <u>6.21</u> acres Ultimately <u>6.21</u> acres	
8. WILL PROPOSED ACTION COMPLY WITH EXISTING ZONING OR OTHER EXISTING LAND USE RESTRICTIONS? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If No, describe briefly <u>requires Zoning Text Change Amendment</u>	
9. WHAT IS PRESENT LAND USE IN VICINITY OF PROJECT? <input type="checkbox"/> Residential <input type="checkbox"/> Industrial <input checked="" type="checkbox"/> Commercial <input type="checkbox"/> Agriculture <input type="checkbox"/> Park/Forest/Open Space <input type="checkbox"/> Other Describe:	
10. DOES ACTION INVOLVE A PERMIT APPROVAL, OR FUNDING, NOW OR ULTIMATELY FROM ANY OTHER GOVERNMENTAL AGENCY (FEDERAL, STATE OR LOCAL)? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If Yes, list agency(s) name and permit/approvals: <u>exhaust permit from Westchester County Health Dept - issued 6/22/12</u>	
11. DOES ANY ASPECT OF THE ACTION HAVE A CURRENTLY VALID PERMIT OR APPROVAL? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If Yes, list agency(s) name and permit/approvals:	
12. AS A RESULT OF PROPOSED ACTION WILL EXISTING PERMIT/APPROVAL REQUIRE MODIFICATION? <input type="checkbox"/> Yes <input type="checkbox"/> No	
I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE TO THE BEST OF MY KNOWLEDGE Applicant/sponsor name: <u>William K Buckley</u> Date: <u>8/23/12</u> Signature: <u>[Signature]</u>	

If the action is in the Coastal Area, and you are a state agency, complete the Coastal Assessment Form before proceeding with this assessment



Correspondence

110 Midland Avenue zoning text
Amendment petition

September 4, 2012



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

Re: 110 Midland Avenue
Proposed Text Change

Dear Mayor Pilla and Board of Trustee Members:

We are the architects and planners representing the applicant, Dent Wizard Intl., Corp., which proposes a Zoning Text Amendment to Section 354-61W, Automobile Dealership Service Center to permit an interior cosmetic reconditioning equipment installation. Said equipment and the provision of these services shall be conducted and controlled by the automobile dealership service center for the exclusive use of DCH customers.

In October 2003 a proposed amendment to the Village Code submitted by Competition & Sports Car Ltd. (BMW) proposed to reuse an existing warehouse/office building located at 110 Midland Avenue as an automobile service center for the BMW dealership located in Greenwich, CT. The use was prohibited within the M-2 General Industrial zoning district. The applicant had petitioned the Village to amend the zoning ordinance to permit a new use, described as an "Automobile Dealership Service Center", as a special exception use within the M-2 district which limited its applicability essentially only to 110 Midland Avenue and BMW's specific operation.

The original proposed project called for the reuse of approximately 109,000 square feet of the 164,000 square foot existing warehouse building. The applicants proposed to reuse the building for a state-of-the-art BMW service center and associated office and support facilities for BMW of Greenwich. The footprint of the existing warehouse building remained essentially unchanged.

By designating the M-2 General Industrial district for this use, the automobile service is now permitted in the most intensive zones of the entire Village's zoning districts. From an overall Village planning perspective it was deemed preferable to locate auto service facilities within the M-2 district rather than within the more publicly prominent C-4 commercial zones. Recognizing that the M-2 zone is evidently the most

305.5 WESTCHESTER AVENUE
RYE BROOK, NY 10573
914-937-3396
914-939-3255 FAX
INFO@ARCONICS.NET

appropriate district for the use described in the petition, the Board of Trustees adopted the enabling legislation by Local Law #3, 2004.

The M-2 district is currently limited to basically two areas in the Village: along Midland Avenue and across from the Life Savers Building. M-2 properties in and around the Life Saver Building do not meet the Special Exception specific criteria in the Code and therefore would not be candidates for an Automobile Dealership Service Center.

In 2007 the original Site Plan and Special Exception Approvals for this use were amended to add 12 additional interior service bays by DCH BMW.

The Automobile Dealership Service Center (ADSC) concept, when added to the list of permitted uses in the Village Zoning Code in 2004, was a new and unique idea. It was intended to separate vehicle sales from consolidated vehicular service operations while expanding services and elevating the customer experience. The ADSC concept embraces the physical separation of the typical auto sales dealership operation often conducted on highly visible locations on Boston Post Road (US 1) or Main Street from the back-of-house car service operation. In order to facilitate the unconventional separation of sales and repairs the ADSC concept utilized high end architecture, plush customer waiting areas, sales boutique, loaner vehicles, shuttles, and the provision of new services at the facility to entice the change to customers. The inclusion of the ADSC use in the Village Zoning Special Exception Use as a permitted use, subject to special conditions and safeguards, was intended to result in preventing and/or curbing negative impacts previously associated with historical automobile service operations in the Village.

One aspect of the special conditions used to describe the permitted ADSC operation was to not permit painting or auto body repair. Given the past history of these kinds of uses in the Village they often times have been problematic and visibly detracting to the community.

By definition Automobile Dealership Service Center is a facility that repairs, services, and prepares automobiles for sale or resale and is affiliated with an automobile dealership and is duly licensed under the laws of the State of New York.

These ADSC uses have evolved over time to include the customary accessory uses of car washing, vehicle detailing and preparation for dealership customers. Most ADSC's typically contract with outside vendors who travel to the dealership to perform minor cosmetic reconditioning on dealership vehicles while being serviced. This practice is generally unbeknownst to customers. The evolution of this

reconditioning concept is to consider this repair and reconditioning practice when wholly contained in the building, licensed by Westchester County Department of Health, serving dealership customers only, to be considered a customary accessory use for ADSCs.

The DCH automobile dealership at 110 Midland Avenue does not want to be an auto body repair or collision shop; however, it does want to take advantage of a potential profit center with quick turnaround in a controlled environment within the existing auto service facility as is the trend for other dealerships. The reconditioning equipment and staff are provided to the dealership by Mint, a contract vendor, as a package system; however, it is seamlessly run and directed by DCH to serve its customers and only on the level of reconditioning limitations noted herein.

The cosmetic reconditioning as an accessory use should be considered similar to a bank providing ATM equipment service, gas stations providing convenience stores, and hyper-food markets which provide fresh and prepared foods for consumption in stores and at home.

The proposed Zoning Text Change Amendment to the ADSC Zoning Text is to eliminate specific language which prohibits painting or auto body repair work.

The reconditioning equipment shall be wholly contained within the existing building. Said reconditioning equipment shall be limited to no more than 3,000 square feet, licensed by Westchester County Department of Health, and for reconditioning services provided for customers of the dealership and whose operation is controlled by the dealership.

The Cosmetic Reconditioning Center is essentially a "Boutique Car Spa" and is utilized for repairs and refinishing primarily on plastic and trim parts of the vehicle including bumpers, moldings, mirrors, and light lenses. On occasion, when a bumper scrape may carry into a fender, the side panel may also be refinished for uniformity. The reconditioning system is also utilized to refinish and restore alloy wheels by removing "curb rash" through gently sanding down the lip of the damaged wheel and spray painting the damaged area. Most all cosmetic repairs, due to the limited scope of the work, are completed the same day, often during the course of other vehicle service. To a large extent almost all cosmetic repairs are the result of normal wear and tear and discretionary repairs as requested by vehicle owners to improve and/or maintain new vehicle appearance.

