

VILLAGE OF PORT CHESTER
BOARD OF TRUSTEES
 Meeting, WEDNESDAY, OCTOBER 17, 2012
Special Meeting: 6:00 P.M.
VILLAGE HALL CONFERENCE ROOM
 222 Grace Church Street
 Port Chester, New York
AGENDA

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

	PROPOSED MOTION FOR EXECUTIVE SESSION	ACTION
1	Consultation with staff and Mr. Finkel from Bond, Shoeneck & King for Temporary Certificate of Permitted Use.	

TIME: 6:30 P.M.

	WORKSESSION	ACTION
1	Workshop with Starwood Capital.	
	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.	
	RESOLUTIONS	ACTION
1	Village of Rye Brook affordable housing subdivision, site plan and rezoning petition for 80 Bowman Avenue.	
2	Policy with regard to requests for "all-night permits" issued by the State Liquor Authority.	

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.

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October 12, 2012

BY ELECTRONIC MAIL AND HAND DELIVERY

Mayor Dennis Pilla

And Members of the Board of Trustees
Village of Port Chester
222 Grace Church Street
Port Chester, New York 10573

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

Dear Mayor Pilla and Members of the Board of Trustees:

We are land use counsel for affiliates of Starwood Capital Group, the owner of property located at 406 Boston Post Road, and commonly referred to as the former "United Hospital Site" (the "Premises"). On behalf of our client, we respectfully submit this letter and enclosures in furtherance of the above referenced Petition to amend Chapter 345 (Zoning) of the Port Chester Code, and the proposed redevelopment of the Premises (the "Petition"). As outlined in Starwood's submission package, dated May 18, 2012, the Petition involves the replacement of Article XI of the Zoning Law (Section 345-62), and the modification of the Village's Official Zoning Map.¹

In accordance with our discussions with the Board of Trustees during its September 18 and October 1 meetings, enclosed please find sixteen (16) copies of the following materials in support of the Petition and the proposed redevelopment of the Premises:

- Exhibit A: Preliminary Fiscal and Socioeconomic Impact Assessment, prepared by VHB Engineering, Surveying and Landscape Architecture, P.C.;
- Exhibit B: Preliminary Traffic Analysis, prepared by TRC Engineers, Inc.;
- Exhibit C: Conceptual Site Plans prepared by Mill Creek Residential Trust, LLC; and
- Exhibit D: Conceptual Rendering prepared by The Sullivan Architectural Group.

¹ See Starwood's Petition package, dated May 18, 2012 for a complete description of the proposed action, outlining Starwood's proposal for the Premises, and objectives for the proposed zoning amendments.

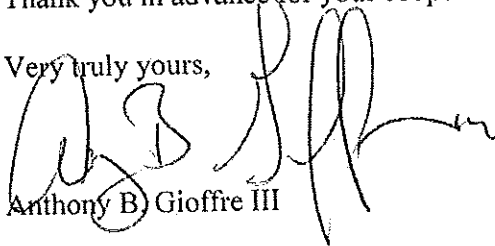
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Mayor Dennis Pilla
And Members of the Board of Trustees
October 12, 2012
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We look forward to meeting with the Board of Trustees on October 17 to discuss the Proposal, and particularly the documents enclosed herein. In the interim, should the Board or Village Staff have any questions or comments in connection with this matter, please feel free to contact me.

Thank you in advance for your cooperation and consideration in this matter.

Very truly yours,



Anthony B. Gioffre III

Enclosures

cc: Anthony M. Cerreto, Esq., Attorney for Village of Port Chester
Christopher Gomez, Village Planner
Frank Fish, BFJ Planning
Vince Ferrandino, AICP, Ferrandino & Associates Inc.
Evan Crandall, Starwood Capital Group
James E. Raved, Esq., Rinaldi, Finkelstein & Franklin, LLC
Maria Rigopoulos, Mill Creek Residential Trust, LLC
David Smith, VHB
Joseph P. Carlucci, Esq.
Anthony F. Morando, Esq.

EXHIBIT A



Executive Summary

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

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

Key fiscal impacts from the Project include:

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

Key socioeconomic benefits from the Project include:

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



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

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



Project Description and Purpose

Proposed Development

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

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

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

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

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



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

Proposed Building Program

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

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

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

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

Draft Comprehensive Plan:

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

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



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

Purpose, Need, and Benefits

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

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

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



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

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

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

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

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



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

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



Public School Impacts

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

Demographic Shifts and Target Market

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

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

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

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

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



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

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

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

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

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

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



Revised General Multi-family Multipliers (Above Median)

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

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

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

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

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

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



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

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

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

Estimated School-Age Children

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



Potential School Children Generation

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

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

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

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

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

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



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

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

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

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

Property Tax/PILOT

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

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

Existing Property Tax Revenue

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

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



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

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

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

Comparison of Existing Tax Revenues to Complete First Year Operations

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

Source: Tax data provided by PC 406 BPR LLC.

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



Net Fiscal Impact – School District

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

Community Benefits Package

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

Socioeconomic Benefits

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

Employment Impacts

Construction Period

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



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

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

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

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

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

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



Construction Period Economic Impacts

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

Operations Period

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

On-Site Employment – Residential Component

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

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

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

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

³ Development Impact Assessment Handbook, ULI, 1994.



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

Annual Economic Impact from Project Operation

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

Resident Spending Power

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

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

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

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



Annual Economic Impact from Resident Spending

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

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

Summary

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



Supplemental Analysis - 999 High Street

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

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

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

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

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

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



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

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

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

Potential School Children Generation – 999 High Street

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

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

EXHIBIT B



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March 21, 2012

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Mill Creek Residential Trust, LLC
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Re: Preliminary Traffic Analysis
Gateway
Port Chester, New York

Dear Evan and Maria:

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

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

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

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Access

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

Original Study Locations

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

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

Traffic Counts/Volume Projections

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

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

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

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

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

Project-Generated Traffic Volumes

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

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

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

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

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

Summary of Intersection Improvement Recommendations

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

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

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

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

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

2. **Route 1 & Slater Street**

- a. No improvements previously required

3. **Route 1 & Pearl Street**

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

b. Adjust Signal Timings

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

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

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

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

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

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

These improvements can be reduced to the following:

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

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

6. **Route 1 & High Street**

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

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

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

- a. No improvements previously required

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

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

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

9. Route 1 & Hillside Road

- a. No improvements previously required

10. Ridge Street & High Street

- a. No improvements previously required

11. High Street & Grandview Avenue

- a. No improvements previously required

12. High Street & Evergreen Avenue

- a. No improvements previously required

13. US Route 1 & Cedar Street

- a. No improvements previously required

14. US Route 1 & Peck Avenue

- a. No improvements previously required

15. Midland Avenue & Peck Avenue/Credit Union Driveway

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

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

16. Purchase Street & Hillside Road/Wappanocca Avenue

- a. No improvements previously required

17. Grandview Avenue & Hillside Road

- a. No improvements previously required

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

- a. No improvements previously required

Conclusions

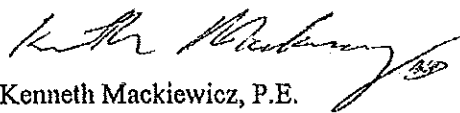
As detailed in the traffic analyses in this Study, improvements are needed at some locations to alleviate existing delays. In the future, the combination of background traffic growth and traffic from the Port Chester Gateway Development will add to the delays at these locations and may impact traffic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

Mr. Evan Crandall
Ms. Maria Rigopoulos
March 21, 2012
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traffic counts could result in different results than the ones determined in this Preliminary Traffic Study.

Very truly yours,

TRC Engineers, Inc.


Kenneth Mackiewicz, P.E.
Principal

KM/bz
Attachments

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ATTACHMENT A

TABLES

Land Use	ITE Code	Amount	Unit	AM Peak Hour			PM Peak Hour			SAT Peak Hour		
				IN	OUT	TOTAL	IN	OUT	TOTAL	IN	OUT	TOTAL
Apartment	220	820	Dwellings	81	325	406	305	164	469	178	177	355
Mass Transit Factor = 13%				n/a	49	49	46	n/a	46	n/a	n/a	n/a
Total New Site Generated Trips				81	276	357	259	164	423	178	177	355
Previously Proposed Site Generated Trips				362	272	634	376	471	847	567	482	1,049
NET DIFFERENCE				-281	4	-277	-117	-307	-424	-389	-305	-694

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

TABLE 2
Overall LOS Summary

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

TABLE 3			
High Street & Site Driveway			
<i>Peak AM Hour</i>			
Approach	2010 Existing LOS (Delay)	2015 No-Build LOS (Delay)	2015 Build LOS (Delay)
High Street			
Eastbound Left/Through	a 7.6	a 7.6	a 7.7
Site Driveway			
Southbound Left	N/A	N/A	N/A
Southbound Right	N/A	N/A	N/A
Southbound Left/Right (Overall)	b 10.8	b 11.0	b 13.1
<i>Peak PM Hour</i>			
Approach	2010 Existing LOS (Delay)	2015 No-Build LOS (Delay)	2015 Build LOS (Delay)
High Street			
Eastbound Left/Through	a 7.6	a 7.6	a 7.9
Site Driveway			
Southbound Left	N/A	N/A	N/A
Southbound Right	N/A	N/A	N/A
Southbound Left/Right (Overall)	b 11.7	b 11.9	b 14.5
<i>Peak Saturday Hour</i>			
Approach	2010 Existing LOS (Delay)	2015 No-Build LOS (Delay)	2015 Build LOS (Delay)
High Street			
Eastbound Left/Through	a 7.8	a 7.8	a 8.1
Site Driveway			
Southbound Left	N/A	N/A	N/A
Southbound Right	N/A	N/A	N/A
Southbound Left/Right (Overall)	b 12.1	b 12.4	c 15.2

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

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

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

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

TABLE 5 Route 1 & South Regent Street/Mavis Tire Driveway				
Peak AM Hour				
Approach	2010 Existing LOS (Delay)	2015 No-Build LOS (Delay)	2015 Build LOS (Delay)	Build w/ Imp. ⁽¹⁾ LOS (Delay)
S: Regent Street/Mavis Driveway				
Eastbound Left/Right	F 209.0	F 238.2	F 240.8	N/A
Eastbound Left	N/A	N/A	N/A	C 31.0
Eastbound Right	N/A	N/A	N/A	C 32.7
Eastbound Overall	N/A	N/A	N/A	C 32.3
Westbound Left/Right	C 27.4	C 27.4	C 27.4	C 27.4
Route 1				
Northbound Left/Through/Right	A 7.2	A 8.2	B 10.1	B 10.1
Southbound Left/Through/Right	B 17.4	B 17.8	B 17.9	B 17.9
Overall	E 65.1	E 73.5	E 73.0	B 16.4

Peak PM Hour				
Approach	2010 Existing LOS (Delay)	2015 No-Build LOS (Delay)	2015 Build LOS (Delay)	Build w/ Imp. ⁽¹⁾ LOS (Delay)
S: Regent Street/Mavis Driveway				
Eastbound Left/Right	F 105.0	F 124.6	F 133.1	N/A
Eastbound Left	N/A	N/A	N/A	F 431.0
Eastbound Right	N/A	N/A	N/A	C 22.7
Eastbound Overall	N/A	N/A	N/A	C 31.4
Westbound Left/Right	C 27.4	C 27.4	C 27.4	C 32.0
Route 1				
Northbound Defacto Left	B 17.7	C 23.6	C 34.6	B 16.9
Northbound Left/Through/Right	A 8.1	A 9.2	B 10.4	A 4.6
Northbound Overall	B 10.2	B 12.3	B 15.6	A 7.2
Southbound Left/Through/Right	C 20.3	C 21.0	C 22.0	C 22.0
Overall	C 33.1	D 38.1	D 41.1	B 17.8

TABLE 5 (cont.) Route 1 & South Regent Street/Mavis Tire Driveway				
Peak Saturday Hour				
Approach	2010 Existing LOS (Delay)	2015 No-Build LOS (Delay)	2015 Build LOS (Delay)	Build w/ Imp. ⁽¹⁾ LOS (Delay)
S: Regent Street/Mavis Driveway				
Eastbound Left/Right	D 48.1	D 53.7	E 58.6	N/A
Eastbound Left	N/A	N/A	N/A	D 39.8
Eastbound Right	N/A	N/A	N/A	C 20.8
Eastbound Overall	N/A	N/A	N/A	C 29.9
Westbound Left/Right	C 27.4	C 27.4	C 27.4	C 32.0
Route 1				
Northbound Defacto Left	D 37.0	E 58.5	E 79.8	C 30.0
Northbound Left/Through/Right	A 8.4	A 9.5	B 10.9	A 4.8
Northbound Overall	B 14.5	B 19.9	C 25.4	B 10.1
Southbound Left/Through/Right	C 22.9	C 24.2	C 25.2	C 25.2
Overall	C 23.3	C 27.0	C 30.0	B 19.8

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

TABLE 6
Route I & Kib's Drive Proposed Site Driveway

Peak PM Hour

Approach	2010 Existing LOS (D/C/A)	2015 No-Build LOS (D/C/A)	2015 Build w/ Imp ⁽¹⁾ LOS (D/C/A)	2015 Build w/ Imp ⁽²⁾ LOS (D/C/A)
Kib's Drive Proposed Site Driveway				
Southbound Left	NA	NA	NA	D
Southbound Left Through	NA	NA	D	D
Southbound Right	NA	NA	D	D
Southbound Overall	NA	NA	D	D
Westbound Left	C	C	C	C
Westbound Left Through	NA	NA	C	C
Westbound Right	C	C	C	C
Westbound Overall	C	C	C	C
Route I				
Southbound Left	NA	NA	NA	A
Southbound Through	B	B	NA	B
Southbound Left Through	NA	NA	C	B
Southbound Overall	NA	NA	NA	B
Westbound Left	A	A	B	A
Westbound Left Through	A	A	B	A
Westbound Right	NA	NA	B	A
Westbound Overall	A	A	B	A
Overall	A	B	B	B

TABLE 6 (cont.)
Route I & Kib's Drive Proposed Site Driveway

Peak PM Hour

Approach	2010 Existing LOS (D/C/A)	2015 No-Build LOS (D/C/A)	2015 Build w/ Imp ⁽¹⁾ LOS (D/C/A)	2015 Build w/ Imp ⁽²⁾ LOS (D/C/A)
Kib's Drive Proposed Site Driveway				
Southbound Left	NA	NA	NA	D
Southbound Left Through	NA	NA	D	D
Southbound Right	NA	NA	D	D
Southbound Overall	NA	NA	D	D
Westbound Left	C	C	C	C
Westbound Left Through	NA	NA	C	C
Westbound Right	C	C	C	C
Westbound Overall	C	C	C	C
Route I				
Southbound Left	NA	NA	NA	D
Southbound Through	B	B	NA	C
Southbound Left Through	NA	NA	C	C
Southbound Overall	NA	NA	NA	C
Westbound Left	A	A	B	A
Westbound Left Through	A	A	B	A
Westbound Right	NA	NA	B	A
Westbound Overall	A	A	B	A
Overall	A	B	B	B

TABLE 6 (cont.)
Route I & Kib's Drive Proposed Site Driveway

Peak PM Hour

Approach	2010 Existing LOS (D/C/A)	2015 No-Build LOS (D/C/A)	2015 Build w/ Imp ⁽¹⁾ LOS (D/C/A)	2015 Build w/ Imp ⁽²⁾ LOS (D/C/A)
Kib's Drive Proposed Site Driveway				
Southbound Left	NA	NA	NA	D
Southbound Left Through	NA	NA	D	D
Southbound Right	NA	NA	D	D
Southbound Overall	NA	NA	D	D
Westbound Left	C	C	C	C
Westbound Left Through	NA	NA	C	C
Westbound Right	C	C	C	C
Westbound Overall	C	C	C	C
Route I				
Southbound Left	NA	NA	NA	D
Southbound Through	B	B	NA	C
Southbound Left Through	NA	NA	C	C
Southbound Overall	NA	NA	NA	C
Westbound Left	A	A	B	A
Westbound Left Through	A	A	B	A
Westbound Right	NA	NA	B	A
Westbound Overall	A	A	B	A
Overall	A	B	B	B

(1) Northbound Left Lane from Site Driveway, 4 Left Lane Through Lane & Right Lane Only. No Stop. Westbound Through Lane 1 Left Lane Through Lane. No Stop. Southbound Through Lane 1 Through Right Lane Lane. No Stop. No-Stop. All Through Lane 1 Lane 1 Left Lane Only & Left Through Lane.

