

**VILLAGE OF PORT CHESTER
BOARD OF TRUSTEES
Meeting, Tuesday, January 22, 2013
PROPOSED EXECUTIVE SESSION 6:00-6:30PM
Special Meeting: 6:30-7:00 P.M.
Regular Meeting: 7:00 P.M.
VILLAGE JUSTICE COURTROOM
350 North Main Street
Port Chester, New York
CORRECTED AGENDA**

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

	PROPOSED MOTION FOR EXECUTIVE SESSION	ACTION
1	Consultation with Village Attorney and staff regarding pending Starwood Capital Group / United Hospital Redevelopment application.	
2	Interview candidate for BOE.	

TIME: 6:30 P.M.

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

TIME: 7:00 P.M.

I	AFFIDAVIT OF PUBLICATION AND NOTICE OF PUBLICATION RE:	ACTION
1	Public hearing regarding draft local law to amend Section 354-61W.(1) of the Village Zoning Code, Special Exception Criteria for an Automobile Dealership Service Center Use.	
2	Public hearing regarding extending/modifying interim local law amending the Code of the Village of Port Chester, "Permit Amnesty Program".	
3	Public hearing regarding the advisability of adopting a local law amending Chapter 319, "Vehicle and Traffic", to prohibit parking on North Main Street from 1 a.m. to 6 a.m. from the Railroad Bridge to the Connecticut State line.	
4	Public hearing to consider public comment on the proposed January 2013 draft of the Local Waterfront Revitalization Program (LWRP).	

II	PRESENTATION	ACTION
1	Comprehensive Plan related Zoning Text & Map Amendments	
2	Sewer Rent Project update by Joe Dichter, Special Counsel.	
III	PUBLIC COMMENTS	ACTION
IV	RESOLUTIONS	ACTION
	Planning	
1	Starwood Capital Group/United Hospital Redevelopment SEQRA Positive Declaration and setting of scoping session on draft scoping document	
2	Set a public hearing on Comprehensive Plan related Zoning Text & Map Amendments	
	Parks / Recreation	
3	Authorize the Village Manager to enter into a renewal agreement with the Port Chester Youth Baseball League.	
	Administration	
4	Appointment of Taryn Herbert to the Beautification Commission.	
5	Re-appointment of William Villanova to the Port Chester Zoning Board of Appeals (ZBA) with term expiring on 12-31-2015	
6	Re-appointment of Evelyn Petrone to the Port Chester Zoning Board of Appeals (ZBA) with term expiring on 12-31-2015	
7	Re-appointment of Ronald Luiso to the Port Chester Zoning Board of Appeals (ZBA) with term expiring on 12-31-2014	
8	Re-appointment of Frank Strauch to the Port Chester Zoning Board of Appeals (ZBA) with term expiring on 12-31-2014	
9	Appoint Election Inspectors for the March 19, 2013 Village election.	
10	Service agreement with Cincinnati Time Recorder New York (CTR/NY) to provide maintenance services to the Village with regard to the digital parking meters	
	Finance	
11	Capital project closing – From Old Capital Projects to Active Capital Projects	
12	Capital project closing – From Old Capital Projects to Debt Service Fund	
13	Capital project closing – From Capital to Gen Fund & from Gen to Cap. Fund	
	Senior / Nutrition Program	
14	Authorizing the Village Manager to submit the application to the Westchester County Health Department for annual renewal of permit number 01-6620-B which expires March 31, 2013	

V	REPORT FROM THE VILLAGE CLERK	
	Update on Village Election	
VI	DISCUSSIONS	ACTION
1	Additional amendments to amnesty program for 1 and 2 bedroom homes.	
2	Accepting a donation from Mayor Pilla to be used by the Recreation Department for Village resident camper scholarships for the Village's summer day camp program.	
3	Marina Bulkhead	
VII	CORRESPONDENCE	ACTION
1	From Mellor Engine & Hose Co. No. 3, on the election of Harrison Batista to active membership.	
2	From Mellor Engine & Hose Co. No. 3, on the resignation of Mr. Shiloh Mertz from active membership.	
3	From Reliance Engine & Hose Co. No. 1, on the election of Rafael Adolfo to active membership and the passing of Bernard R. Santucci.	
4	From John B. Colangelo Attorney at Law requesting Torosan Realty South Main Street Subdivision and 96 Perry Avenue Subdivision	
5	From Evelyn Petrone related to Board of Ethics (BOE) subpoena powers.	
6	Executive Department Division of Alcohol Beverage Control regarding Belgian Brasserie LLC	
7	From KKDC Inc. – John's of Arthur Avenue regarding liquor license application	
VIII	PUBLIC COMMENTS AND BOARD COMMENTS	ACTION

**PROPOSED MOTION
FOR
EXECUTIVE SESSION**

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

AFFIDAVIT OF PUBLICATION
AND
NOTICE OF PUBLICATION RE

A LOCAL LAW AMENDING THE CODE OF THE VILLAGE
OF PORT CHESTER, CHAPTER 345, WITH REGARD TO PERMITTING
COSMETIC RECONDITIONING WORK ON VEHICLES AT AUTOMOTIVE
DEALERSHIP SERVICE CENTERS

SECTION 1: Current provisions of the Village Code, Chapter 345, Zoning Regulation, provide for a use classification of Automobile Dealership Service Center. This use is permitted by grant of special exception solely in the M-2 General Industrial Zoning District. Acknowledging the practical operations of such permitted uses, the Board desires to amend the Code so to permit limited work to be done to vehicles but with effective controls to ensure that no negative or external impacts are presented.

SECTION 2: The Code of the Village of Port Chester, Chapter 345, "Zoning", Section 345-61, is hereby amended as follows:

Section 345-61W Automotive Dealership Service Center

(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, except for cosmetic reconditioning to such vehicles as defined and to the extent permitted herein. 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.

Cosmetic reconditioning shall be defined as incidental repairs and refinishing limited to plastic and trim parts of the vehicle including bumpers, moldings, mirrors, headlight lenses, and the restoration of alloy wheels. Vehicle side panels may also be refinished on occasion when the bumper scrape may carry into the fender for a uniform repair. Cosmetic reconditioning shall not include painting of the complete vehicle. The cosmetic reconditioning equipment and the entire reconditioning operation shall be wholly contained within the existing service building. The applicant shall obtain the requisite exhaust emissions permit for the cosmetic reconditioning equipment from the Westchester County Department of Health. The applicant shall provide a current copy of the County permit and ensuing operating certificate to the Village. Any proposed changes to such operating permit shall require an amendment to the special exception use granted pursuant to this section. 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 during normal business hours and only on the level of reconditioning limitations noted herein as a customary accessory use to the automotive dealership service center.

No traditional collision repair equipment such as frame machines, 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 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.

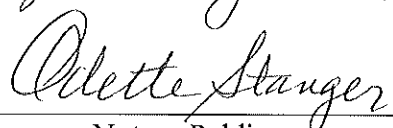
SECTION 3: If any section of this local law shall be held unconstitutional, invalid or ineffective, in whole or in part, such determination shall not be deemed to affect, impair or invalidate the remainder of this local law.

SECTION 4: This local law shall be effective immediately upon filing with the Secretary of State and due publication.

Date: January 16, 2013
To: Village Clerk
Village of Port Chester
Re: Dent Wizard
110 Midland Avenue
Port Chester, NY 10573

I certify that two (2) public notice signs were posted at the subject property on Friday, January 11, 2013.


Gary Gianfrancesco, AIA, AICP, LEED AP

Sworn to before me this 16th day
of January, 2013


Notary Public

OLETTE STANGER
Notary Public, State of New York
No. 00000000000000000000
Qualified in Westchester County
Commission Expires February 28, 2014

PUBLIC NOTICE

**A PUBLIC MEETING WILL BE HELD BY THE
PORT CHESTER BOARD OF TRUSTEES**

ON JAN. 22, 2013 AT 7:00 PM

**AT THE COURTROOM, 350 N. MAIN STREET
TO CONSIDER A ZONING TEXT CHANGE TO
PERMIT COSMETIC RECONDITIONING OF VEHICLES
PORT CHESTER BUILDING DEPARTMENT**

939-5203

PUBLIC NOTICE

**A PUBLIC MEETING WILL BE HELD BY THE
PORT CHESTER BOARD OF TRUSTEES**

ON JAN. 22, 2013 AT 7:00 PM

AT THE COURTROOM, 350 N. MAIN STREET

**TO CONSIDER A ZONING TEXT CHANGE TO
PERMIT COSMETIC RECONDITIONING OF VEHICLES
PORT CHESTER BUILDING DEPARTMENT**

939-5203

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

SECTION 1: Purpose and Intent.

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

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

SECTION 3: Effective Date

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

A LOCAL LAW AMENDING THE CODE OF THE
VILLAGE OF PORT CHESTER CHAPTER 319 VEHICLE AND TRAFFIC WITH REGARD
TO PROHIBITING NIGHT-TIME PARKING

SECTION 1: The Code of the Village of Port Chester, Chapter 319, Vehicle and Traffic, Schedule XIV, Section 319-75B pursuant to the provisions of Section 319-21B “Nighttime parking prohibited certain hours” (4:30 a.m. -6:00 a.m.) is hereby amended as follows:

<u>Name of Street</u>	<u>Side</u>	<u>Location</u>
-----------------------	-------------	-----------------

...

[North Main Street	Both	From Railroad Bridge to Connecticut State line]
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...

SECTION 2: The Code of the Village of Port Chester, Chapter 319, Vehicle and Traffic, Schedule XIV, Section 319-75A pursuant to the provisions of Section 319-21A “Nighttime parking prohibited certain hours (1 a.m. -6 a.m.) is hereby amended as follows:

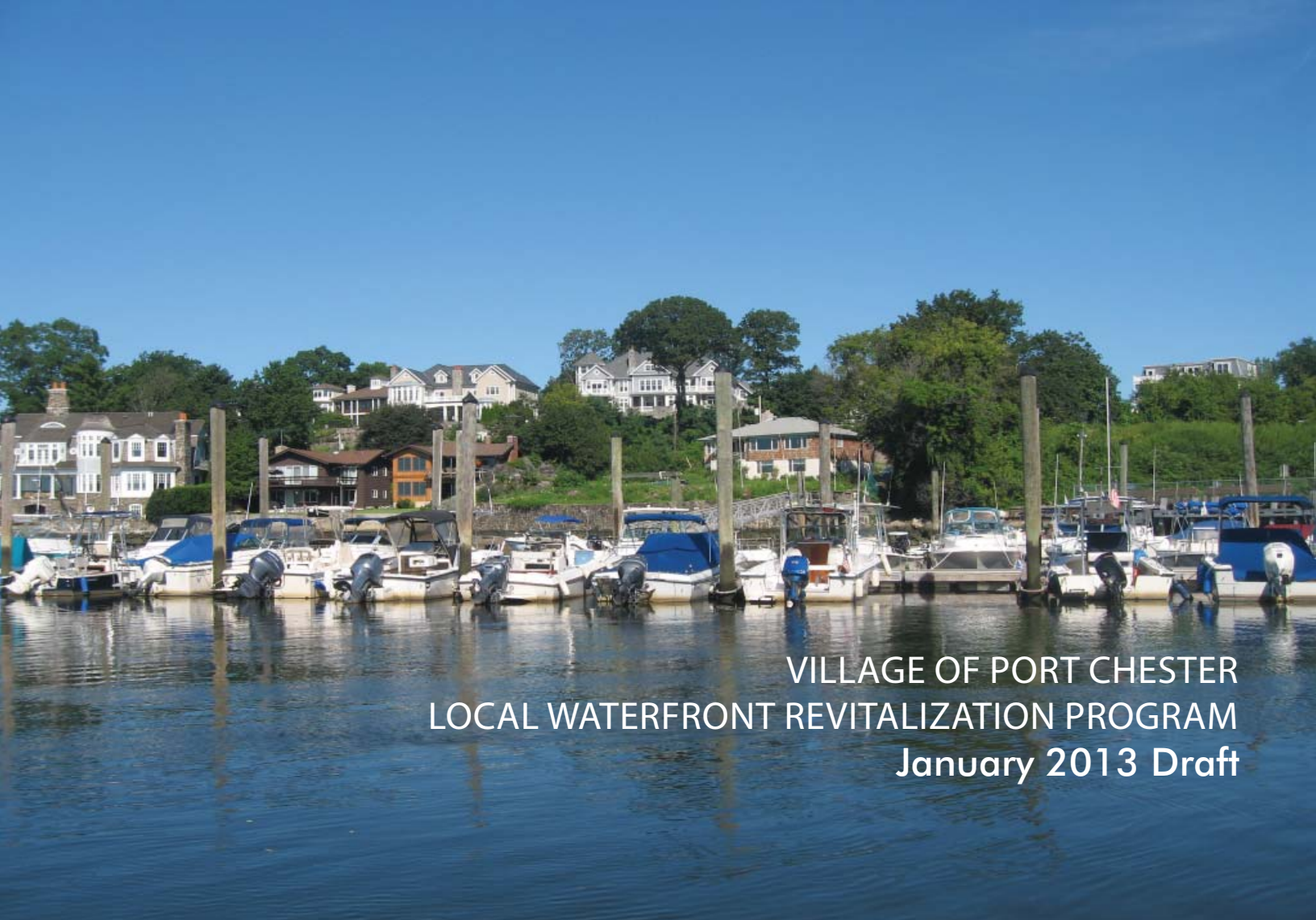
<u>Name of Street</u>	<u>Side</u>	<u>Location</u>
-----------------------	-------------	-----------------

...

North Main Street	Both	From Railroad Bridge to Connecticut State line
-------------------	------	--

...

SECTION 3: This local law shall be effective immediately upon filing with the Secretary of State.



VILLAGE OF PORT CHESTER
LOCAL WATERFRONT REVITALIZATION PROGRAM
January 2013 Draft



Prepared for:
The Village of Port Chester Board of Trustees

Prepared by:
The Village of Port Chester Waterfront Commission,
with assistance from BFJ Planning and Charles McCaffrey

**VILLAGE OF PORT CHESTER
LOCAL WATERFRONT REVITALIZATION PROGRAM (LWRP)**

January 2013 Draft

**Prepared on behalf of:
Village of Port Chester, NY**

**Prepared by:
BFJ Planning
115 Fifth Avenue
New York, NY 10003**

Acknowledgments:

Village Board of Trustees

Dennis Pilla, Mayor
Daniel Brakewood
Joseph Kenner
John Branca
Saverio Terenzi
Luis Marino
Bart Didden

Village of Port Chester Waterfront Commission

Gene Ceccarelli, Chairman
John Hiensch
Mike O'Connor
Tav Passerelli
Alejandro Payan

Peter Pascale, former Chairman
Mary Kelley, former member

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Winnie Liu, Graphic Design

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(January 2013 Draft)

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INTRODUCTION

A. PURPOSE AND THEMES OF THE LOCAL WATERFRONT REVITALIZATION PROGRAM

The Local Waterfront Revitalization Program (LWRP) is a New York State-sponsored program under the direction of the State Coastal Management Program. An LWRP is intended to be a comprehensive, realistic program for the beneficial use, revitalization and protection of a community's waterfront resources. Its major components are:

- A clearly delineated local waterfront revitalization area boundary based on the State's federally approved coastal zone.
- An inventory and analysis of the natural and man-made characteristics and resources of the waterfront area.
- Policies for the management of activities within the waterfront revitalization area which apply to the State coastal policies expressed in the State Coastal Management Program to specific local waterfront resources and conditions and to reflect local objectives.
- Proposed land and water uses for the entire waterfront revitalization area and proposed waterfront projects.
- Local techniques for implementing the policies of the LWRP and ensuring that local actions will comply with the LWRP.

Once completed, an LWRP is submitted to the New York Secretary of State and the U.S. Department of Commerce for review and approval. After approval, the local program replaces the State Coastal Management Program within the local waterfront area and becomes the official plan for governing local, State and Federal actions affecting the defined waterfront revitalization area.

The benefits of a Local Waterfront Revitalization Program include the following:

- A municipality has the opportunity to evaluate its waterfront resources, to develop a comprehensive strategy for the best use of these resources and to put in place a local program to implement that strategy in a fair and predictable manner.
- The consistency provisions of the Coastal Management Program require State and Federal agencies to adhere to the policies of an approved LWRP when those agencies undertake, fund or grant a permit for a project within the LWRP area.

Coastal Management Program Themes

The Waterfront Revitalization of Coastal Areas and Inland Waterways Act, Article 42 of the Executive Law, is the foundation of the New York State Coastal Management Program. The legislative findings declare that:

The social and economic well-being and the general welfare of the people of the state are critically dependent upon the preservation, enhancement, protection, development and use of the natural and man-made resources of the state's coastal area and inland waterways.

The legislature further finds that it is in the interest of the people of the state that coordinated and comprehensive policy and planning for preservation, enhancement, protection, development and use of the state's coastal and

inland waterway resources take place to insure the proper balance between natural resources and the need to accommodate the needs of population growth and economic development.

In 1999, the New York State Department of State (DOS) released the Long Island Sound Coastal Management program. The program draws its authority from Article 42 of the Executive Law. It refined the existing New York State Coastal Management Program, incorporated existing programs and laws governing activities in the coastal area and integrated the capabilities of state and local government into an enforceable program for the Sound. The Long Island Sound Coastal Management Program replaced the state Coastal Management Program for the Sound shorelines of Westchester County, New York City to the Throgs Neck Bridge, Nassau County and Suffolk County. The program defines what constitutes a balance between appropriate and needed economic development, and protection and restoration of the natural and living resources of the Sound.

The Long Island Sound Coastal Management Program is organized around four themes: the natural coast, the working coast, the public coast and the developed coast. Each coast must be considered for both its own intrinsic value and for its interrelationship with the other coasts. The following section briefly describes these themes.

- **Developed Coast**

The Long Island Sound coastal region is essentially a developed coast. Much of community character is defined by the existing patterns and style of development, a pattern and style that over the years have exhibited a close relationship to Long Island Sound and to natural landscapes in the coastal area.

Changing development patterns can enhance the community character of the Long Island Sound coastal region and the sense of place of the individual communities that come together to form the region's identity. To ensure that change maintains or enhances community character and ties to the Sound and the surrounding landscape, the impacts of development must be managed to improve quality of life and the environment. This can lead to the coexistence of successful built-up areas and surrounding natural and working landscapes that respects the natural and economic values of the Sound.

According to the Long Island Sound Coastal Management Program, the Village of Port Chester is one of 17 waterfront centers that serve as the focal point of the developed land pattern. These communities are centers of economic and cultural activity within the region and should be maintained to enhance the region's quality of life, coastal character, and remaining open lands and natural resources. Port Chester has also been identified as one of six waterfront centers that have brownfields and/or significant underused, previously built sites available for redevelopment which, if revitalized, would have a regional economic benefit.

- **Natural Coast**

The natural coast is comprised of a rich diversity of natural resources that are the basis for the productivity of Long Island Sound, as well as a source of scenic beauty and recreational enjoyment. The Long Island Sound Coastal Management Program

concentrates on the integrity of ecological communities, appropriate responses to natural coastal processes and improved management of water resources and overall water quality.

Long Island Sound is a complex ecosystem consisting of physical (non-living) and biological (living) components and their interactions. The physical components include the open waters, embayments, and tributaries of the Sound, as well as coastal lowlands, headlands, bluffs, adjacent upland areas, small offshore islands, and soils. These features continue to develop and change through the action of tides and offshore currents, and through weathering by precipitation and surface runoff. The biological components include the plants and animals that make up a wide range of ecological communities in and around the Sound. These ecological communities provide vital habitat for waterfowl, finfish, and shellfish.

Erosion and flooding have been causing changes in the coastal geography of the Long Island Sound region since glacial retreat began thousands of years ago. Beaches and dunes have developed and changed; bluffs have slumped and been washed away; bays have changed shape and depth; wetlands have appeared and disappeared. These events, whether occurring incrementally or in a single storm event, are part of a dynamic natural process that never allows coastal landforms to remain the same for more than a moment in geologic time.

Natural processes acting upon unencumbered coastal features, such as nearshore areas, beaches, dunes, bluffs, wetlands, and floodplains, are not considered hazardous. Coastal hazards arise when people build on these dynamic landforms, which continue to change. This eventually results in those structures being damaged or lost by the naturally occurring erosion or flooding.

While population levels have been relatively stable for the Long Island Sound region in recent years, development in coastal areas, including locations of dynamic shoreline change, has steadily increased. As growing numbers of people choose to live in these areas, greater numbers of structures are at risk.

Population growth and associated development have also had negative effects on the quality of water in the Sound. In urban areas, numerous point and nonpoint sources of pollution have degraded the Sound's waters. Wastewater treatment facilities discharge permitted levels of pollutants into the Sound, and combined storm and sanitary sewers channel untreated overflows directly into its waters.

- **Public Coast**

The public's right to gain physical and visual access to the recreational opportunities and beauty of New York's coastal resources has long been recognized. However, this right has not always been easily exercised, particularly in the Long Island Sound region. The nature of existing, as well as continuing, development can make the provision of additional coastal access and recreation facilities difficult. Visual access to the waters and shores of the Sound is often blocked by development. The basic right to use and enjoy public trust lands can be hindered by structures that limit the public's ability to reach public trust lands.

- **Working Coast**

The working coast consists of uses and businesses that share a common trait: they require a location on the shoreline to function or they depend on harvesting the living or mineral resources in coastal waters. The Sound's working coast consists of areas where: individual public or private marinas, yacht clubs, and boat yards exist; concentrations of commercial or recreational fishing vessels exist; petroleum products, aggregates, or other waterborne commerce are imported or exported; or ferries arrive or depart from the shore. These uses generate significant revenue for the regional economy and are vital to the economic health of the region. Long Island Sound's working coast uses should be protected and promoted as important elements of the region's maritime heritage and economy.

The Long Island Sound Coastal Management Program notes that there are approximately 200 working coast uses located along the Long Island Sound shoreline, nearly two-thirds of which are clustered in sheltered bays and harbors that have historically been developed with water-dependent commercial and industrial uses. These sheltered bays and harbors, or maritime centers, are essential for waterborne commerce, recreation, and the state's transportation system.

A maritime center is defined as:

A discrete portion or area of a harbor or bay that is developed with, and contains concentrations of, water-dependent commercial and industrial uses or essential support facilities. The harbor or bay area is a center for waterborne commerce, recreation, or other water-dependent business activity, making it an important component of the regional transportation system.

Major challenges facing all water-dependent uses to varying degrees include: competition for space on the waterfront and the water, inadequate or deteriorated coastal infrastructure, impacts of regulation and taxation, degradation of coastal resources, lack of public awareness of working coast uses and businesses, and changing markets and business climate. The designation of maritime centers is a means to address these problems. As noted above, the Village of Port Chester has been designated as a maritime center by the Long Island Sound Coastal Management Program.

Maritime centers are identified to enable better protection of existing water-dependent uses, to foster the development of new water-dependent uses in appropriate locations where growth opportunities exist, to protect and ensure the wise use of underutilized commercial waterfront land that is suitable for water-dependent uses, and to ensure the efficient and effective operation of water-dependent uses. Water-dependent uses have unique siting requirements; thus, it is important to protect suitable developed and underutilized waterfront commercial properties, which are limited in number in the Sound region.

B. THE LOCAL WATERFRONT REVITALIZATION PROGRAM IN PORT CHESTER

Port Chester's first LWRP was prepared as a comprehensive, long-range guide to the future development of the Village's waterfront, and was adopted by the Village Board of Trustees and approved by the New York State DOS in 1992. Since the adoption of the original LWRP, the Village has grown by more than 3,500 residents and has experienced land-use issues within the waterfront area. This updated LWRP is necessary to reflect existing conditions; update graphic elements; and outline policies that both reflect those of the Long Island Sound Coastal Management Program and that will shape future waterfront planning by addressing the key issues of development pressure, population growth and cultural diversification.