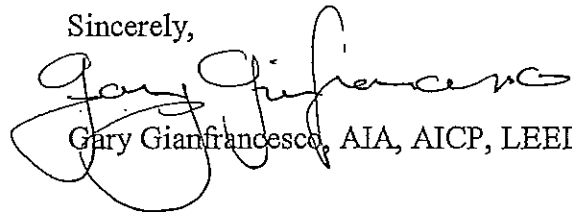
Cosmetic reconditioning ends where the traditional auto body repair shop starts as there is no traditional body shop equipment such as frame machines, alignment racks, welders, slide hammers, or unibody

straightening machines utilized. This dealership reconditioning service in no way approximates collision repairs.

Attached herein is the proposed text amendment petition which strikes out the single sentence to be eliminated and includes language proposed for the proposed service and equipment to be added.

We respectfully request this matter be placed on your September 4, 2012 agenda for referral to the Planning Commission for recommendation and comment.

Sincerely,

A handwritten signature in black ink, appearing to read "Gary Gianfrancesco". The signature is fluid and cursive, with the first name "Gary" being particularly prominent.

Gary Gianfrancesco, AIA, AICP, LEED AP

encl.

c c: W. Buckley

Proposed Zoning Text Change

354-61 W. Automobile dealership service center.

[Added 1-5-2004 by L.L. No. 3-2004]

- (1) All servicing and repair of automobiles shall take place entirely within the building, and no servicing or repair of vehicles shall be visible from any adjacent public street. ~~No painting or auto body repair work shall be permitted.~~ There shall be no outdoor storage of vehicles being serviced or repaired except for temporary parking of such vehicles before and after servicing. On-site storage of vehicles for sale or resale shall be permitted at the site, provided that such storage of vehicles is solely contained within the building.

The cosmetic reconditioning equipment and the entire reconditioning operation shall be wholly contained within the existing service building. The exhaust emissions permit for the cosmetic reconditioning equipment shall be through the Westchester County Department of Health. Said equipment shall be limited in size to no more than 3,000 square feet and its operation shall be under the direction of the automobile dealership service center to only serve dealership customers and only on the level of reconditioning limitations noted herein.

Cosmetic reconditioning shall be defined as repairs and refinishing primarily on plastic and trim parts of the vehicle including bumpers, molding, mirrors, headlight lenses, and restoring alloy wheels. Vehicle side panels may also be refinished on occasion when the bumper scrape may carry into the fender for a uniform repair.

No traditional collision repair equipment such as frame machines, alignment racks, welders or unibody straightening machines shall be permitted in conjunction with the cosmetic reconditioning operation.

- (2) The minimum gross floor area utilized by the facility within the building shall be 80,000 square feet of which portions of such floor area shall be utilized exclusively as office space and/or employee utility space together having a floor area ratio of more than .10 with reference to the total service area, and any area utilized exclusively as a customer service area shall not exceed 70% of the total gross floor area.
- (3) A retail accessory use shall be permitted at the site, provided not more than 5% of the gross floor area is utilized for such retail use.
- (4) Sign regulations. In addition to the requirements of § 345-15 herein, no flashing, moving or intermittently illuminated advertising devices are permitted. All signs shall be integrated with the architectural design of the structure. No sign shall project above the roof of the structure.
- (5) Gas pump. One gas pump may be installed at the site, provided it is used solely for the vehicles being serviced or repaired therein, and it is not utilized for sale to the general public and it is installed as required by the State of New York.

- (6) Such facility must be duly licensed as an authorized repair facility as required by the State of New York.
- (7) The applicant shall submit a traffic analysis which indicates that the proposed project can be accommodated by the existing roadway system and/or proposed improvements to the roadway system at satisfactory levels of service.
- (8) All plots, lots or parcels of land containing 15,000 or more square feet of area or having or proposing a use requiring 20 or more parking spaces, or both, shall comply with the following requirements:
- (a) The requirements of § 345-14I(l) shall not apply to this use, except that there shall be provided an accessway running from a public road to the parking area of the lot.
- (b) The way and drive contained therein shall be for the exclusive use of the property and parking area.
- (c) The way at the curblin and throughout its length shall be not less than 15 feet from any other way or driveway providing access to a public street and not less than five feet from any lot line, except a street lot line.
- (d) Any driveway providing ingress and egress to a public street shall not pass through the parking and/or drive area of any other lot.
- (e) Access, but not frontage, may be provided by grant of easement, but the size of the lot impressed with the easement shall be reduced by the area comprising the easement before computing area, setback, and special exception requirements.
- (f) The requirements of this section shall be in addition to the frontage and minimum yard dimension requirements of the Code.
- (g) Any modification to the curbs cuts at the site shall be approved by the New York State Department of Transportation.
- (9) The site must be located no more than .33 mile from an accessway to a New York State or U.S. highway.
- (10) Parking, There shall be provided at the site sufficient parking spaces for all vehicles stored or being serviced at any one period of time. In addition, sufficient parking for the office space and any retail space shall be provided in accordance with § 345-14, except that there shall be no parking requirement for any retail space containing less than 500 square feet.
- (11) Loading and unloading. Loading spaces shall be provided at the site in accordance with § 345-14. All loading and unloading shall be performed entirely within the lot. Loading units shall be designated to ensure that vehicles serving the lot shall do so without backing into or out of any public street. Loading bay doors shall be appropriately screened from any public street.

(12) Collection and storage of waste. Facilities for the collection and temporary storage of rubbish, garbage, and waste shall be provided within the structure or in secured containers on the site, which are appropriately screened from any public street. Disposal of waste shall be performed in accordance with the standards promulgated by the State of New York.

(13) Fencing. The site shall be fenced or otherwise secured in a manner which prevents unauthorized access by the general public to areas where vehicles are stored; however, no electrified and/or razor ribbon fencing shall be permitted.



VILLAGE OF PORT CHESTER SITE PLAN APPLICATION



SITE IDENTIFICATION INFORMATION		
Application Name: DCH / Dent Wizard	Application #	Date Submitted:
Site Address: No. 110 Street: Midland		
Property Location: (Identify landmarks, distance from intersections, etc.) west side of Midlan across from intersection of Midland & Pitt		
Village of Port Chester Tax Map Designation: Section 142.4 Block 1 Lot(s) 1		Zoning Designation of Site: M2
APPLICANT/OWNER INFORMATION		
Property Owner: WU/LH 100-110 Midland LLC	Phone #: Fax#:	Email:
Owners Address: No. 60 Street: Hempstead Ave Town: W. Hempstead State: NJ Zip: 11552	Email: william.buckley@dentwizard.com	
Applicant (If different than owner): Wm. Buckley Dent Wizard Intl Corp	Phone # 206-650-9633 Fax#:	State: MO Zip: 63044
Applicant Address (If different than owner): No. 471 Street: Earth City Expy Town: Bridgeton	Phone #: 937-5596 Fax#: 939-1255	Email: gary@arconics.net
Individual/ Firm Responsible for Preparing Site Plan: Arconics Architecture PC	Phone #: 937-5596 Fax#: 939-1255	State: NY Zip: 10573
Address: No. 545 Street: Westchester Ave Town: Rye Brook	Phone #: Fax#:	Email:
Other Representatives:	Phone #: Fax#:	State: Zip:
Owners Address: No. Street:	Town:	State: Zip:
PROJECT DESCRIPTION		
Describe the project, proposed use and operation thereof: Install self-contained cosmetic spray booth within open warehouse space in accordance with Westchester County emission permit		
PROJECT INFORMATION		
Lot size: Acres: 6.21 Square Feet: 270,507	Square footage of all existing structures (by floor): 55,380 112,230	
# of required parking spaces: 175	# of proposed parking spaces: 175	
# of existing dwelling units: -0-	# of proposed dwelling units: -0-	
What is the predominant soil type(s) on the site? NA	What is the approximate depth to water table? NA	
Site slope categories: NA	15-25% %	25-35% % >35% %
Estimated quantity of excavation: NA	Cut (C.Y.)	Fill (C.Y.)
Is the site located in a designated Urban Renewal Area?		Yes: <input type="checkbox"/> No: <input checked="" type="checkbox"/>
Does a curb cut exist on the site? Yes: <input checked="" type="checkbox"/> No: <input type="checkbox"/>	Are new curb cuts proposed? Yes: <input type="checkbox"/> No: <input checked="" type="checkbox"/>	
Is the site located within 500' of:		
▪ The boundary of an adjoining city, town or village	Yes: <input type="checkbox"/> No: <input checked="" type="checkbox"/>	
▪ The boundary of a state or county park, recreation area or road right-of-way	Yes: <input type="checkbox"/> No: <input checked="" type="checkbox"/>	
▪ A county drainage channel line.	Yes: <input type="checkbox"/> No: <input checked="" type="checkbox"/>	
▪ The boundary of state or county owned land on which a building is located	Yes: <input type="checkbox"/> No: <input checked="" type="checkbox"/>	