(2) Northbound Left Lane from Site Driveway, 4 Left Lane Through Lane & Right Lane Only. With a possible counter-lane Left Lane Through Lane. With a possible Southbound Right Lane Only Lane. No Stop. Westbound Through Lane 1 Left Lane Through Lane & Left Through Lane.

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

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

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

(1) Signal timing modification.

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

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

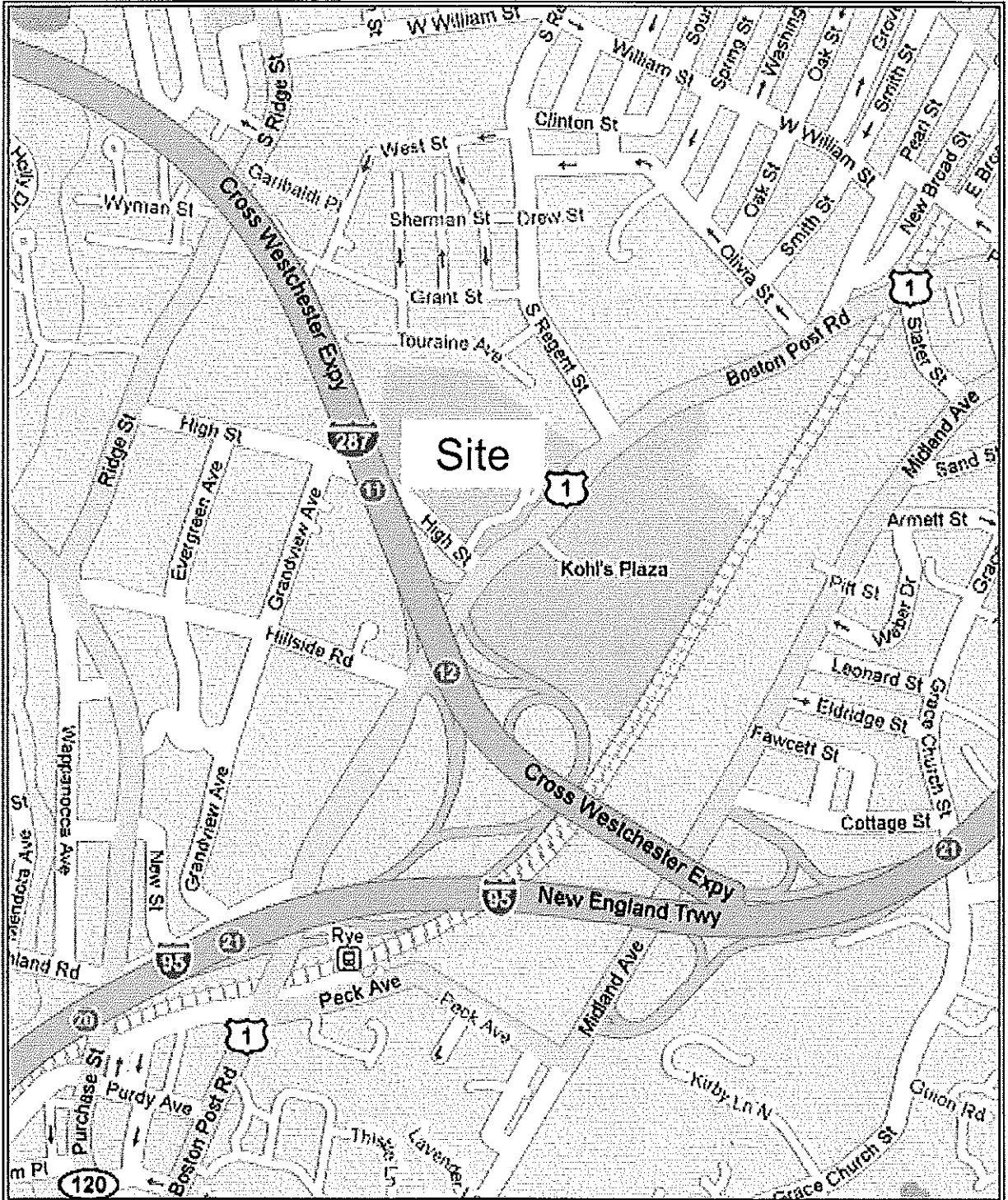
(1) Provide SB ROW Lead & Lag Phase

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

(1) Provide EB ROW Lead Phase

ATTACHMENT B

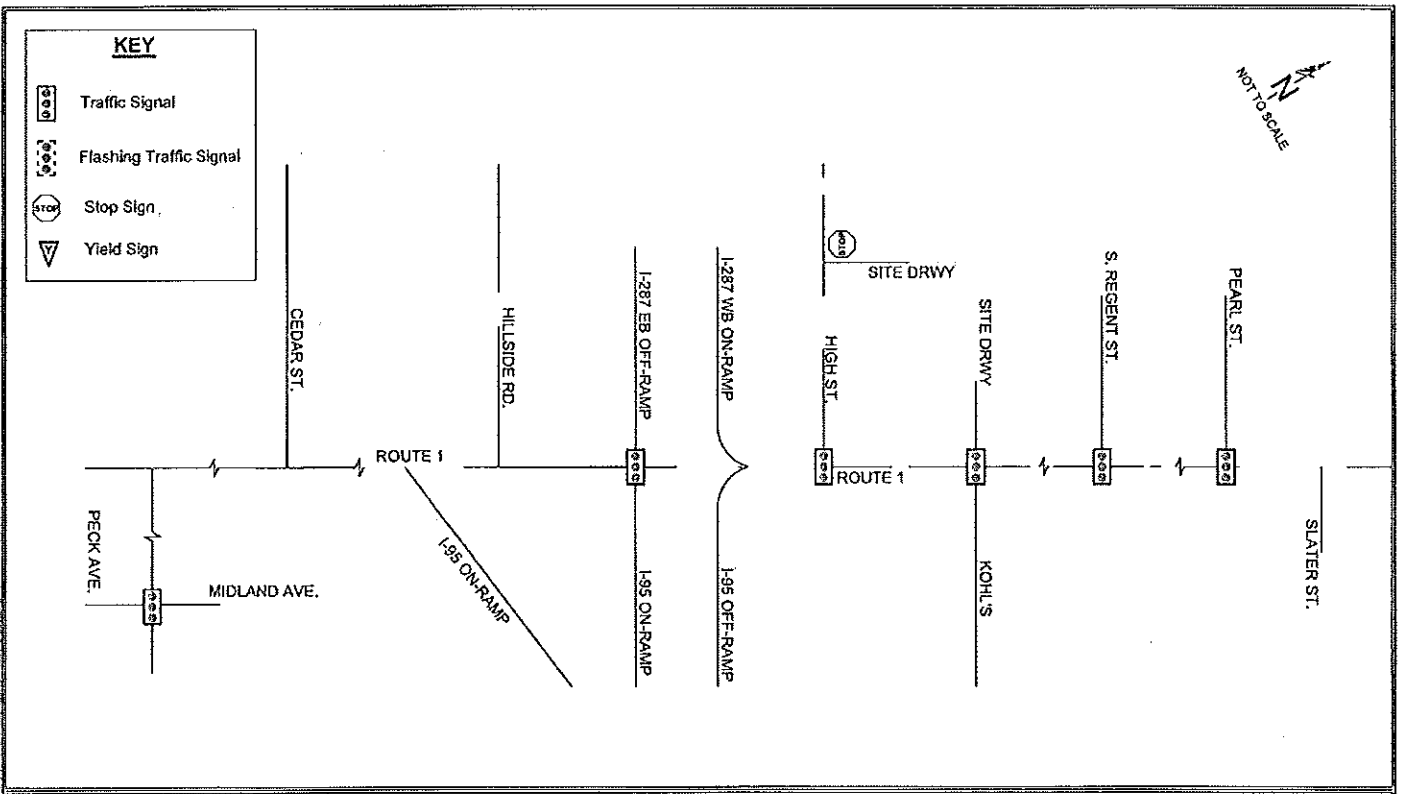
FIGURES



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

Project No. 191793
 Not to Scale
 March 2012

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



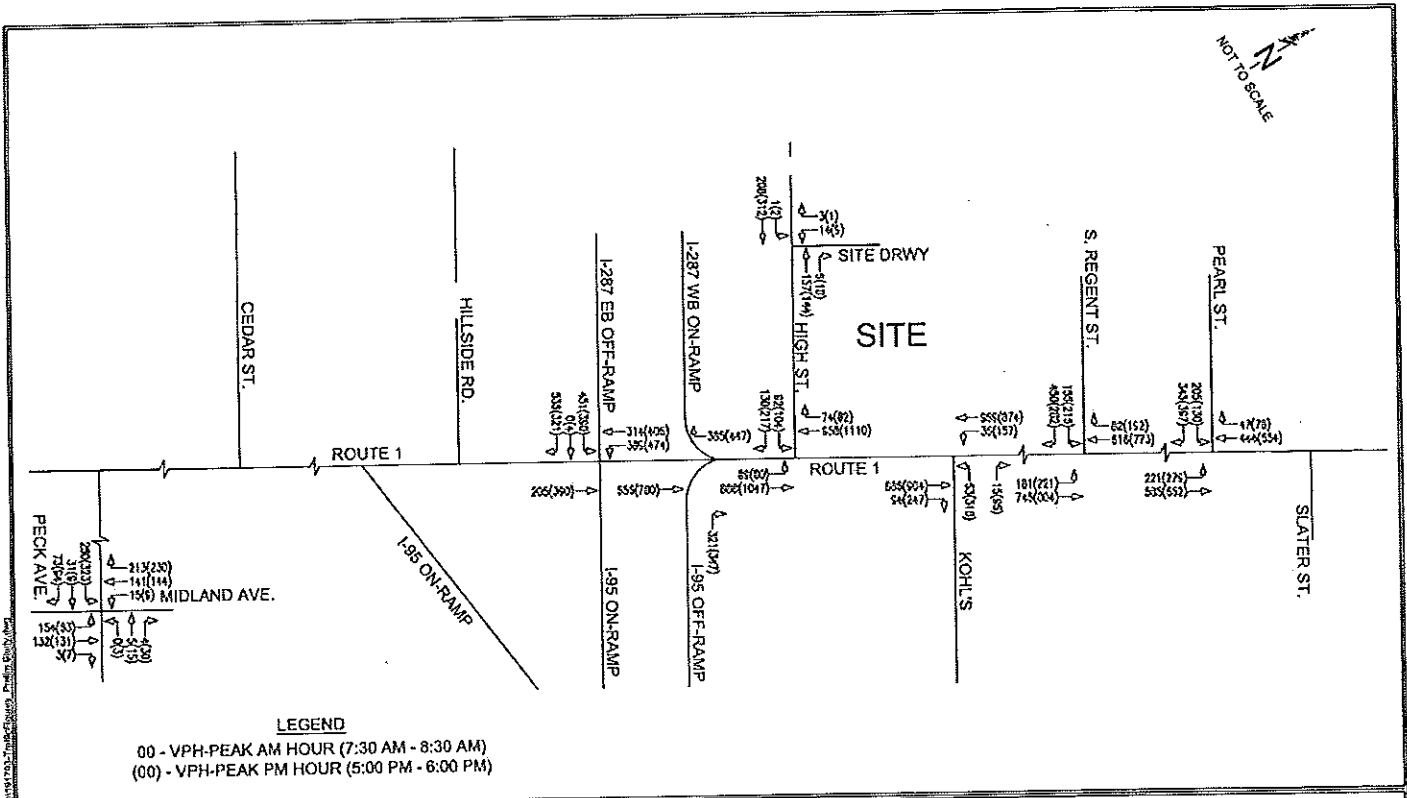
CTRC
 CTRC Engineers, Inc.
 7 Skyline Drive
 Hawthorne, New York 10532
 Tel: (914) 597-4047
 Fax: (914) 597-5545
 www.ctrc.com

Existing Traffic Controls
 The Port Chester Gateway Development
 Village of Port Chester, New York

Project No. 191793
 Not to Scale
 March 2012

Figure 2

NOT TO SCALE



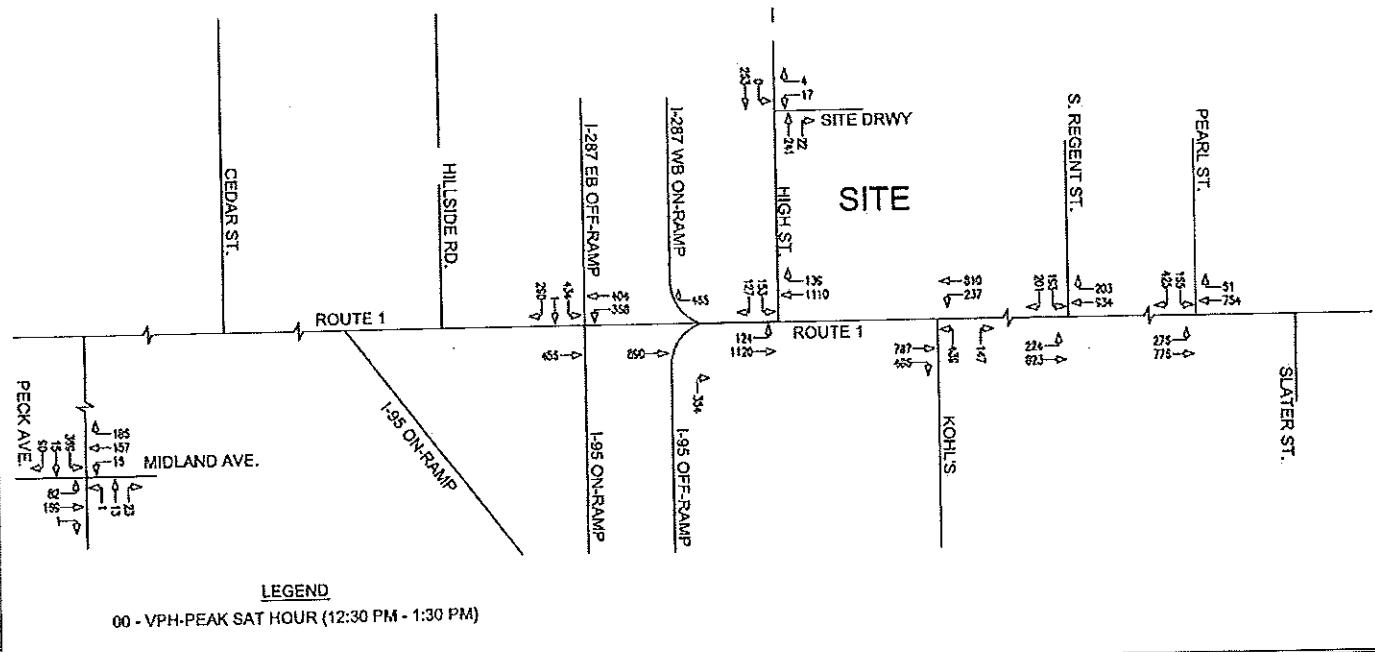
OTRC
 TRC Engineers, Inc.
 7 Empire Drive
 Hawthorne, New York 10532
 Tel: (914) 272-8633
 Fax: (914) 526-6646
 www.otrc.com