In addition, Port Chester is nearing completion of an update to its Comprehensive Plan; the visioning process for that plan has identified the need for:

- Updated land-use regulations to utilize the waterfront as an opportunity for economic development
- Continued improvement and protection of the waterfront for appropriate public and private use
- Protection of environmentally significant and sensitive areas such as the Byram River

The Village began the process of updating its LWRP in June 2011, with the existing Waterfront Commission – which is tasked with reviewing land-use actions to determine consistency with the existing LWRP – acting as a steering committee. The Commission met regularly during 2011 and 2012 to prepare the update, and the Village hosted two public workshops to present draft versions of the updated LWRP and to solicit feedback.

C. LOCAL AND REGIONAL SETTING

1. Location

The Village of Port Chester is located along the Byram River in the southeastern portion of Westchester County, New York, bounded on the south by Long Island Sound and the City of Rye; on the north and west by the Village of Rye Brook and on the east by the Town of Greenwich, Connecticut (see Figure 1: Regional Map). Port Chester is within a densely developed metropolitan area, approximately 20 miles northeast of New York City, and at the junction of two major regional highways, Interstates 95 and 287, providing easy access throughout the Tri-State area of New York, New Jersey and Connecticut. In addition, U.S. Route 1 and Metro-North Railroad's New Haven line pass through the Village center and the Local Waterfront Revitalization Area (see Figure 2: Local Map).

Port Chester was incorporated as a Village within the Town of Rye in 1868, and its key industries have evolved over time from shipping to manufacturing, and now the service industry. Between 1990 and 2010, the Village's population increased more than 17%, from 24,728 to 28,967 people, and residents of Hispanic origin now comprise 59% of the

total population. Comprising a total of 2.4 square miles in land area, Port Chester is the second most densely populated municipality in Westchester County.

2. Land Use and Development Patterns

Southeastern Westchester County is almost completely developed and is characterized by mature suburbs with only a small percentage of vacant land. Early residential and industrial growth at the turn of the century was along the major transportation route, the Boston Post Road, which is the main street of many of the shoreline municipalities. Development also took place quickly along the coast, adjacent to Long Island Sound.

Port Chester, more than neighboring communities, experienced an early surge of local industrial growth, accompanied by related commercial and residential expansion. Port Chester, and in particular its riverfront, remained one of the county's industrial centers until recent years. The Village is still an employment center for the area, although most residents commute to jobs either in New York City or its suburbs. Port Chester's commercial districts also serve neighboring towns for some shopping needs. In comparison, the surrounding municipalities of Rye and Greenwich developed primarily as residential communities. They were built following the construction of the railroad and the establishment of good commuter links to New York City.

The construction of I-287 (the Cross Westchester Expressway) and I-95 (New England Thruway) in the 1950s and 60s fostered increased commercial growth throughout the region. These interstates meet at Port Chester, and have generated considerable construction of retail centers, corporate headquarters, speculative office buildings, hotels and light industrial/back office buildings in proximity to these highways. In Port Chester, this growth is most evident with the Waterfront at Port Chester development, an approximately 500,000-square-foot shopping complex which opened in 2004 and is anchored by Costco, Super Stop & Shop, Loews Cineplex and Bed Bath and Beyond. This complex draws shoppers from throughout the region and has played a key role in spurring the revitalization of downtown Port Chester with new restaurants and small-scale retail establishments.

Westchester County's policy framework, *Patterns* (1996) (supplemented and reinforced by the County's current planning document *Westchester 2025*) identifies Port Chester as an intermediate-sized center, characterized by "unmistakable urban activity." Nearly all intermediate centers are on rail lines, and most provide essential services to a wide surrounding area. In addition to the services and facilities found in smaller local centers, intermediate centers are likely to have mid- and high-rise apartments, large-scale retail stores, office buildings and often light manufacturing.

In addition, the Village is identified as a maritime center by the Long Island Sound Coastal Management Program, which defines maritime centers as "the most suitable and appropriate locations on the Sound coast for expansion of existing, or the development of new, water-dependent commercial and industrial uses."



— County boundary
 — Highways

PORT CHESTER LWRP

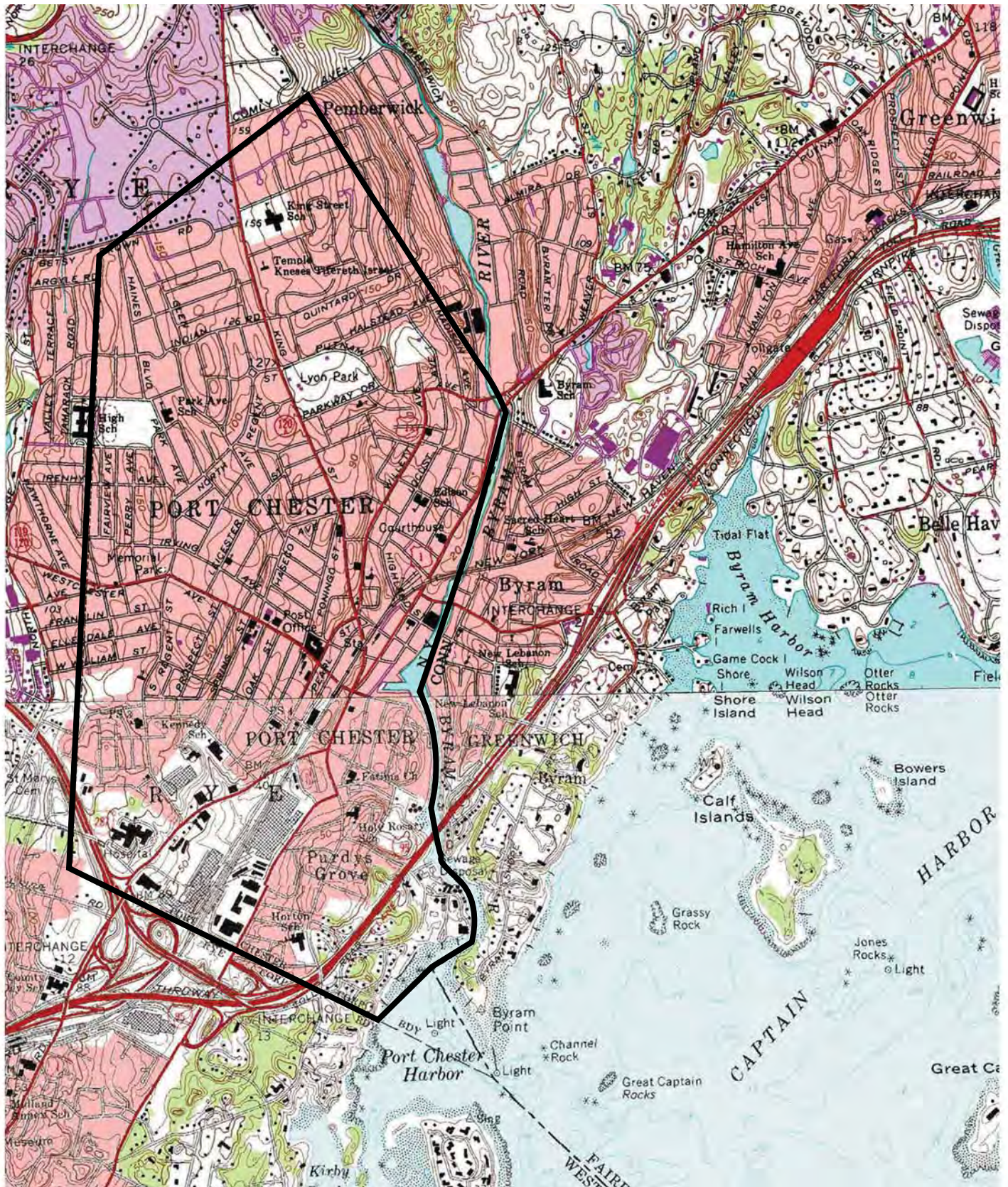
FIGURE 1: REGIONAL MAP


PORT CHESTER, NY

SOURCE: NYS DEP GIS CLEARINGHOUSE



BFJ Planning



 Port Chester Village Boundary



SECTION I

LOCAL WATERFRONT REVITALIZATION PROGRAM BOUNDARY

SECTION I LOCAL WATERFRONT REVITALIZATION PROGRAM BOUNDARY

A. EXISTING LWRP BOUNDARY

The boundary of the current Port Chester Waterfront Revitalization area, as set by the Village's 1992 LWRP and implemented by its Boating and Watercraft Law, is shown on Figure 3 and is as follows: Beginning at the northern end of the LWRP area where North Main Street meets the Greenwich border at the Byram River, the LWRP boundary runs southerly along the center of the Byram river, then the harbor following the Port Chester-Greenwich border, to a point 1,500 feet from the Port Chester shoreline and parallel with the Port Chester-Rye border; thence northwesterly along this border to the New England Thruway; thence northeasterly along the Thruway to Fox Island Road; thence northwesterly along the rear property lines of the properties on the north side of Fox Island Road to Grace Church Street; thence northerly along Grace Church Street to Don Bosco Place; thence northerly along Don Bosco Place to Westchester Avenue; thence westerly along Westchester Avenue to King Street; thence northerly along King Street to the railroad right-of-way; thence northeasterly along that right-of-way to North Main Street; thence northerly along North Main Street to the point of beginning.

The coastal area boundary, as originally defined in the State's Coastal Management Plan, incorporated more inland area, particularly at the southern end of the Village, and merely followed U.S. Route 1 through much of the municipality. The coastal boundary was revised to exclude three areas which did not meet the inclusion criteria described below, and did not have clear connections to the waterfront either by proximity or use.

Specifically, the relationship between the Route 1 commercial corridor and the Midland Avenue Industrial Park was interrupted when Interstates I-95 and I-287 were constructed. Prior to the Interstates, it could have been inferred that these commercial areas did have a link to the coast. The advent of inexpensive truck transportation permanently severed this relationship.

The residential neighborhood between Midland Avenue and Grace Church Street was also removed from the coastal boundary. As was the case with the previous two areas, this portion of the Village did not meet any of the criteria established below, and further has no intrinsic association with the coast. To the east of Grace Church Street is where the residential neighborhoods (i.e. Greyrock) begin to take on a definitive waterfront character. Grace Church Street therefore became an obvious and natural coastal boundary.

The criteria found in the New York State Coastal Management Program which were utilized in defining the coastal boundaries for Port Chester include the following:

- Conform with the nearest cultural features or political boundary.
- Include all land and water uses impacting coastal waters.
- Include any specially designated management area such as a State Park.
- Include tidal and saline waters, islands and beaches.
- Provide buffer areas where appropriate.
- Coordinate boundary lines with those of adjacent municipalities.

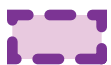
B. PROPOSED LWRP BOUNDARY

This LWRP proposes one minor change to the existing LWRP boundary, primarily to reflect existing built conditions. As described above, from Fox Island Road, the existing boundary follows Grace Church Street to Don Bosco Place, then proceeds northerly along Don Bosco Place to Westchester Avenue and continues westerly along Westchester Avenue. However, this boundary pre-dates the Waterfront at Port Chester development, which encompasses the entire area bounded by Purdy Avenue to the south, South Main Street/Route 1 to the west, Westchester Avenue to the north and Traverse Avenue to the west, and also includes the waterfront area at the foot of Westchester Avenue. The portion of the existing LWRP boundary that follows Don Bosco place would place portions of the Waterfront at Port Chester complex within the LWRP area, and portions outside of the boundary. Thus, this LWRP proposes that the new boundary be somewhat extended to include the entire Waterfront at Port Chester development, as well as some adjacent properties. The new proposed boundary is as follows and is shown in Figure 3:

Beginning at the northern end of the LWRP area where North Main Street meets the Greenwich border at the Byram River, the LWRP boundary runs southerly along the center of the Byram river, then the harbor, to the Port Chester-Rye border; thence northwesterly along this border to the New England Thruway; thence northeasterly along the Thruway to Fox Island Road; thence northwesterly along the rear property lines of the properties on the north side of Fox Island Road to Grace Church Street; thence northerly along Grace Church Street to South Main Street; thence northerly along South Main Street to Westchester Avenue; thence westerly along Westchester Avenue to King Street; thence northerly along King Street to the railroad right-of-way; thence northeasterly along that right-of-way to North Main Street; thence northerly along North Main Street to the point of beginning.

Figure 3a shows the proposed change to the existing LWRP boundary in greater detail.





Proposed Addition to LWRP Boundary



SECTION II

LOCAL WATERFRONT REVITALIZATION PROGRAM INVENTORY AND ANALYSIS

SECTION II LOCAL WATERFRONT REVITALIZATION PROGRAM INVENTORY AND ANALYSIS

A. COMMUNITY PROFILE

Port Chester exhibits many characteristics common to older urban areas. The Village was a busy industrial area in the late 19th and early 20th centuries. As shown in Table 11-1 below, the period of greatest growth was 1910-1940, when local industrial activity was strong. During that period, almost all local residential areas were completely built. The villagescape that resulted is characterized by dense mixed-use development. However, the Village experienced a population decline of 9% between 1970 and 1980. Some population decrease was experienced by all but a few of the fast-growing northern Westchester towns during this period, which paralleled a national trend of decreasing population in older urban areas.

Table II-1: Village and County Population Change 1910-2010

<u>Year</u>	<u>Port Chester (% Change)</u>		<u>Westchester (% Change)</u>	
1910	12,810		283,055	
1920	16,570	(+29)	344,436	(+21)
1930	22,660	(+37)	520,946	(+51)
1940	23,070	(+2)	573,558	(+10)
1950	23,970	(+4)	625,816	(+9)
1960	24,960	(+4)	808,891	(+29)
1970	25,803	(+3)	894,104	(+11)
1980	23,565	(-9)	866,599	(-3)
1990	24,728	(+5)	874,866	(+1)
2000	27,867	(+13)	923,459	(+6)
2010	28,967	(+4)	949,113	(+3)

Source: U.S. Census Data

The Village saw a large population revival after the 1980s, with an increase of 13% between 1990 and 2000. In 2010, the population of Port Chester stood at 28,967, having risen by 1,100 persons, or approximately 4% over 27,867 persons in 2000.

Port Chester's population is racially and ethnically diverse, and its composition has changed dramatically in the past 30 years. The 1980 Census recorded the population as approximately 80% white, 14% black and 16% Hispanic. The 2010 Census recorded the population as approximately 32% white, 5% black and 59% Hispanic. The rate of Hispanic growth was fourfold the rate of the total population growth between 2000 and 2010. Non-Hispanics, by contrast, contracted 21%, or declined by 3,209 persons over that decade.

All of the Village's population growth between 2000 and 2010 occurred in three age groups: under 15 years, between 25 and 34 years and between 40 and 64 of age. The median age of male residents is 33.1 years, a few years younger than that of female residents at 36.2 years. Between the sexes, there is a growing disparity at every age cohort, with males dominant from birth through 54 years of age, and females dominant from 55 years of age and over.

In 2009, the most recent year for which data are available, the median family income in Port Chester was \$58,125, and median household income was \$51,652. Family households comprise roughly two in every three households and have remained relatively unchanged in number over the decade, standing at 6,348 families in 2010. Virtually all the decline in households has occurred among nonfamily units, which contracted by 265 households, or 8.4%, since 2000.

Although the number of households has declined in Port Chester over the past decade, the number of dwelling units has increased, leading to a rise in vacant housing units. At present (2010), there are 10,046 housing units in the Village, an increase of 274 over 2000 conditions. The rental vacancy rate stands at 5%, compared with a homeowner vacancy rate of 2.2% in 2010. Approximately 57% of the housing units are renter-occupied. However, compared with homeowner housing, of which the average household size represents 2.80 persons, rental housing is occupied by 3.30 persons on average, leading to a 10% increase in household size over the decade.

Port Chester has a fairly old housing stock; units built before 1940 comprise 35% of total housing, and units constructed between 1940 and 1970 account for another 43%. Units built in the last 30 years of the 20th century amount to only 2,000 units, or 19% of the total.

Historical Development on the Waterfront

Port Chester's character and land use have historically been defined by its Long Island Sound and Byram River coastline. Although the Village is relatively small in area, approximately 2.4 square miles, it has 2.25 miles of waterfront on the Byram River and Port Chester Harbor.

In the early colonial period, the Long Island Sound waterfront proved to be an area with abundant natural resources which could be easily settled. The scattered settlements in the area of present-day Port Chester and Rye were merged in 1665 under the name of "Rye" by the Colony of Connecticut. For nearly 100 years, Rye was disputed territory between the New York and Connecticut colonies, until finally, in 1788, the New York State legislature officially established the Town of Rye boundaries.

The Byram River area attracted settlers that engaged in farming, fishing, logging and trading. As the hamlet grew, boat building emerged as a dominant industry, and by the early 19th century, it had become the area's principal economic activity. Large pits were created to cut timber for boat building, which lent the town its original name: Saw Pit. In 1837, the New York State Legislature changed the name from Saw Pit to Port Chester.

Port Chester had a superior transportation network due to the river and its railroad line, which was completed in 1849. This enabled the expansion of 19th century and early 20th century industries, and a number of notable companies operated in the Village, such as:

- Abendroth Brothers Eagle Foundry, established 1840. Largest foundry in the east.
- Russell Burdsall and Ward Bolt Works, established 1882.
- Ernest Simons Manufacturing Company, established 1876.
- P.R. Mallory Plant, largest producer of tungsten filament wire, established 1916.
- Arnold Bakers, moved to Port Chester in 1941.
- Mint Products Company (Life Savers), established 1920.

Many of these industries relied to varying degrees on the waterfront for transportation, power, storage and various other products.

Since about 1900, the Byram River waterfront has been filled in extensively. The river once extended inland from the present marina cove at the foot of Westchester Avenue as far as Main Street and ran south along where Don Bosco Place is today, toward Grace Church Street. The manmade inlet area just north of Westchester Avenue (also known as “the Cove”) remained to allow for oil tankers serving facilities on the Greenwich side of the river to maneuver. These fuel facilities in Greenwich have now been demolished and replaced with condominiums; thus, this inlet area has limited practical use. The Fox Island area has also been substantially infilled, including a large central v-shaped area where the village's leaf mulching facility is located. The Byram River in general is much narrower today than it was 50 years ago.

The first residential development began on the waterfront in the 1930s, when a large harborfront estate on the Rye border was subdivided. Eventually, 47 residences were built in this Greyrock neighborhood. Along Port Chester's downtown waterfront, a large area was cleared and streets were closed in the 1940s to build the present parking lots, which are now privately owned but leased to the Village for public use.

After World War I, the commercial and industrial use of the waterfront began a slow, gradual period of decline. The Abendroth Foundry closed and the Port Chester Transportation Company discontinued steamer service to New York City. The construction of I-95 and 1-287 in the 1950s and 1960s also contributed to this decline of the Port Chester waterfront. Because traffic no longer had to pass through Port Chester, the retail hub of the downtown began to deteriorate.

Also during this period, river pollution reached perhaps its highest levels, and nearly all marine life in the Byram River disappeared. Pollution had been a serious problem since World War I, when major upstream industries began dumping large amounts of acids, oils and toxic metals. Thus, swimming and fishing activities were gradually restricted by the continuously worsening pollution. By the 1950s and 1960s boat mooring was the sole recreational use. In the mid-1950s the Port Chester Marina was built and the river was dredged to provide docking space for boats.

Although the waterfront in Port Chester was not a priority throughout much of the latter 20th century, in the 1990s the community began to place more emphasis on revitalizing this underused asset. In 1998, Port Chester made an agreement with Long Island-based G&S Developers permitting a redevelopment of a portion of the downtown waterfront through the use of the Village's power of eminent domain. G&S opened in 2002 the Waterfront at Port Chester, a 500,000-square-foot complex of retail and entertainment use, anchored by Costco, Super Shop & Stop, Loews Cineplex, and Bed Bath & Beyond. The developer is expected to seek the addition of nearby hotel and residential uses in the near future. The Waterfront at Port Chester helped spur other economic development in the Village's downtown. Three new restaurants have opened in the area since 2005: Q Restaurant & Bar (2005), bartaco (2010), and Tarry Lodge (2008), the latter owned by celebrity chef Mario Batali. A new residential building, the Mariner, was recently constructed on the waterfront north of the Village-leased parking lot at Abendroth Avenue and Willett Avenue.

B. LOCAL WATERFRONT REVITALIZATION PROGRAM (LWRP) AREA

1. Orientation and General Character

The Port Chester Local Waterfront Revitalization Program area lies along the west bank and harborfront of the Byram River and the shores of Port Chester Harbor. The area extends in a generally north-south direction from the Putnam Avenue Bridge to the Rye City boundary. The width that the LWRP area extends inland varies from less than 100 feet at the north end to approximately 1,500 feet at other points. The land area encompasses approximately 185 acres and has a river frontage of about 2.25 miles.

2. LWRP Subareas

As shown in Figure 4, the LWRP area has been divided into five subareas on the basis of land use, development density, area character and topography:

- a. Greyrock Subarea: This is a single-family residential neighborhood consisting of approximately 27 acres, with approximately 1,500 feet of waterfront on the Sound between the City of Rye border and the Village Department of Public Works (DPW) facilities on Fox Island Road.
- b. Fox Island Subarea: This area consists of the portion of land east of the New England Thruway (I-95), and includes the Village's DPW facilities, the Port Chester Yacht Club and the Westchester County sewage treatment plant.
- c. Columbus Park/Purdy Avenue Subarea: This area extends from I-95 westward generally to Grace Church Street to the intersection with South Main Street (U.S. Route 1), then northward to Purdy Avenue, then eastward to Traverse Avenue, then north along Traverse to Townsend Street and eastward to the Byram River. This subarea includes Columbus Park and the residential neighborhood immediately west of the park, as well as the industrial uses along Purdy Avenue and the mixed-use neighborhood centering on Townsend Street.
- d. Downtown Subarea: This subarea is a substantial section of the Village center, generally bounded by Westchester Avenue and Liberty Square on the south, and on the north by North Main Street and the Metro-North right-of-way and bridge. It includes the Waterfront at Port Chester development as well as the traditional low-scale waterfront area and a number of surface parking areas.