SITE IDENTIFICATION INFORMATION

Application Name: DCH / Dent Wizard	Application #	Date Submitted:
Site Address: No. 110 Street: <u>Midland Ave</u> Hamlet:		
Property Location: (Identify landmarks, distance from intersections, etc.) west side of Midland, directly across from intersection of Midland & Pitt		
Village of Port Chester Tax Map Designation: Section 142.46 Block 1 Lot(s) 1	Zoning Designation of Site: M2	

APPLICANT/OWNER INFORMATION

Property Owner: WU/LH 100-110 Midland LLC	Phone #: Fax#:	Email:
Owners Address: No. 60 Street: <u>Hempstead Ave</u> Town: <u>W. Hempstead</u> State: <u>NY</u> Zip: <u>11552</u>		
Applicant (If different than owner): <u>Wm. Buckley</u> Dent Wizard Intl	Phone #: <u>206-650-9633</u> Fax#:	Email: <u>william.buckley@dentwizard.com</u>
Applicant Address (if different than owner): No. <u>4710</u> Street: <u>Earth City Expy</u> Town: <u>Bridgeton</u> State: <u>MO</u> Zip: <u>63044</u>		
Individual/ Firm Responsible for Preparing Site Plan: Arconics Architecture PC	Phone #: <u>937-5596</u> Fax#: <u>939-1255</u>	Email: <u>gary@arconics.net</u>
Address: No. <u>545 1/2</u> Street: <u>Westchester Ave</u> Town: <u>Rye Brook</u> State: <u>NY</u> Zip: <u>10573</u>		
Other Representatives:	Phone #: Fax#:	Email:
Owners Address: No. Street: Town: State: Zip:		

SPECIAL EXCEPTION USE INFORMATION

Proposed Special Exception Use:
install spray booth (self-contained, cosmetic)

Will the use prevent or substantially impair either the reasonable or orderly use or the reasonable and orderly development of other properties in the neighborhood?	Yes: <input type="checkbox"/> No: <input checked="" type="checkbox"/>
Will the hazards or disadvantages to the neighborhood from the location of such use at the property be outweighed by the advantage to be gained by either the neighborhood of the Village by authorizing the special exception use permit?	Yes: <input checked="" type="checkbox"/> No: <input type="checkbox"/>
Will the health, safety, welfare, comfort, convenience and order of the Village be adversely affected by the authorized use?	Yes: <input type="checkbox"/> No: <input checked="" type="checkbox"/>
Will the special exception use be in harmony with and promote the general purposes and intent of the town's zoning ordinance?	Yes: <input checked="" type="checkbox"/> No: <input type="checkbox"/>
On a separate sheet, describe how the proposed special exception use complies with the <i>General Standards</i> set forth in §345-60	
On a separate sheet, describe how the proposed special exception use complies with the <i>Special Conditions and Safeguards for Certain Uses</i> set forth in §345-61 (if applicable).	

APPLICANTS ACKNOWLEDGEMENT

I hereby depose and certify that all the above statements and information, and all statements and information contained in the supporting documents and drawings attached hereto are true and correct.

William Buckley
Applicants Name

[Signature]
Applicants Signature

Sworn before me this 22 day of August 2018

Sarah Michelle Van Coops-Bush
Notary Public

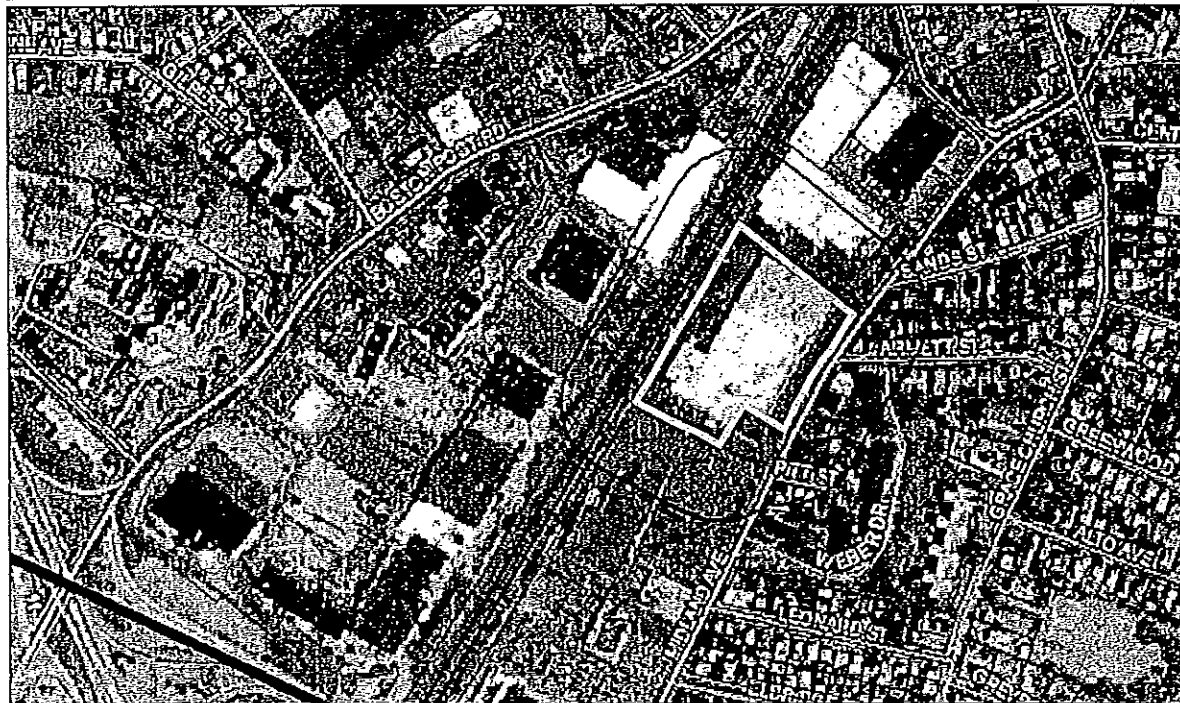
Notary Public
State of Washington
Sarah Michelle Van Coops-Bush
My Comm. Expires March 23, 2015

Tax Parcel Maps

Address: 100-110 Midland Ave

Print Key: 142.46-1-1

SBL: 14204600010010000000



Disclaimer:

This tax parcel map is provided as a public service to Westchester County residents for general information and planning purposes only, and should not be relied upon as a sole informational source. The County of Westchester hereby disclaims any liability from the use of this GIS mapping system by any person or entity. Tax parcel boundaries represent approximate property line location and should **NOT** be interpreted as or used in lieu of a survey or property boundary description. Property descriptions must be obtained from surveys or deeds. For more information please contact the assessor's office of the municipality.