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

Project No. 191793
 Not to Scale
 March 2012

Figure 3

NOT TO SCALE

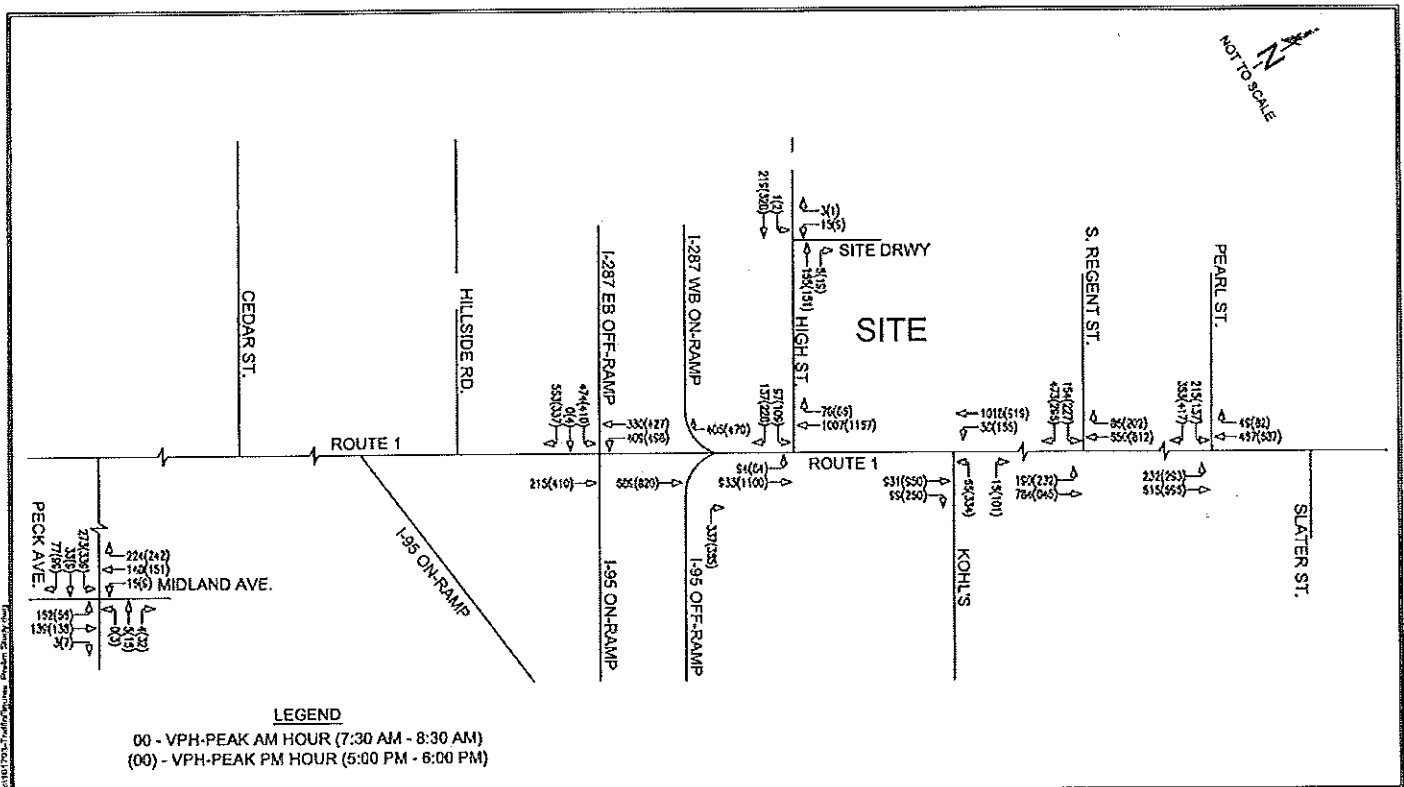


OTRC
OTRC Engineers, Inc.
7 Skyline Drive
Hawthorne, New York 10532
Tel: (914) 592-6000
Fax: (914) 592-5243
www.otrc.com

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

Project No. 191793
Not to Scale
March 2012

Figure 4



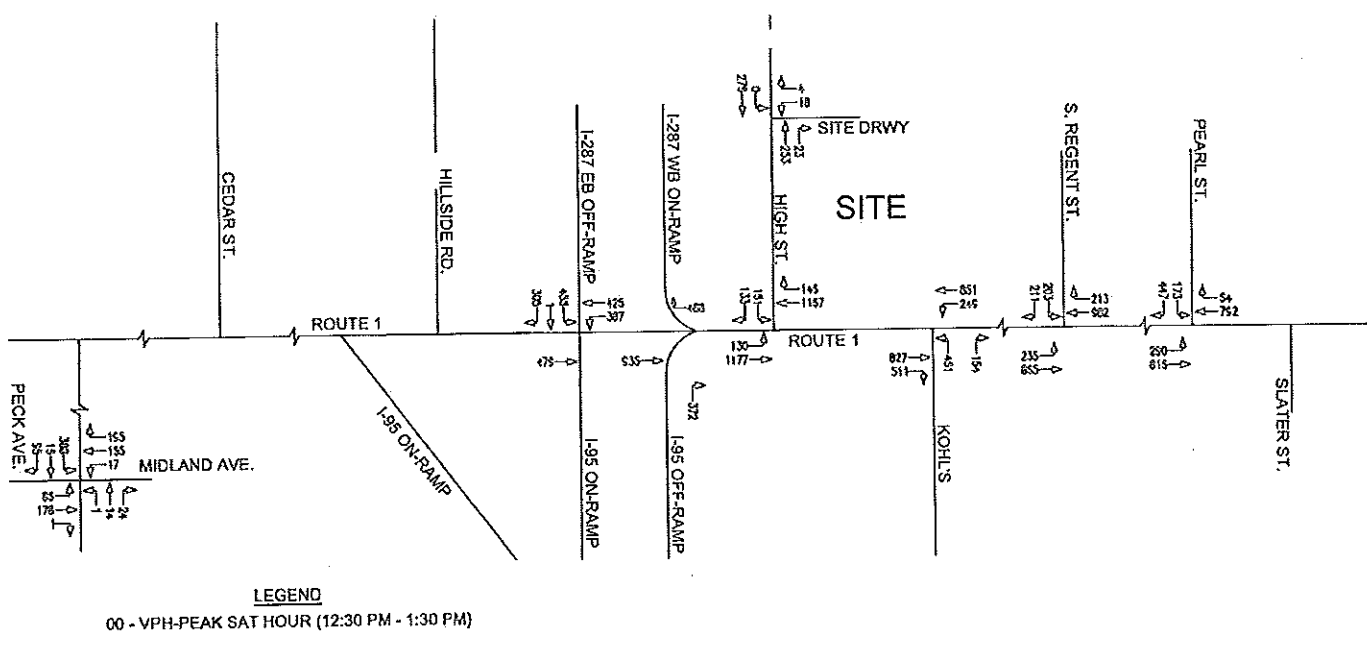

CTRC
 TRC Engineers, Inc.
 756 First Drive
 Nanuet, New York 10952
 Tel: (815) 277-0000
 Fax: (815) 277-0008
 www.trcengineers.com

2015 No-Build Traffic Volumes
 Peak AM & PM Hours
 The Port Chester Gateway Development
 Village of Port Chester, New York

Project No. 191793
 Not to Scale
 March 2012

Figure 5

NOT TO SCALE



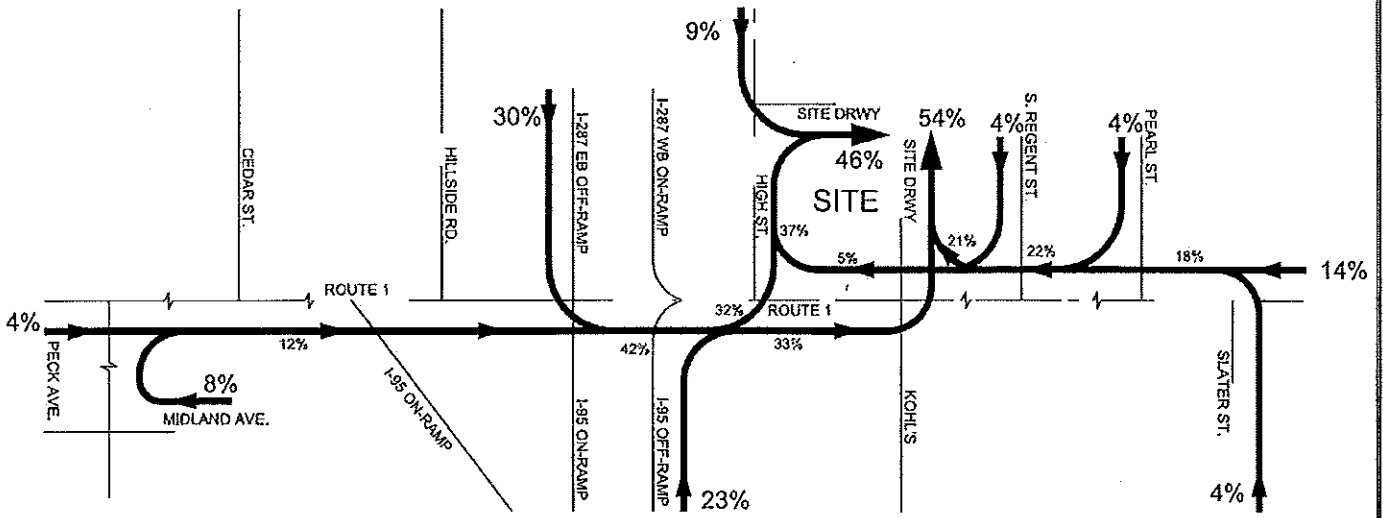
CTRC
TRC Engineers, Inc.
2 Skyline Drive
New Canaan, New York 10552
Tel: (914) 597-6000
Fax: (914) 597-7615
www.trcny.com

2015 No-Build Traffic Volumes
Peak Saturday Hour
The Port Chester Gateway Development
Village of Port Chester, New York

Project No. 191793
Not to Scale
March 2012

Figure 6

NOT TO SCALE

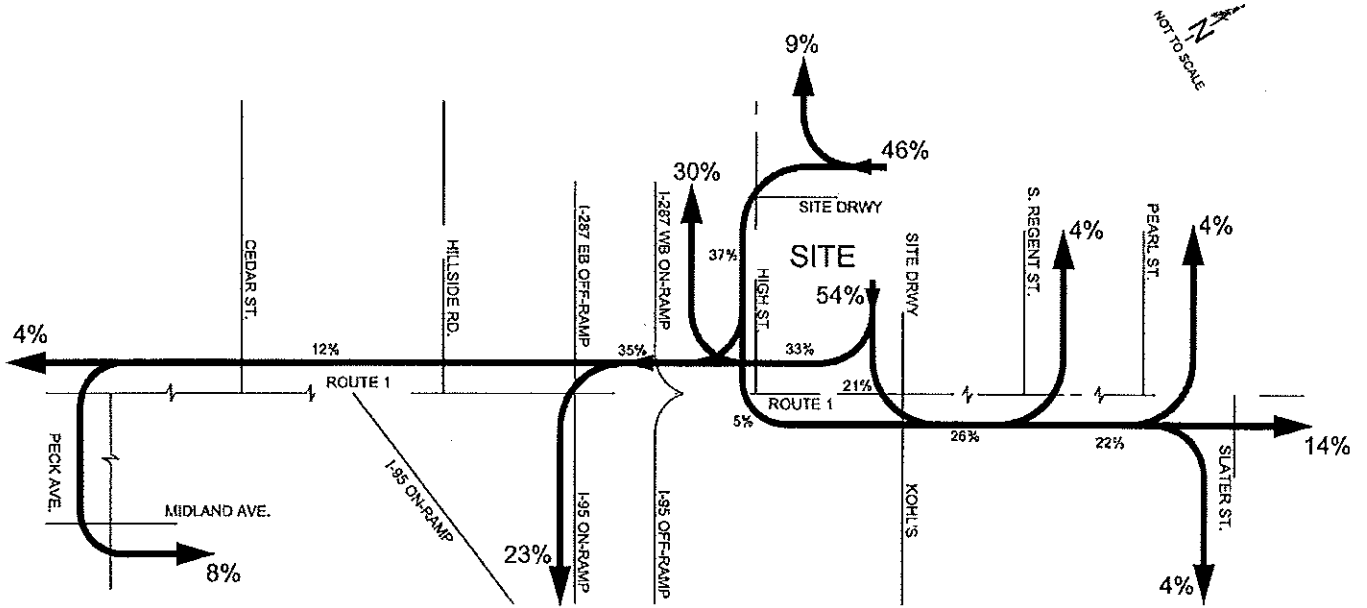


TRC TRC Engineers, Inc.
 7 Skyline Drive
 Haverhill, MA 01830
 Tel: (978) 532-4600
 Fax: (978) 532-5665
 www.trc-engineers.com