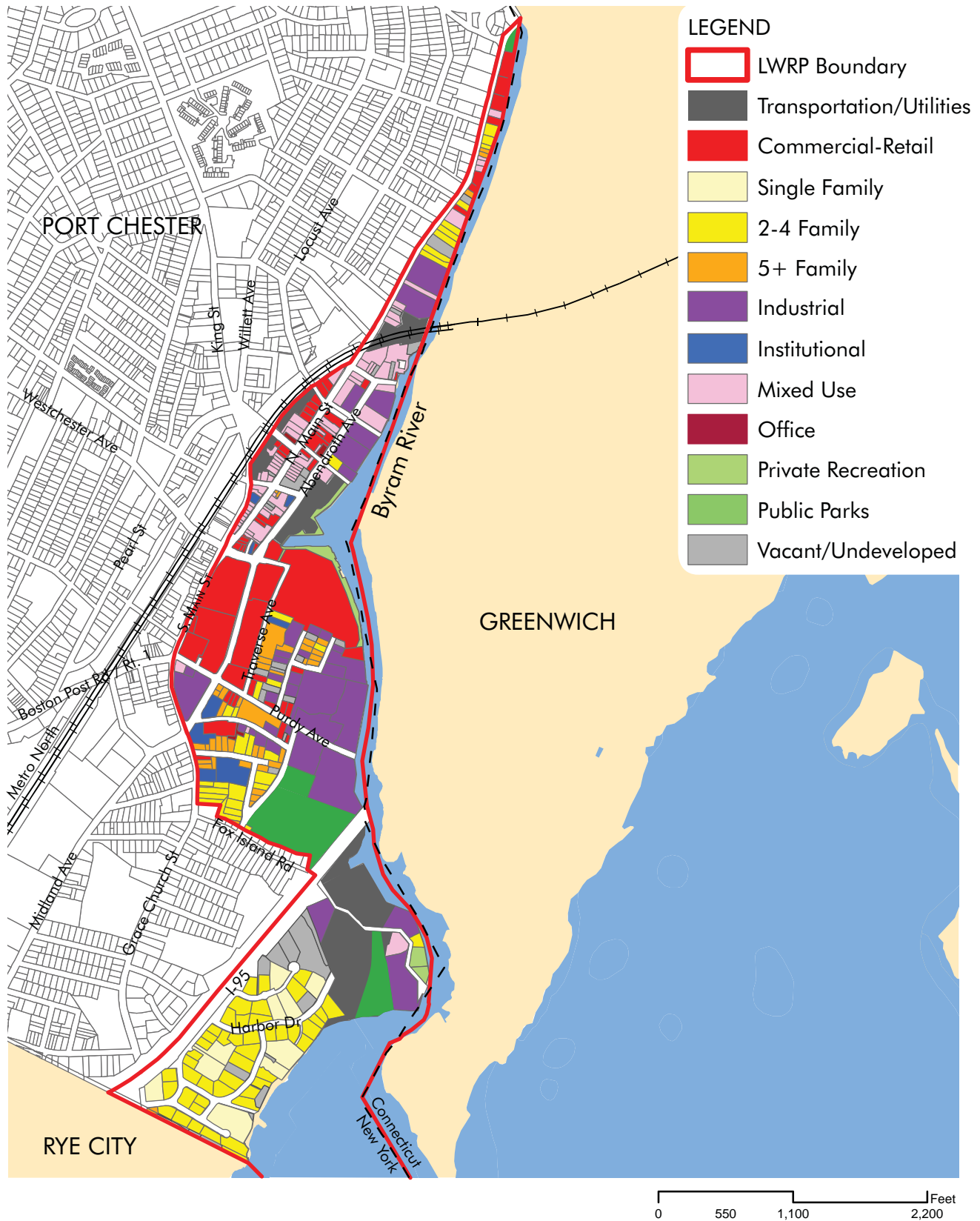


- e. Brooksville Subarea: This subarea is a narrow strip of land, primarily one lot deep, between North Main Street and the Byram River, with the Putnam Avenue Bridge at the north and the Metro-North overpass at the south end.

C. LAND USE AND DEVELOPMENT

The following is a generalized description of the land and water uses and the built character of the LWRP area, by subarea. The land use patterns are illustrated on Figure 5.

- Greyrock is an attractive, stable neighborhood of approximately 50 single-family houses built on the site of a large estate which was subdivided in the 1930s. The neighborhood faces onto the harbor on the east and is separated from the rest of the Village by the New England Thruway on the west. In character, Greyrock is similar to adjacent neighborhoods in Rye, immediately south. There are no plans for changes in this area in the foreseeable future.
- The New England Thruway defines the western border of the Fox Island subarea. This subarea presently contains the Village Department of Public Works and the Port Chester Yacht Club on 11 Village-owned acres. The Fox Island peninsula also houses the Westchester County Port Chester Wastewater Treatment Plant, industrial plants, an oil tank facility (not in use), a former seafood restaurant (currently vacant). Additionally, currently one or more commercial fishing vessels operate from the shore.
- The Columbus Park/Purdy Avenue Subarea contains a mix of older single-, two- and multifamily residential buildings, and commercial, light industrial and institutional buildings. The uses along Fox Island Road, Nicola Place, Central Avenue and Grace Church Street are almost entirely residential and separated from streets east and north by a steep hill and lack of through streets. The upland areas contain some deteriorated residential, automotive and industrial shops, junkyards and a large block of warehouses. Along the riverfront are an asphalt plant and concrete plant, and in the southeast of the subarea is Columbus Park, occupying 9.4 acres. The park includes a soccer field, parking, playgrounds, a water feature, picnic pavilion, and basketball and volleyball courts. The waterfront is currently inaccessible from the park.
- The Downtown Subarea encompasses all of the riverfront in the Village's central business district, as well as a substantial portion of the downtown. The LWRP boundary of this subarea extends from the riverfront to the railroad right-of-way, and includes the most active commercial area of the traditional downtown, approximately four blocks along North Main Street and the Waterfront at Port Chester shopping center. East of Abendroth Avenue, the riverfront is lined with a large parking lot and landscaped area, a public marina facility, a small number of commercial uses and generally underutilized industrial buildings. The Mill Street Bridge connects Port Chester to the small commercial center of Greenwich, Connecticut. One block west of this subarea is the Port Chester railroad station.



- The Brooksville subarea is the neighborhood bordering the river north of the downtown. The LWRP subarea is a narrow strip running along North Main Street, paralleling the river, to the Putnam Avenue Bridge which crosses the river into Greenwich. This area is characterized by mixed land uses on small, shallow lots which back onto the Byram River. Generally, the condition of the properties is good, but there is an incompatibility among older residential and newer commercial uses. The subarea includes the William James Memorial Park and a restored pumphouse at the north end. West of Main Street in Port Chester and also on the east side of the narrow Byram River in Greenwich are stable, pleasant residential neighborhoods.

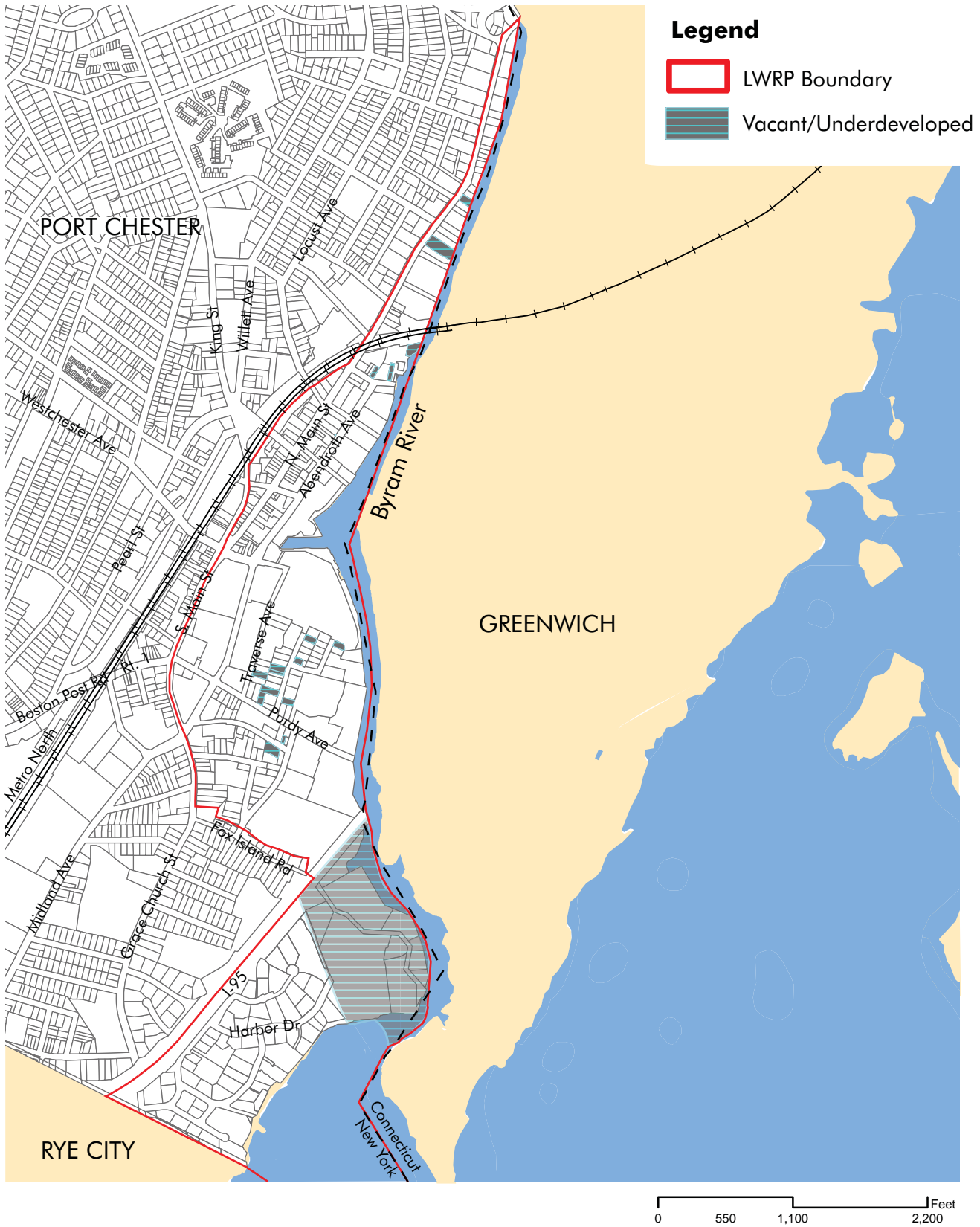
1. Underutilized, Abandoned or Deteriorated Sites

Much of the waterfront area within the LWRP is underutilized. In the most severe cases, such as the Fox Island peninsula and the downtown blocks east of Abendroth Avenue, old industrial uses that formerly occupied those sites are gone. The former area is a storage and leaf mulch site for the Department of Public Works. The latter is a large parking lot owned by developer G&S and leased to the Village, and does not appear to be used at full capacity.

Underutilized Areas are identified on Figure 6. Although most land within the LWRP is put to some use, in many cases it is underutilized for economically marginal purposes or by uses that located there because the land was inexpensive and industrially zoned. Many structures, including houses, warehouses and the industrial buildings, are old and deteriorated and date from a period when the waterfront was commercially active. Many of these structures are not well-built and it is likely that building regulations on the waterfront were never well controlled.

A significant concentration of underutilized lots is in the Columbus Park/Purdy Avenue subarea; at least 10 individual sites have been identified that are underutilized or vacant. While the Fox Island subarea does not appear to have as great a number of vacant or underutilized lots, many large uses in this area are not considered optimal for waterfront land. One example is the Village's Department of Public Works. The facility covers approximately 75% of the Fox Island peninsula and includes garages, an abandoned incinerator, outdoor storage of vehicles, machinery and materials, windrows of leaves, and a closed landfill. The site is kept locked during normal business hours, except for security purposes, further limiting its public accessibility. The remaining parcels primarily include light industrial uses which are not water-dependent nor the best use of waterfront property. Taken as a whole, the peninsula is an underutilized area. The two coves north and south of the I-95 overpass are vacant and largely inaccessible, and the area east of the highway is occupied by the sewage treatment plant.

The neighborhood between Purdy and Westchester Avenues, east of Traverse Avenue, is a mix of residential and underutilized lots. These lots include vehicle storage, industrial uses, and automotive service stations, many of which are deteriorated. West of Traverse Avenue is the large commercial development, The Waterfront at Port Chester, located along South Main Street, bordered by Purdy Avenue to the South and Westchester Avenue to the north and east.



From Westchester Avenue to Willett Avenue, most of the waterfront is bordered by a large public parking lot. The parking lot is bordered by a grassy area and trellis-covered benches that overlooks the public marina. From Willett Avenue north to the railroad bridge, there is a mixture of old buildings, partially occupied for retail, office, automotive, warehouse or light industrial uses. There are also a few residences and more parking and vacant lots. North of the railroad overpass, in Brooksville, North Main Street is a mixture of residential and commercial uses. The former residential character of the street has been lessened by the spread of commercial uses and parking lots. In this subarea, many of the residences are old and in need of repair, but most appear structurally sound.

2. Water-Dependent Uses and Harbor Management

In looking at various uses along Port Chester's waterfront, it is useful to differentiate among water-dependent, water-enhanced and other types of uses. 19 NYCRR Part 600 (Policies and Procedures) defines a water-dependent use as "an activity which can only be conducted on, in, over or adjacent to a water body because such activity requires direct access to that water body, and which involves, as an integral part of such activity, the use of the water." Examples of these uses include waterborne transportation of both passengers and cargo, commercial fishing, aggregate transshipment, ship repair and petroleum transfer. A water-enhanced use, by contrast, is defined as "a use or activity which does not require a location adjacent to coastal waters, but whose location on the waterfront adds to the public use and enjoyment of the water's edge. Water-enhanced uses are primarily recreational, cultural, retail or entertainment uses." Some examples would include public parks and restaurants. Other uses may also be present along the waterfront that are neither water-dependent or water-enhanced.

The following sections describe all in-water and shoreline uses (including those that are water-dependent) on the Port Chester waterfront.

a. Water-Dependent Uses

According to the Long Island Sound Coastal Management Program, Port Chester is defined as a maritime center, "essential for waterborne commerce, recreation, and the state's transportation system." Maritime centers are designated to address common problems such as inadequate or deteriorating coastal infrastructure, the impacts of regulation and taxation, degradation of coastal resources, and lack of public awareness of working coast uses, among others.

In Port Chester, as in many waterfront communities, the industrial uses along the Byram River have become less dependent upon the waterfront location. Water-dependent industries which once lined the river up to the Mill Street Bridge are now almost entirely limited to the stretch of water in the vicinity of Purdy Avenue. Peckham Asphalt Company, at the end of Purdy Avenue, formerly used the river for transporting raw materials but can no longer be considered a true water-dependent use. Additionally, oil storage facilities located at the foot of Purdy Avenue and off Fox Island Road continue to rely on waterborne transportation. Any future maintenance by the U.S. Army Corps of Engineers is dependent upon the continued presence of these and other waterborne transport facilities on the Byram River.

In addition to these industries, two marinas are also included in the water-dependent category. The Port Chester Yacht Club, located at the mouth of the Harbor at the end of Fox Island Road, leases space for approximately 118 boaters. The Port Chester Municipal Marina, located near the municipal parking lot off of Abendroth Avenue in downtown Port Chester, provided tie-ups for another 59 boats for the 2011 season. In recent years, the municipal marina has accommodated between 78 and 89 boat slips; the low number in 2011 reflects space limitations caused by the collapsed section of bulkhead. The Village estimates the capacity for approximately 150 boat slips at the municipal marina once the bulkhead situation is resolved. Also, an unknown number of large boats are kept on moorings in the Port Chester Harbor. In the past, this number totaled nearly 40 boats, but current monitoring and oversight of these moorings is not in place, and an accurate count is not available. Dockage for recreational boating exists as an accessory use at several properties along the Byram River.

Some commercial fishing vessels operating in Long Island Sound use dock facilities in Port Chester, but commercial fishing within the village itself does not appear to be present. Some recreational fishing still occurs off the Mill Street Bridge and at the mouth of the Byram River.

In addition to water-dependent uses, there are water-enhanced uses including the William James Memorial Park, waterfront restaurants, and the public walkway and park adjacent to the Waterfront at Port Chester shopping area. All of these uses benefit, to varying degrees, from the proximity to the water. See Figure 7.

Based on the information above, it can be summarized that the water-dependent potential of the waterfront as a whole is significantly underutilized. Port Chester's designation as a maritime center is the first step in an effort to foster development of new water-dependent uses and better protect those that already exist.

b. Harbor Management

i. Shoreline Uses

Most of the Byram River and the Port Chester Harbor shoreline of the Village of Port Chester are characterized by water-dependent recreational, industrial or public uses. For the most part, these uses encompass a fairly narrow band of shoreline land and water. The two extremes of the waterfront, the river above Highland Street and the Greyrock neighborhood, contain no water-dependent uses. See Figure 7 and Figures 8-11, which provide for reference aerial photos, moving south to north, of the Village waterfront. The text following the figures describes the uses for each section of the waterfront.

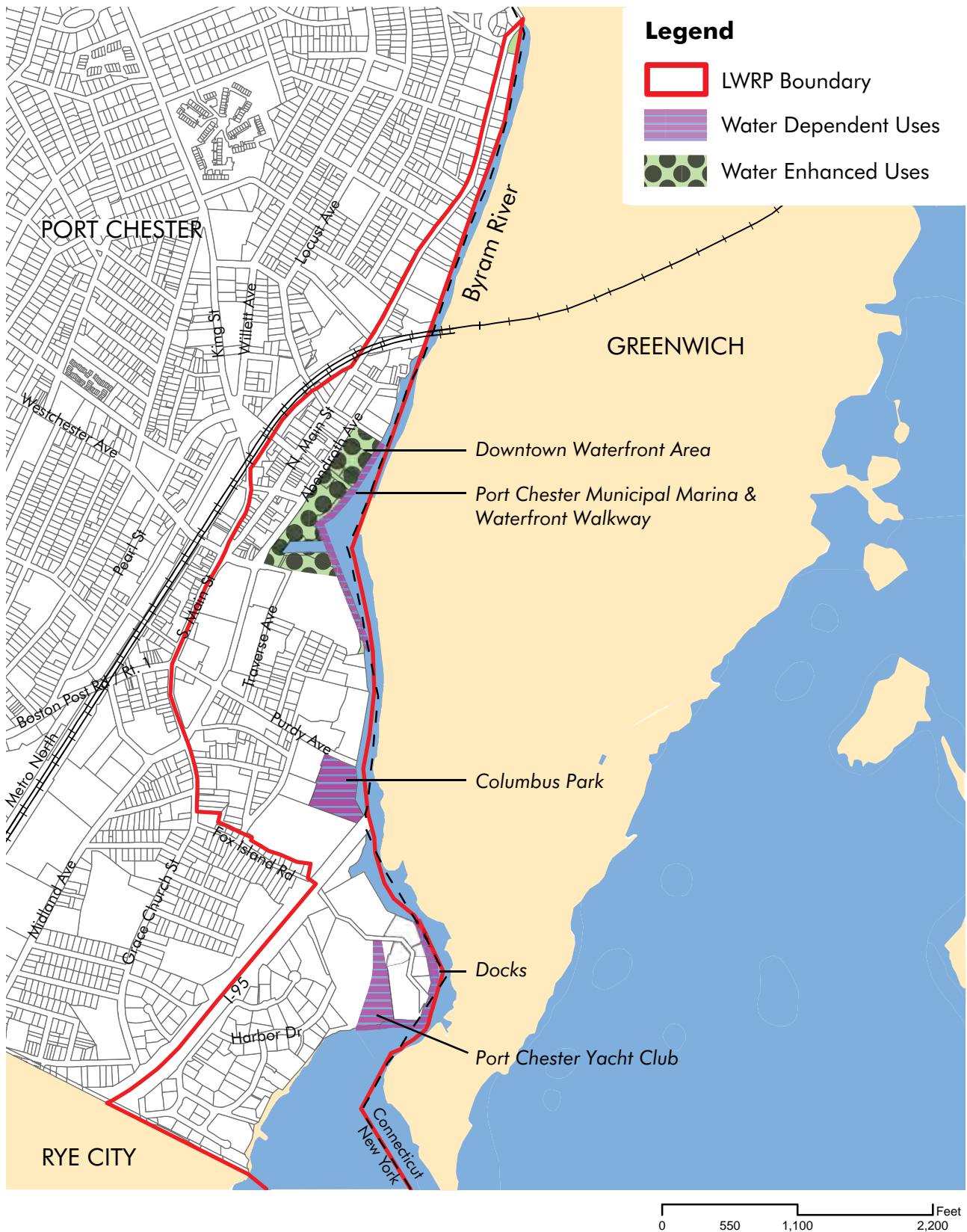




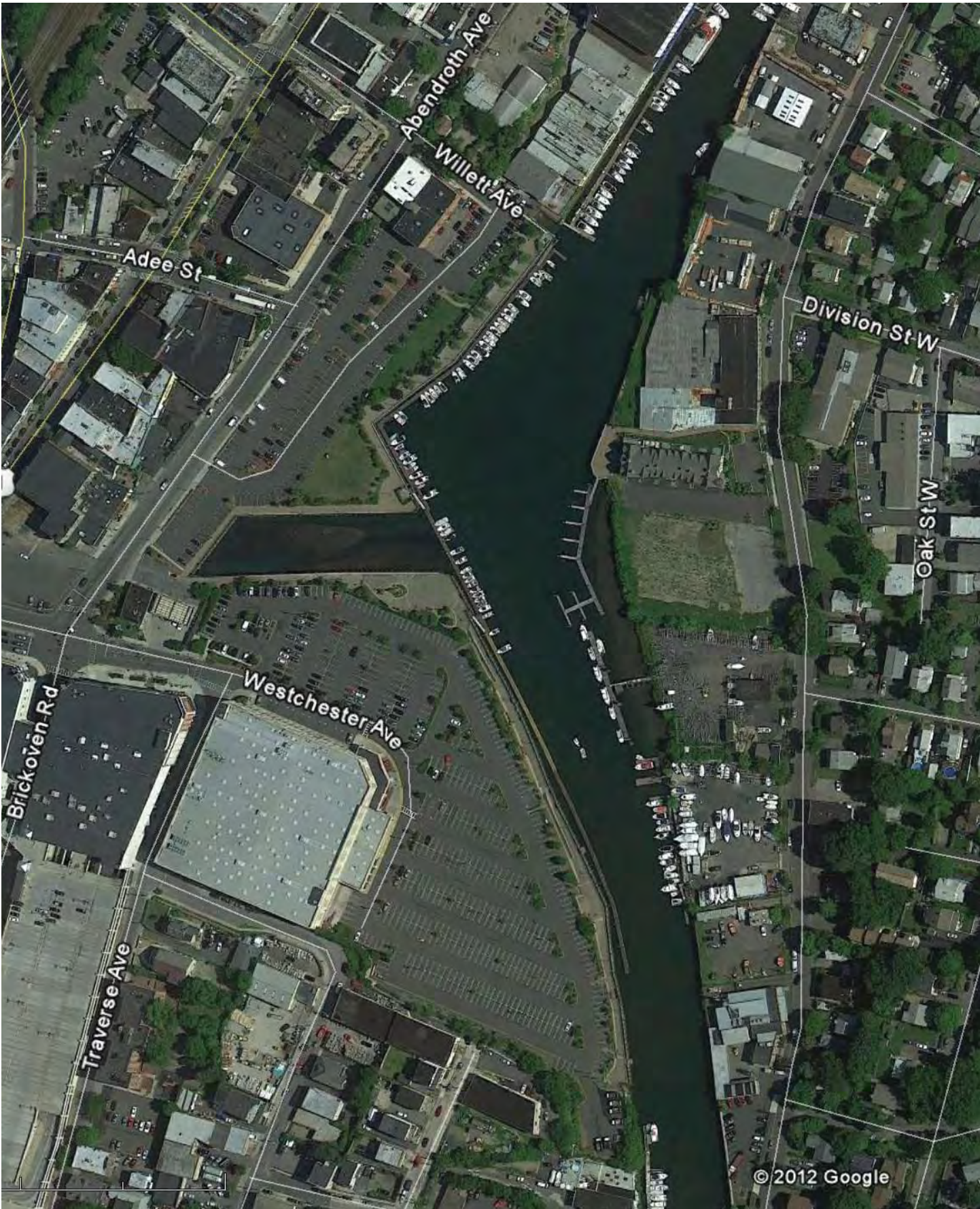


FIGURE 9: WATERFRONT SECTION 2

SOURCE: GOOGLE MAPS, 2012



0 ft 325 ft





Fox Island Area (Figure 8)

Beginning from the Port Chester Yacht Club and extending to the Westchester County Sewage Treatment Plant (WCSTP), the entire shoreline consists of docks and the mooring of recreational boats to those docks. The parcel just south of the WCSTP also contains dockage for marine construction barges and upland storage of boats and marine construction supplies or equipment. This facility's docks extend partly in front of the WCSTP. It should be noted that the WCSTP outfall is located off the coast of the City of Rye, outside of Port Chester Harbor and the Byram River. The Port Chester Yacht Club, which occupies land and underwater land leased from the Village, has substantial upland facilities, parking, a public ramp and some permanent dockage to serve recreational boating. The other several properties that provide for recreational boating consist of floating docks and little or no upland service facilities. A mix of non-water-dependent uses comprise the upland portion of this area. There is a small public parcel at the end of Fox Island Road; however, the shoreline at this area is fronted by docks and recreational boats placed by various upland property owners. Above the WCSTP is a small parcel of undeveloped public land with a small cover shoreline. Other than this parcel, the shoreline in this area has been stabilized by bulkhead or other means.