DCH / Dent Wizard
110 Midland Avenue
Port Chester, NY 10573

SUBJECT PROPERTY
WU/LH 100-110 Midland LLC
60 Hempstead Avenue
West Hempstead, NY 11552

142.54-1-23

Richard Posadas
39 Arnett Street
Port Chester, NY 10573

142.46-2-52

DPPC Holdings L.P.
Boston Post Road
Port Chester, NY 10573

142.53-1-1

WH/LH 36 Midland LLC
36 Midland Avenue
Port Chester, NY 10573

142.46-1-2

Metro Transit Authority
John Street
Port Chester, NY 10573

142.46-1-7; 142.53-1-2

Pedro & Ninfa Santos
47 Sands Street
Port Chester, NY 10573

142.46-2-42

Ramiro Valdez
51 Sands Street
Port Chester, NY 10573

142.46-2-43

James Haywood
53 Sands Street
Port Chester, NY 10573

142.46-2-44

Port Chester Housing Authority 11 Weber Drive Port Chester, NY 10573	142.54-1-24.1
WH/LH 112 Midland LLC 112 Midland Avenue Port Chester, NY 10573	142.54-1-13
Ray Mangini 101 Midland Avenue Port Chester, NY 10573	142.54-1-14
Belos Properties LLC 103-107 Midland Avenue Port Chester, NY 10573	142.54-1-15
Cosmos Auto Service Inc. 111 Midland Avenue Port Chester, NY 10573	142.54-1-16
Luis Lopez 115 Midland Avenue Port Chester, NY 10573	142.54-1-17, 18
Jose Miglioranzi 6 Pitt Street Port Chester, NY 10573	142.54-1-19
Luis Lopez 7 Pitt Street Port Chester, NY 10573	142.54-1-20
Joseph Johnson 3 Pitt Street Port Chester, NY 10573	142.54-1-21

McGuire Home

Architecture | Interior Design

2 Osborne Place

Village of Port Chester
OCT 10 2012
Planning and Zoning

Attn: Board of Trustee's

Date: October 10, 2012

From: Gregory McGuire

On behalf of my client Joseph Kennedy please see the required information for the submission of the zoning map application.

We are looking to subdivide one oversized residential lot into two residential lots. In order to do so my client also owns a commercial property located adjacent to the residential property that he would like take 5 feet away from the commercial property and add that to the residential property. In doing so this would create one oversized residential lot and one conforming residential lot.

Section # 141.028

Block # 2

Lots 35 & 38

We would like to thank you for your time and consideration.

Sincerely,

Gregory McGuire



Village of Port Chester Planning Commission
 222 Grace Church Street
 Port Chester, NY 10573
 Phone 914-937-6780



ZONING MAP CHANGE APPLICATION

SITE IDENTIFICATION INFORMATION			
Case Number: 2012-0052	Application Number: 2 Osborne Place	Date Submitted: 10-10-12	
Site Address: No. 2 Street: Osborne Place			
Property Location: (Identify landmarks, distance from intersections, etc.) Osborne Place intersects w/ Bowman Ave			
Village of Port Chester Tax Map Designation: Section 141.08 Block 2 Lot(s) 35238	Present Zoning of Site: residential	Proposed Zoning of Site: residential	
APPLICANT/OWNER INFORMATION			
Property Owner: Joseph Kennedy	Phone #: 914-947-0818 Fax #: 94-834-2124	Email: jros-mcguire@msn.com	
Owner Address: No. 2 Street: Osborne Place Town: Port Chester State: NY Zip: 10573			
Applicant (if different than owner): Gregory McGuire	Phone #: 917-453-9732 Fax #: 94-834-2124	Email: jros-mcguire@msn.com	
Applicant/Address (if different than owner): No. 266 Street: Fifth Ave Town: Larchmont State: NY Zip: 10530			
Contractual Relationship of Applicant to Property Owner: Architect			
Applicant Attorney (if any):	Phone #: Fax #:	Email:	
Attorney Address: No. Street: Town: State: Zip:			
PROPERTY INFORMATION			
Are there any deeds, covenants, or other restrictions placed on the property?			<input type="checkbox"/> Yes <input type="checkbox"/> No
If so, attach statements to this sheet			
Deed or deeds recorded in the County Clerk's Office: Date		Liber	Page
Present use of subject property in detail: Client has one large residential lot w/ adjacent commercial property that client also owns!			
Proposed use of subject property in detail: Client would like to subdivide large residential lot to 2 lots! One oversized & one conforming! We are able to do this we would like to move forward thru by 5/11			

Appendix C

State Environmental Quality Review

SHORT ENVIRONMENTAL ASSESSMENT FORM

For UNLISTED ACTIONS Only

PART I - PROJECT INFORMATION (To be completed by Applicant or Project Sponsor)

1. APPLICANT/SPONSOR <i>Gregory McBair for Joseph Kennedy</i>	2. PROJECT NAME <i>Joseph Kennedy</i>
3. PROJECT LOCATION: Municipality _____ County _____	
4. PRECISE LOCATION (Street address and road intersections, prominent landmarks, etc., or provide map) <i>2 Osborne Place which intersects Osborne Place by Bowman Ave (Please see map)</i>	
5. PROPOSED ACTION IS: <input type="checkbox"/> New <input type="checkbox"/> Expansion <input checked="" type="checkbox"/> Modification/alteration	
6. DESCRIBE PROJECT BRIEFLY: <i>Subdivide one lot to create 2 lots</i>	
7. AMOUNT OF LAND AFFECTED: Initially _____ acres Ultimately _____ acres	
8. WILL PROPOSED ACTION COMPLY WITH EXISTING ZONING OR OTHER EXISTING LAND USE RESTRICTIONS? <input type="checkbox"/> Yes <input type="checkbox"/> No If No, describe briefly	
9. WHAT IS PRESENT LAND USE IN VICINITY OF PROJECT? <input checked="" type="checkbox"/> Residential <input type="checkbox"/> Industrial <input type="checkbox"/> Commercial <input type="checkbox"/> Agriculture <input type="checkbox"/> Park/Forest/Open Space <input type="checkbox"/> Other Describe: <i>Client currently lives in residence on other street lot and would like to create a new lot with new residence.</i>	
10. DOES ACTION INVOLVE A PERMIT APPROVAL, OR FUNDING, NOW OR ULTIMATELY FROM ANY OTHER GOVERNMENTAL AGENCY (FEDERAL, STATE OR LOCAL)? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If Yes, list agency(s) name and permit/approvals:	
11. DOES ANY ASPECT OF THE ACTION HAVE A CURRENTLY VALID PERMIT OR APPROVAL? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If Yes, list agency(s) name and permit/approvals:	
12. AS A RESULT OF PROPOSED ACTION WILL EXISTING PERMIT/APPROVAL REQUIRE MODIFICATION? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE TO THE BEST OF MY KNOWLEDGE	
Applicant/sponsor name: <i>Joseph D. Kennedy</i>	Date: <i>7/17/12</i>
Signature: _____	

If the action is in the Coastal Area, and you are a state agency, complete the Coastal Assessment Form before proceeding with this assessment



PART II - IMPACT ASSESSMENT (To be completed by Lead Agency)

A. DOES ACTION EXCEED ANY TYPE I THRESHOLD IN 6 NYCRR, PART 617.47 If yes, coordinate the review process and use the FULL EAF.
 Yes No

B. WILL ACTION RECEIVE COORDINATED REVIEW AS PROVIDED FOR UNLISTED ACTIONS IN 6 NYCRR, PART 617.6? If No, a negative declaration may be superseded by another involved agency.
 Yes No