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

Project No. 191793
 Not to Scale
 March 2012

Figure 2

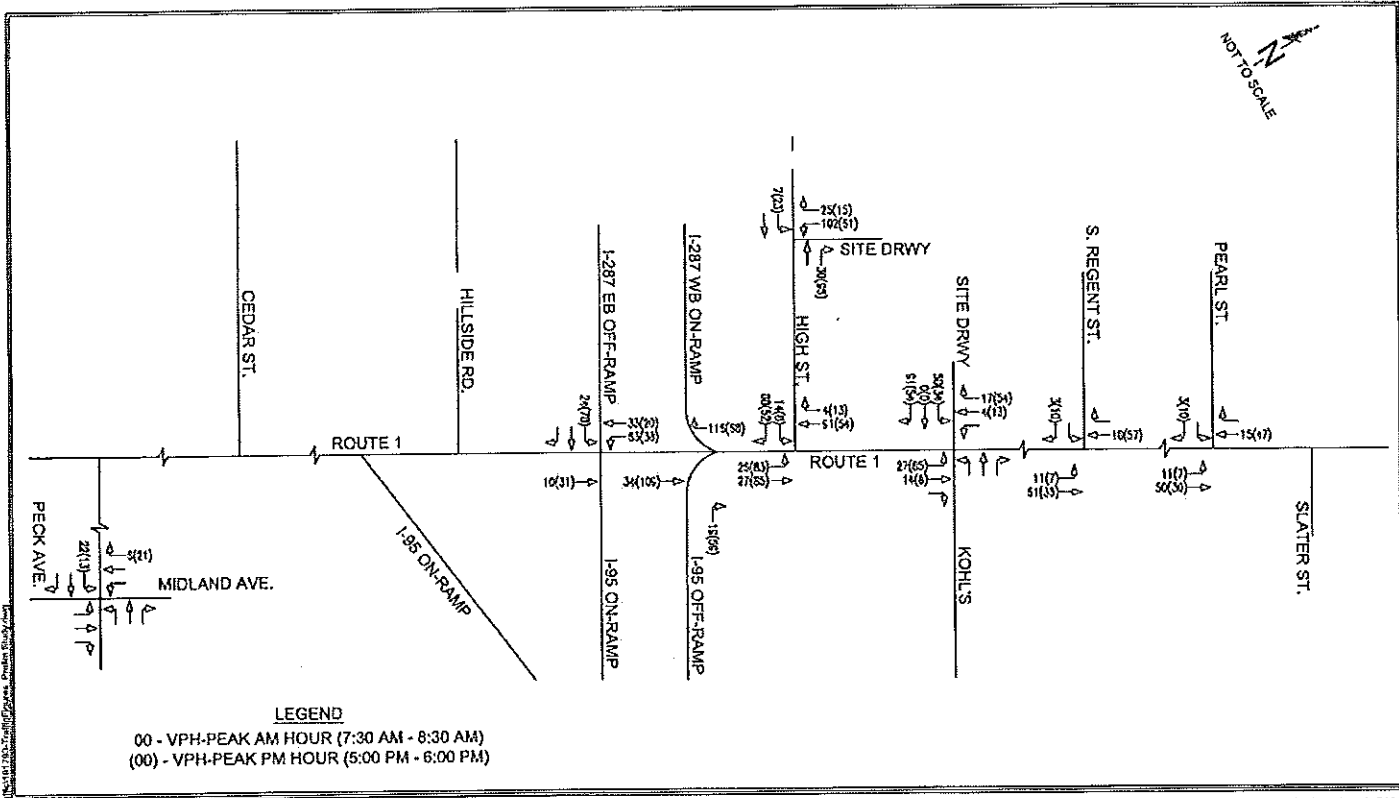


TRC TRC Engineers, Inc.
7 Sighthill Drive
New Rochelle, New York 10801
Tel: (914) 272-8240
Fax: (914) 272-5046
www.trcengineers.com

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

Project No. 191793
Not to Scale
March 2012

NOT TO SCALE



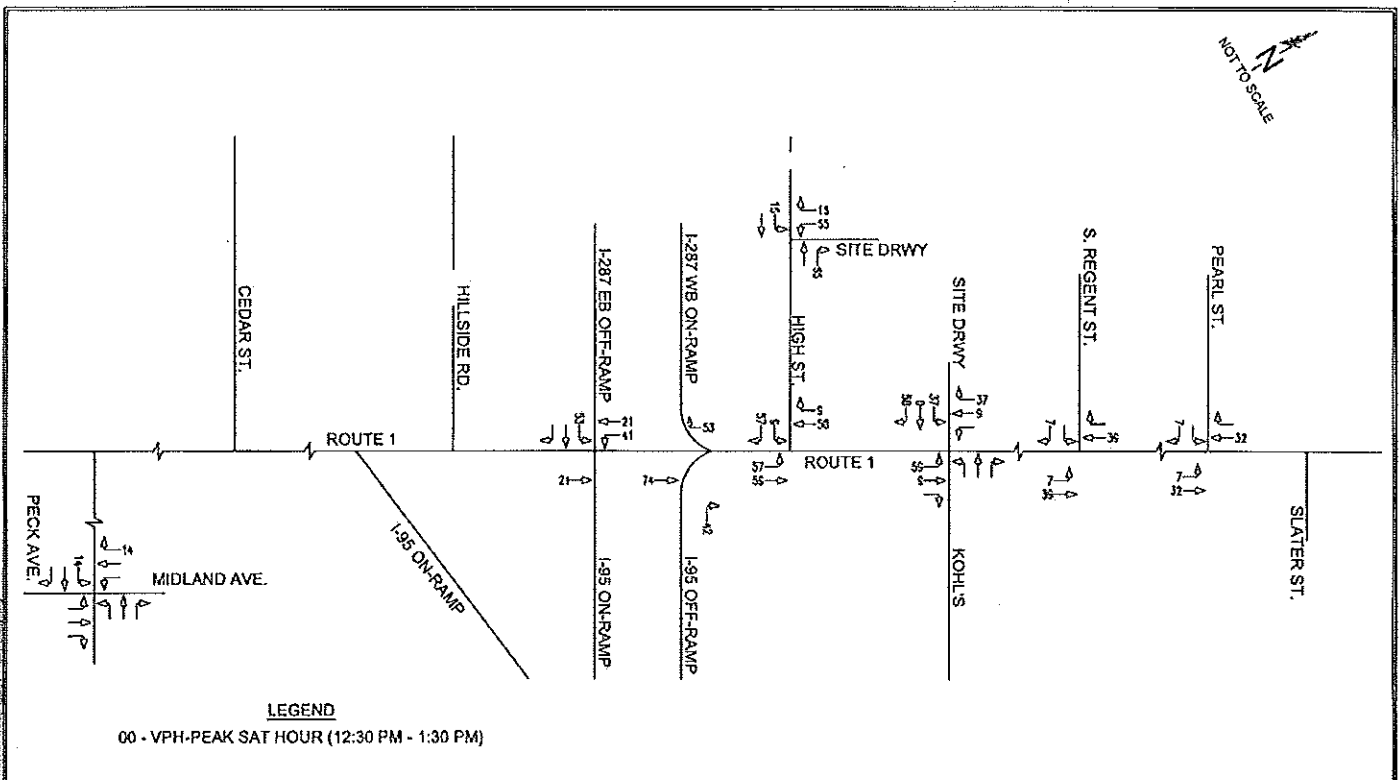
CTRC
 TRC Engineers, Inc.
 7 Spring Drive
 Newburgh, New York 12552
 Tel: (814) 597-6643
 Fax: (814) 597-6646
 www.ctrc.com

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

Project No. 191793
 Not to Scale
 March 2012

Figure 9

C:\Users\jstevens\Documents\191793\191793_Traffic\Fig9_SiteGeneratedTraffic_Vol_Village.dwg



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

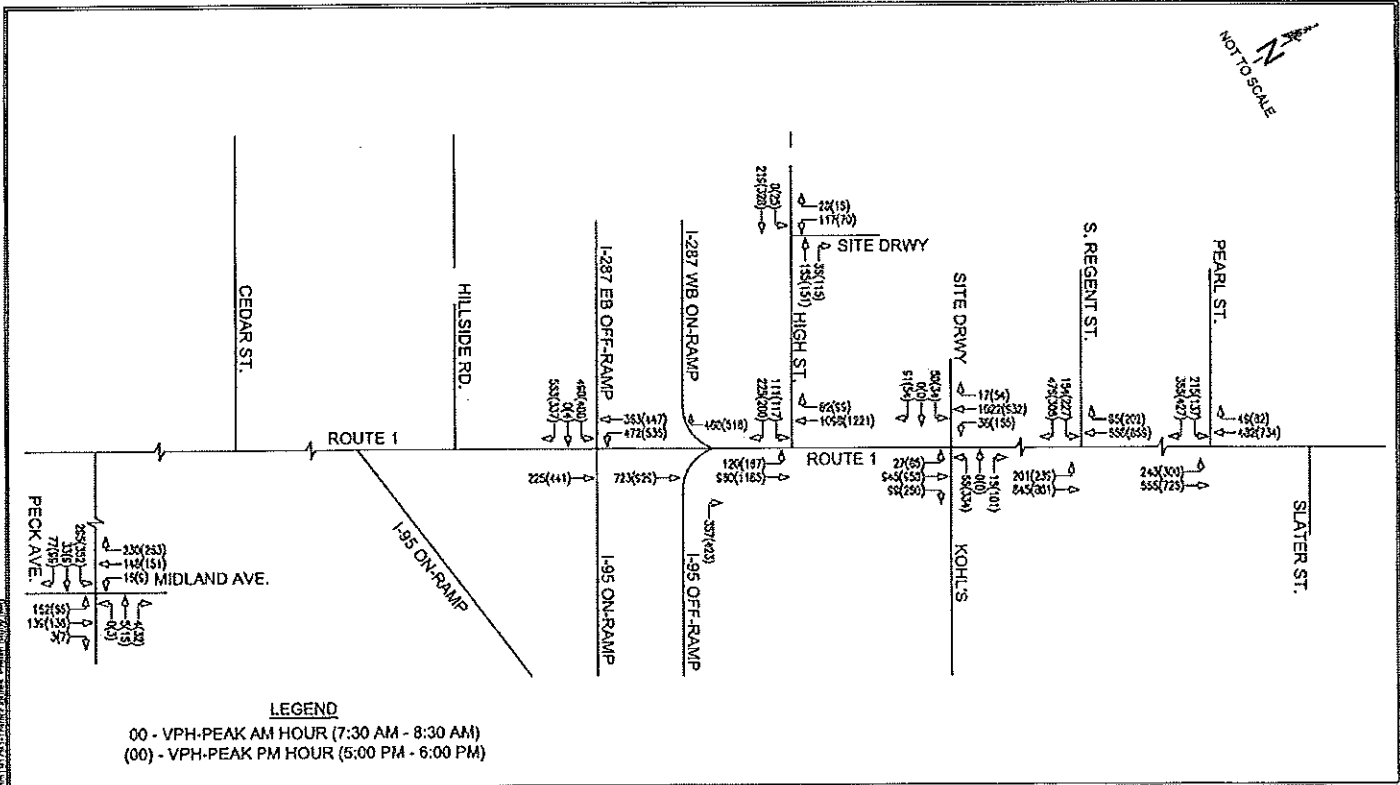
OTRC
TRC Engineers, Inc.
7 Skyline Drive
Roseton, New York 12537
Tel: (518) 292-8042
Fax: (518) 292-5545
www.otrc.com

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

Project No. 191793
Not to Scale
March 2012

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Figure 10

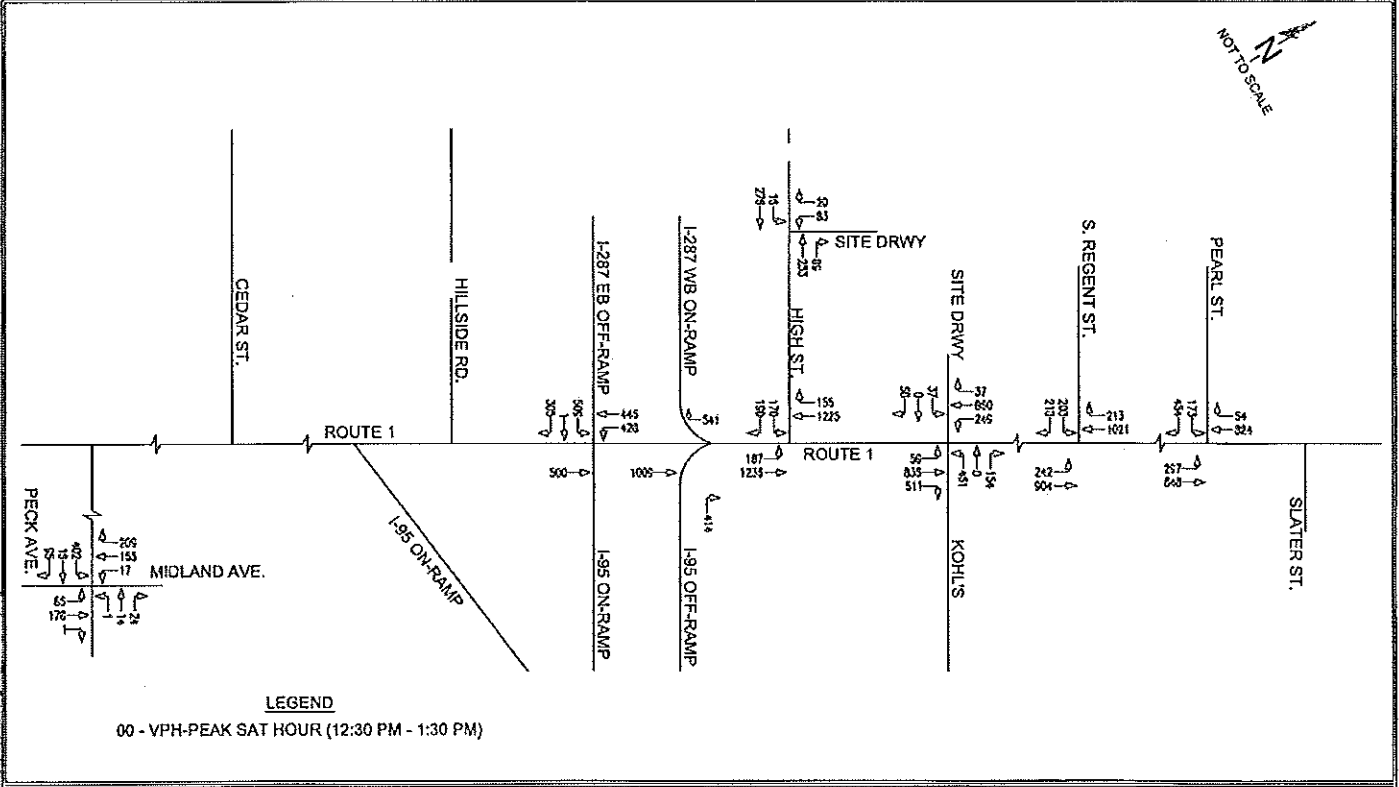


TRC Engineers, Inc.
 7 Skyline Drive
 Hawthorne, New York, 10532
 Tel: (914) 592-8650
 Fax: (914) 592-5629
 www.trcny.com