Thruway to Purdy Avenue (Figure 9)

Only one parcel of land encompasses this stretch of shoreline, that of the Purdy Avenue Terminal LLC, an oil storage facility. This facility is a water-dependent use with dock facilities to serve oil barges. However, the portion of the property immediately north of the Thruway bridge is not developed and is not developable for any active use due to the property's narrow upland and the wetland characteristics of the cove that defines this stretch of shoreline. Here the shoreline is natural, while the shoreline adjacent to the oil storage facility is generally stabilized.

Purdy Avenue to Downtown (Figure 9)

There are two parcels of land between Purdy Avenue and the Village marina/Costco parking lot. The first is a former water-dependent use, an asphalt plant which no longer uses water transportation for its operations. The other parcel has water-dependent uses along its shoreline consisting of dockage for commercial fishing vessels and recreational boats. The upland portion of the area is not a water-dependent use. The shoreline is stabilized.

Downtown to Willett Avenue (Figure 10)

The shoreline extending from the Costco parking lot to Willett Avenue consists of a public walkway and Village marina. In the middle of this area is a shoreline indentation formerly serving as a turning basin for commercial vessels. The marina docks extend across the front of the former turning basin. At the present time, the walkway and marina are temporarily closed due to a collapsed bulkhead from the former turning basin ("Cove") to the end of the Costco parking lot. The entire shoreline is bulkheaded. The marina consists primarily of floating docks parallel to the shore, with boats moored perpendicular to the docks.

Willett Avenue to Highland Street (Figure 11)

This area consists of in-water water-dependent uses with the upland devoted to non-water-dependent uses. The shoreline is bulkheaded by a floating dock accommodating recreational boats moored perpendicular to the dock. At the north end of this area, a large floating entertainment vessel is moored.

ii. Underwater Land Grants

Much of the shoreline of the Village consists of formerly underwater lands that were filled over the last two centuries. New York State allowed this filling of State land, which is held in trust for the benefit of the public, primarily to facilitate commercial navigation, by making grants to private individuals or corporations. These grants convey varying degrees of property interest to the grantee. Most grants also contained conditions regarding what would be done with the underwater lands. Many grants were for *Beneficial Enjoyment* which convey a full property interest, while others were *Commerce* grants which conveyed less interest, often limited to a particular use. Since 1995, State law limits grants of underwater land to exceptional circumstances. Information on the locations and terms of all grants may be obtained from the New York Office of General Services and in some cases the State Archives. These grants generally extended to the line of the U.S. War Department bulkhead or pierhead line established around the turn of the 19th century. This line appears to be the current shoreline along most stretches of the Byram River shoreline.

iii. Federal Channel

A Federal navigation project is the principal feature of the Byram River and Port Chester Harbor. The project, adopted by Congress and modified in 1930, consists of the breakwater at Byram Point in Connecticut, an anchorage area near the breakwater, the turning basin and the channel from Long Island Sound to 100 feet south of the Mill Street Bridge over the Byram River. The authorized channel varies in depth and width. In Port Chester Harbor, the channel is authorized at 150 feet wide and 12 feet deep, from Fox Island to approximately Highland Street it is authorized at 100 feet wide and 10 feet deep, and from Highland Street south of the Mill Street Bridge the channel is authorized at 100 to 175 feet wide and 3 feet in depth. In many parts of the Byram River, the river itself is little more than 100 feet in width. The project was last dredged in 1990 with the removal of 40,000 cubic yards of sediment. In 2011, the Corps of Engineers undertook a survey of the channel to determine the current depths.¹ The minimum mean low water depths in the Harbor portion of the project were 10.1 feet in the middle part of the channel, 10 feet on the left side of the channel and only 4.1 feet on the right side of the channel. This latter area is in Connecticut. The channel from Fox Island to Highland Street had a minimum

¹<http://www.nan.usace.army.mil/Portals/37/docs/civilworks/ConDep/Feb12/Port%20Chester%20Harbor,%20NY.pdf> and <http://www.nan.usace.army.mil/Portals/37/docs/civilworks/ConDep/Feb12/Port%20Chester%20Harbor,%20NY%20Survey.pdf>

depth of 5.3 feet in the middle 50 feet, with a minimum depth of 1.5 feet on the Port Chester quarter of the channel, and 6.5 feet on the Connecticut side quarter of the channel. Shoaling occurs along the outside quarters of this portion of the channel. The bathymetry survey also shows the location of docks along the shoreline. In many instances, moored boats and portions of the docks that line the shore extend into the channel. Currently, there are no funds available for the dredging of the channel.

iv. The Water Boundary

The Village has jurisdiction related to navigation and all issues pertaining to harbor management to a distance of 1,500 feet from shore. This jurisdiction is based on Article 46a of the Navigation Law and Article 42 of the Executive Law. In the Byram River, the jurisdiction is much less, because of the width of the river and the New York and Connecticut State line. The state line does not follow the center line of the river but varies in its proximity to the New York or Connecticut shore. Above the railroad bridge, the boundary is closer to the New York shore, and from there to Highland Street it generally follows the middle of the river. Opposite the downtown area, it is closer to the Connecticut side and then generally follows the middle of the river to Purdy Avenue. The Connecticut line comes close to the New York shore near the southern end of Fox Island and runs parallel to the Port Chester Yacht Club dock lying just beyond any boats moored at the dock. Close cooperation with Connecticut is therefore necessary for effective harbor management.

v. Harbor Regulations

Vessel operation is primarily regulated by the provisions of the New York State Navigation Law and the Village Boating and Watercraft Law, Chapter 148. The regulation of structures in the water, such as docks or bulkheads, is done by each level of government: the Village Waterfront Commission both directly under the Boating and Watercraft Law and also through their authority to advise as to the consistency of an activity with the Village LWRP; the New York State Department of Environmental Conservation, primarily for wetland and water quality purposes; and by the U.S. Army Corps of Engineers, subject to the concurrence of the New York State Department of State with regard to coastal policy consistency (the Village LWRP forms the basis for the NYSDOS determination). The Coast Guard's role is generally limited; its focus is on the safety of vessels, primarily commercial vessels.

vi. Harbor Management Issues

It is generally prohibited for structures or vessels to lie within the lines of a channel. Along the Byram River, many vessels moored at docks, and some docks themselves, lie within the Federal channel. This is specifically prohibited by the Village Boating and Watercraft Law (Chapter 148). Nevertheless, given the width of the channel and the narrowness of the River, most of the boating facilities could not operate without some encroachment on the channel. Additionally, many of these facilities have existed in their present form for many years, and boating facilities are a preferred use of the shoreline in the LWRP.

The Village Boating and Watercraft Law requires that all moored vessels within the Village waters obtain a permit from the harbormaster. This law is not being enforced, with the result that the Village does not have adequate information to manage the safety of boating in the Village waters.

The Federal channel will require dredging at some point, and given the channel's reduced depth, this may be necessary in the near future. Dredging is a long, costly and complicated process, and planning for it should begin. This, and other harbor issues, will require cooperation with Greenwich, Connecticut.

While shoreline stabilization structures are subject to Village approval, the Village should consider improved standards for review of these structures.

There are some open waters in Port Chester Harbor within the Village's jurisdiction; the question arises as to whether the Village should consider establishing a small mooring field, as allowed by water depths in this area.

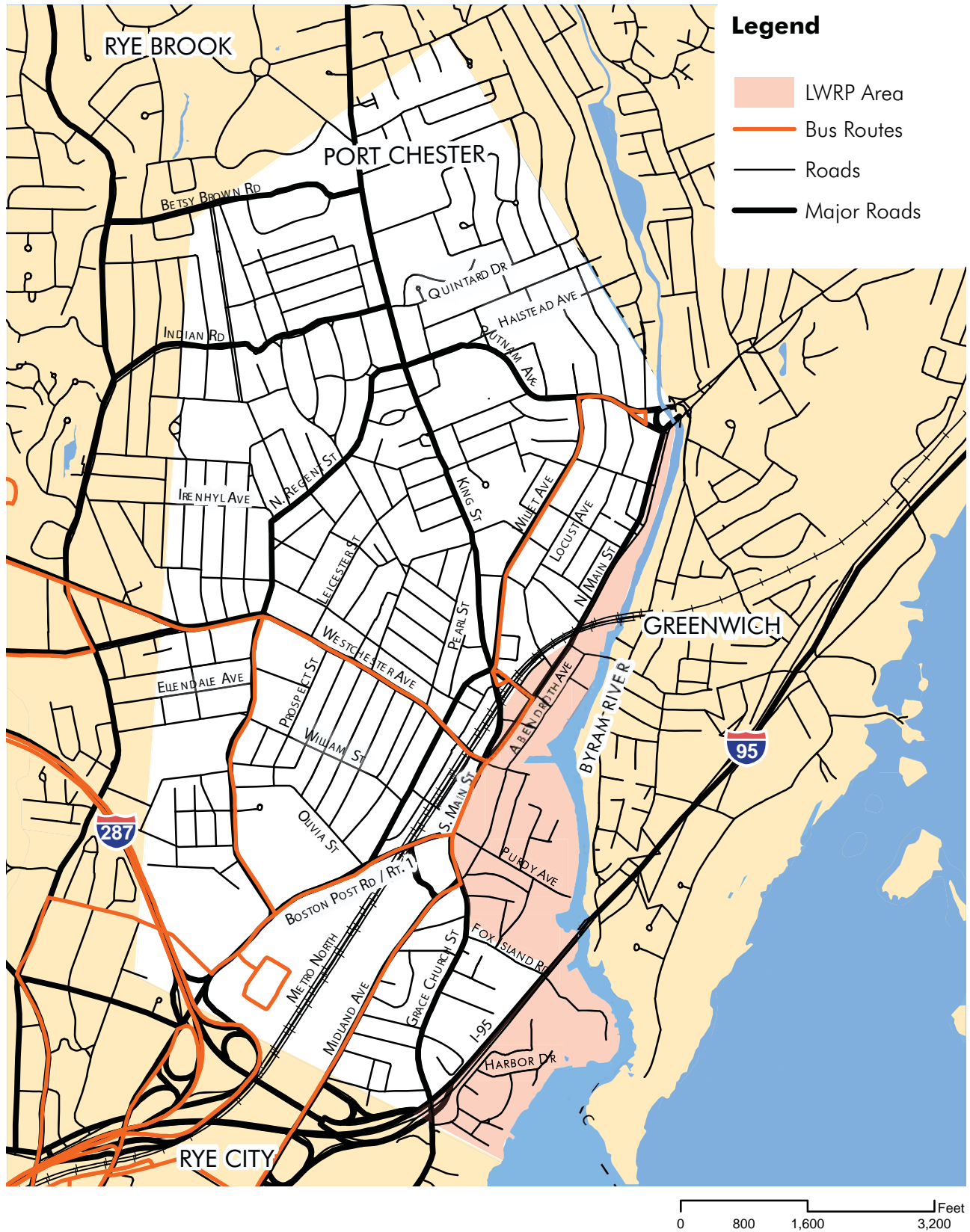
D. INFRASTRUCTURE

1. Transportation

Although the LWRP area is close to or includes many of Port Chester's major roads, access to the waterfront itself is limited, as shown in Figure 12. The New England Thruway (I-95), which bisects the southern portion of the study area just north of the Sewage Treatment Plant, provides regional access for local roads to the southwest in Rye. For local north-south access, Boston Post Road, or Route 1, becomes Port Chester's Main Street before crossing the Byram River into Connecticut at the northern tip of the LWRP. Although this northern section of Main Street runs parallel to the water, there is limited access and views of the water until the area immediately around the bridge which passes into Connecticut. Westchester Avenue provides the major east-west route, with a connection to the Cross Westchester Expressway about two miles to the water. The scale of the road is diminished after Main Street, when it becomes a narrow local street that runs through The Waterfront at Port Chester shopping center.

These roads, plus other major local roads like Midland Avenue and King Street, converge on Main Street in the Village center, providing an opportunity for clear signage and improved streetscapes to encourage movement toward the water. On local roads, actual access to the water is provided only at Fox Island Road, Westchester Avenue, the streets and parking lots off of Abendroth Avenue and from Main Street itself just before the Putnam Avenue Bridge to Connecticut.

Public transportation is provided by Metro-North Railroad. The train station is located just beyond the study area boundary to the west. It is within easy walking distance of most of Subarea IV. Bus service is provided by Westchester County along all major roads like Route 1 in the Village. Port Chester is a major terminus for County bus routes. The Village is accessible by routes 13, 61, and 67 on the Westchester County Bee Line Bus system, and by route 11 on the CT Transit bus.



2. Water Supply

The water supply for the LWRP area is provided for by the United Water Company. The primary source of the supply is in Greenwich, where the surface water is sand-filtered to remove the impurities and hardness. Currently, Port Chester's water demand and maximum day demand are at or near the safe yields of the system. Due to small diameter pipe sizes, demands from the City of Rye, storage tank sizes and increases in peak demands from the high storage areas, the Village periodically experiences low system water pressures. In recent years, the construction of larger homes in the area, together with new lawn sprinkler systems, has taxed the system and increased the average and maximum day demands. United Water currently has plans to build a larger clear well at the Aquarion Water plant in Greenwich, making additional water available. Westchester Joint Water Works has some additional water available; however, new agreements to purchase more water would be required between the two water companies.

3. Sanitary Sewer

All sanitary sewage generated in the Village is handled by the Westchester County Wastewater Treatment Plant, located on Fox Island Road. The treatment plant is owned, operated and maintained by the Westchester County Department of Environmental Facilities and provides both primary and secondary wastewater treatment. The Port Chester facility sends treated wastewater to the Blind Brook Plant in Rye, where it is then discharged to the Long Island Sound.

The Sewage Treatment Plant presently has the capacity to treat an average wastewater influent flow of 5.5 million gallons per day (MGD). Secondary treatment processes have a peak hydraulic capacity of 12.2 MGD or 13.4 MGD including recycled flows.

The Port Chester Sanitary Sewer District covers an area of approximately 2.7 square miles and is almost contiguous with the Village boundaries, including small portions of the City of Rye and the Village of Rye Brook. The system is completely owned by the Village without any County owned trunk sewers in the Village.

The Sewer District has separate storm and sanitary sewers. Most of the sewers throughout the Village were constructed prior to the 1930s, and the majority of sewers south of Westchester Avenue were installed prior to 1900. There are two pump stations in the Village; one is just outside the LWRP boundary on North Main Street at the intersection of Putnam Avenue, serving approximately 75 houses and businesses. The second is located outside the LWRP boundary on Comly Avenue near the Connecticut state line, serving approximately 30 houses.

A Sewer System Evaluation Survey (SSES) was completed in 1995 on the Port Chester Sanitary Sewer District by the Westchester County Department of Environmental Facilities, to identify sources of Inflow and Infiltration (I/I) into the County's sewer system. This survey verified and quantified I/I problems within the system as a result of manhole deficiencies, pipe breaks/fractures, joint defects, pipe dips, service connection defects, storm/sewer cross-connections and tidal inflows. The study identified 734,000 gallons per day (GPD) of observed infiltration from defective pipe; 265,840 GPD infiltration from defective manholes

and total estimated inflow of approximately 1.6 (MGD) (for a 3-inch rainfall) from both public and private direct connections of storm sewers into the sanitary sewer system.

The results of the study are generally what could be expected of a sewer system comprised mainly of vitrified clay pipe. Open or offset joints, cracked and broken pipes are not uncommon within the system and have led to significant I/I effects, including tidal inflow into the system along the Byram River where the Village sewers are at or below the high tide level of the river. This condition greatly reduces the system's capacity to varying degrees on any given day. Maintenance issues also contribute to reduced capacity, including grease and sediment buildup and root intrusion. These problems are exacerbated by the age and pipe material of the system.

The Village has been actively investigating and addressing the identified I/I sources. A fraction of these sources have been rehabilitated with a combination of techniques including pipe joint repair or manhole replacement, trenchless technology (cured in place pipe liners) and sealing techniques (manhole sealing). In April 2007, Port Chester had flow monitors installed in eight locations covering the entire village. The findings from the flow monitoring were used to start field inspections and dye tests; based on these findings, a rehabilitation program is being prepared to remove the identified inflow sources.

4. Storm Sewer

As discussed above, the Village's storm sewer system is separate from the sanitary sewer pipes. The storm sewer system serves an area roughly contiguous with the Village boundaries, and, as with the sanitary sewer system, much of the infrastructure dates back more than 100 years. There are five outflows into the Byram River in the LWRP area, ranging in size from 9 ft. x 6 ft. to 20 inches (see Figure 13).

Two large outflows serve major portions of the Village. One located at Purdy Avenue is approximately 7 ft. x 4.5 ft. The second, located at the gut, near the intersection of Westchester and Abendroth Avenues, is approximately 9 ft. x 6 ft. Two other outflow points are located in the downtown area, where infrastructure improvements are planned in support of future development. The fifth is located at the end of Wilkins Avenue, just north of the Metro-North railroad tracks.

The Village's stormwater infrastructure is aging and in need of upgrading and/or replacement. In some cases it has deteriorated due to age and lack of repair, and in other locations it is inadequate to meet current needs for capacity.

Port Chester is subject to U.S. Environmental Protection Agency (EPA) regulation for operation, maintenance and discharge of its stormwater collection system. Federal oversight is delegated to the New York State Department of Environmental Conservation (NYSDEC), which has extended permit coverage to the Village via the municipal separate stormwater system (MS4) stormwater management program. The Village has prepared and filed with NYSDEC a five-year program to address six minimum measures for ensuring that stormwater quality discharged to Federal waters meets applicable requirements: public education and outreach, public participation/involvement, illicit discharge detection and

elimination, construction site runoff control, post-construction runoff control, and pollution prevention good housekeeping.

As part of the five year program, the Village is inspecting outfalls from the stormwater system for indications of illicit discharges, and inspecting the system for possible sources of pollutants. This involves locating, and eliminating, cross-connections of the sanitary sewer system and stormwater system. Much of the downtown area is being inspected for locations where pollutants may be entering the system and then discharged to the Byram River.

E. NATURAL CONDITIONS AND ENVIRONMENTAL QUALITY

1. The Land

The topography of the LWRP area is diverse, ranging from the gentle, relatively flat slopes of subareas IV and V to the hilly uplands of subareas I, II and III. From Westchester Avenue to the south, steep slopes (15% or greater) separate upland development from a flat stretch of land next to the water. This flat land area varies greatly in depth, ranging from less than 5 feet around the I-95 overpass to more than 1,500 feet in the vicinity of Fox Island Road. This area has been artificially widened by past landfill activities.

Soils are generally classified as urban land, meaning that they have been extensively filled and graded. Most of the soils along the water's edge and in subareas IV and V are former flood plains. The uplands are generally Charlton and Paxton soils, which are both well drained, medium to moderately coarse soils. There are a number of rock outcroppings along the steep embankment.

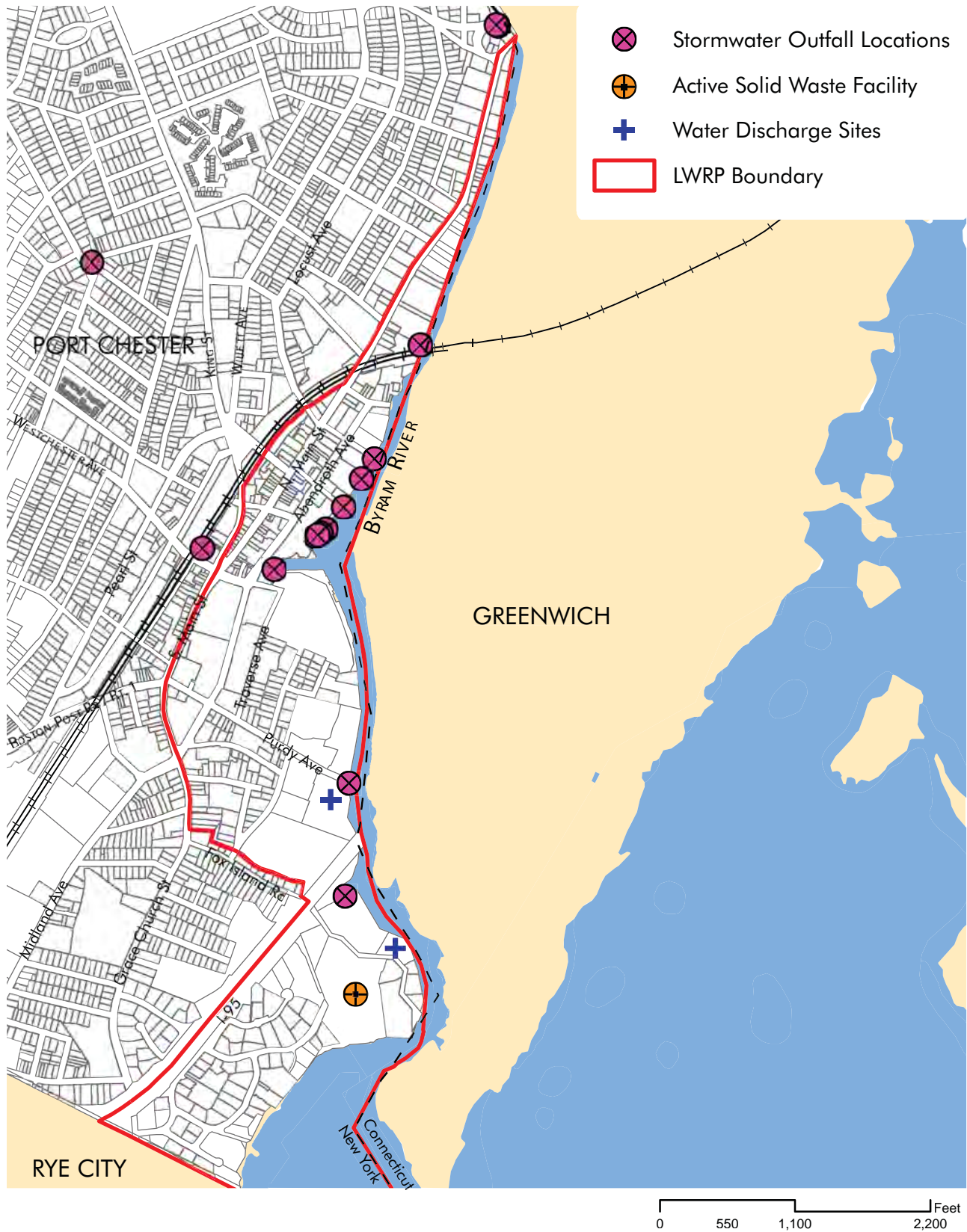
As noted, there are several areas where fill has occurred and one landfill site in Subarea II. Subsurface conditions will be tested and analyzed through the State Environmental Quality Review Act (SEQRA) process required for any development of this site.

There are no existing Critical Erosion Hazard Areas in the LWRP area.

2. The Water

The Byram River flows into Long Island Sound on the boundary between Port Chester, New York, and Greenwich, Connecticut. It originates in New York State at the Byram Lake Reservoir south of Mount Kisco and empties into Port Chester Harbor on the Sound. Major tributaries of the Byram River include its East branch and the Wampus River. The major portion of the central basin enters New York State approximately two miles above the river mouth at the north end of the LWRP area. The regions drained include primarily urban and industrial areas in the study area near the mouth, and woodland, fields and residential land for the remainder of the stream's length.

The river is relatively narrow, ranging in width from 300 feet in the Harbor to 120-160 feet through most of the Village center and down to a narrow 50-foot width in the Brooksville section.



The primary outfall for the Sewage Treatment Plant has been relocated off the coast of the City of Rye. Only an emergency outfall remains at the plant in Port Chester. There is no other identifiable major point source of contamination in the study area along the river; however, there are other potential sources of pollutants. Although it is illegal in New York State, some watercraft may still be discharging untreated sanitary waste. Also, accidental spills from the transportation of petroleum compounds are a potential threat.