C. COULD ACTION RESULT IN ANY ADVERSE EFFECTS ASSOCIATED WITH THE FOLLOWING: (Answers may be handwritten, if legible)

C1. Existing air quality, surface or groundwater quality or quantity, noise levels, existing traffic pattern, solid waste production or disposal, potential for erosion, drainage or flooding problems? Explain briefly:
 NO

C2. Aesthetic, agricultural, archaeological, historic, or other natural or cultural resources; or community or neighborhood character? Explain briefly:
 NO

C3. Vegetation or fauna, fish, shellfish or wildlife species, significant habitats, or threatened or endangered species? Explain briefly:
 NO

C4. A community's existing plans or goals as officially adopted, or a change in use or intensity of use of land or other natural resources? Explain briefly:
 NO

C5. Growth, subsequent development, or related activities likely to be induced by the proposed action? Explain briefly:
 NO

C6. Long term, short term, cumulative, or other effects not identified in C1-C5? Explain briefly:
 NO

C7. Other impacts (including changes in use of either quantity or type of energy)? Explain briefly:
 NO

D. WILL THE PROJECT HAVE AN IMPACT ON THE ENVIRONMENTAL CHARACTERISTICS THAT CAUSED THE ESTABLISHMENT OF A CRITICAL ENVIRONMENTAL AREA (CEA)?
 Yes No If Yes, explain briefly:

E. IS THERE, OR IS THERE LIKELY TO BE, CONTROVERSY RELATED TO POTENTIAL ADVERSE ENVIRONMENTAL IMPACTS?
 Yes No If Yes, explain briefly:

PART III - DETERMINATION OF SIGNIFICANCE (To be completed by Agency)

INSTRUCTIONS: For each adverse effect identified above, determine whether it is substantial, large, important or otherwise significant. Each effect should be assessed in connection with its (a) setting (i.e. urban or rural); (b) probability of occurring; (c) duration; (d) irreversibility; (e) geographic scope; and (f) magnitude. If necessary, add attachments or reference supporting materials. Ensure that explanations contain sufficient detail to show that all relevant adverse impacts have been identified and adequately addressed. If question D of Part II was checked yes, the determination of significance must evaluate the potential impact of the proposed action on the environmental characteristics of the CEA.

- Check this box if you have identified one or more potentially large or significant adverse impacts which MAY occur. Then proceed directly to the FULL EAF and/or prepare a positive declaration.
- Check this box if you have determined, based on the information and analysis above and any supporting documentation, that the proposed action WILL NOT result in any significant adverse environmental impacts AND provide, on attachments as necessary, the reasons supporting this determination.

 Name of Lead Agency

 Date

 Print or Type Name of Responsible Officer in Lead Agency

 Title of Responsible Officer

 Signature of Responsible Officer in Lead Agency

 Signature of Preparer (if different from responsible officer)





431150733DEDG

Control Number
431150733

WIID Number
2003115-000337

Instrument Type
DED



WESTCHESTER COUNTY RECORDING AND ENDORSEMENT PAGE
(THIS PAGE FORMS PART OF THE INSTRUMENT)
*** DO NOT REMOVE ***

THE FOLLOWING INSTRUMENT WAS ENDORSED FOR THE RECORD AS FOLLOWS:

TYPE OF INSTRUMENT DED - DEED

FEE PAGES 4

TOTAL PAGES 4

RECORDING FEES

STATUTORY CHARGE	\$6.00
RECORDING CHARGE	\$12.00
RECORD MGT. FUND	\$19.00
RP 5217	\$25.00
TP-584	\$5.00
CROSS REFERENCE	\$0.00
MISCELLANEOUS	\$0.00
TOTAL FEES PAID	\$67.00

TRANSFER TAXES

CONSIDERATION	\$0.00
TAX PAID	\$0.00
TRANSFER TAX #	15627

MORTGAGE TAXES

MORTGAGE DATE	
MORTGAGE AMOUNT	\$0.00
EXEMPT	
YONKERS	\$0.00
BASIC	\$0.00
ADDITIONAL	\$0.00
SUBTOTAL	\$0.00
MTA	\$0.00
SPECIAL	\$0.00
TOTAL PAID	\$0.00

SERIAL NUMBER
DWELLING

RECORDING DATE 05/08/2003
TIME 19:01:00

THE PROPERTY IS SITUATED IN
WESTCHESTER COUNTY, NEW YORK IN THE
TOWN OF RYE

WITNESS MY HAND AND OFFICIAL SEAL.

LEONARD N. SPANO
WESTCHESTER COUNTY CLERK

Record & Return to:
SISCA & SISCA P C
461 WESTCHESTER AVE
PORT CHESTER, NY 10573

Acknowledgment taken in New York State

State of New York, County of Westchester

On the 10th day of January, in the year 2003, before me, the undersigned, personally appeared

Joseph D. Kennedy personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name(s) is (are) subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity(ies), and that by his/her/their signature(s) on the instrument, the individual(s) or the person upon behalf of which the individual(s) acted, executed the instrument.

Carol Sica

Carol Sica
Notary Public State of New York
No. 01316043885
Qualified in Westchester County
Commission Expires June 28, 2006

Acknowledgment by Subscribing Witness taken in New York State

State of New York, County of Westchester

On the 10th day of January, in the year 2003, before me, the undersigned, personally appeared

the subscribing witness to the foregoing instrument, with whom I am personally acquainted, who being by me duly sworn, did depose and say, that he/she/they reside(s) in

that he/she/they know(s) to be the individual described in and who executed the foregoing instrument; that said subscribing witness was present and saw said execute the same; and that said witness at the same time subscribed his/her/their name(s) as a witness thereto.

Title No. SB 90481 MK

Madfox Realty, LLC

TO

Joseph D. Kennedy

Distributed by
Chicago Title Insurance Company

Acknowledgment taken in New York State

State of New York, County of

On the day of , in the year , before me, the undersigned, personally appeared

personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name(s) is (are) subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity(ies), and that by his/her/their signature(s) on the instrument, the individual(s) or the person upon behalf of which the individual(s) acted, executed the instrument.

Acknowledgment taken outside New York State

State of , County of
(or Insert District of Columbia, Territory, Possession or Foreign Country)

On the day of , in the year , before me, the undersigned, personally appeared

personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name(s) is (are) subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity(ies), and that by his/her/their signature(s) on the instrument, the individual(s) or the person upon behalf of which the individual(s) acted, executed the instrument, and that such individual made such appearance before the undersigned in the

(Add the city or political subdivision and the state or country or other place the acknowledgment was taken).

DISTRICT

SECTION 2

BLOCK 79

LOT 1, 2, 27, 28

COUNTY OR TOWN Rye

RETURN BY MAIL TO:

Sica and Sica, P.C.
451 Westchester Avenue
Port Chester, New York

Zip No. 10573

RESERVE THIS SPACE FOR USE OF RECORDING OFFICE

3P
NYT

SA-9048700

Form R901 (2002) - Quitclaim Deed-Individual or Corporation (single sheet)
CONSULT YOUR LAWYER BEFORE SIGNING THIS INSTRUMENT - THIS INSTRUMENT SHOULD BE USED BY LAWYERS ONLY.

THIS INDENTURE, made the 10 day of January 2003 and
BETWEEN

Medix Realty, LLC
18 Merril Street
Port Chester, NY 10673

party of the first part, and

Joseph B. Kennedy
2 Osborn Place
Port Chester, NY 10673

party of the second part.