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

Project No. 191793
 Not to Scale
 March 2012

NOT TO SCALE



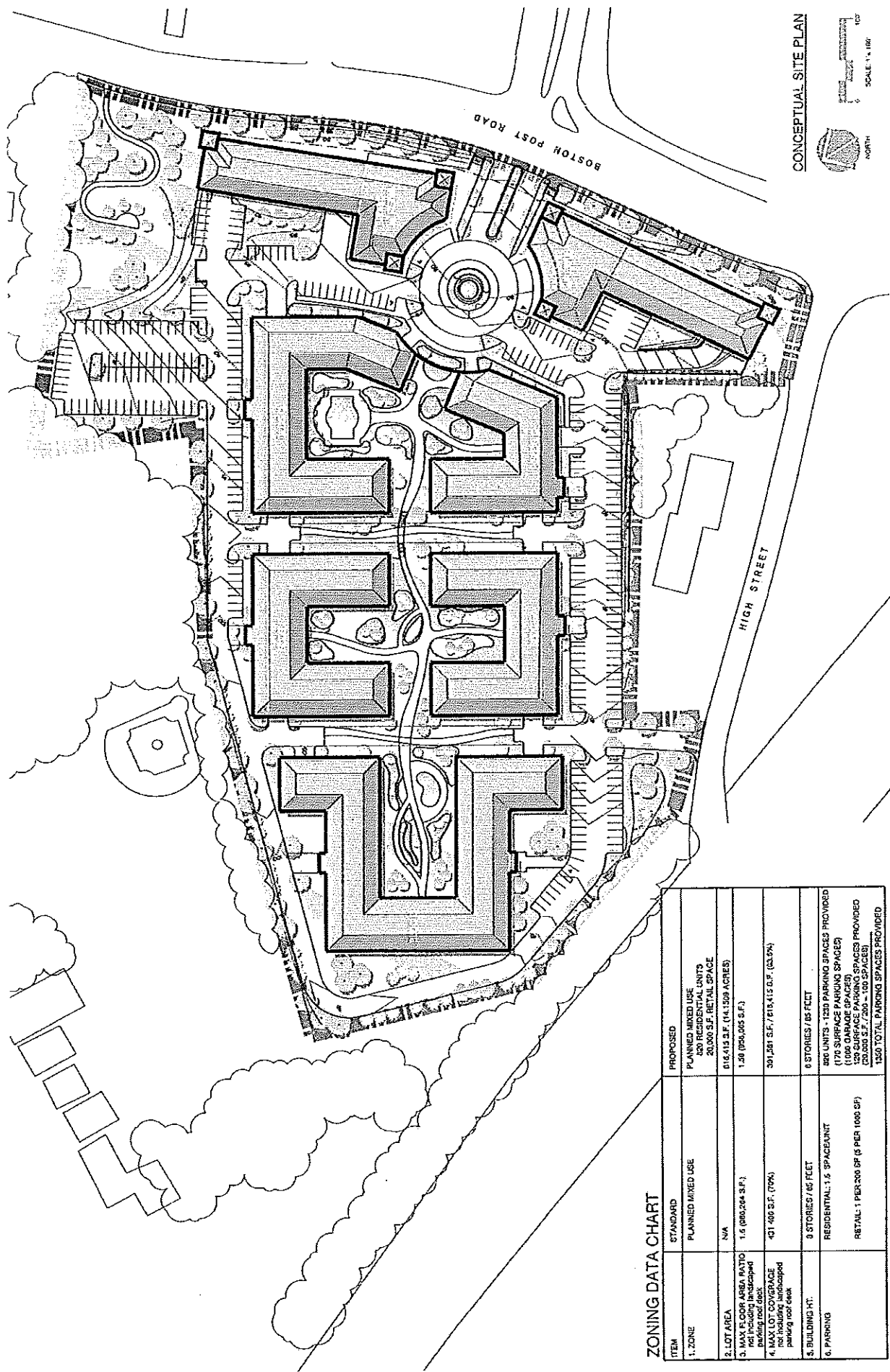
TRC Engineers, Inc.
7 Sayre Drive
Manhasset, New York 11552
Tel: (516) 592-6640
Fax: (516) 592-6645
www.trc-engineers.com

2015 Build Traffic Volumes
Peak Saturday Hour
The Port Chester Gateway Development
VEdge of Port Chester, New York

Project No. 191793
Not to Scale
March 2012

Figure 12

EXHIBIT C

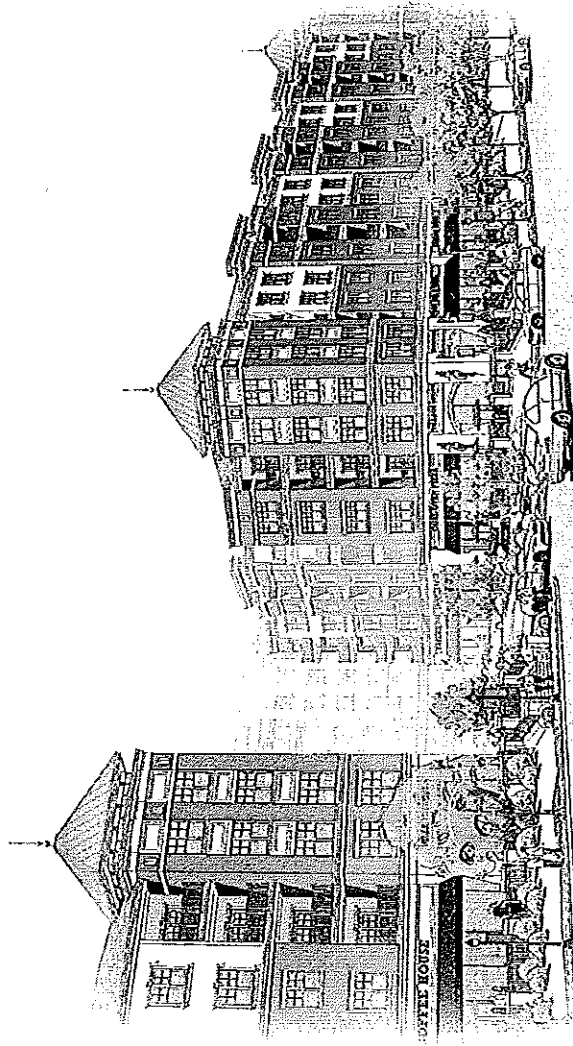


CONCEPTUAL SITE PLAN
 NORTH
 SCALE 1" = 100'

ZONING DATA CHART

ITEM	STANDARD	PROPOSED
1. ZONE	PLANNED MIXED USE	PLANNED MIXED USE
		420 RESIDENTIAL UNITS 20,000 S.F. RETAIL SPACE
2. LOT AREA	N/A	0'14,413 S.F. (14,150.9 ACRES)
3. MAX. GROUND AREA, IN SQ. FT. (not including landscape and building roof deck)	1.6 (66,264 S.F.)	1.86 (820,045 S.F.)
4. MAX. LOT COVERAGE (not including landscaped parking roof deck)	431,400 S.F. (70%)	397,581 S.F. / 615,415 S.F. (63.0%)
5. BUILDING HT.	9 STORIES / 65 FEET	8 STORIES / 65 FEET
6. PARKING	RESIDENTIAL: 1.6 SPACE/UNIT RETAIL: 1 PER 200 SF (6 PER 1000 SF)	665 UNITS - 1230 PARKING SPACES PROVIDED (170 SURFACE PARKING SPACES) (100 GARAGE SPACES) 595 GARAGE SPACES - 1000 SPACES PROVIDED (20,000 S.F. / 200 - 100 SPACES) 1230 TOTAL PARKING SPACES PROVIDED

EXHIBIT D



CONCEPTUAL RENDERING



MILL CREEK
RESIDENTIAL TRUST LLC

The
Architectural Group
1116 Park West, Fairfield, Connecticut 06424

**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

Continued on Next Page

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 Port Chester County Westchester	
4. PRECISE LOCATION (Street address and road intersections, prominent landmarks, etc., or provide map) 110 Midland Avenue, west side of Midland Avenue directly opposite the intersections of Midland & Pitt and Midland & Arnett	
5. PROPOSED ACTION IS: <input type="checkbox"/> New <input type="checkbox"/> Expansion <input checked="" type="checkbox"/> Modification/alteration	
6. DESCRIBE PROJECT BRIEFLY: install self-contained cosmetic spray booth in open warehouse space in accordance with Westchester County emissions permit	
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 requires Zoning Text Change Amendment	
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: exhaust permit from Westchester County Health Dept - issued 6/22/12	
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>William K Buckley</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

OVER

1



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



ARCHITECTURE - FACILITY PLANNING - INTERIORS

585 5 WESTCHESTER AVENUE
RYE BROOK, NY 10573
914-937-3596
914-937-3255 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.

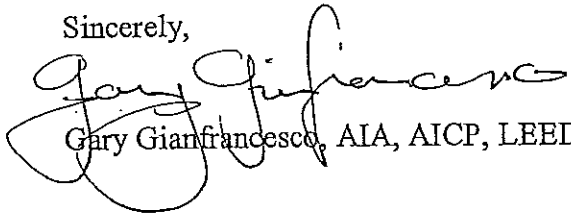
Cosmetic reconditioning ends where the traditional auto body repair shop starts as there is no traditional body shop equipment such as frame machines, alignment racks, welders, slide hammers, or unibody

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,



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(1) 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: NY Zip: 11552			
Applicant (if different than owner): Wm. Buckley Dent Wizard Intl Corp		Phone #206-650-9633 Fax#:	Email: william.buckley@dentwizard.com
Applicant Address (if different than owner): No. 4718 Street: Earth City Expy Town: Bridgeton State: MO Zip: 63044			
Individual/ Firm Responsible for Preparing Site Plan: Arconics Architecture PC		Phone #: 937-5596 Fax#: 939-1255	Email: gary@arconics.net
Address: No. 545 Street: Westchester Ave Town: Rye Brook State: NY Zip: 10573			
Other Representatives:		Phone #: Fax#:	Email:
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:		Yes: <input type="checkbox"/> No: <input checked="" type="checkbox"/>	
▪ 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> Phone #: <u>206-650-9633</u> Email: <u>william.buckley@dentwizard.com</u>	
Applicant Address (if different than owner): No. 4710 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: <u>Arconics Architecture PC</u>	Phone #: <u>937-5596</u> Fax#: <u>939-1255</u>	Email: <u>gary@arconics.net</u>
Address: No. 545 1/2 Street: <u>Westchester Ave</u> Town: <u>Rye Brook</u> State: <u>NY</u> Zip: <u>10573</u>	Other Representatives:	Phone #: Fax#:
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 are 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 *General Standards* set forth in §345-60

On a separate sheet, describe how the proposed special exception use complies with the *Special Conditions and Safeguards for Certain Uses* 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 2012

[Signature]
Notary Public

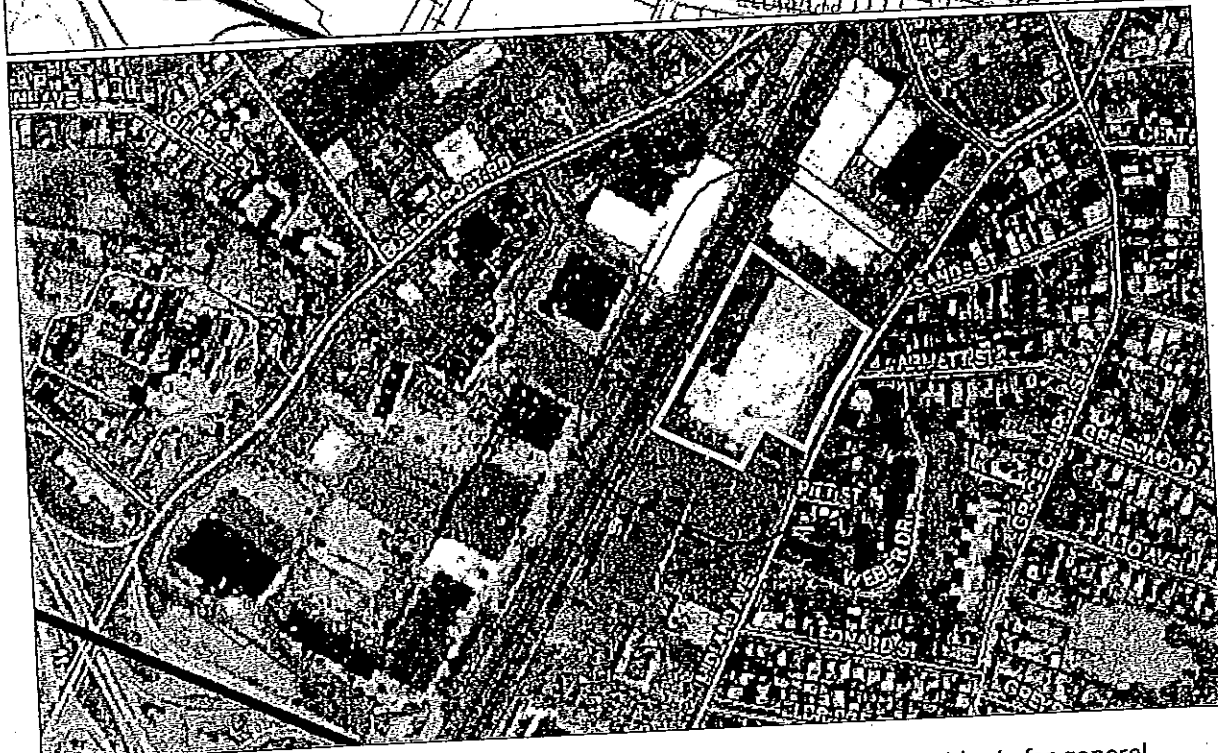
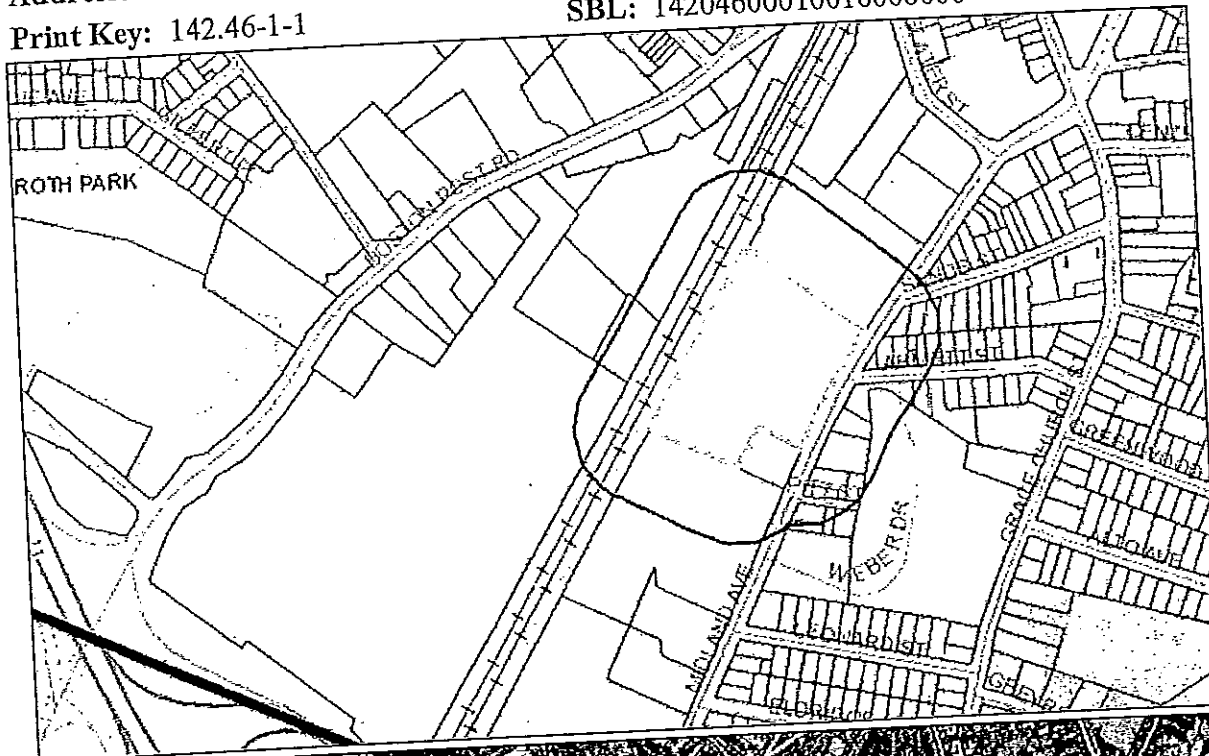
Notary Public
State of Washington
Sarah Michelle Van Coops-Bush
My Comm. Expires March 23, 2015