Since 1999, the EPA has mandated urbanized communities, including Port Chester, to establish stormwater management programs aimed at controlling stormwater on developed sites to the maximum extent possible. In accordance with this mandate, Port Chester adopted in 2007 Chapter 281 (Stormwater Management) of the Village Code. The chapter delineates a program that includes public education, detection and elimination of illicit connections, construction site runoff control, postconstruction stormwater control and pollution prevention. Chapter 281 also gives performance and design criteria for stormwater management and erosion control, outlines necessary permits and required maintenance procedures, and authorizes a Stormwater Management Officer to conduct inspections for construction and stormwater management practices (SMPs).

In 2009, however, the EPA found that Port Chester's stormwater contained high levels of two types of bacteria, which exceeded New York State's water quality standards. As a result, the EPA mandated that the Village improve its stormwater management and correct violations of the federal Clean Water Act. In 2011, the Village responded by amending Chapter 281 of the Village Code, adding a new subsection to "encourage the use of green infrastructure practices to control stormwater runoff such as protecting natural areas, reducing impervious cover, and runoff reduction techniques to the maximum extent possible." The amendment also outlines water quantity and quality controls pertaining to land development activities, protocol for the maintenance and repair of stormwater facilities, and deed restrictions on those facilities.

Port Chester stakeholders are also involved with the Byram Watershed Coalition, an organization aimed at improving the watershed and obtaining public support for a water management plan. In September 2011, the coalition released the Byram River Watershed Management Plan, an extensive document that includes significant data on the state of and issues facing the river and its watershed, and outlining a set of goals and an action plan to address these issues. The Village has also made some improvements to infiltration/inflow conditions, tidal influences on the sanitary and storm sewer systems, and the municipal use of pesticides. Additionally, Port Chester participates in the Westchester County's Citizens' Volunteer Monitoring Program, whose mission is to collect and share data about the county's water resources.

Also in 2009, the Interstate Environmental Commission (IEC) received a grant from the NYSDEC to perform sampling and modeling of the Byram River to measure the water quality of the River and its watershed. As of 2010, the IEC had completed the first of two rounds of water sampling, the results of which will be used to develop a water quality model. The model will be used as a GIS-based watershed planning tool, to help design specific programs, prioritize sub-basins that contribute significant nitrogen and pathogen loads, and identify green infrastructure projects for funding recommendations.

While the water quality of the Byram River has improved over time and the Village has taken important steps toward remediation, the River is still listed as a priority water body by the NYSDEC, and aquatic life, recreation, and aesthetics are considered “stressed” due to urban runoff and storm sewers. The NYSDEC has assigned the Byram River a “C” classification for the northern portion – representing water that is suitable for fisheries and non-contact activities – and an “SC” classification for the lower segment – signifying that the water is characterized as saline and that shellfishing may be a use in the area. Recreational fishing on the river exists but is limited in scope. In addition, the area of Port Chester Harbor located within the Village is currently included in the EPA’s Impaired Waters 303(d) List.

The health of the Byram River and Port Chester Harbor have significant impacts on the health of the Long Island Sound, which itself is faced with major water quality issues such as hypoxia, pathogen contamination, debris and threatened habitats.

Port Chester is one of 13 municipalities that make up the Long Island Sound Watershed Intermunicipal Council (LISWIC), formed in 1999 to collectively make decisions promoting a cleaner Long Island Sound. The group’s primary goals include pollution prevention and remediation; preservation of open space and natural resources; provision of open space, recreational and cultural opportunities; and preservation and restoration of wetlands and associated habitat areas. To further these goals, LISWIC commissioned a study on the feasibility of creating a Regional Stormwater Management District (RSMD). The study, completed in 2007, recommended an RSMD to be established as a public authority under New York State law, with implementation of regional watershed management and stormwater management plans. In 2008, Port Chester adopted a draft resolution in support of an RSMD, and in 2009, the LISWIC Board of Representatives began writing legislation for the RSMD.

3. Wetlands

There are three levels of wetland protection: national, state, and municipal. The U.S. Army Corps of Engineers is responsible for regulating national wetlands, and issues permits for regulated activities under Section 404 of the Clean Water Act. Any construction activity that may affect these wetlands (excavation, filling, building, obstructions, potential pollution sources, etc.) is regulated, whether it occurs in the wetland itself or in the 500-foot buffer of the wetland.

In New York State, two main types of wetlands are the focus of protection: tidal wetlands around Long Island, New York City and up the Hudson River all the way to Troy Dam; and freshwater wetlands found on river and lake floodplains. Tidal wetland areas are dominated by grasses and other marsh plants which are adapted to the rise and fall of the tide and the salty water it brings. The NYSDEC New York State Official Tidal Wetlands Inventory delineates and classifies all tidal wetlands in the state.

Freshwater wetlands, also known as marshes, swamps, bogs and wet meadows, are transition areas between uplands and aquatic habitats. Although standing water is a key clue that a wetland may be present, many wetlands only have visible water during certain seasons of the year. New York’s Freshwater Wetlands Act (1975) identifies wetlands on the basis of their vegetation, and protects wetlands 12.4 acres and larger. Wetlands smaller

than this threshold size may be protected if they are considered of unusual local importance. Around each protected wetland is an “adjacent area” of 100 feet that is also regulated to provide protection for the wetland itself.

Although Port Chester’s Village Code, in Chapter 281 (Stormwater Management), makes reference to general best practices for protecting wetlands (from the New York State Stormwater Management Design Manual), the Village does not have any specific provisions for regulating development in wetland areas. Thus, only wetlands of 12.4 acres or larger would meet the threshold for regulatory protection, at the state or federal level.

Since much of the LWRP area has been filled or disturbed in some way, there are few natural areas left, including wetlands. A small area of tidal wetlands exists in the coastal vicinity of the Port Chester Yacht Club. This area, equaling about 13,000 square feet, is classified SM (coastal shoals, bars and flats that at high tide are covered by water and at low tide are exposed or covered to a maximum depth of one foot). It is not vegetated by low marsh cordgrass. Past biological inspections have determined that this shore does not contain productive wetlands. A second area of regulated tidal wetlands is located at the “north cove” between Purdy Avenue and I-95. This area is 1.4 acres and also classified as “SM.” Unlike the small wetland in Subarea II, however, past site investigation of this area revealed evidence of biological activity. Mitigation of development impacts on these wetlands should be considered in the event of any development in this area.

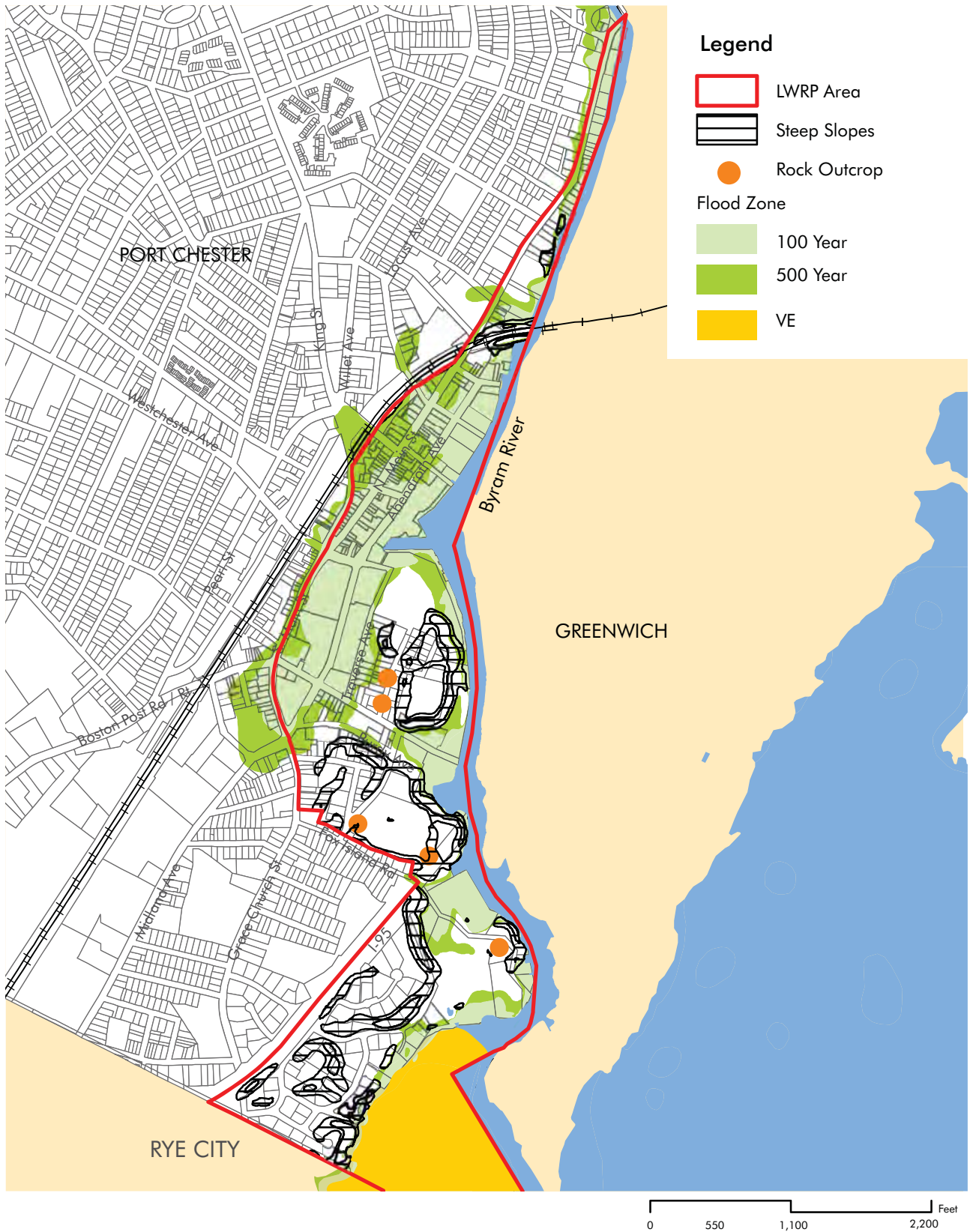
4. Flood Hazard and Floodplain Areas

The Federal Emergency Management Agency (FEMA) has delineated the 100-year floodplains for the Byram River through the preparation of Flood Insurance Rate Maps (FIRMs), which show base flood elevations and identify flood risk zones including Special Flood Hazard Areas (SFHAs). The SFHA is the land area that is subject to a 100-year flood or greater. These high-risk areas are where National Flood Insurance Program (NFIP) regulations must be enforced and where the mandatory purchase of flood insurance applies. Properties located outside of these high-risk areas are still subject to flooding, and owners have the option of purchasing flood insurance.

The FEMA flood hazard areas are divided into zones:

- Zone A – areas of 100-year flood (1% chance of occurring in any given year)
- Zone B – areas between the limits of the 100-year flood and 500-year flood (0.2% chance of annual occurrence); or certain areas subject to 100-year flooding with average depths less than one foot or where the contributing drainage area is less than one square mile; or areas protected by levees from the base flood
- Zone C – areas of minimal flooding
- Zone VE – areas within the 100-year floodplain with additional hazards associated with storm-induced waves.

As shown in Figure 14, floodplains are generally located along the entire length of the Port Chester waterfront; however, the V zones are generally confined to the Greyrock area along Port Chester Harbor.



Section 181 (Flood Damage Prevention) of the Port Chester Village Code provides for flood damage prevention measures and appoints the Building Inspector as local administrator for granting development permits within the areas of flood hazard. Among the requirements of the law, new and substantially improved construction must have the lowest floor (including the basement) elevated to at least 2 feet above the base flood elevation. Utilities must also be designed and/or located to prevent water damage during flooding. Adoption of the local flood damage laws is a prerequisite for participation in the National Flood Insurance Program. The law was enacted by the Village Board of Trustees in July 2007, and reflects guidelines set by the NYSDEC.

5. Fish and Wildlife Habitats

Both fish and wildlife habitats are limited in the Port Chester LWRP area. On land, there are no natural habitats remaining. Various species of birds do inhabit the developed areas where vegetation is present. Aquatic life is limited by the current poor water quality. All of the Byram River and Harbor is developed. Pollution from boats, industry, the sewer system and disturbances from channel dredging have greatly decreased the Byram River's value as a habitat.

While no detailed wildlife surveys have recently been conducted in Port Chester, the U.S. Fish and Wildlife Service has determined that several species of endangered and threatened species are found in Westchester County: bald eagle, bog turtle, Indiana bat and shortnose sturgeon. There is a possibility that some of these species could pass through or inhabit areas within the Village. In addition, the NYSDEC has documented one rare plant species – yellow flatsedge – that could be located within Port Chester in the vicinity of Port Chester Harbor. However, the lists developed by these agencies are highly generalized, not definitive and should not be considered a substitute for on-site surveys.

Improved water quality due to the removal of the sewage treatment plant outflow, plus the decline of waterfront industry usage and improved stormwater management practices, may provide future improvements to some degree. This process will be slow, however, as many pollutants are retained in the sediment at the river bottom.

6. Critical Environmental Areas

A Critical Environmental Area (CEA) is a State or locally designated geographic area with special or unique physical and environmental characteristics. Typically, a CEA is established by identifying fragile or threatened environmental conditions within the State Environmental Quality Review Act (SEQRA). Port Chester's coastline falls into the Long Island Sound CEA, which is a Westchester County-designated CEA. As part of a designated CEA, the potential impact of any Type I or Unlisted Action under SEQRA on the environmental characteristics of the CEA is a relevant area of environmental concern and must be evaluated in the determination of significance prepared pursuant to Section 617.7 of SEQRA.

7. Air Quality

Air pollution can stem from point (stationary) sources (such as power plants); area sources (the cumulative impact of small individual sources such as body shops or dry cleaners); mobile sources (such as automobiles); and biogenic sources that naturally occur in vegetation. The most significant sources of carbon monoxide emissions are single-occupancy automobiles.

National Ambient Air Quality Standards (“NAAQS”) have been established for six air pollutants – particulates, sulfur dioxide, nitrogen oxides, carbon monoxide, ozone, and lead. In 1990, ultrafine particulate matter was added to the list of criteria pollutants. This is associated with the combustion of fossil fuels, including natural gas and propane. Primary and secondary standards for varying exposure times have been established for each of these criteria pollutants. Primary standards are designed to protect public health, while secondary standards are established to prevent other adverse environmental impacts and to protect the public welfare.

In 2008, NYSDEC designated most of the New York Metropolitan Area (NYMA) Combined Statistical Area (CSA) a non-attainment area for the 2008 ozone NAAQS. Of the counties included in this CSA, Suffolk, Nassau, Bronx, Kings, New York, Putnam, Queens, Richmond, Rockland, and Westchester, only Putnam County achieved acceptable standards.

Under the Clean Air Act, New York State will be required to develop a State Implementation Plan (SIP) for submission to the EPA. The plan must include enforceable measures for reducing air pollutant emissions, and must describe the steps the area will take toward attaining the fine particulate (PM 2.5) standards.

Generally, the air quality in the study area meets or exceeds national and State air quality standards. Degradation may occur in localized areas such as around new construction sites.

8. Climate Change and Sea Level Rise

According to the DEC’s policy for assessing energy use and greenhouse gas emissions in environmental impact statements (EISs), global climate change is a significant environmental challenge, and one that will continue to affect the environmental and natural resources of New York State. There is scientific consensus that human activity is increasing the concentration of greenhouse gases in the atmosphere, and that this, in turn, is leading to climate change. The six main greenhouse gases are carbon dioxide, nitrous oxide, methane, hydrofluorocarbons, perfluorocarbons and sulfur hexafluoride. Emissions of carbon dioxide represent an estimated 89% of the total greenhouse gas emissions in the state, and the vast majority of these emissions result from fuel combustions. Other sources of greenhouse gases include electricity distribution; refrigerant substitutes; management of municipal waste, municipal wastewater and agriculture; and natural gas leakage.

In 2001, Westchester County joined the Cities for Climate Protection Campaign, a program of the International Council of Local Environmental Initiatives (ICLEI), in order to take stock of and create a plan for reducing the county’s greenhouse gas emissions. An initial study concluded that the county as a whole produced almost 12 million tons of carbon dioxide in

1999, with just over half of the emissions coming from the transportation sector alone, and another third generated by the residential sector.

A federal report, *The Potential Impacts of Global Warming on the Mid-Atlantic Region*, released in 2000, concluded that impacts of climate change could be very severe in Westchester:

- Under different climate change scenarios, the Mid-Atlantic region, with its extensive coastline, is likely to suffer from the impacts of increased flooding and sea level rise.
- Extreme weather events such as heavy rainfall, floods, heat waves, and drought are likely to become more frequent.
- Changes in temperature and rainfall could contribute to summer heat stress, smog and other health risks, and will adversely impact forests, parks and animal habitats.

More recently, in December 2010, a task force created by the New York State Legislature released a report (*New York State Sea Level Rise Task Force: Report to the Legislature*) on sea level rise stemming from climate change, which included a set of findings and recommendations for an action plan to protect coastal communities and natural resources from these rising sea levels. The report documented a number of hazards, including rising water tables, saltwater intrusion into estuarine and freshwater environments, inundation and flooding, storm surge and coastal erosion. The sea level rise report outlined the following general recommendations:

1. Adopt official projections of sea level rise and ensure continued and coordinated adaptation efforts.
2. Require State agencies responsible for the management and regulation of resources, infrastructure and populations at risk from sea level rise to factor the current and anticipated impacts into all relevant aspects of decision making.
3. Classify areas where significant risk of coastal flooding due to storms has been identified and implement risk reduction measures in those areas.
4. Identify and classify areas of future impacts from coastal flooding from projected sea level rise and storms to reduce risk in those areas.
5. Reduce vulnerability in coastal areas at risk from sea level rise and storms. Support increased reliance on non-structural measures and natural protective features to reduce impacts from coastal hazards, where applicable.
6. Develop maps and other tools required to assist local decision makers in preparing for and responding to sea level rise.
7. Amend New York State laws and change and adopt regulations and agency guidance documents to address sea level rise and prevent further loss of natural systems that reduce the risk of coastal flooding.
8. Provide financial support, guidance and tools for community-based vulnerability assessments and ensure a high level of community representation and participation in official vulnerability assessments and post-storm recovery, redevelopment and adaptation-planning processes.
9. Undertake a comprehensive assessment of the public health risks associated with sea level rise, coastal hazards and climate change, including compromised indoor air quality, drinking water impacts, post-traumatic stress and other mental health

problems, increases in disease vectors, impaired access to health care and loss of reliable access to food and medical supplies.

10. Raise public awareness of the adverse impacts of sea level rise and climate change and of the potential adaptive strategies.
11. Develop mechanisms to fund adaptation to sea level rise and climate change.
12. Fund research, monitoring and demonstration projects to improve understanding of key vulnerabilities of critical coastal ecosystems, infrastructure and communities from sea level rise.
13. Ensure continued and coordinated adaptation to sea level rise.
14. Seek federal funding, technical assistance and changes to federal programs to make them consistent with, or accommodating to, State policies, programs and adaptation measures related to sea level rise.

Also in 2010, a separate study on sea level rise in New York State (*The Likelihood of Shore Protection Along the Atlantic Coast of the United States, Volume 1: Mid-Atlantic*) found that sea level is rising approximately one inch about every eight years along the State's coast. Effects from this rise would become more widespread if rising global temperatures cause the rate of sea level rise to accelerate. The Intergovernmental Panel on Climate Change, for example, estimates that, by the end of the next century, sea level is likely to be rising 0 to 3 inches per decade more rapidly than today (excluding possible impacts of increasing ice discharges from the Greenland and Antarctic ice sheets).

According to this study – which was part of a larger, multiyear project by the EPA on sea level rise along the Eastern Seaboard – coastal communities must ultimately choose between one of three general responses: using seawalls, dikes, revetments, bulkheads and other structures; elevating the land and perhaps the wetlands and beaches as well; or retreating by allowing the wetlands and beaches to take over land that is dry today. Each of these approaches has both advantages and disadvantages, and each is being pursued somewhere in the state. Because the vast majority of Port Chester's waterfront is already protected with a hardened structure, and few natural areas remain along the water, it is likely that these structures will continue to be strengthened as sea levels rise.

While climate change is often perceived as a federal, state or regional issue, local communities can take actions to mitigate its impacts. In 2008, Westchester County released the Westchester Global Warming Action Plan, created to identify workable strategies and practical actions the County can implement to reduce greenhouse gases and promote sustainable development. The plan's task force set a goal to reduce greenhouse gases by 20% below the 2005 base year by 2015. By 2050, the task force set a goal of an 80% reduction in total greenhouse gas emissions below the base year.

To achieve these goals, the plan identified short-, medium- and long-term strategies on a countywide, municipal, business, educational institution and household level to address five key areas: energy, transportation, land use, water resources and recycling.

Finally, in November 2011, the New York State Energy Research and Development Authority (NYSERDA) released the *Climate Adaptation Guidebook for New York State*, an extensive report intended to provide the state's decision-makers with the latest data on New York's vulnerability to climate change and to facilitate the development of adaptation strategies

informed by both local experience and scientific knowledge. Adaptation strategies do not directly include actions that reduce the likelihood of climate change from occurring (i.e., climate change mitigation), but instead present actions to lessen the impact of climate change or take advantage of changes caused by a shifting climate. Key tools identified in the report include regulatory, design and engineering standards; legal structures; and insurance opportunities. The report's recommendations include that governmental entities incorporate projections of increased sea levels and heavy rains when constructing large infrastructure projects; protecting and nurturing natural barriers to sea-level rise such as coastal wetlands; and revising building codes in areas such as roof strength and foundation depth in regions that would be hit hardest by storms.

F. PUBLIC RECREATIONAL RESOURCES

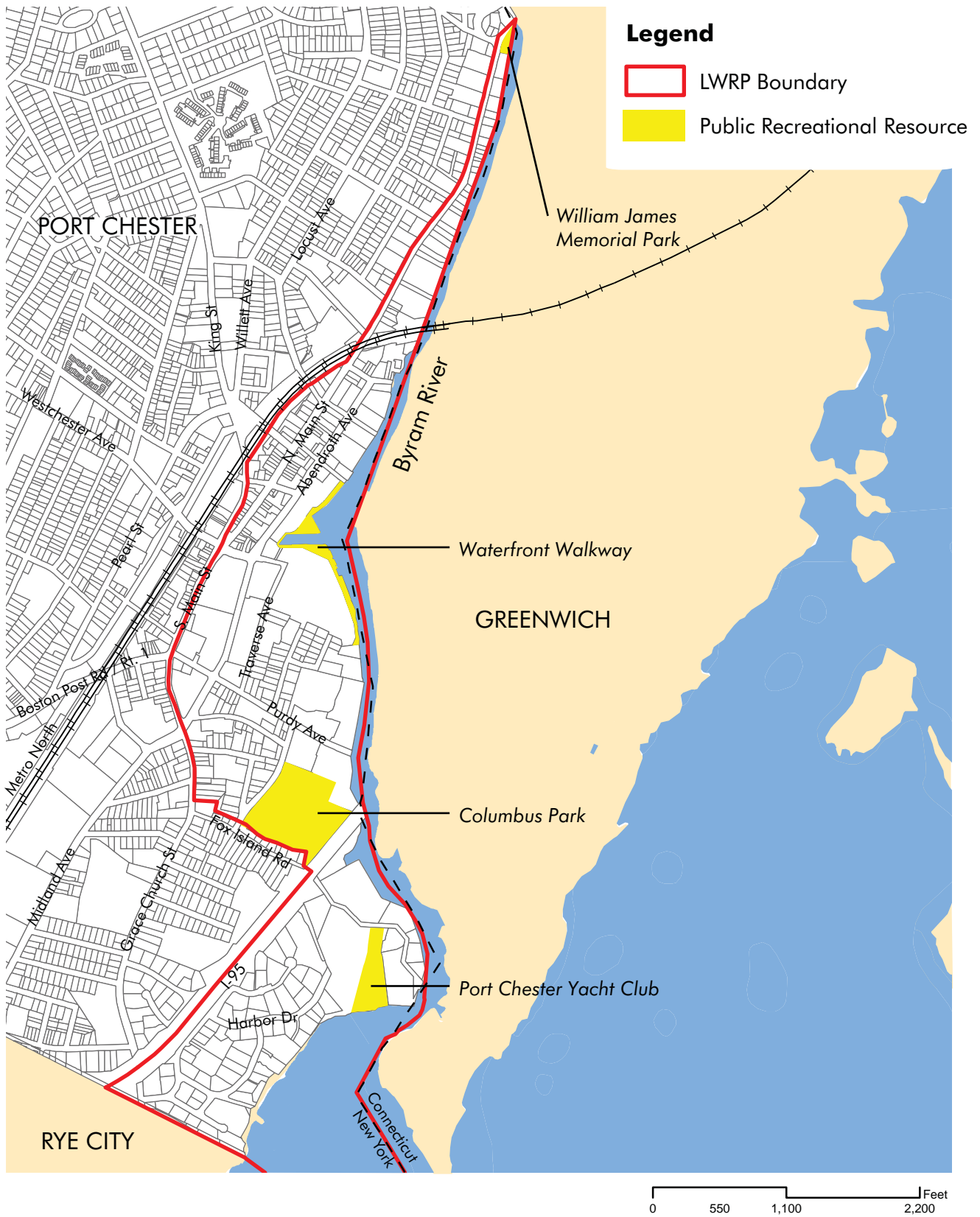
There are several public recreational resources within the LWRP area, as shown in Figure 15. The largest is Columbus Park, occupying 9.4 acres and featuring amenities such as a new soccer field with spectator seating and parking, a playground and water-spray playground, picnic pavilion, and basketball and volleyball courts. The public walkway along the Byram River in downtown Port Chester is another of the Village's recreational resources. The walkway runs from Willett Avenue south to the end of the Costco parking lot, where there is a steep grade change. This southern portion of the walkway is currently closed to pedestrians because of safety reasons; the bulkhead that supports the walkway is falling apart and in need of immediate repair.