WITNESSETH, that the party of the first part, in consideration of ten dollars paid by the party of the second part, doth hereby remise, release and quitclaim unto the party of the second party, the heirs or successors and assigns of the party of the second part forever.

ALL that certain plot, piece or parcel of land, with the buildings and improvements thereon erected, situate, lying and being in the

Village of Port Chester, Town of Rye, County of Westchester and State of New York, more particularly bounded and described in Schedule A annexed hereto and made a part hereof.

Said premises is also known and identified on the Tax Assessment Map of the Town of Rye as section 2, Lot 1.B, 2.T, 2.R.

Being the same premises conveyed to the grantor herein by deed dated January 30, 2002 in the Westchester County Clerk's Office on April 04, 2002, Control No. 420880428.

TOGETHER with all right, title and interest, if any, of the party of the first part, in and to any streets and roads abutting the above-described premises to the center lines thereof; TOGETHER with the appurtenances and all the estate and rights of the party of the first part in and to said premises; TO HAVE AND TO HOLD the premises herein granted unto the party of the second part, the heirs or successors and assigns of the party of the second part forever.

AND the party of the first part, in compliance with Section 13 of the Lien Law, covenants that the party first part will receive the consideration for this conveyance and will hold the right to receive such consideration as a trust fund to be applied first for the purpose of paying the cost of the improvement and will apply the same first in the payment of the cost of the improvement before using any part of the same for any other purpose.

The word "party" shall be construed as if it read "parties" whenever the sense of this indenture so requires.

IN WITNESS WHEREOF, the party of the first part has duly executed this deed the day and year first above written.

IN PRESENCE OF

Medix Realty, LLC

By: Joseph B. Kennedy, Member

Statewide Abstract Corp. as agent for
CHICAGO TITLE INSURANCE COMPANY

SCHEDULE A CONTINUATION

Title Number: SA-66712-WX

Policy Number: 7210632-20344

PARCEL I

ALL that certain plot, piece or parcel of land, situate, lying and being in the Town of Rye, County of Westchester and State of New York, and being Lot No. 7 on a certain map entitled, "Map of Osborn Park in the Town of Rye, New York", made by J.A. Kirby Company, Civil Engineer and Surveyor, October, 1925 and filed in the Office of the Register of Westchester County, July 9, 1926 in Volume 62 of Maps at page 17.

PARCEL II

ALL that certain plot, piece or parcel of land, situate, lying and being in the Village of Port Chester, Town of Rye, County of Westchester and State of New York, known and designated as that portion of Lot 8 lying within the Village of Port Chester as shown "Map of Osborn Park", said map filed in Register's Office as Volume 62, page 17.

40 Merritt St Corp
40 Merritt St
PORT CHESTER, NY 10573

Madonia P. Roth
473 Franklin St
PORT CHESTER, NY 10573

Port Property Assoc Inc
5-7 Merritt St
PORT CHESTER, NY 10573

Lac An Vuong
474 Franklin St
PORT CHESTER, NY 10573

Marco Pires
32 Merritt St
PORT CHESTER, NY 10573

Dominic Vita
19 Merritt St
PORT CHESTER, NY 10573

Marcel Robert
476 Franklin St
PORT CHESTER, NY 10573

Jerry Terranova
26 Merritt St
PORT CHESTER, NY 10573

Dominic Vita
19 Merritt St
PORT CHESTER, NY 10573

Edgar Japa
478 Franklin St
PORT CHESTER, NY 10573

Joseph Kennedy
18 Merritt St
PORT CHESTER, NY 10573

Gabriel Alvarado
29 Merritt St
PORT CHESTER, NY 10573

William Nethercott Jr.
Franklin St
PORT CHESTER, NY 10573

Urstadt Biddle Properties Inc
Merritt St
PORT CHESTER, NY 10573

500 Bow-West Associates LLC
500 Westchester Ave
PORT CHESTER, NY 10573

William Nethercott Jr.
Franklin St
PORT CHESTER, NY 10573

Urstadt Biddle Properties Inc
2 Bowman Ave
PORT CHESTER, NY 10573

Marley Fukumori
481 Franklin St
PORT CHESTER, NY 10573

Urstadt Biddle Properties Inc
2 Bowman Ave
PORT CHESTER, NY 10573

Angelo & Melania Lanni
479 Franklin St
PORT CHESTER, NY 10573

Joseph Kennedy
2 Osborne Pl
PORT CHESTER, NY 10573

Dawn Munno
477 Franklin St
PORT CHESTER, NY 10573

Sergio Norero
Osborne Pl
PORT CHESTER, NY 10573

Jaime Sacta
475 Franklin St
PORT CHESTER, NY 10573

Marianna Yim Ping Chan
480 Westchester Ave
PORT CHESTER, NY 10573



TOWN OF VILLAGE OF PORT CHESTER
WESTCHESTER COUNTY, NEW YORK

LEGEND

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SHEET INDEX

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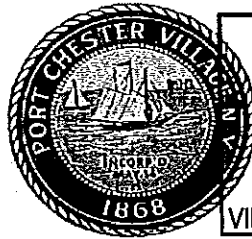
REVISION TABLE

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SEWELL

141 020

OFFICE OF THE CHIEF
PORT CHESTER FIRE DEPARTMENT
CHIEF'S OFFICE: 914-939-8574



Received
OCT 1 2012
Village Clerk
VILLAGE OF PORT CHESTER

Kevin P. McFadden
CHIEF
Kevin B. McMinn
FIRST ASSISTANT CHIEF
Edward P. Quinn
SECOND ASSISTANT CHIEF

New York

October 1, 2012

Mayor Dennis Pilla
222 Grace Church Street
Port Chester, NY 10573

Dear Mayor Pilla,

It is requested that the Village of Port Chester Fire Department be allowed to use the Oak Street parking lot for the annual Inspection on Thursday, October 25, 2012. The Inspection is scheduled to begin at 1915 hours and we request the parking lot cleared beginning at 1500 hours.

There will be a small procession from Port Chester Fire Department headquarters to the parking lot. We are requesting a brief shutdown of vehicle traffic to allow guest and dignitaries to march from PCFD Headquarters to the parking lot.

Any questions or concerns, please contact me at your earliest convenience.

Sincerely,

Kevin P. McFadden
Fire Chief

Cc: BOT
Sgt. Vaccaro, PCPD
R. Morabito, Supt. Highway

C-5

JUAN Pintado
(914) 290-2484
211 Westchester Ave
Port Chester, NY 10573

Tuesday, October 09, 2012

To ;

Mayor Dennis Pilla & Board Of Trustees.

Received
OCT - 9 2012
Village Clerk
VILLAGE OF PORT CHESTER

Sunday October 21 2012 .The Immaculate Virgin Of "GUADALUPE " Parade.

"The PRIOSTES"

Zolia Arpi
Luis Vizhco
Juan Pintado ,

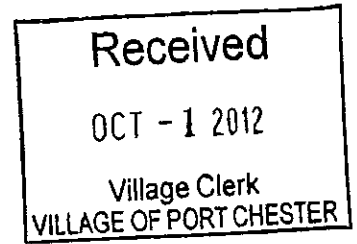
We ask permission to walk , 141 South main St , Pearl St, and the next St of 179 Westchester Ave. and finish are walk with The Immaculate Virgin Of "GUADALUPE " at the Saint Peter's Church Parking, lote , at 12: 00 PM.