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

03

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: 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 #: 714-947-6718 Fax #: 914-834-2124	Email: greg_mcguire@msu.com
Owner Address: No. 2 Street: Osborne Place	Town: Port Chester	State: NY Zip: 10573
Applicant (if different than owner): Gregory McGuire	Phone #: 917-453-5732 Fax #: 914-834-2124	Email: greg_mcguire@msu.com
Applicant Address (if different than owner): No. 226 Street: Fifth Ave	Town: Larchmont	State: NY Zip: 10538
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 with by 5/11		

617.20
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 McBire 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 617.67? 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:
 N
- C6. Long term, short term, cumulative, or other effects not identified in C1-C5? Explain briefly:
 N
- 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

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

TRANSFER TAXES

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

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 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. 0135043865
Qualified in Westchester County
Commission Expires June 28, 2024

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. 58-90481-102

Madia 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 1.8, 2.7, 2.8

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 BY RECORDING OFFICE

SA-90487WA

3P
RVT

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

Media Realty, LLC
18 Merril Street
Port Chester, NY 10573

party of the first part, and

Joseph B. Kennedy
2 Osborn Place
Port Chester, NY 10573

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, does hereby grant, 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 lot, piece or parcel of land, with the buildings and improvements thereon erected, situated, 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, 2.7, 2.8.

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. 420880423.


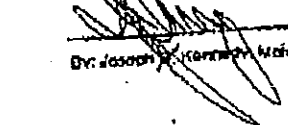
TOGETHER with all right, title and interest, if any, of the party of the first part, in and to any streets and roads abutting the above-described premises to the center lines thereof, TOGETHER with the appurtenances and all the estate and rights of the party of the first part in and to said premises; 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 to the payment of the cost of the improvement before using any part of the total 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 this day and year first above written.

IN PRESENCE OF


Media Realty, LLC

Dr. 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, 1923 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

R1

RESOLUTION
VILLAGE OF RYE BROOK AFFORDABLE HOUSING
SUBDIVISION, SITE PLAN AND REZONING PETITION FOR 80 BOWMAN AVENUE

On motion of TRUSTEE _____, seconded by TRUSTEE _____, the

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

WHEREAS, The Board of Trustees is in receipt of a subdivision, site plan and rezoning petition submitted by Bowridge Commons, LLC to rezone property located at 80 Bowman Avenue, designated Section 141.27, Block 1, Lots 26, 31 and 32 in the Village of Rye Brook from C-1 Zoning District to the Fair and Affordable Housing ("FAH") Zoning District; and

WHEREAS, the application entails the construction of 16 units of Fair and Affordable Housing approximately 550 feet west of the Village of Port Chester border; and

WHEREAS, the board has taken a consistent position that the construction of Fair and Affordable housing so proximate to the Village of Port Chester border does not meet the *spirit* of the affordable housing agreement to provide for more integrated neighborhoods within the Settlement's 31 eligible communities ; and

WHEREAS, on October 30, 2012, the Village of Rye Brook Board of Trustees is holding a public hearing to accept oral and written comments on the matter; Now, therefore, be it

RESOLVED, that the Village of Port Chester Board of Trustees authorizes the Mayor to submit written comments on this matter to the Village of Rye Brook; Hon. Robert Astorino, Westchester County Executive; Sean Donovan, Secretary of HUD; and James Johnson, Federal Housing Monitor.

Approved as to Form:

Village Attorney

ROLL CALL

AYES:

NOES:

ABSENT:

DATE: October 17, 2012



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 ("FAH") 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

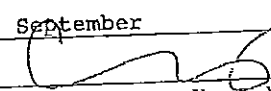
BE IT FURTHER RESOLVED, that the Applicant is directed to comply with the notification requirements required under Section 250-40 of the Village Code.

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, 20 12.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Seal of the Village of Rye Brook, this 25 day of September, 20 12.


Christopher J. Bradbury, Village Clerk

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 (FAH") 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

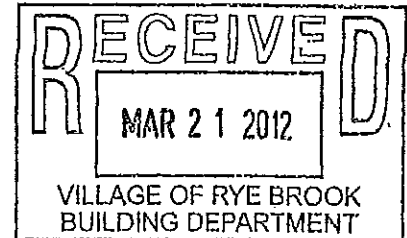
FEDERICO ASSOCIATES
ARCHITECTURE - PLANNING
1048 DOBBS FERRY ROAD
WHITE PLAINS NEW YORK, 10607

ANTHONY F. FEDERICO R.A.

Telephone 914693-5401

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- 200X16= 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.

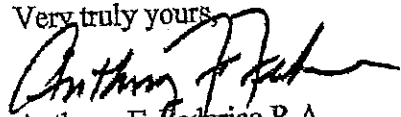
The modifications or waivers request are the minimum necessary to maintain the economic viability of the development in that the entire project is to be an affordable housing development with no market rate units.

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 FURNACE HILL COURT,
PLEASANTVILLE, N.Y. 10570

**BOWRIDGE
COMMONS**

BARBERS PLACE
ATY BROOK, N.Y.

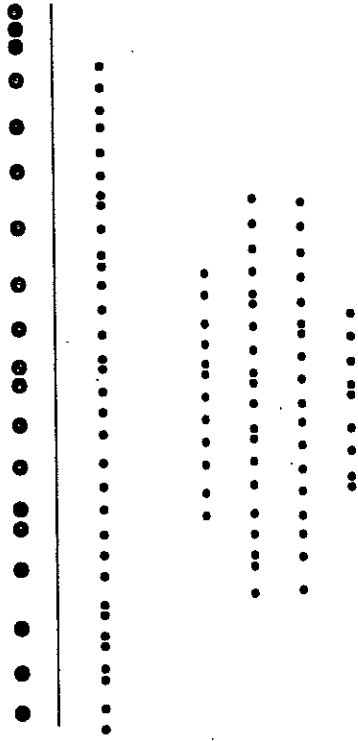
**COVER
SHEET**



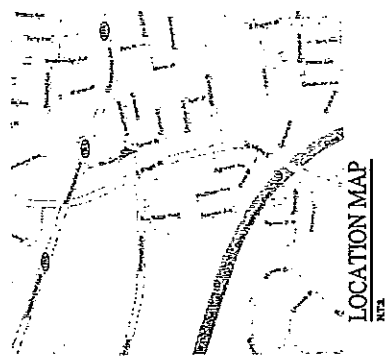
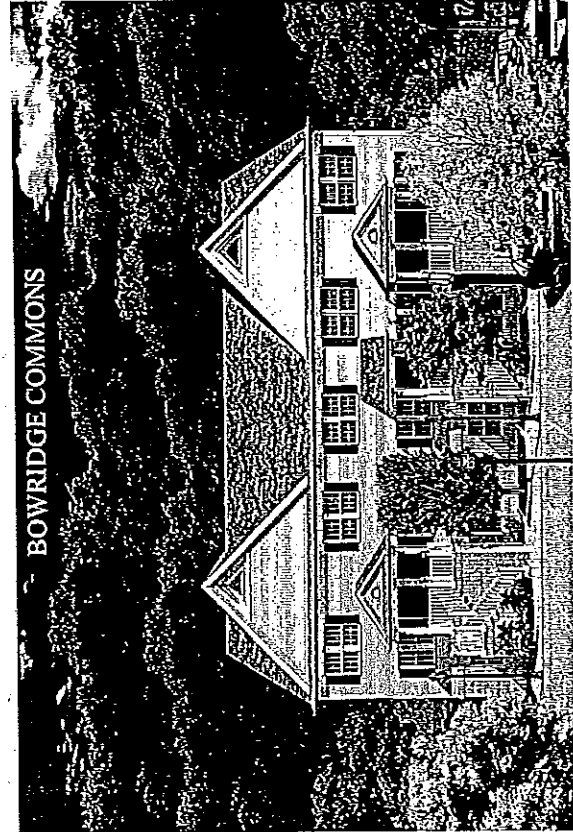
STATE OF NEW YORK
DEPARTMENT OF ENVIRONMENTAL CONSERVATION
DIVISION OF PLANNING AND COMMUNITY DEVELOPMENT
PLANNING BOARD

1

10/1/2014

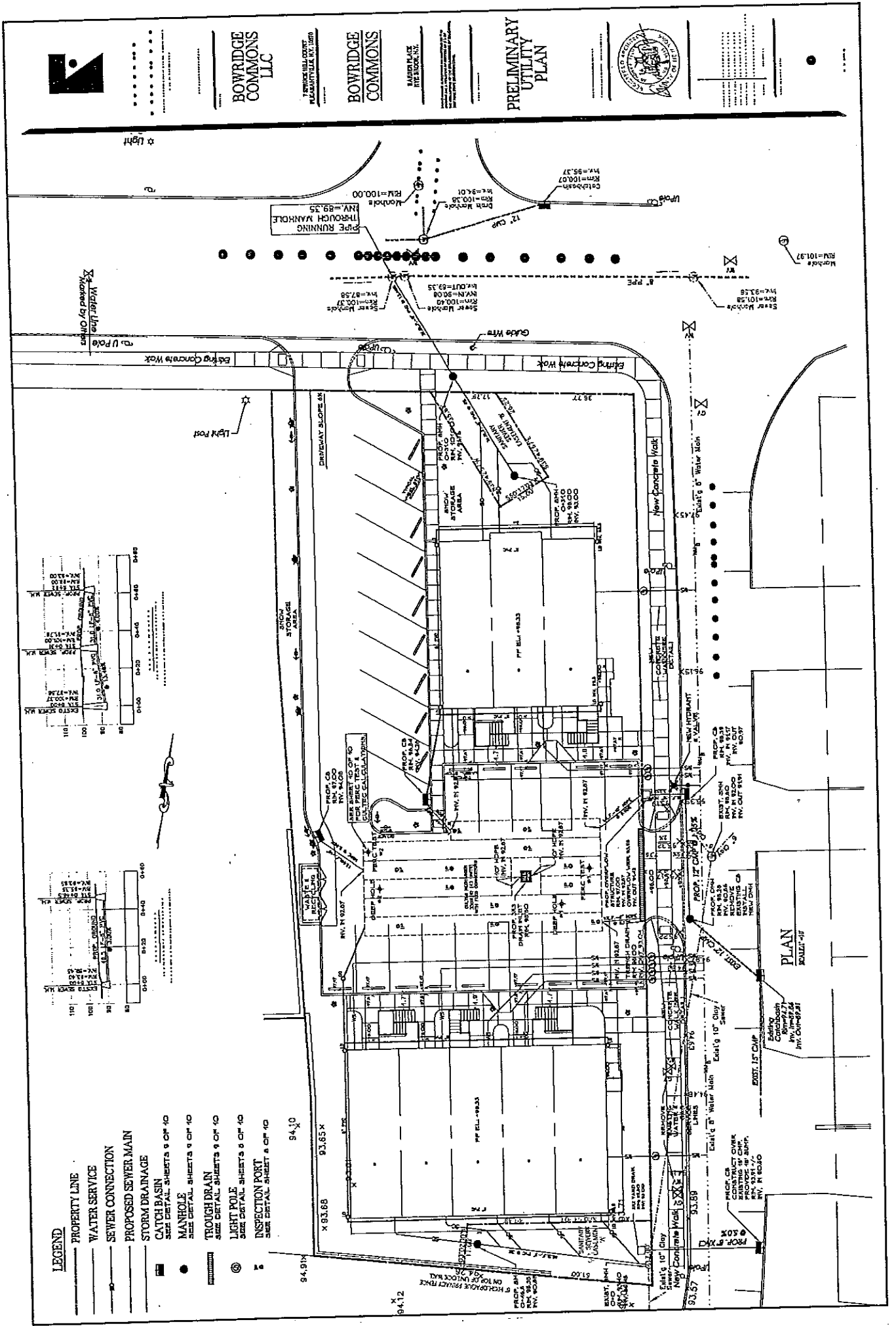
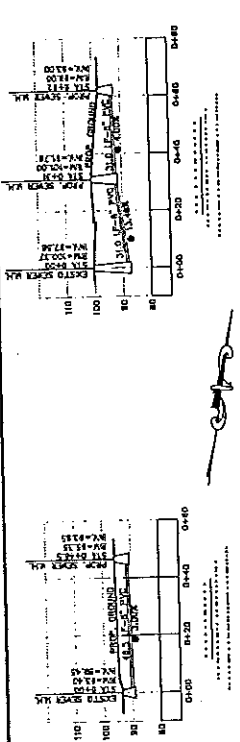


PARCEL DATA
ZONING DISTRICT: C-1 NEIGHBORHOOD RETAIL
VILLAGE OF AVE BROOK
SECTION 14, 27, BLOCK 1, LOTS 26, 31 & 32
TOTAL ACRES = 0.50 ACRES 21,982.06 SF
WESTCHESTER COUNTY, N.Y.
OWNER / APPLICANT
BOWRIDGE COMMONS LLC
7 FURNACE HILL COURT
PLEASANTVILLE, NEW YORK 10570



LEGEND

- PROPERTY LINE
- WATER SERVICE
- SEWER CONNECTION
- PROPOSED SEWER MAIN
- STORM DRAINAGE
- CATCH BASIN
SEE DETAIL SHEETS 9 OF 40
- MANHOLE
SEE DETAIL SHEETS 9 OF 40
- TROUGH DRAIN
SEE DETAIL SHEETS 9 OF 40
- LIGHT POLE
SEE DETAIL SHEETS 9 OF 40
- INSPECTION PORT
SEE DETAIL SHEET 8 OF 40