Another public Village recreational resource is the boat ramp at the Port Chester Yacht Club on Fox Island (see Figure 15a). The club has parking for cars and boats, and a ramp leading into a small marina in the Byram River. Under the terms of the club's lease from the Village, the boat ramp must be open to the public at no cost during daytime hours. Unlimited emergency access must be provided to the U.S. Coast Guard and State, County and Village emergency services.

The final public recreational resource is William James Memorial Park, at the northern tip of the LWRP area. The main feature of this park is the restored pumphouse along the waterfront. Because of its location at the intersection of North Main Street and Putnam Avenue at the entrance to Port Chester, the park is not easily accessible by pedestrians and is thus not well used even for passive recreational use. William James Park mainly serves as a green gateway space.

Although not used as such, the end of Fox Island Road represents a potential public water access point. As a public right-of-way, the street-end is municipally owned, and the Village has in the past attempted to assert its rights to this area, with limited success. Nonetheless, Port Chester may wish to reexamine its ownership rights to the street-end as part of efforts to increase and enhance public waterfront access on the Fox Island Peninsula.

Chapter 148 (Boating and Watercraft) of the Village code governs harbor management for Port Chester, including the location of anchorages and moorings, marina sanitation requirements, dredging regulations, permitting, and penalty and enforcement policies. Although this chapter designates a Harbor Master as responsible for assigning mooring areas, keeping records of their locations and enforcing tackle and buoy permits, this position is apparently not active.





PORT CHESTER LWRP

PORT CHESTER, NY

FIGURE 15A: PORT CHESTER YACHT CLUB

SOURCE: BILLY FRENZ



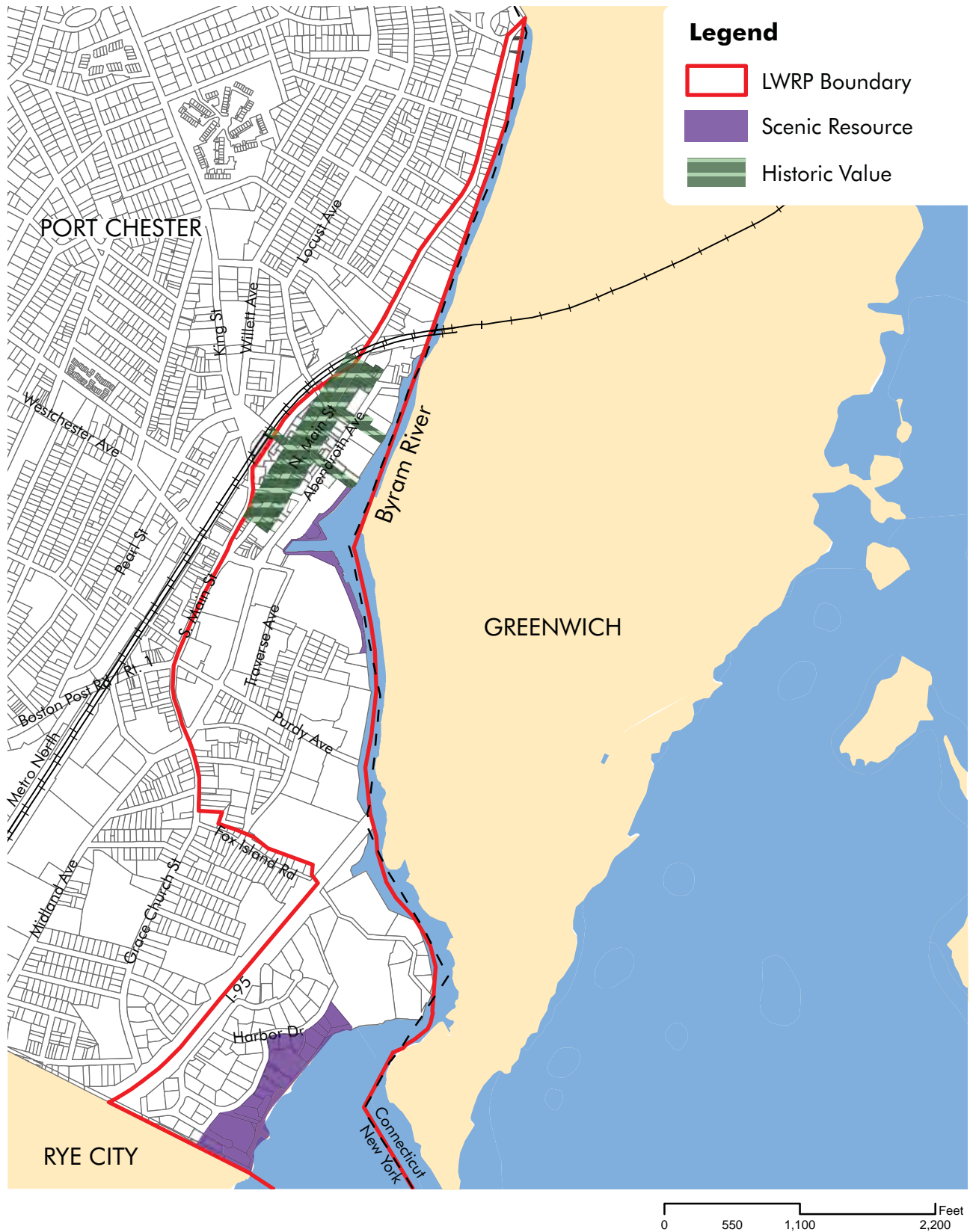
G. SCENIC, HISTORIC AND ARCHAEOLOGICAL RESOURCES AND VISUAL QUALITY

The visual quality of the Port Chester waterfront is extremely variable due to the differences in river widths and the scenic quality of surrounding land uses. The best views are long water views or views of open space or attractive housing on the Connecticut side of the river. The area with the highest visual quality is the Greyrock residential area. In this area, well-maintained, mature vegetation contributes to the visual quality of the waterfront. William James Memorial Park and the pedestrian walkway downtown along the river also have strong visual quality (see Figure 16). No scenic resources of statewide significance have been identified.

No historic resources are listed on the National or State Registers of Historic Places within the LWRP area, but several properties are either individually eligible for National Register listing or are within a district that is eligible for National Register listing. These properties are predominantly located on Highland Street, Willett Avenue and North Main Street in the downtown area (See Figure 16). Other properties in Port Chester outside of the LWRP area that are included on the registers are the Life Savers Building, the Bush-Lyon Homestead, the Capitol Theater, the Port Chester Post Office murals, and the Putnam and Mellor Engine and Hose Company Building. These five sites are also listed on the Westchester County Inventory of Historic Places, along with three other sites in Port Chester: the War Memorial at Wesley and Westchester Avenue; the Spanish American War Memorial at Willett, King and Pearl Streets; and St. Peter's Episcopal Church at 19 Smith Street. There are some properties on Fox Island Road, just outside the study area boundary, that are also eligible for National Register listing.

Other special structural features in the waterfront area include the restored William James Memorial pump house, Putnam Avenue Bridge and the Mill Street Bridge.

Port Chester contains one large archeologically sensitive area in the southern end of the Village, which occupies all of the LWRP area south of Highland Street. Archeologically sensitive areas are designated when a site of some archeological significance is discovered, and represent both the site itself and a surrounding buffer zone between approximately one-half and one mile in radius. Tracts of land, bodies of water or some combination of the two can be found in these areas. Significant areas are designated for innumerable reasons related to the preservation of the history and culture in a region, but all are similarly valued for the nonrenewable nature of the site itself and its associated materials.



H. DEVELOPMENT CONSIDERATIONS

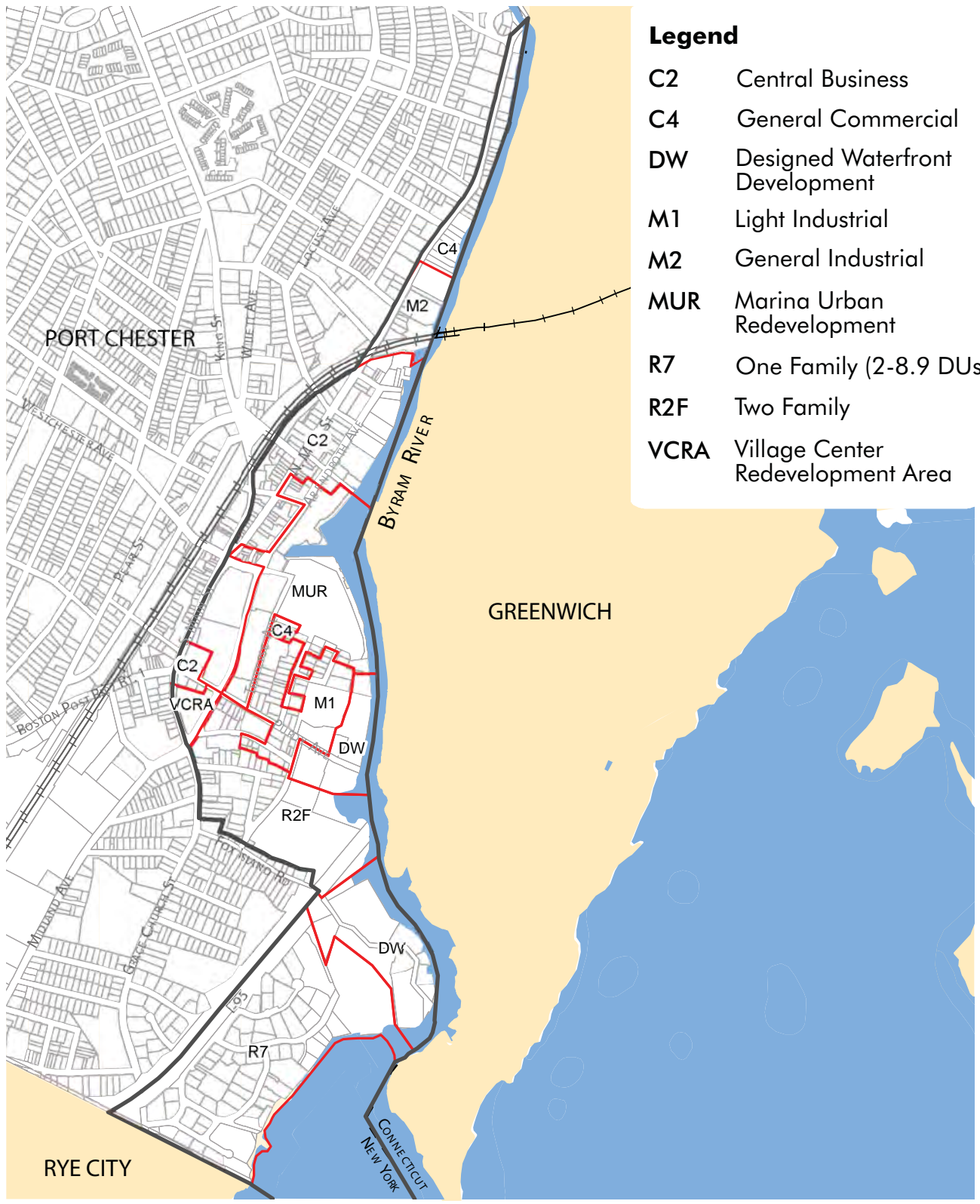
1. Existing Zoning

Existing zoning forms the framework for regulations regarding land use, densities, and building regulations. Figure 17 depicts existing zones. These include:

- Residential Zones
 - **R7 (Single Family):** Permits one-family dwellings, parks and playgrounds, residential community facilities and schools. No businesses are permitted other than home professional offices, although home occupation uses may be granted as a special exception. Maximum FAR is 0.60 while minimum lot size is 7,500 square feet.
 - **R2F (Two Family):** Permits one-family dwellings, parks and playgrounds, residential community buildings, schools, hospitals, membership clubs, nursery schools, public utility buildings and nonresident physicians. No businesses are permitted other than home professional offices, although home occupation uses may be granted as a special exception. Maximum FAR is 0.80 and minimum lot size is 5,000 square feet.

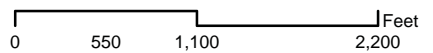
- Commercial Zones
 - **C2 (Central Business District):** Permits offices above the first floor, radio or television studios, table-service restaurants, tax preparation offices, retail stores and personal service shops. It is the only commercially oriented district that permits a residential use – multifamily above the first floor – which is granted by special exception. Other special exception uses include medical and dental offices, catering and event facilities, drive-in establishments, health clubs, hotels, movie theaters and other theaters and ground-floor offices as an accessory use to multifamily development.
 - **C4 (General Commercial):** Permits banks (no drive-in), health clubs, movie theaters or other theaters, offices, radio or television studios, table-service restaurants, wholesale businesses, creameries, non-nuisance industry and printing plants. Special exception uses include churches and other religious institutions, assembly halls, membership clubs, public utility facilities, automobile repair garages, bars, bowling alleys, cabarets, drive-in establishments, food processing shops, funeral homes, gas stations, motor vehicle sales lots, veterinary hospitals and research laboratories.

- Manufacturing Zones
 - **M1 (Light Industry):** Permits public utility facilities, banks (no drive-in), offices, radio/television studios, wholesale businesses, creameries, laundry/dry-cleaning facilities, non-nuisance industry, printing plants and research laboratories. Special exception uses include churches or other religious uses and gas stations.
 - **M2 (General Industry):** Permits public utility facilities, banks (no drive-in), offices, radio/television studios, shooting ranges, wholesale businesses, cold storage plants, creameries, non-nuisance industry, printing plants and research laboratories. Special exception uses include churches or other religious uses and related businesses, gas stations and open storage of equipment or materials.



Legend

- C2 Central Business
- C4 General Commercial
- DW Designed Waterfront Development
- M1 Light Industrial
- M2 General Industrial
- MUR Marina Urban Redevelopment
- R7 One Family (2-8.9 DUs)
- R2F Two Family
- VCRA Village Center Redevelopment Area



- Special Zones
 - **DW (Design Waterfront – multiple use):** Only special exception uses have been created for this district, and include multifamily dwellings, churches, convalescent homes, membership clubs, public utility facilities, schools, banks, cabarets, marinas, offices, radio and television studios, table-service restaurants, veterinary hospitals, creameries, non-nuisance industry, printing plants and research laboratories.
 - **ROO (Residential Office Overlay):** Intended to encourage the adaptive reuse of industrial land and buildings of historic significance, preserving the historical character of the property and providing suitable residential units and amenities. Permitted uses include all those listed in the M1 and M2 districts (see below) in addition to multifamily dwelling uses of all types, and cultural/recreational/athletic facilities.
 - **MUR (Marina Urban Redevelopment):** Intended to revitalize a blighted area along the waterfront. Permits retail shops, supermarkets, movie theaters, open storage of materials and equipment, offices, personal service shops, parking and loading uses, parks, water-dependent features and water-related recreational uses.
 - **VCRA (Village Center Redevelopment Area):** Permits light industrial operations, wholesale businesses, storage buildings, warehouses, offices incidental to the primary use, research and laboratory facilities, creameries, ice cream plants, laundry and dry-cleaning facilities, non-nuisance industry, motor vehicle filling stations, printing plants, public utilities, architecture/land surveying/engineering offices, businesses and banking offices.

2. Proposed Zoning

The Comprehensive Plan recently adopted by the Village Board of Trustees proposes certain changes to existing zoning within the LWRP area, including:

- Decreased floor area ratios (FAR) in all residential districts
- Consideration of site plan approval for two-family dwellings
- Extension of the existing DW zoning district to include the neighborhood north of Purdy Avenue and the area north of Willett Avenue along the waterfront.
- Rezoning the Fox Island subarea to a new district that would encourage “wharf-type” development (restaurants and retail) and a mix of commercial/office uses with the possibility of some light industrial uses. New residential uses would be by special exception permit only, and limited to studio and one-bedroom units. Building heights would be limited to 4 stories, or 50 feet.
- Modifying the C-2 zoning district to a “Main Street Business” zone that will allow for context-sensitive mixed-use development. This district would permit residential uses over ground-floor retail and would reduce maximum allowable building heights from 8 stories to 5 stories (4 residential stories over ground-floor retail).

SECTION III

COASTAL MANAGEMENT POLICIES

SECTION III COASTAL MANAGEMENT POLICIES

Introduction

The Policies of the Village of Port Chester Local Waterfront Revitalization Program are adapted from the Coastal Policies of the New York State Coastal Management Program as expressed in the Long Island Sound Coastal Management Program and the 1992 Port Chester LWRP. They account for the circumstances that define the nature and uses of the Village's waterfront and coastal resources, and consider the economic, environmental, and cultural characteristics of the Village. The policies are comprehensive and reflect Village and State laws and authorities. They represent a balance between economic development and preservation that will permit beneficial use of, and prevent adverse effects on, the Village's waterfront and coastal resources. They effectively take the place of the Coastal Policies of the New York State Coastal Management Program within the Village of Port Chester. The Policies are the basis for federal, State and Village consistency determinations of activities within or affecting the waterfront area of the Village. Any policy area covered by the New York State Coastal Management Program but identified as "not included" in the following statement of policies remains applicable for any agency subject to federal or State consistency regulations and the relevant New York State Coastal Policy is to be adhered to.

Where a policy explanation cites a Village law, regulation, or plan to which adherence is required in determining the consistency of an activity, the full text of the law or plan is included as an appendix in official copies of the printed Village of Port Chester Local Waterfront Revitalization Program. Electronic versions of the Program will include links to any referenced law, regulation, or plan. Adherence to a referenced law is to the standards and purposes of that law, adherence to the procedures of the law are not required rather the procedures of the federal, State or Village consistency laws or regulations govern.

The activities of federal, State or Village agencies that are required to be consistent with the Village's Waterfront Policies are determined by the provisions of federal, State or Village law respectively and may vary. The federal agency activities are identified in the New York State Coastal Management Program, as amended, and in consistency determinations for certain U.S. Army Corps of Engineers' general permits. State agency actions that are required to be consistent with the Village's Policies are identified in Section VI of the Village Waterfront LWRP.

The Village's Coastal Policy statements and their explanation are followed by sub policies that refine the policy statement for certain situations and are also subject to consistency; however, they are not to be construed as exhaustive of the intent or scope of the policy statement. Likewise, narrative explanations are not exhaustive of the meaning and intent of the policy or sub policy which they explain.

A. SUMMARY LIST OF POLICIES

I. Developed Coast Policies

- Policy 1 Foster a pattern of development in the Port Chester coastal area that enhances community character, preserves open space, makes efficient use of infrastructure, makes beneficial use of a coastal location and minimizes adverse effects of development. Applicable
- Policy 2 Preserve historic resources of the Port Chester coastal area. Applicable
- Policy 3 Enhance visual quality and protect scenic resources throughout the Port Chester coastal area. Applicable

II. Natural Coast Policies

- Policy 4 Minimize loss of life, structures and natural resources from flooding and erosion. Applicable
- Policy 5 Protect and improve water quality and supply in the Port Chester coastal area. Applicable
- Policy 6 Protect and restore the quality and function of the Port Chester coastal area ecosystem. Applicable
- Policy 7 Protect and improve air quality in the Port Chester coastal area. Applicable
- Policy 8 Minimize environmental degradation in Port Chester’s coastal area from solid waste and other hazardous substances and wastes. Applicable

III. Public Coast Policies

- Policy 9 Provide for public access to, and recreational use of, coastal waters, public lands and public resources of Port Chester’s coastal area. Applicable

- Policy 9A Incorporation of a public pedestrian walkway along the waterfront shall be included as part of development or redevelopment of waterfront parcels wherever practicable. Applicable

IV. Working Coast Policies

- Policy 10 Protect Port Chester’s water-dependent uses and promote siting of new water-dependent uses in suitable locations. Applicable
- Policy 11 Promote sustainable use of living marine resources in Long Island Sound and the Byram River. Applicable
- Policy 12 Protect agricultural lands in the eastern Suffolk County portion of Long Island Sound’s coastal area. Not Applicable
- Policy 13 Promote appropriate use and development of energy and mineral resources. Applicable

B. VILLAGE OF PORT CHESTER COASTAL MANAGEMENT POLICIES

DEVELOPED COAST POLICIES

POLICY 1 FOSTER A PATTERN OF DEVELOPMENT IN THE PORT CHESTER COASTAL AREA THAT ENHANCES COMMUNITY CHARACTER, PRESERVES OPEN SPACE, MAKES EFFICIENT USE OF INFRASTRUCTURE, MAKES BENEFICIAL USE OF A COASTAL LOCATION AND MINIMIZES ADVERSE EFFECTS OF DEVELOPMENT.

Development that does not reinforce the traditional pattern of human use would result in an undesirable loss of the community and landscape character of the Port Chester coastal area. Development, public investment and regulatory decisions should preserve open space and natural resources and sustain the historic waterfront community as a center of activity. Water-dependent uses generally should locate within Port Chester so as to support the economic base and maintain its character, and to avoid disturbance of shorelines and waters in open space areas.

The policy is intended to foster a development pattern that provides for the beneficial use of the Village's natural resources, and, by extension, of Long Island Sound's coastal resources. The primary components of the desired development pattern are: strengthening the traditional waterfront community as a center of activity, encouraging the appropriate expansion of water-dependent uses, enhancing stable residential areas and preserving open space.

To facilitate such a pattern of development, the Village of Port Chester will make every effort to coordinate existing permit procedures and regulatory programs, as long as the integrity of the regulations' objectives is not jeopardized. The Village is in the process of updating its Comprehensive Plan and has adopted a Zoning Law that fosters this pattern of development within Port Chester. See Section IV for the proposed land and water uses and the Appendix for the Zoning Law.

As part of any redevelopment or redevelopment project within the Port Chester coastal area, the following infrastructure needs will be met:

- Village public services located within or in close proximity to development or redevelopment projects will be made adequate to meet anticipated growth.
- Any substandard Village facilities will be upgraded as necessary to support new development.
- All infrastructure improvements will be designed to minimize natural hazards, consistent with Policy 4.