Sincerely,

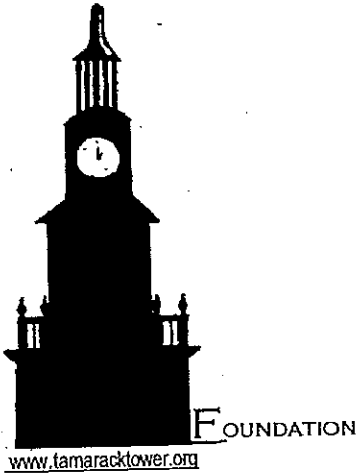
JUAN. B. PINTADO

Thanks, " The PRIOTES"

TIME IS FROM 12:00 pm to 1:00 pm
WITH 80 PEOPLE WALKING.



C-6



September 29 2012

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

President
Bishop Nowotnik

Vice President
Joan M. Gargone

Recording Secretary
Rosemarie Barone

Corresponding Secretary
Dorothy Scarfone

Treasurer
Margoth Pilla

Board of Directors

Karen Corbetta
Joan Conklin
Frank Fanelli
Peter Mutino
Denise Quinn
Raymond Scully

Honorary Board of Directors

Hon. Joseph Carvin
Andrew Castellano
Marie B. Genteale
Anthony B. Gioffre
Hon. Bruno J. Gioffre
Camille C. Linen
Robert Morabito
Anthony J. Napoli
Dominick Neri
Hon. Dennis Pilla
David Tutera
Hope Vespia
Rev. Gerald Washington

Dear Mayor Pilla:


The Tamarack Tower Foundation would like to request approval from the Board of Trustees to hold a Turkey Trot on Thursday (Thanksgiving), November 22, 2012, beginning at 9:30 a.m. at the Port Chester High School. This event will start at the flag pole, on the stadium side of the high school and continue onto College Avenue to Haines Blvd. – around Haines Blvd. – then continuing in front of Park Avenue School bearing right onto Barton and then right onto Newton Avenue and ending back at the flag pole. This will be an approximate distance of 1.7 miles for walkers and by doing the route twice will be a distance of 3.5 miles for runners.

We are requesting that these streets be closed from 9:30 to 10:30 a.m. and if possible, obtain police supervision at each intersection. We also would like permission to have a Banner hung on Putnam Avenue opposite Lyon Park, a Banner hung across Westchester Avenue near Regent Street, a Banner hung across N. Main Street and a sign placed at Messina Park to publicize the Turkey Trot.

This event will be used as one of the fundraisers to support our schools through grants, scholarships and programs.

Thank you for your consideration of our request.

Cordially,


Rosemarie Barone, Event Chairperson
Tamarack Tower Foundation

Church of Our Lady of the Rosary
22 Don Bosco Place
Port Chester, NY 10573

C-7
RECEIVED
OCT - 3 2012
VILLAGE OF PORT CHESTER

September 21, 2012

Police Headquarters
350 North Main Street
Port Chester, New York 10573

Dear Chief Krzeminski,

On Sunday, October 21, 2012, the Parish of Our Lady of the Rosary will hold its ninth annual special celebration of the Eucharist in honor of El Señor de los Milagros (The Lord of Miracles). Following Mass, some of our parishioners will show an exhibition of faith by a procession carrying a reproduction of the image of El Señor de los Milagros, on a platform around the area adjacent to the church.

The procession will leave from in front of the Don Bosco Center at 1:30PM, proceed to the intersection with Purdy Avenue, turn left onto Purdy Avenue to the Boston Post Road intersection, left onto Grace Church Street and left onto Don Bosco Place.

It is anticipated that approximately 300 people will take part in the procession. To insure the safety of those in the procession and the general public, we respectfully request that a police escort lead and another follow. Due to the weight of the platform, it is necessary to stop often. Therefore the entire procession is expected to take about three hours.

I would like to take this opportunity to thank you and your department for the police presence and protection during the major processions and events held in our parish, and for all the support you give to our parishioners.

Again, thank you. If you have any questions, please do not hesitate to contact me.

Sincerely,



Rev. Stephen Schenck, SDB
Pastor

SS: me
cc: Christopher Russo, Village Manager
Charles Vaccaro, Traffic Sergeant
Rocco Morabito, General Foreman

TEL
Office: (914) 939-0547
Youth Ministry: (914) 939-0583
FAX (914) 937-0692

**G&A Entertainment Corporation
451 North Main Street
Port Chester, New York 10573**

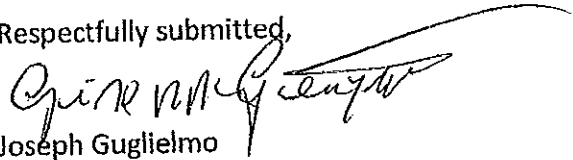
**Joseph Guglielmo
President**

**Friday, October 05, 2012
Via Certified Mail 70121640000177219260**

Port Chester Police Department
350 North Main Street
Port Chester, New York 10573
Attention: Detective Lieutenant Royal Monroe

Dear Lieutenant Monroe,
Please be advised that this letter is to serve as official notification of my intention to seek permission from the New York Liquor Authority for an All Night Permit for New Year's Eve. This permit will be for G&A Entertainment Corporation, d/b/a; La Dolce Vita located at 451 North Main Street Port Chester, New York 10573; this will allow us to be open from 4am to 8am on New Year's Day.

Thank you in advance for your attention to this matter. Should you have any further question or a need for additional information please feel free to contact Mr. Jim Turner at 914-374-5903.

Respectfully submitted,

Joseph Guglielmo
President
G&A Entertainment Corporation

Cc: Port Chester Building Department
Village of Port Chester- Village Clerk

**La Gratta Inc.
107 Adee Street
Port Chester, New York 10573**

**Panagiotis Argyris
Vice-President**

**Friday, October 05, 2012
Via Certified Mail 70121640000177219277**

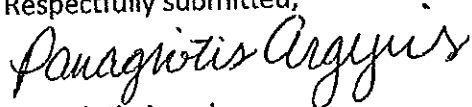
Port Chester Police Department
350 North Main Street
Port Chester, New York 10573
Attention: Detective Lieutenant Royal Monroe

Dear Lieutenant Monroe,

Please be advised that this letter is to serve as official notification of my intention to seek permission from the New York Liquor Authority for an All Night Permit for New Year's Eve. This permit will be for LaGratta Inc. d/b/a; La Grotta located at 107 Adee Street Port Chester, New York 10573; this will allow us to be open from 4am to 8am on New Year's Day.

Thank you in advance for your attention to this matter. Should you have any further question or a need for additional information please feel free to contact Mr. Jim Turner at 914-374-5903

Respectfully submitted,



Panagiotis Argyris
Vice President
La Gratta Inc.

Cc: Port Chester Building Department
Village of Port Chester- Village Clerk

MEETING HELD JULY 2, 2012

A meeting of the Board of Trustees of the Village of Port Chester, New York, was held on Monday, July 2, 2012 at 6:00 P.M., in the Court Room of the Police Headquarters Building, 350 North Main Street, Port Chester, New York, with Mayor Dennis Pilla presiding.

Present in addition to Mayor Pilla, were Trustees Daniel Brakewood, Saverio Terenzi, Luis Marino and Joseph Kenner.

It should be noted that Trustees Bart Didden and John Branca were absent.

Also present were Village Manager, Christopher Russo; Village Attorney, Anthony Cerreto; Assistant Village Manager / Director of Code Enforcement, Christopher Steers; Village Treasurer, Leonie Douglas, Police Chief Krzeminski, and Deputy Village Clerk; Jacqueline Johnson.

* * * * *

On motion of Trustee Kenner, seconded by Trustee Marino, the meeting was declared opened at 6:04 p.m.

AYES: Trustees Terenzi, Marino, Kenner and Mayor Pilla

NOES:

ABSENT: Trustees Brakewood, Didden and Branca

It should be noted that Trustee Brakewood arrived at 6:13 pm.