PLAN
SHEET 44



BOWRIDGE COMMONS LLC

MANUFACTURED BY
MANUFACTURED BY

BOWRIDGE COMMONS

MANUFACTURED BY
MANUFACTURED BY

PRELIMINARY UTILITY PLAN



DATE: 01/11/2024
PROJECT: BOWRIDGE COMMONS
SHEET: 44 OF 40



BOWRIDGE COMMONS LLC

1000 W. HICKORY
HARRISVILLE, NY 13780

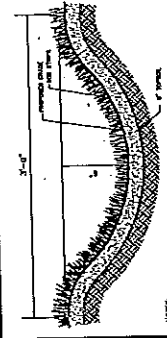
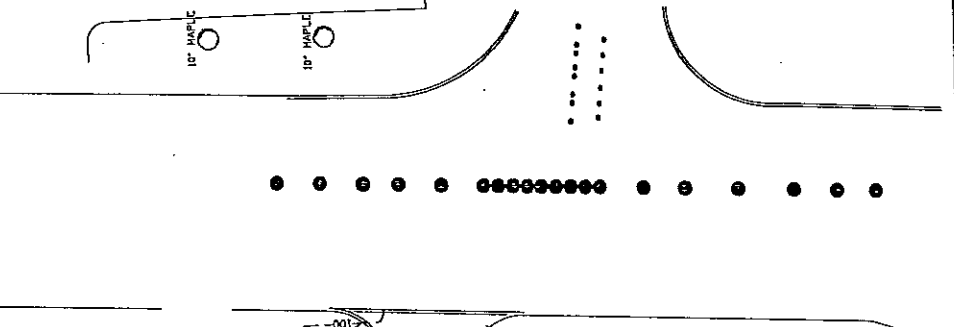
BOWRIDGE COMMONS

HARRISVILLE
NY 13780

PRELIMINARY GRADING / SEDIMENT & EROSION CONTROL & TREE PROTECTION PLAN



NO.	DATE	DESCRIPTION
1	12/15/17	ISSUED FOR PERMIT
2		
3		
4		
5		
6		
7		
8		
9		
10		



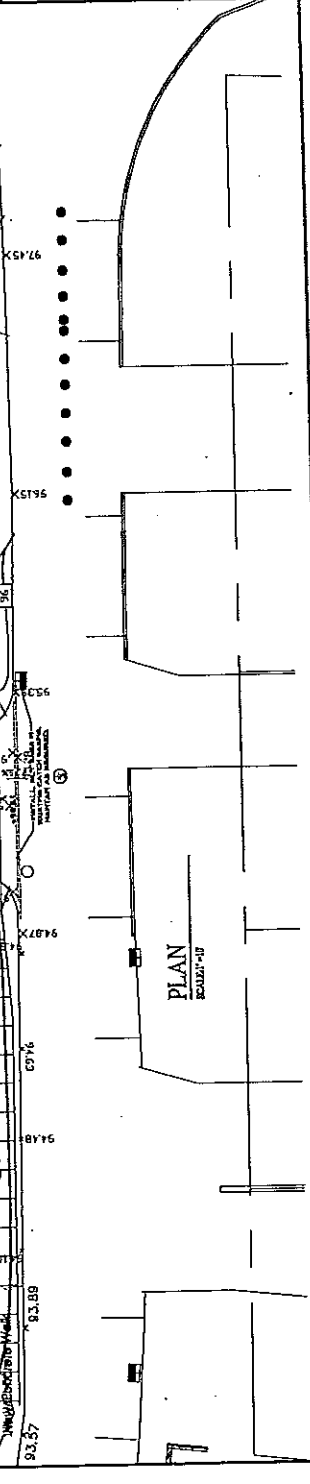
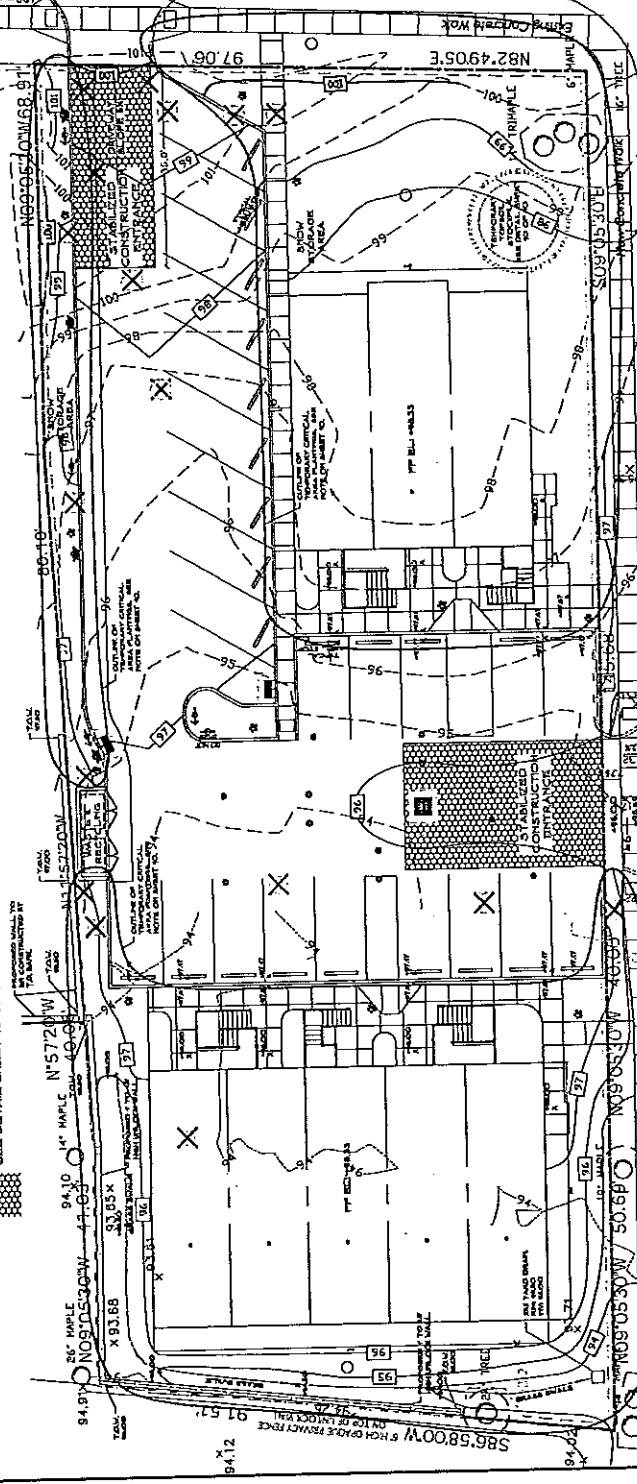
GRASS SWALE

NOTE:
1. SWALE SHALL BE MAINTAINED AS SHOWN THROUGHOUT CONSTRUCTION.
2. SWALE SHALL BE MAINTAINED AS SHOWN THROUGHOUT CONSTRUCTION.
3. SWALE SHALL BE MAINTAINED AS SHOWN THROUGHOUT CONSTRUCTION.
4. SWALE SHALL BE MAINTAINED AS SHOWN THROUGHOUT CONSTRUCTION.

- TREE PROTECTION NOTES:**
1. TREE PROTECTION SHALL BE INSTALLED BEFORE ALL WORK OF CONSTRUCTION INCLUDING CLEARING AND GRUBBING HAS BEEN COMPLETED.
 2. TREE PROTECTION SHALL BE INSTALLED BEFORE ALL WORK OF CONSTRUCTION INCLUDING CLEARING AND GRUBBING HAS BEEN COMPLETED.
 3. TREE PROTECTION SHALL BE INSTALLED BEFORE ALL WORK OF CONSTRUCTION INCLUDING CLEARING AND GRUBBING HAS BEEN COMPLETED.
 4. TREE PROTECTION SHALL BE INSTALLED BEFORE ALL WORK OF CONSTRUCTION INCLUDING CLEARING AND GRUBBING HAS BEEN COMPLETED.
 5. TREE PROTECTION SHALL BE INSTALLED BEFORE ALL WORK OF CONSTRUCTION INCLUDING CLEARING AND GRUBBING HAS BEEN COMPLETED.
 6. TREE PROTECTION SHALL BE INSTALLED BEFORE ALL WORK OF CONSTRUCTION INCLUDING CLEARING AND GRUBBING HAS BEEN COMPLETED.
 7. TREE PROTECTION SHALL BE INSTALLED BEFORE ALL WORK OF CONSTRUCTION INCLUDING CLEARING AND GRUBBING HAS BEEN COMPLETED.

SEE GENERAL CONSTRUCTION SEQUENCING NOTES ON SHEET 10.

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



PLAN
SECTION-10



**BOWRIDGE
COMMONS
LLC**

7 BOWRIDGE COURT
PLEASANTVILLE, NJ 07058

**BOWRIDGE
COMMONS**

MANDEL BLAZE
NEW BRUNSWICK, NJ

**PRELIMINARY
LANDSCAPE
PLAN**

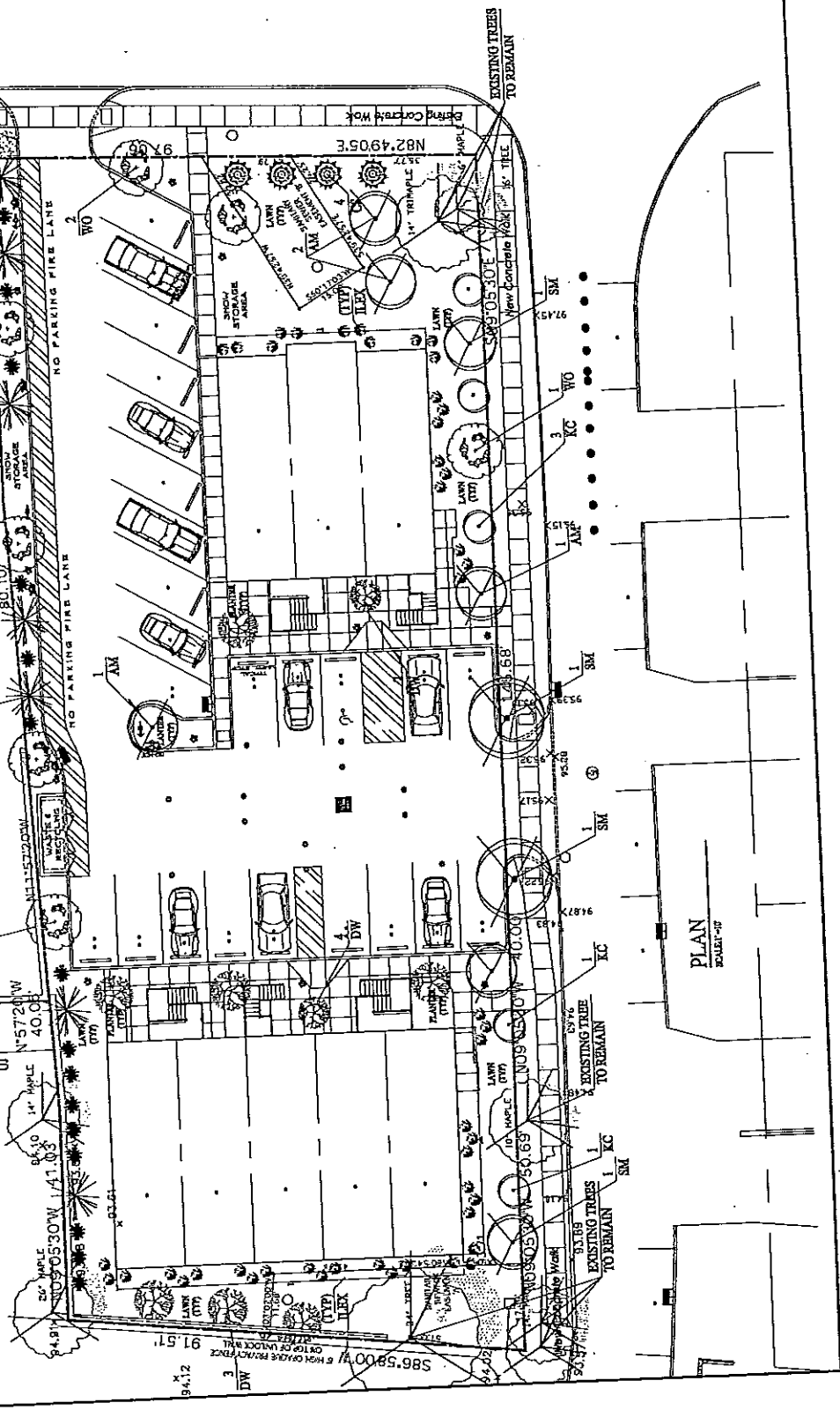


DATE: 08/14/2018
SCALE: AS SHOWN
PROJECT: BOWRIDGE COMMONS
SHEET: 01 OF 02

TREE RESTORATION
ALL TREES TO BE RESTORED
SHALL BE MARKED
WITH A "T" AND A NUMBER
IN INCHES TO BE RESTORED
OR A "D" TO BE REMOVED
OR A "C" TO BE CUT DOWN
OR A "P" TO BE PRUNED

KEY SYMBOL	NAME	QUANTITY	SIZE
AM	AMUR MAPLE	4	2.5" GAL
AC	ACER	5	2.5" GAL
SM	SUGAR MAPLE	5	2.5" GAL
SM	SACCHARINUM	5	2.5" GAL
KC	KWAZAITI CHERRY	7	2.5" GAL
WO	WHITE OAK	9	1.5" GAL
WO	QUERCUS ALBA	9	1.5" GAL
DW	DOGWOOD	4	7-8"
CS	CORNUS KOUSA	4	7-8"
CS	CELODRON SURUCE	4	7-8"
PN	PRINUS MURBA	7	6-8"
PN	PRINUS MURBA	4	2-4"
TL	TELEPDA	15	6-8"
TL	TOPHETIDIFERUS	15	6-8"
LI	LUNIFERUS	15	6-8"

NOTE: ALL PLANTERS SHALL CONTAIN A MIXTURE OF AZALEAS,
DAY LILIES, COMPACT YUCCA & JAPANESE SPURGE
(PAGITISANDRA TERMINALIS)



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



BOWRIDGE COMMONS LLC

2700 W. 10TH AVENUE
DENVER, CO 80202

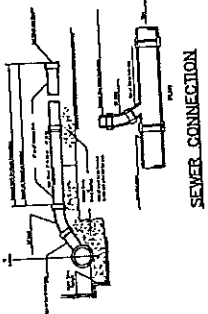
BOWRIDGE COMMONS

ARCHITECTS
1111 BROADWAY
DENVER, CO 80202

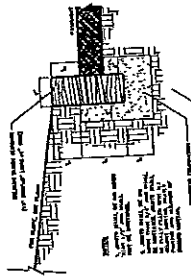
DETAILS



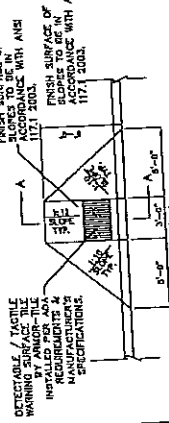
DATE: 11/15/17
PROJECT: BOWRIDGE COMMONS
SHEET: 100-100-100-100



SEWER CONNECTION



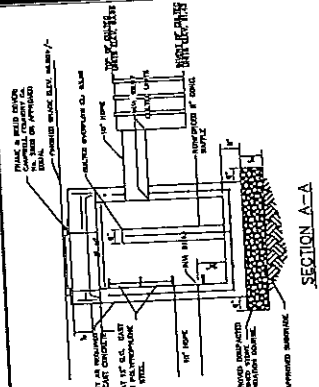
BELGIAN BLOCK CURB



PLAN DROP CURB & RAMP

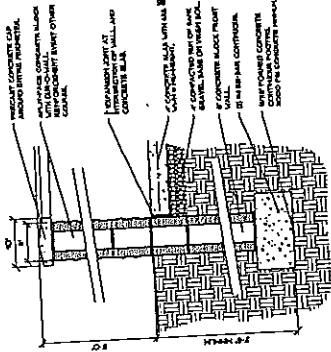


SECTION DROP CURB & RAMP

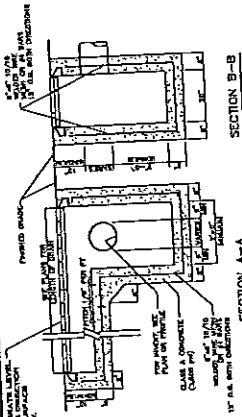


SECTION A-A OVERFLOW STRUCTURE

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

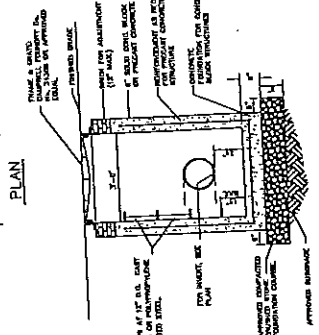
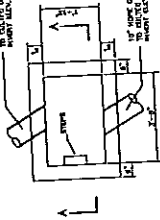


DUMPSTER ENCLOSURE SECTION DETAIL



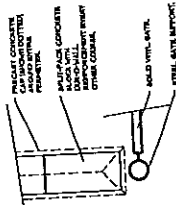
TRENCH DRAIN

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

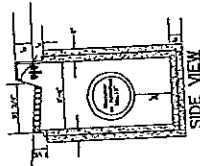


SECTION A-A DRAIN INLET DETAIL WITH SUMPS

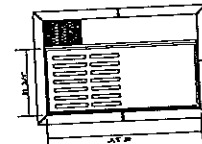
NOTE: ALL STRUCTURES AND CASTINGS SHALL BE CAPABLE OF H2O LOADING.