- Overhead utility lines will be placed underground as part of any redevelopment which requires the relocation of such facilities.

1.1 Concentrate development and redevelopment in the Village of Port Chester waterfront area to achieve the proposed land and water uses of Section IV, to advance the Village Comprehensive Plan and to comply with the Village zoning law.

Maintain the traditional waterfront community and ensure that development within this community supports and is compatible with the character of the community, as identified in the Long Island Sound Coastal Management Program.

Focus public investment, actions and assistance in waterfront redevelopment areas to reclaim unused waterfront land and brownfields for new purposes.

Locate new development where infrastructure is adequate or can be upgraded to accommodate new development.

1.2 Ensure that development or uses take appropriate advantage of their coastal location.

Generally, reserve coastal waters for water-dependent uses and activities. However, a limited number of water-enhanced floating structures may be appropriate in the Village.

Accommodate water-enhanced uses along the Port Chester waterfront where they are consistent with the Village Zoning Law, are compatible with surrounding development, do not displace or interfere with water-dependent uses and reflect the unique qualities of a coastal location through appropriate design and orientation. Restaurants and waterfront parks are particularly appropriate water-enhanced uses for the Village waterfront.

Allow other uses that derive benefit from a waterfront location, such as residential uses, in appropriate areas, and of a density as is permitted by the Village Zoning Law.

1.3 Protect stable residential areas.

Maintain stable residential areas and allow for continued compatible residential and supporting development in or adjacent to such areas.

1.4 Maintain and enhance natural areas, recreation and open space.

Avoid loss of economic, environmental and aesthetic values associated with these areas.

Avoid expansion of infrastructure and services which would promote conversion of these areas to other uses.

Maintain natural, recreational and open space values including those associated with marinas and yacht clubs.

1.5 Minimize adverse impacts of new development and redevelopment.

Minimize potential adverse land use, environmental and economic impacts that would result from proposed development.

Minimize the potential for adverse impacts of types of development which individually may not result in a significant adverse environmental impact, but when taken together could lead to or induce subsequent significant adverse impacts.

Ensure that all Village public services are, or will be made, adequate to meet anticipated growth, and that substandard facilities will be upgraded as necessary to support new development.

Provide that overhead utility lines will be placed underground as part of any redevelopment which requires the relocation of such facilities.

POLICY 2 PRESERVE HISTORIC RESOURCES OF THE PORT CHESTER COASTAL AREA.

Among the most valuable of the manmade resources are those structures or areas which are of historic, archeological or cultural significance. The protection of these structures must involve recognition of their importance by all agencies and the ability to identify and describe them. Protection must include concern not just with specific sites but with areas of significance, and with the area around specific sites. The policy is not to be construed as a passive mandate but must include effective efforts when appropriate to restore or revitalize through adaptive reuse.

The structures, districts, areas or sites that are of significance in the history, architecture, archeology or culture of the State, its communities or the nation include those resources listed, nominated for listing or determined eligible to be on the National or State Registers of Historic Places. See Section II.G for a general description of such resources within the Village's waterfront area.

No archeologically significant sites have been identified as being located within the LWRP boundary.

This policy shall not be construed to prevent the construction, reconstruction, alteration or demolition of any building, structure, earthwork or component thereof of a recognized historic, cultural or archeological resource which has been officially certified as being imminently dangerous to life or public health. Nor shall the policy be construed to prevent the ordinary maintenance, repair or property restoration according to the U.S. Department of Interior's Standards for Rehabilitation of component of a recognized historic, cultural or archeological resource which does not involve a significant adverse change to the resource, as defined above.

2.1 Maximize preservation and retention of historic resources.

Preserve the historic character of the resource by protecting historic materials and features or by making repairs using appropriate measures.

Provide for compatible use of the historic resource, while limiting and minimizing alterations to the resource.

Minimize loss of historic resources or historic character when it is not possible to completely preserve the resource.

Relocate historic structures only when the resource cannot be preserved in place. Allow demolition only where alternatives for retention are not feasible.

Avoid potential adverse impacts of development on nearby historic resources.

2.2 Protect and preserve archeological resources.

Minimize potential adverse impacts by redesigning projects, reducing direct impacts on the resource, recovering artifacts prior to construction and documenting the site.

Prohibit appropriation of any object of archeological or paleontological interest situated on or under lands owned by New York State, except as provided for in Education Law, § 233.

2.3 Protect and enhance resources that are significant to the coastal culture of Port Chester and the surrounding region.

Protect the character of the historic maritime community.

POLICY 3 ENHANCE VISUAL QUALITY AND PROTECT SCENIC RESOURCES OF THE PORT CHESTER COASTAL AREA.

As discussed in Section II, few significant scenic resources exist along Port Chester’s waterfront, as the area has experienced significant physical alteration over the course of its history. Much of the waterfront is dominated by industrial uses or cleared land that was once industrial. A few features such as the Greyrock neighborhood, the stone bridges crossing the river, Columbus Park and the 19th century quality of portions of Fox Island Road, have been noted as contributing to the visual quality of the LWRP area. With the exception of the Greyrock area, these visually significant areas will be preserved as publicly accessible.

In addition, the potential for scenic vistas exists, particularly from the Fox Island Peninsula and the waterfront ends of Westchester, Willett and Purdy Avenues. Because the Byram River is so

narrow in many portions, no significant view corridors along streets perpendicular to the water exist across the river. Views up and down the river from prominent street endings, however, are very attractive.

3.1 Protect and improve visual quality throughout the coastal area.

Enhance existing scenic characteristics by minimizing introduction of discordant features.

Restore deteriorated and remove degraded visual elements, and screen activities and views which detract from visual quality.

Preserve existing vegetation and establish new vegetation to enhance scenic quality.

Group or orient structures to preserve open space and provide visual organization.

Improve the visual quality associated with urban areas and the traditional waterfront community within the Port Chester coastal area.

Anticipate and prevent impairment of dynamic landscape elements that contribute to ephemeral scenic qualities.

Recognize water-dependent uses as important additions to the visual interest of Port Chester's waterfront.

Protect scenic values associated with public lands, including public trust lands and waters, and natural resources.

NATURAL COAST POLICIES

POLICY 4 MINIMIZE LOSS OF LIFE, STRUCTURES AND NATURAL RESOURCES FROM FLOODING AND EROSION.

Erosion and flooding are processes which occur naturally. However, by his actions, man can increase the severity and adverse effects of those processes, causing damage to or loss of property, and endangering human lives. Those actions include: the use of erosion protection structures such as groins, or the use of impermeable docks which block the littoral transport of sediment to adjacent shorelands, thus increasing their rate of recession; the failure to observe proper drainage or land restoration practices, thereby causing runoff and the erosion and weakening of shorelands; and the placing of structures in identified floodways so that the base flood level is increased, causing damage in otherwise hazard-free areas.

Within the Port Chester coastal area, large portions of land and buildings are located in 100-year floodplains. As discussed in Section II.5, designated Flood Hazard Areas exist along the entire

length of the Village's waterfront, as identified on the Flood Insurance Rate Maps for Port Chester. Local, State and Federal laws regulate the siting of buildings in erosion hazard areas, coastal high hazard areas and floodplains. Locally, development in flood hazard areas is regulated through a floodplain development permit process and standards specified in Chapter 181 (Flood Damage Prevention) of the Village Code, while erosion is addressed with the regulations and standards contained in Chapter 281 (Stormwater Management) and Chapter 345 (Zoning). These regulations, as well as best management practices, are generally sufficient to implement this policy.

Sea level rise relative to the shore is another significant factor in the incidence of erosion and flooding over time. For the overall Long Island Sound coastal area, tidal gauge data collected within the last 100 years suggests a relative sea level rise varying from about 0.1 inches to less than 0.04 inches per year. At that rate, a horizontal movement of mean sea level of 1 to 3 inches per year is anticipated in the region. It should be noted that these historical figures result in a projection of future sea level rise that is less significant than those projections cited in Section II.5, as based on New York State reports. As a result, sea level rise should be considered for projects involving substantial investments of public expenditures.

This policy seeks to protect life, structures and natural resources from flooding and erosion hazards throughout the Port Chester coastal area. It recognizes both the potential adverse impacts of coastal and riverine flooding and erosion on development and natural features which may occur in the coastal area, as well as the costs of protection against those hazards which structural measures entail. The policy reflects State flooding and erosion protections and provides measures for reduction of hazards and protection of resources.

Most of the Port Chester waterfront already has bulkheading, to protect development and natural features against serious impact from flooding and erosion. There are only two areas in the LWRP area that do not have this protection: portions of the Greyrock neighborhood and the undeveloped waterfront area straddling I-95 and adjacent to Columbus Park, south of the Purdy Avenue industrial uses and north of the sewage treatment plant. Within Greyrock, principal and accessory structures shall be prohibited within the mean high water area. In the area adjacent to Columbus Park, non-structural means shall be used to the greatest extent practicable to protect the site from flood erosion damage. For areas that are already bulkheaded, efforts to replace or rebuild deteriorated erosion protection structures shall be undertaken for reasons of safety and to create an attractive riverfront walkway.

For development areas in the LWRP area that lie within the 100-year floodplain, non-structural measures shall also include (a) the avoidance of risk or damage from flooding by the siting of buildings outside the hazard area, or (b) the flood-proofing of buildings or their elevation above the base flood level.

This policy shall apply to the planning, siting and design of proposed activities and development, including measures to protect existing activities and development. To ascertain consistency with the policy, it must be determined whether any one, or a combination of, non-structural measures would offer sufficient protection, and if so, then consistency with the policy would require the use of such measures, whenever possible. In determining whether or not non-structural measures protect against erosion or flooding and would afford the degree of

appropriate protection, an analysis and, if necessary, other materials such as plans or sketches of the proposed activity or development of the site and of the alternative protection measures should be prepared to allow an assessment to be made.

Dredging of the Byram River has been undertaken previously by the Army Corps of Engineers in order to maintain the channel depths necessary for vessels traveling to and from the water-dependent industries along both the Port Chester and Greenwich banks of the river. All dredging and excavation activities must be conducted in compliance with Federal and State regulations.

4.1 Minimize losses of human life and structures from flooding and erosion hazards.

Use the following management measures, which are presented in order of priority: (1) avoid development other than water-dependent uses in coastal hazard areas; (2) locate or move development and structures as far away from hazards as practical; (3) use vegetative non-structural measures which have a reasonable probability of managing flooding and erosion; (4) enhance existing natural protective features and processes, and use non-structural measures which have a reasonable probability of managing erosion; (5) use hard structural erosion measures for control of erosion only where the above measures are not sufficient to protect the principal use, or the use is water-dependent or reinforces Port Chester's role as a maritime center and waterfront redevelopment area.

Mitigate the impacts of the existing erosion control structures in Port Chester.

Manage development in floodplains outside of coastal hazard areas so as to avoid adverse environmental effects, to minimize the need for structural flood protection measures and to meet Federal flood insurance program standards.

4.2 Preserve and restore natural protective features.

Prevent development in natural protective features except development as specifically allowed in 6 NYCRR Part 505.8. For example, portions of the Greyrock shoreline could be considered beach, even if not identified as such under the Coastal Erosion Management Regulations.

Maximize the protective capabilities of natural protective features by: avoiding alteration or interference with shorelines in a natural condition; enhancing existing natural protective features; restoring impaired natural protective features; and managing activities to minimize interference with, limit damage to or reverse damage which has diminished the protective capacities of the natural shoreline.

Minimize interference with natural coastal processes by: providing for natural supply and movement of unconsolidated materials; minimizing intrusion of structures into coastal waters and interference with coastal processes; and mitigating any unavoidable intrusion or interference.

4.3 Protect public lands and public trust lands and use of these lands when undertaking all erosion or flood control projects.

Retain ownership of public trust lands which have become upland areas due to fill or accretion resulting from erosion control projects.

Avoid losses or likely losses of public trust lands or use of these lands, including public access along the shore, which can be reasonably attributed to or anticipated to result from erosion protection measures.

Mitigate unavoidable impacts on adjacent property, natural coastal processes and natural resources and on public trust lands and their use.

4.4 Manage navigation infrastructure to limit adverse impacts on coastal processes.

Manage navigation channels to limit adverse impacts on coastal processes by designing channel construction and maintenance to protect and enhance natural protective features and prevent destabilization of adjacent areas, including bulkheads and other shoreline stabilization structures, and to allow for shore parallel dockage of vessels; and make beneficial use of suitable dredged material.

Manage stabilized inlets to limit adverse impacts on coastal processes.

4.5 Ensure that expenditure of public funds for flooding and erosion control projects results in a public benefit.

Give priority in expenditure of public funds to actions which: protect public health and safety; mitigate flooding and erosion problems caused by previous human intervention; protect areas of intensive development; and protect substantial public investment in land, infrastructure and facilities.

Expenditure of public funds is: limited to those circumstances where public benefits exceed public cost; and prohibited for the exclusive purpose of protecting private development, except where actions are undertaken by an erosion protection district.

4.6 Consider sea level rise when siting and designing projects involving substantial public expenditures.

Utilize sea level rise projections as are published in the most recent reports of New York State agencies.

POLICY 5

PROTECT AND IMPROVE WATER QUALITY AND SUPPLY IN THE PORT CHESTER COASTAL AREA.

The purpose of this policy is to protect the quality and quantity of water in the Port Chester coastal area. Quality considerations include both point source (“end-of-the-pipe” discharges) and nonpoint source (site runoff, leaching, spillages, sludge and waste disposal and drainage from raw material storage sites) pollution management. The primary quantity consideration is the maintenance of an adequate supply of potable water in the area.

The Comprehensive Conservation Management Plan developed by the Long Island Sound Study (1994) clearly summarizes the major surface water quality impairments in the region. These impairments reflect the intensity of upland and water uses in the Sound coastal area, and result from both point and nonpoint sources. Impairments also result from pollution sources outside the Sound coastal area. Consequences of water quality impairments include hypoxia; reduced availability of crustaceans and certified, marketable shellfish; increased closure days for beaches; and reduced enjoyment of the Sound shoreline.

Water quality protection and improvement in the coastal area must be accomplished by the combination of managing new and remediating existing sources of pollution. In some areas with existing water quality impairments, more aggressive remediation measures will be needed than for the coastal area or surrounding region as a whole.

Site engineering standards in accordance with best management practices and the Village’s stormwater management law (Chapter 281 of the Village code) are in effect, which ensure that approved development plans will not contribute significantly to the degradation of Port Chester’s water quality. The Village is served by separate sanitary and stormwater collection systems.

Best management practices which are set forth in the latest New York State Department of Environmental Conservation (NYSDEC) Stormwater Management Design Manual (August 2010) include both structural and non-structural methods of preventing or mitigating pollution caused by the discharge of stormwater runoff, as well as planning and design of green infrastructure.

Other general best practices used to reduce nonpoint sources of pollution include soil erosion control practices and surface drainage control techniques. The U.S. Environmental Protection Agency (EPA) has also developed a National Menu of Stormwater Best Practices, establishing guidelines for public education, public involvement, illicit discharge detection and elimination, construction, post-construction and pollution prevention/good housekeeping.

The Village has also researched the techniques and practices which are becoming increasingly prevalent in the mitigation of nonpoint source pollution in urban areas. Included among these are extended detention ponds, wet ponds, infiltration trenches, infiltration basins, porous pavement, swales and filter strips, marsh creation and water quality inlets. Of all these best management practices, it has been determined that the most appropriate and effective technique available for the Port Chester coastal area would be the use of water quality inlets (also known as oil/grit separators). The remaining techniques or the utilization of various

elements of these techniques may also be of value depending upon the location for which the technique is intended within the coastal area.

Water quality inlets are designed to remove sediment, grit and oil loadings from runoff before they are conveyed to the storm drain network. These devices are normally part of or adjacent to catch basins. While relatively effective in removing pollutants, water quality inlets require periodic manual clean-outs of the chambers to maintain their usefulness.

All new development within the Port Chester coastal area must evaluate the current and most effective nonpoint source mitigation techniques available and incorporate the appropriate technique as a condition of plan or permit approval.

Best management practices which are directly connected to the storm drainage system are only effective if they are beyond the reach of tidal influences. High tides which would back through the drainage system would defeat the purpose of the mitigation measures. As a result, implementation of best management practices must be evaluated on a case-by-case basis for suitability.

In addition to the State and Federal water quality standards which must be adhered to, locally non-stormwater discharges to the storm drainage system are regulated by Chapter 199 of the Village Code, which establishes standards for controlling the introduction of pollutants into the municipal separate storm sewer system (MS4) in order to comply with the requirements of the National Pollutant Discharge Elimination System (NPDES) permit process.

The discharge of sewage, garbage, rubbish and other solid and liquid materials from watercraft and marinas into coastal waters is also regulated, and specific effluent standards for marine toilets have been promulgated by the U.S. Department of Transportation. All marinas accommodating 25 or more boats in Port Chester are required to provide pump-out stations sufficient in capacity for the boats moored at the facility, in accordance with Chapter 148 (Boating and Watercraft) of the Village Code.

Dredging of the Byram River is undertaken periodically by the U.S. Army Corps of Engineers in order to maintain the channel depths necessary for vessels traveling to and from the water-dependent industries along both the Port Chester and Greenwich banks of the river. Dredging, although important for maintaining navigation channels at sufficient depths, waterfront revitalization and development, pollutant removal and meeting other coastal management needs, can adversely affect water quality, fish and wildlife habitats, wetlands and other key coastal resources. Often, these adverse effects can be minimized through careful design and timing of the dredging operation and proper siting of the dredge spoil disposal site. Chapter 148 of the Village Code provides that all dredging activities in the Byram River and Port Chester Harbor must be conducted in compliance with Federal and State regulations. In addition, dredge material will be removed and disposed of in approved landfill areas only. Maintenance dredging will be the responsibility of the operating organization.

Since there are no significant fish or wildlife habitats, natural protective features, important agricultural lands or significant wetlands along the Port Chester waterfront, no negative impacts

from dredging are anticipated. Dredging of waterfront areas is also not anticipated to negatively affect scenic quality.

Local controls and best management practices, combined with potential future improvements at the County sewage treatment plant and other point sources of pollution, should result in continued improvements to water quality. It should be noted that the upstream users of the Byram River in Connecticut contribute significantly to the water quality of the river, and those uses are not controlled by the Village's LWRP.

5.1 Prohibit direct or indirect discharges which would cause or contribute to contravention of water quality standards.

Restore water quality in Long Island Sound and the Byram River by reducing impairments caused by major sources of pollution by: limiting nitrogen loadings from waste water treatment plants to levels at or below levels occurring in 1990, reducing nitrogen discharges sufficient to limit the occurrence of hypoxia, remediating existing contaminated sediment and limiting introduction of new contaminated sediment.

Prevent point source discharges into coastal waters and avoid land and water uses which would: (1) exceed applicable effluent limitations, or (2) cause or contribute to contravention of water quality classification and use standards, or (3) materially adversely affect receiving water quality, or (4) violate a vessel waste no-discharge zone prohibition.

Ensure effective treatment of sanitary sewage and industrial discharges by maintaining efficient operation of treatment facilities, providing secondary treatment of sanitary sewage, improving nitrogen removal capacity, incorporating treatment beyond secondary for new wastewater treatment facilities, reducing demand on facilities, reducing loading of toxic materials, reducing or eliminating combined sewer overflows and managing on-site disposal systems.

Comply with the substantive provisions of Chapter 281 of the Village Code, Stormwater Management (see Appendix for the text of the local law), pertaining to stormwater prevention plans, performance and design criteria, maintenance and repair of stormwater facilities, and schedules A1, A2, A3 and B.

5.2 Manage land use activities and use best management practices to minimize nonpoint pollution of coastal waters.

5.3 Protect and enhance the quality of coastal waters.

Protect water quality based on physical factors (Ph, dissolved oxygen, dissolved solids, nutrients, odor, color and turbidity), health factors (pathogens, chemical contaminants and toxicity) and aesthetic factors (oils, floatables, refuse and suspended solids).

Minimize disturbance of streams, including their beds and banks, in order to prevent erosion or soil, increased turbidity and irregular variation in velocity, temperature and level of water.

Protect water quality of coastal waters from adverse impacts associated with excavation, fill, dredging and disposal of dredged material.

5.4 Limit the potential for adverse impacts of watershed development on water quality and quantity.

Protect water quality by ensuring that watershed development protects areas that provide important water quality benefits, maintains natural characteristics of drainage systems and protects areas that are particularly susceptible to erosion and sediment loss.

Limit the impacts of individual development projects to prevent cumulative water quality impacts upon the watershed which would result in a failure to meet water quality standards.

Consider, as appropriate, the recommendations of the Byram River Watershed Management Plan.

5.5 Protect and conserve the quality and quantity of potable water.

Prevent contamination of potable waters by limiting discharges of pollutants and limiting land uses which are likely to contribute to contravention of surface and groundwater quality classifications for potable water supplies.

Prevent depletion of existing potable water supplies by limiting saltwater intrusion in estuaries through conservation methods or restrictions on water supply use and withdrawals.

Limit cumulative impacts of development on groundwater recharge areas to ensure replenishment of potable groundwater supplies.

POLICY 6 PROTECT AND RESTORE THE QUALITY AND FUNCTION OF THE PORT CHESTER COASTAL ECOSYSTEM.

The Port Chester coastal ecosystem consists of physical (non-living) components, biological (living) components and their interactions. Its physical components include environmental factors such as water, soils, geology, energy and contaminants. The biological components include the plants, animals and other living things in and around the coastal waters.

Although no significant coastal fish and wildlife habitats have been identified by the State in Port Chester, certain other natural resources that are important for their contribution to the quality and biological diversity of the Village's coastal ecosystem have been specifically identified by the State for protection. These natural resources include regulated tidal and freshwater wetlands, and rare, threatened and endangered species. In addition to specifically identified discrete natural resources, the quality of the Port Chester coastal ecosystem also depends on more common, broadly distributed natural resources, which collectively affect the quality and biological diversity of the ecosystem.

Hazardous wastes are unwanted by-products of manufacturing processes and are generally characterized as being flammable, corrosive, reactive or toxic. A list of hazardous wastes has been adopted by the NYSDEC. The handling (storage, transport, treatment and disposal) of the materials included on this list is strictly regulated in New York State to prevent their entry or introduction into the environment, particularly into the State's air, land and waters. Such controls should effectively minimize possible contamination of a bioaccumulation in the State's coastal fish and wildlife resources at levels that cause mortality or create physiological and behavioral disorders. However, other pollutants are of local concern, including conventional wastes (especially sewage), oil, fuel, herbicides and pesticides – from both point and nonpoint sources. Both intentional dumping of pollutants into water bodies and catch basins as well as pollutant-carrying runoff generated by new development can be harmful to fish and wildlife resources, and such actions should be prevented through enforcement and education measures.

Port Chester's waterfront has been mapped under the New York State Inventory of Tidal Wetlands. Most of the shoreline is designated as "LZ." There are two small areas designated as "SM." These DEC tidal wetland classifications are defined as follows:

LZ: Littoral Zone – The tidal wetland zone that includes all lands under tidal waters which are not included in any other category. There shall be no LZ under waters deeper than six feet at mean low water.

SM: Coastal Shoals, Bars and Flats – The tidal wetland zone that at high tide is covered by saline or fresh tidal waters, at low tide is exposed or is covered by water to a maximum depth of approximately one foot, and is not vegetated.

Since much of the LWRP area has been filled or disturbed in some way, there are few natural areas left, including wetlands. The smallest of the tidal wetlands is located in the vicinity of the Port Chester Yacht Club. This area is approximately 13,000 square feet in area. As a result, it has been determined that this shore does not contain productive wetlands. The second area of regulated tidal wetlands is located at the north cove, between Purdy Avenue and I-95. This wetland is 1.4 acres and is also classified as "SM."