* * * * *

WORKSESSION

1. Starwood Capital Presentation on Proposed Zoning Text Change & Related Project

A work session was held with the following people: Maria Rigopoulos, David Smith and other Associates from Mill Creek who are consultants for Starwood Capital; Mr. Anthony Gioffre, Esq., attorney for Starwood Capital and Village staff.

Ms. Maria Rigopoulos, consultant for Starwood Capital said to the Board that the old United Hospital site should be a mixed use site and presented to the Board more specific demographic and financial factors of why the property should become a mixed use site. Based on the information that was presented to the Board; the Board asked that Ms. Rigopoulos, Mr. Smith and other Associates representing Starwood Capital to come up with more park integration ideas and comparables for the old United Hospital site and to meet with Board again at the next Board of Trustees meeting. Mr. Steers said that Starwood will be meeting with staff before the next Board of Trustees meeting. Trustee Kenner said that he will not be at the July 16, 2012 meeting and will probably have questions in the interim.

2. Zoning and Code Enforcement

A work session on the Zoning and Code Enforcement was held with staff.

Mr. Christopher Steers, Code Enforcement Director /Assistant Village Manager presented to the Board a follow up presentation regarding the code enforcement solutions/strategies, nuisance abatement, community outreach/education and amnesty process. Mr. Steers concluded in his presentation that he will draft up a local law of the amnesty program for further discussion at the next meeting.

PUBLIC COMMENTS

Mayor Pilla asked if there was anyone from the audience who would like to make any comments.

Mr. Gioffre, Esq. commented on the zoning laws and the proposed amnesty program.

Mr. Terranova, Chairman of Parks Commission commented that the Village of Port Chester should purchase the property for sell on 201 Grace Church Street for Edgewood Park.

Ms. Goldie Solomon commented about Starwood Capital and taxes.

Mr. Ceccarelli complemented Mr. Steers on the code enforcement presentation and commented about the presentation and the Comprehensive Plan.

Mr. Able commented on the proposed sewer rent law.

PRESENTATION

Sewer Rent Law

At the request of Staff, the sewer rent presentation was deferred while they await the approval of the New York State Public Service Commission.

RESOLUTIONS

RESOLUTION SETTING PUBLIC HEARING SEWER RENT LAW

On motion of TRUSTEE BRAKEWOOD, seconded by TRUSTEE MARINO, the following resolution was tabled to July 16, 2012 by the Board of Trustees of the Village of Port Chester, New York:

RESOLVED, that a public hearing be held on August 6, 2012 at 7:00 p.m. at the Village Justice Courtroom, 350 North Main Street, Port Chester, New York 10573, to consider the advisability of adopting a local law amending the Code of the Village of Port Chester, establishing a new chapter, Chapter 267 entitled "Sewer Rent".

AYES: Trustees Brakewood, Terenzi, Marino, Kenner and Mayor Pilla

NOES: None

ABSENT: Trustees Didden and Branca

DATE: July 2, 2012

DISCUSSIONS

1. Entertainment Law Enhancements

Chief Krzeminski commented that he recommends the changes to the law. Staff requested to have only one set of recommendations based upon the information received from all required departments. Staff also requested to have a work session at the next meeting to discuss the changes as well as change the public hearing to the second meeting in August.

Trustee Terenzi commented that he would like to see in a chart or bullet form, the current Village law, the original law before the changes, and the changes they are proposing.

Trustee Kenner made a motion to add on the resolution to reschedule the public hearing for the entertainment law, Chapter 165 "Dance Halls and Cabarets" to August 20, 2012, seconded by Trustee Brakewood.

ROLL CALL

AYES: Trustees Brakewood, Terenzi, Marino, Kenner and Mayor Pilla

NOES:

ABSENT: Trustees Didden and Branca

RESOLUTION SETTING PUBLIC HEARING CHAPTER 165 "DANCE HALLS AND CABARETS"

On motion of TRUSTEE KENNER, seconded by TRUSTEE BRAKEWOOD, the following resolution was rescheduled to August 20, 2012 by the Board of Trustees of the Village of Port Chester,

New York:

RESOLVED, that a public hearing be held on August 20, 2012 at 7:00 p.m. at the Village Justice Courtroom, 350 North Main Street, Port Chester, New York 10573, to consider the advisability of adopting a local law amending the Code of the Village of Port Chester, entertainment law, Chapter 165, "Dance Halls and Cabarets".

AYES: Trustees Brakewood, Terenzi, Didden, Marino, Kenner and Mayor Pilla

NOES: None

ABSENT: Trustees Didden and Branca

DATE: July 2, 2012

2. March 2013 Election Update

Mayor Pilla stated that the Board authorized the Village Attorney Mr. Cerreto and himself to meet with the Department of Justice regarding the early voting process and new voting machines. Mayor Pilla also stated that Mr. Russo, staff and himself met with the County Board of Elections to discuss the election process and commented that he is concerned about turning the March 2013 election over to the County. Mayor Pilla commented that the Village will probably not turn the March 2013 election over to the County due to the time frame, concerns the county has, and use of the lever machines.

VI. CORRESPONDENCE

The Deputy Clerk presented correspondence from the Park Commission to replace and restore memorial plaques. The Board referred the correspondence to staff.

VII. REPORTS

The Deputy Clerk presented a report from Washington Engine & Hose Co. No. 4 on the election of new member Andrew Murphy and noting the resignation of member John Indiveri. The Board congratulated Mr. Murphy on his election and thanked Mr. Indiveri for his service.

PRESENTATION

1. Leasing Village Property on Willett Avenue

Mayor Pilla stated that the Village has property that is adjacent to Willett Avenue parking lot which is now a landscape. B & H USA Grill, LLC, d/b/a "Cousin Frankie's" spoke with staff in regards to having a revocable lease agreement for the use of the unimproved portion of the Downtown Shoppers Parking Lot for use of outdoor patio dining. The Board authorized staff to negotiate the conceptual details of the agreement and asked that the B & H USA Grill LLC restaurant, d/b/a "Cousin Frankie's" give a presentation at the next meeting.

VIII. PUBLIC COMMENTS AND BOARD COMMENTS

Public Comments:

Mayor Pilla asked if there was anyone from the audience who would like to make any comments. There were no comments from the public.

Board Comments:

Trustee Brakewood commented regarding the bulkhead repairs and asked about the repairs for the Bush Homestead roof. Staff said they will have an update regarding the Bush Homestead repairs at the next meeting.

Trustee Terenzi gave his condolences to the Colangelo family.

Trustee Marino asked staff about the Bush Homestead roof and wished everyone a happy 4th of July.

Trustee Kenner also gave his condolences to the Colangelo family and asked to add to the August 6th meeting under discussion, a follow up on the Boards and Commissions appointments.

Mayor Pilla commented that staff met with G&S to discuss parking management and that staff should have an update at the next meeting. Mayor Pilla commented that he will be meeting with the Chamber of Commerce and downtown merchants regarding the opening of the Capital Theatre. Mayor Pilla also commented that the next public hearing for the Comprehensive Plan will be on July 16, 2012 and wished everyone a happy 4th of July.

At 8:39 p.m., on motion of Trustee Marino, seconded by Trustee Terenzi, the Board of Trustees adjourned to an executive session for consultation regarding matters related to a potential Village real estate transaction.

AYES: Trustees Brakewood, Terenzi, Kenner, Marino and Mayor Pilla
NOES: None
ABSENT: Trustees Didden and Branca

No action was taken in executive session.

At 8:58 p.m., on motion of Trustee Terenzi, seconded by Trustee Marino, the executive session was closed at 8:58 pm.

Respectfully submitted,

Jacqueline Johnson
Deputy Village Clerk