DUMPSTER ENCLOSURE PLAN DETAIL



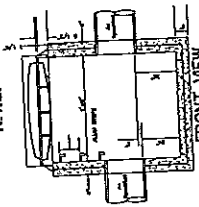
SIDE VIEW



FRONT VIEW

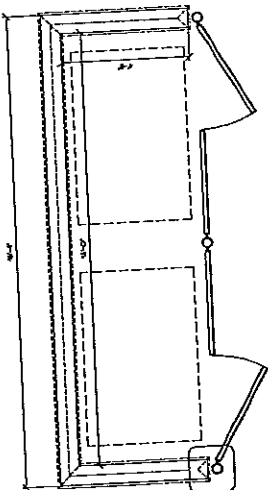
NOTE: Highway Catch Basin Head Curb Campall Foundry No.2817 or equal.

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

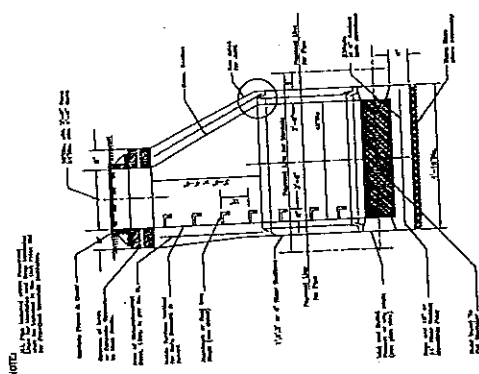


FRONT VIEW

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

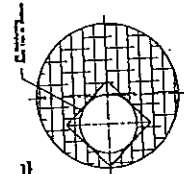


DUMPSTER ENCLOSURE PLAN



SANITARY SEWER MANHOLE

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



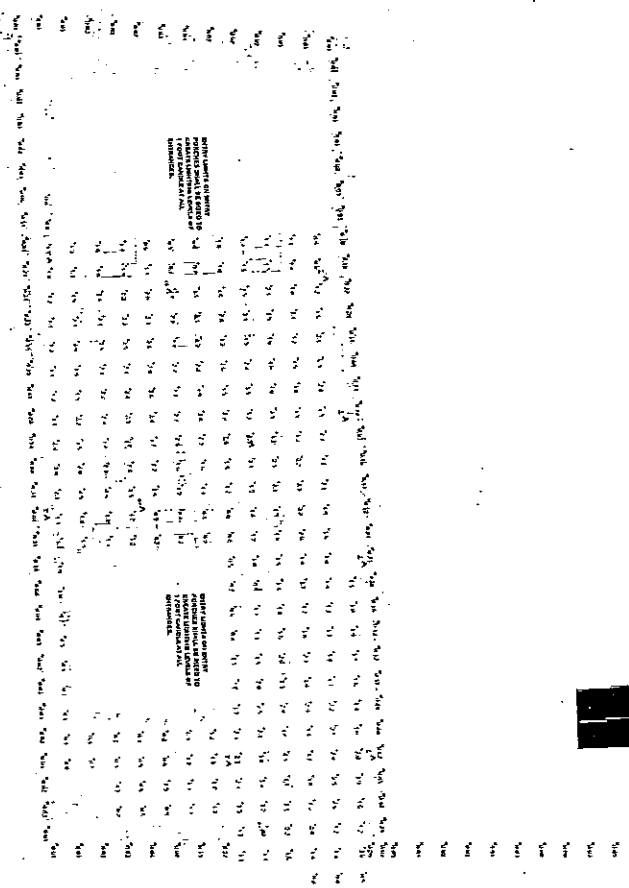
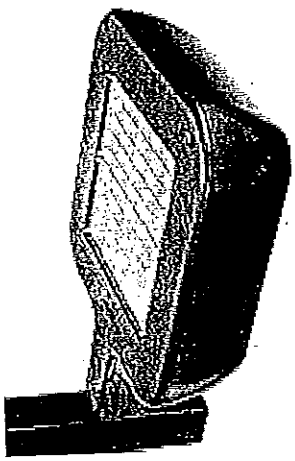
REINFORCEMENT LAYOUT OF SLAB

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

LUMINAIRE SCHEDULE			
Symbol	Label	Qty	Location
-	A	11	EXISTING LUMINAIRE AT EXISTING LOCATIONS
-	B	11	NEW LUMINAIRE AT EXISTING LOCATIONS

STATISTICS			
Symbol	Label	Qty	Watt
-	A	11	418
-	B	11	836

NOTES
 1. SEE CALCULATION OF LIGHT FOOTCANDLES AND ILLUMINANCE.
 2. THESE ARE RECOMMENDATIONS.
 3. NEW FILES ARE REQUIRED FOR THESE LUMINAIRE PRODUCTS.



DATE: 2012.08.24
 TIME: 10:00 AM

<p>Prepared By: Eric Perkins, LC, MESS</p> <p>Date: Aug. 24, 2012</p> <p>Scale: As Noted</p> <p>Drawing No.:</p>	<h2 style="margin: 0;">BOWRIDGE COMMONS - RYE BROOK, NY - SITE LIGHTING</h2> <p style="margin: 0;">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</p>	
<p>1 of 1</p>		



1000 BOW RIDGE COMMONS
 1000 BOW RIDGE COMMONS
 1000 BOW RIDGE COMMONS

**BOWRIDGE
 COMMONS
 LLC**

1000 BOW RIDGE COMMONS
 PLAZA, SUITE 1000
 PLAZA, SUITE 1000

**BOWRIDGE
 COMMONS**

1000 BOW RIDGE COMMONS
 PLAZA, SUITE 1000

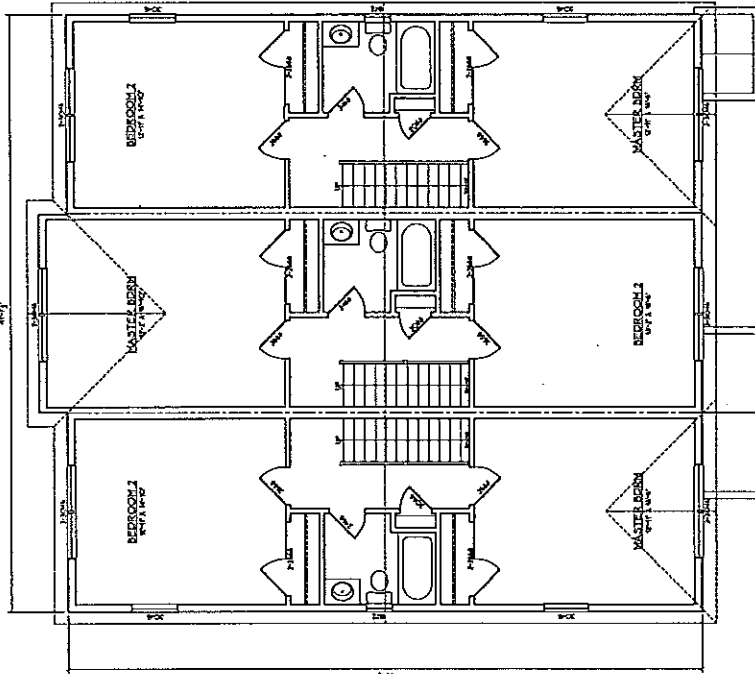
1000 BOW RIDGE COMMONS
 PLAZA, SUITE 1000

**SECOND
 FLOOR
 PLAN
 6 UNIT BLDG**

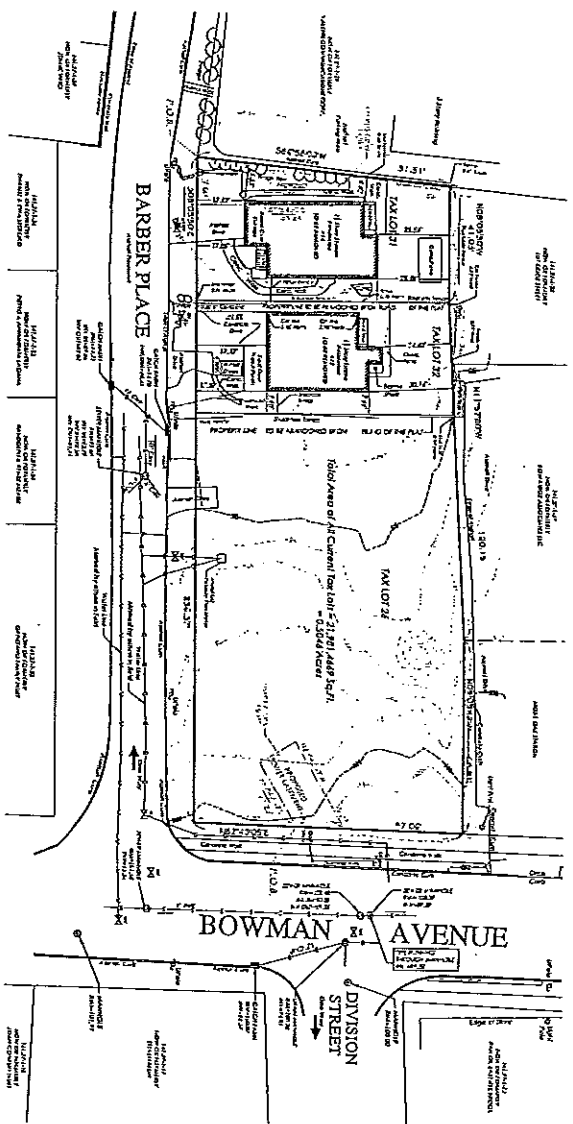


1000 BOW RIDGE COMMONS
 PLAZA, SUITE 1000

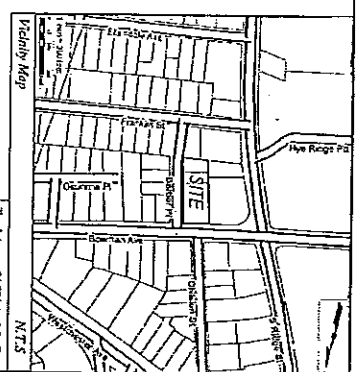
TOTAL 3F	= 4234.52
FIRST FLOOR	= 67.5F
SECOND FLOOR	= 67.5F
TOTAL 2 FLOOR UNIT	



SECOND FLOOR PLAN 6 UNIT BLDG
 2014.11.17



Disclaimer: Information is subject to a survey being made by a Licensed Land Surveyor in the State of New York. This information is not to be used for any other purpose. The information is not to be used for any other purpose. The information is not to be used for any other purpose.

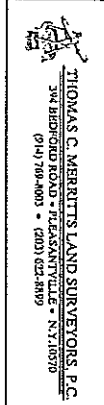


**PRELIMINARY
MERCER & REAPPORTONMENT MAP
PREPARED FOR
BOWRIDGE COMMONS LLC**

SCALE: 1" = 30'
GRAPHIC SCALE

1.00 Feet = 1" (Graphic Scale)

THOMAS C. MERRITT'S LAND SURVEYORS, P.C.
300 HIGHLAND ROAD • PLASANTVILLE, N.Y. 10570
(914) 788-4003 • (203) 623-8899



David T. Merritt, Licensed Land Surveyor, who made this map, do hereby certify that the same is a true and correct copy of the original map as shown to me by the said David T. Merritt.

David T. Merritt
David T. Merritt, Licensed Land Surveyor

POLICY WITH REGARD TO REQUESTS FOR "ALL-NIGHT PERMITS"
ISSUED BY THE STATE LIQUOR AUTHORITY

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

WHEREAS, by correspondence dated October 5, 2012, requests have been made to the Police Department for an "all-night permit" to be issued by the State Liquor Authority to serve liquor on January 1, 2013 beyond the usual hours for same; and

WHEREAS, the Board of Trustees has been advised that the grant of such permits is within the discretion of the State Liquor Authority; and

WHEREAS, the Board desires to assure a consistent position with regard to such requests. Now, therefore, be it

RESOLVED, that the Board of Trustees hereby declares that it is opposed to the State Liquor Authority's issuance of "all night permits" to licensed establishments within the Village and that the Mayor be authorized, on behalf of the Board to notify the Liquor Authority of same with regard to individual requests for such permits.

Approved as to Form:

Village Attorney

ROLL CALL

AYES:

NOES:

ABSENT:

DATE: October 17, 2012

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

**Joseph Guglielmo
President**

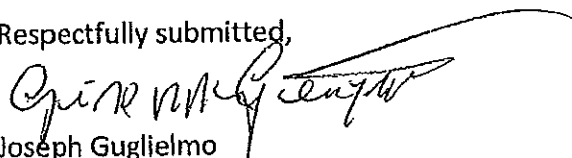
**Friday, October 05, 2012
Via Certified Mail 70121640000177219260**

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**

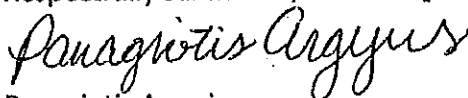
Port Chester Police Department
350 North Main Street
Port Chester, New York 10573
Attention: Detective Lieutenant Royal Monroe

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