Mitigation of development impacts on these wetlands will be considered. Mitigation may include consideration of creating a wetland of equal or higher value to the current wetland.

6.1 Protect and restore ecological quality throughout the Port Chester coastal area.

Avoid significant adverse changes to the quality of the Port Chester coastal ecosystem as indicated by physical loss, degradation or functional loss of ecological components.

Maintain values associated with natural ecological communities.

Retain and add indigenous plants.

Avoid fragmentation of natural ecological communities and maintain corridors between ecological communities. Maintain structural and functional relationships between natural ecological communities to provide for self-sustaining systems.

Avoid permanent adverse change to ecological processes.

Reduce adverse impacts of existing development when practical.

Mitigate impacts of new development; mitigation may also include reduction or elimination of adverse impacts associated with existing development.

6.2 Protect and restore Significant Coastal Fish and Wildlife Habitats

Protect Long Island Sound's designated significant coastal fish and wildlife habitats from uses or activities which would destroy habitat values or significantly impair the viability of the designated habitat beyond its tolerance range which is the ecological range of conditions that supports the species population or has the potential to support a restored population where practical.

Where destruction or significant impairment of habitat values cannot be avoided, minimize potential impacts through appropriate mitigation.

Wherever practical, enhance or restore designated habitats so as to foster their continued existence as natural systems.

Protect the Manursing Island Flats Significant Coastal Fish and Wildlife Habitat, which is outside the Village but adjacent to Port Chester Harbor.

6.3 Protect and restore tidal and freshwater wetlands.

Comply with statutory and regulatory requirements of the State's wetland laws.

Use the following management measures, which are presented in order of priority: (1) prevent the net loss of vegetated wetlands by avoiding fill or excavation; (2) minimize adverse impacts resulting from unavoidable fill, excavation or other activities; and (3) provide for compensatory mitigation for unavoidable adverse impacts. Provide and

maintain adequate buffers between wetlands and adjacent or nearby uses and activities to protect wetland values.

Restore tidal and freshwater wetlands wherever practical to foster their continued existence as natural systems.

6.4 Protect vulnerable fish, wildlife and plant species, and rare ecological communities.

6.5 Protect natural resources and associated values in identified regionally important natural areas.

Protect natural resources comprising a regionally important natural area. Focus State actions on protection, restoration and management of natural resources.

Protect and enhance activities associated with sustainable human use or appreciation of natural resources.

Provide for achievement of a net increase in wetlands when practical opportunities exist to create new or restore former tidal wetlands.

Adhere to management plans prepared for regionally important natural areas.

POLICY 7 PROTECT AND IMPROVE AIR QUALITY IN THE PORT CHESTER COASTAL AREA.

This policy provides for protection of the Port Chester coastal area from air pollution, either generated within the coastal area or from outside, which adversely affects coastal air quality.

The requirements of the Federal Clean Air Act are the minimum air quality control requirements applicable within the coastal area. In particular, the sewage treatment plant will use the best available technology to maintain these standards.

The type and intensity of development should not impact air quality standards.

The policies of the State and Port Chester LWRP concerning proposed land and water uses and the protection and preservation of special management areas will be taken into account prior to any action by the State to reclassify land areas pursuant to the regulations of the Clean Air Act. In addition, the Department of State will provide the DEC with recommendations for proposed prevention of significant land classification designations based upon State and local coastal management programs.

7.1 Control or abate existing and prevent new air pollution.

Not included in the Port Chester LWRP; see the New York State Coastal Management Program policy on air quality as expressed in the Long Island Sound Coastal Management Program for purposes of State and federal consistency.

7.2 Limit discharges of atmospheric radioactive material to a level that is as low as practicable.

7.3 Limit sources of atmospheric deposition of pollutions to the coastal waters, particularly from nitrogen sources.

POLICY 8 MINIMIZE ENVIRONMENTAL DEGRADATION IN THE PORT CHESTER COASTAL AREA FROM SOLID WASTE AND HAZARDOUS SUBSTANCES AND WASTES.

The intent of this policy is to protect people from sources of contamination and to protect Port Chester's coastal resources from degradation through proper control and management of wastes and hazardous materials. Attention is also required to identify and address sources of soil and water contamination resulting from landfill and hazardous waste sites and in-place sediment contamination in the coastal area.

Solid wastes include sludges from air or water pollution facilities, demolition and construction debris and industrial and commercial wastes. Hazardous wastes are unwanted by-products of manufacturing processes generally characterized as being flammable, corrosive, reactive or toxic. More specifically, hazardous waste is defined in New York State's Solid Waste Management Act (Environmental Conservation Law, Article 27) as "as waste or combination of wastes, which because of its quantity; concentration; or physical, chemical or infectious characteristics may: (a) cause, or significantly contribute to an increase in mortality or an increase in serious irreversible, or incapacitating reversible illness; or (b) pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, disposed or otherwise managed." A list of hazardous wastes has been adopted by the DEC (6NYCRR Part 371).

Chapter 345-17 of the Village Code regulates the deposits of waste materials or landfill. Further, the transfer, storage and disposal of solid wastes and hazardous wastes shall be prohibited within the Port Chester LWRP area.

Local collection of refuse is the responsibility of the municipality along with private carters. Westchester County is responsible for the permanent disposal of Port Chester's solid and hazardous wastes.

Sites in Port Chester where this policy has immediate application include hazardous materials storage systems on the Byram River, the sewage treatment plant and former industrial sites where waste materials may have been dumped or buried.

There shall be no new oil storage facilities established within the Village's LWRP area, nor any addition to the number of existing tanks or the existing tank capacity. All existing storage facilities must be maintained in conformance with Federal and State regulations.

During the use of such facilities by private operators, the Village will monitor for spills which occur as a result of shipment and storage of petroleum and other hazardous materials. In the event that the Village determines either individually or in conjunction with an agency of the State, County or other jurisdiction that environmental damage results from a hazardous material storage facility in Port Chester, the Village shall notify the appropriate agencies to begin mitigating the condition, and cooperate in the recovery of public cleanup costs.

Removal of oil storage facilities, or any other tanks or containers used for the storage of petroleum products, shall be undertaken by an appropriate contractor who must assume all liability for accidental spills during dismantling, and shall ensure that the facilities are properly cleaned and inspected prior to dismantling.

In Port Chester, major riverfront industrial facilities are located from Westchester Avenue south to Fox Island Road. The area from Fox Island Road north to Purdy Avenue is designated primarily for residential redevelopment with a large recreational component (Columbus Park). No new industrial facilities shall be located in this area. The area from Purdy Avenue north to Westchester Avenue does contain a large number of industrial facilities, with effluent discharges conforming to State water quality standards. Any expansion or new construction in this area resulting in effluent discharges must conform to any applicable Village performance standards as well as State water quality standards.

8.1 Manage solid waste to protect public health and control pollution.

Plan for proper and effective solid waste disposal prior to undertaking major development or activities generating solid wastes.

Manage solid waste by: reducing the amount of solid waste generated, reusing or recycling material and using land burial or other approved methods to dispose of solid waste that is not otherwise being reused or recycled.

Prevent the discharge of solid wastes into the environment by using proper handling, management and transportation practices.

Operate solid waste management facilities to prevent or reduce water, air and noise pollution and other conditions harmful to the public health.

8.2 Manage hazardous wastes to protect public health and control pollution.

Manage hazardous waste in accordance with the following priorities: (1) eliminate or reduce generation of hazardous wastes to the maximum extent practical; (2) recover, reuse or recycle remaining hazardous wastes to the maximum extent practical; (3) use detoxification, treatment or destruction technologies to dispose of hazardous wastes that cannot be reduced, recovered, reused or recycled; (4) use land disposal as a last result.

Phase out land disposal of industrial hazardous wastes.

Ensure maximum public safety through proper management of industrial hazardous waste treatment, storage and disposal.

Remediate inactive hazardous waste disposal sites (none known at this time).

8.3 Protect the environment from degradation due to toxic pollutants and substances hazardous to the environment and public health.

Prevent release of toxic pollutants or substances hazardous to the environment that would have a deleterious effect on fish and wildlife resources.

Prevent environmental degradation due to persistent toxic pollutants by: limiting discharge of bioaccumulative substances, avoiding resuspension of toxic pollutants and hazardous substances and wastes and avoiding reentry of bioaccumulative substances into the food chain from existing sources.

Prevent and control environmental pollution due to radioactive materials.
Protect public health, public and private property and fish and wildlife from inappropriate use of pesticides.

Take appropriate action to correct all unregulated releases of substances hazardous to the environment.

8.4 Prevent and remediate discharge of petroleum products.

Minimize adverse impacts from potential oil spills by appropriate siting of petroleum offshore loading facilities.

Have adequate plans for prevention and control of petroleum discharges in place at any major petroleum-related facility.

Prevent discharges of petroleum products by following approved handling and storage, and facility design and maintenance principles.

Promptly clean up and remove any petroleum discharge, giving first priority to preventing impacts on public health, and then to minimizing environmental damage.

- 8.5 Transport solid waste and hazardous substances and waste in a manner which protects the safety, well-being and general welfare of the public; the environmental resources of the Village and State; and the continued use of transportation facilities.**
- 8.6 Site solid and hazardous waste facilities to avoid potential degradation of coastal resources.**

PUBLIC COAST POLICIES

POLICY 9 PROVIDE FOR PUBLIC ACCESS TO, AND RECREATIONAL USE OF, COASTAL WATERS, PUBLIC LANDS AND PUBLIC RESOURCES OF THE PORT CHESTER COASTAL AREA.

The Village of Port Chester lies within one of the most densely populated coastal regions along the eastern seaboard, yet physical and visual access to coastal lands and waters is somewhat limited for the general public. Limitations on reaching or viewing the coast are further heightened by a general lack of opportunity for diverse forms of recreation at those sites that do provide access. Existing development has limited the accessibility of the waterfront, and new development has diminished remaining opportunities to provide meaningful public access. In addition to loss of opportunities for physical access, visual access has also been lost due to the loss of vantage points or outright blockage of views.

Given the lack of adequate public access and recreation, this policy incorporates measures needed to provide and increase public access throughout the Port Chester coastal area. The need to maintain and improve existing public access and facilities is among these measures, and is necessary to ensure that use of existing access sites and facilities is optimized in order to accommodate existing demand. Another measure is to capitalize on all available opportunities to provide additional visual and physical public access along with appropriate opportunities for recreation.

Port Chester has significant publicly owned foreshore and public lands adjacent to the foreshore; however, these lands have limited public access and recreational opportunity both in terms of quantity and quality. Any future redevelopment of these areas with a mix of uses is intended to maintain and enhance the public waterfront element of the Village's land holdings. Although redevelopment could result in an overall reduction in the publicly owned foreshore or public lands adjacent to the foreshore, the quantity and quality of public access is intended to be increased.

No project will be undertaken or funded by the State or Village which increases access to a water-related recreation resource or facility that is not open to all members of the public.

Nothing in this policy shall be construed to prevent the reasonable use and enjoyment of private property by its owners, including the right of such private property owners to physically occupy their homes or businesses and to make reasonable additions and renovations to the buildings or structures on their properties.

9.1 Promote appropriate and adequate physical public access and recreation throughout the public area.

Provide convenient, well-defined, physical public access to and along the coast for water-related recreation. See Section IV for specific proposals to improve public access.

Provide a level and type of public access and recreational use that takes into account proximity to population centers, public demand, natural resource sensitivity, accessibility, compatibility with on-site and adjacent land uses and needs of special groups.

Protect and maintain existing public access and water-related recreation.

Provide additional physical public access and recreation facilities at public sites.

Provide physical access linkages throughout Port Chester's coastal area.

Include physical public access and/or water-related recreation facilities as part of development whenever development or activities are likely to limit the public's use and enjoyment of public coastal lands and waters.

Provide incentives to private development which provides public access and/or water-related recreation or facilities.

Restrict public access and water-related recreation on public lands only where incompatible with public safety and protection of natural resources.

Ensure access for the general public at locations where State or Federal funds are used to acquire, develop or improve parkland.

9.2 Provide public visual access from public lands to coastal lands and waters or open space at all sites where physically practical.

Avoid loss of existing visual access by limiting physical blockage by development or activities. Minimize adverse impact on visual access.

Mitigate loss of visual access by providing for on-site visual access or additional and comparable visual access off-site.

Increase visual access wherever practical.

9.3 The State shall preserve the public interest in and use of lands and waters held in public trust by the State and the Village of Port Chester.

Limit grants, easements, permits or lesser interests in lands underwater to those instances where they are consistent with the public interest in the use of public trust lands.

Determine ownership, riparian interest or other legal right prior to approving private use of public trust lands under water.

Limit grants, including conservation grants, in fee of underwater lands to exceptional circumstances.

Reserve such interests or attach such conditions to preserve the public interest in use of underwater lands and waterways which will be adequate to preserve public access, recreation opportunities and other public trust purposes.

Evaluate opportunities to re-establish public trust interests in existing grants which are not used in accordance with the terms of the grant, or are in violation of the terms of the lease, or where there are significant limitations on public benefits resulting from the public trust doctrine.

9.4 Assure public access to public trust lands and navigable waters.

Ensure that the public interest in access below mean high water and to navigable waters is maintained.

Allow obstructions to public access when necessary for the operation of water-dependent uses and their facilities.

Permit interference with public access for riparian non-water-dependent uses in order to gain the minimum necessary reasonable access to navigable waters.

Use the following factors in determining the minimum access necessary: the range of tidal fluctuation, the size and nature of the water body, the uses of the adjacent waters by the public, the traditional means of access used by surrounding similar uses and whether alternative means to gain access are available.

Mitigate substantial interference or obstruction of public use of public trust lands and navigable waters.

POLICY 9A INCORPORATION OF A PUBLIC PEDESTRIAN WALKWAY ALONG THE WATERFRONT SHALL BE INCLUDED AS PART OF DEVELOPMENT OR REDEVELOPMENT OF WATERFRONT PARCELS WHEREVER PRACTICABLE.

Where incorporated as part of a development or redevelopment project, the waterfront pedestrian walkway should ideally have a publicly accessible right-of-way of a minimum width of 10 feet and an average width of 20 feet. The walkway itself should be a minimum width of 5 feet.

Walkways shall be designed to be visually compatible with the adjacent development. In areas where slopes are less than 10%, there shall be handicap access. Signage shall be provided that clearly establishes the walkway as a public facility.

WORKING COAST POLICIES

POLICY 10 PROTECT PORT CHESTER’S WATER-DEPENDENT USES AND PROMOTE SITING OF NEW WATER-DEPENDENT USES IN SUITABLE LOCATIONS.

The intent of this policy is to protect existing water-dependent commercial, industrial and recreational uses, to allow for new water-dependent uses, and to enhance the economic viability of water-dependent uses by ensuring adequate infrastructure for such uses and their efficient operation. This policy recognizes that the traditional activities occurring in and around numerous smaller harbors throughout the State’s coastal area contribute much to the economic strength and attractiveness of these harbor communities. Port Chester is one of ten maritime centers identified in the Long Island Sound Coastal management Program. Specific water-dependent uses to be protected and promoted are those identified in Section IV and as are allowed in the waterfront zoning districts by the Village Zoning Law (see Appendix).

10.1 Protect existing water-dependent uses.

Avoid actions which would displace, adversely impact or interfere with existing water-dependent uses.

10.2 Promote the Port Chester maritime center as a suitable location for water-dependent uses

Ensure that public actions enable the Port Chester maritime center to continue to function as a center of water-dependent uses.

Protect and enhance the economic, physical, cultural, and environmental attributes which support the Port Chester maritime center.

Allow and encourage non water-dependent shoreline commercial and industrial uses to provide water-dependent uses along their shoreline, such as docking facilities for recreational and commercial vessels.

10.3 Improve the economic viability of water-dependent uses by allowing for non-water-dependent accessory and multiple uses, particularly water-enhanced and maritime support services.

10.4 Minimize adverse impacts of new and expanding water-dependent uses, provide for their safe operation and maintain regionally important uses.

Site new and expand existing marinas, yacht clubs, boat yards and other boating facilities where there is: adequate upland for support facilities and services; sufficient waterside and landside access; appropriate nearshore depth to minimize dredging; suitable water quality classification; minimization of effects on wetlands, shellfish beds or fish spawning grounds; and adequate water circulation.

10.5 Provide sufficient infrastructure for water-dependent uses.

Protect and maintain existing public and private navigation lanes and channels at depths consistent with the needs of water-dependent uses.

Provide for channels and basins when necessary to support water-dependent uses.

Use suitable dredged material for beach nourishment or other beneficial uses.

Avoid placement of dredged material in Long Island Sound when opportunities for beneficial reuse of the material exist.

Allow placement of suitable dredged material in nearshore locations to advance maritime or port-related functions or public access, provided it is adequately contained and avoids negative impacts on vegetated wetlands and other coastal resources. The former turning basin ("Cove") may be an appropriate nearshore location.

Avoid shore and water surface uses which would impede navigation. Accept seasonal minor encroachments of docks and moored vessels in the Federal channel as described in the Village Law, Chapter 148, Boating and Watercraft (see Appendix).

Give priority to existing commercial navigation in determining rights to navigable waters.

Provide for services and facilities to facilitate commercial, industrial and recreational navigation.

Foster water transport for cargo and people.

10.6 Promote efficient harbor operation.

Limit congestion of harbor waters and conflict among uses, foster navigational safety and minimize obstructions in coastal waters to reduce potential hazards to navigation.

Prohibit any increase or additional use of coastal waters if such an increase or addition poses a public safety hazard which cannot be mitigated.

Prohibit intrusions or encroachments upon navigation channels and other identified vessel use areas. Minor encroachments by vessels within the outer edge of the Byram River channel may occur for floating docks and vessels less than 24 feet in length provide they are removed on demand for dredging, bathymetric surveys and other public necessities, and do not impede navigation through the channel. The Village supports future dredging efforts on the river that extend northward to the Mill Street Bridge.

POLICY 11 PROMOTE SUSTAINABLE USE OF LIVING MARINE RESOURCES IN PORT CHESTER’S COASTAL WATERS.

The commercial fishing industry has had minimal impact on the Port Chester waterfront in the 20th century, and has now largely departed from the Village. Recreational uses of coastal fish and wildlife resources in Port Chester are presently limited. However, the Village is an access point to consumptive fishing in Long Island Sound. In addition, although there are at present no edible shellfish resources in the Byram River, and fishing opportunities are severely limited due to river water quality, recent and anticipated improvements in water quality may increase the opportunities for recreational fishing and shellfish harvesting. Improvement in the quality of the water and riverbed sediments is a major consideration and will be advanced through best management practices.

11.1 Ensure the long-term maintenance and health of living marine resources.

Ensure that commercial and recreational uses of living marine resources will be managed in a manner that: results in sustained useable abundance and diversity of the marine resource; does not interfere with population and habitat maintenance and restoration efforts; uses best available scientific information in managing the resources; and minimizes waste and reduces discard mortality of marine fishery resources.

Ensure that the management of the state’s transboundary and migratory species is consistent with interstate, state-federal and interjurisdictional management plans.

Protect, manage and restore sustainable populations of indigenous fish, wildlife species and other living marine resources.

Foster occurrence and abundance of coastal marine resources by: protecting spawning grounds, habitats and water quality; and enhancing and restoring fish and shellfish habitat, particularly for anadromous fish, oysters and hard clams.

11.2 Provide for commercial and recreational use of finfish, shellfish, crustaceans and marine plants.

Maximize the benefits of marine resource use so as to provide a valuable recreational resource experience and viable business opportunities for commercial and recreational fisheries.

Where fishery conservation and management plans require actions that would result in resource allocation impacts, ensure equitable distribution of impacts among user groups, giving priority to existing fisheries in the state.

Protect the public health and the marketability of marine and fishery resources by maintaining and improving water quality.

Maintain existing artificial reefs to improve marine resources habitat and expand nearshore fishing opportunities.

11.3 Maintain and strengthen a stable commercial fishing fleet in Long Island Sound.

Protect and strengthen commercial fishing harvest operations, facilities and waterfront infrastructure to support a stable commercial fishing industry.

Support nearshore harvesting throughout the Sound region by providing access. Berthing and off-loading facilities suitable for nearshore operators.

Protect commercial fishing from interference or displacement by competing land and water uses.

Strengthen the economic viability of the Sound's commercial fishing fleet through appropriate domestic and international marketing.

11.4 Promote recreational use of marine resources.

Provide opportunities for recreational use of marine resources.

Provide adequate infrastructure to meet recreational needs, including appropriate fishing piers, dockage, parking and livery services.

Promote commercial charter and party boat businesses.

POLICY 12 **THE STATE LONG ISLAND SOUND COASTAL POLICY REGARDING THE PROTECTION OF AGRICULTURAL LANDS IN THE EASTERN SUFFOLK COUNTY PORTION OF THE LONG ISLAND SOUND COASTAL AREA IS NOT APPLICABLE TO THE VILLAGE OF PORT CHESTER. NO AGRICULTURAL LANDS EXIST WITHIN THE VILLAGE.**

POLICY 13 **PROMOTE APPROPRIATE USE AND DEVELOPMENT OF ENERGY AND MINERAL RESOURCES.**

In dealing with energy issues in Port Chester’s coastal area, the first order of preference is the conservation of energy. Energy efficiency in transportation and site design, and efficiency in energy generation, are the best means for reducing energy demands. Reduced demand for energy reduces the need for construction of new facilities that may have adverse impacts on coastal resources.

For similar reasons, greater use should be made of sustainable energy resources, such as solar, wind and hydroelectric power. In addition to the impacts of construction of new energy generating facilities, the potential impacts of oil and gas extraction and storage and mineral extraction must be considered.

13.1 Conserve energy resources.

Promote and maintain energy efficient modes of transportation, including rail freight and intermodal facilities, waterborne cargo and passenger transportation, mass transit and alternative forms of transportation.

Plan and construct sites using energy-efficient design.

Capture heat waste from industrial processes for heating and electric generation.

13.2 Promote alternative energy sources that are self-sustaining, including solar- and wind-powered energy generation.

In siting such facilities, avoid interference with coastal resources, including migratory birds, and coastal processes.

13.3 Ensure maximum efficiency and minimum adverse environmental impact when siting major energy generating facilities.

Site major energy generating facilities in a coastal location where a clear public benefit is established.

Site major energy generating facilities close to load centers to achieve maximum transmission efficiency.

Site and construct new energy generating and transmission facilities so they do not adversely affect natural and economic coastal resources.

13.4 Minimize adverse impacts from fuel storage facilities.

Regional petroleum reserve facilities are inappropriate in the Long Island Sound coastal area.

The production, storage or retention of petroleum products in earthen reservoirs is prohibited.

Liquefied Natural Gas facilities must be safely sited and operated.

Protect natural resources by preparing and complying with an approved oil spill contingency plan.

13.5 Minimize adverse impacts associated with mineral extraction.

Commercial sand and aggregate mining is generally presumed to be an inappropriate use in the Port Chester coastal area.

Preserve topsoil and prevent overburden using appropriate site preparation techniques and subsequent site reclamation plans.

SECTION IV

PROPOSED LAND AND WATER USES AND PROPOSED PROJECTS

SECTION IV PROPOSED LAND AND WATER USES AND PROPOSED PROJECTS

This LWRP does not contemplate any large-scale changes to existing land uses and patterns or any rezoning recommendations. In 2009, the Village of Port Chester began the first phase of an update to its 1968 Comprehensive Plan, and recently adopted this update, which is expected to result in a series of changes to zoning districts, permitted uses and height and bulk regulations (see Section II.H of this LWRP for a summary of draft zoning recommendations).

Therefore, rather than initiating zoning changes, this LWRP focuses on specific projects and alternatives in the immediate waterfront area. These proposed projects and alternatives are intended to enhance public use and enjoyment of the Port Chester waterfront area, maintain and enhance its environmental quality and strengthen the Village's ability to manage it in the public interest. The recommended projects are also established to advance the Village's policies as outlined in Section III.

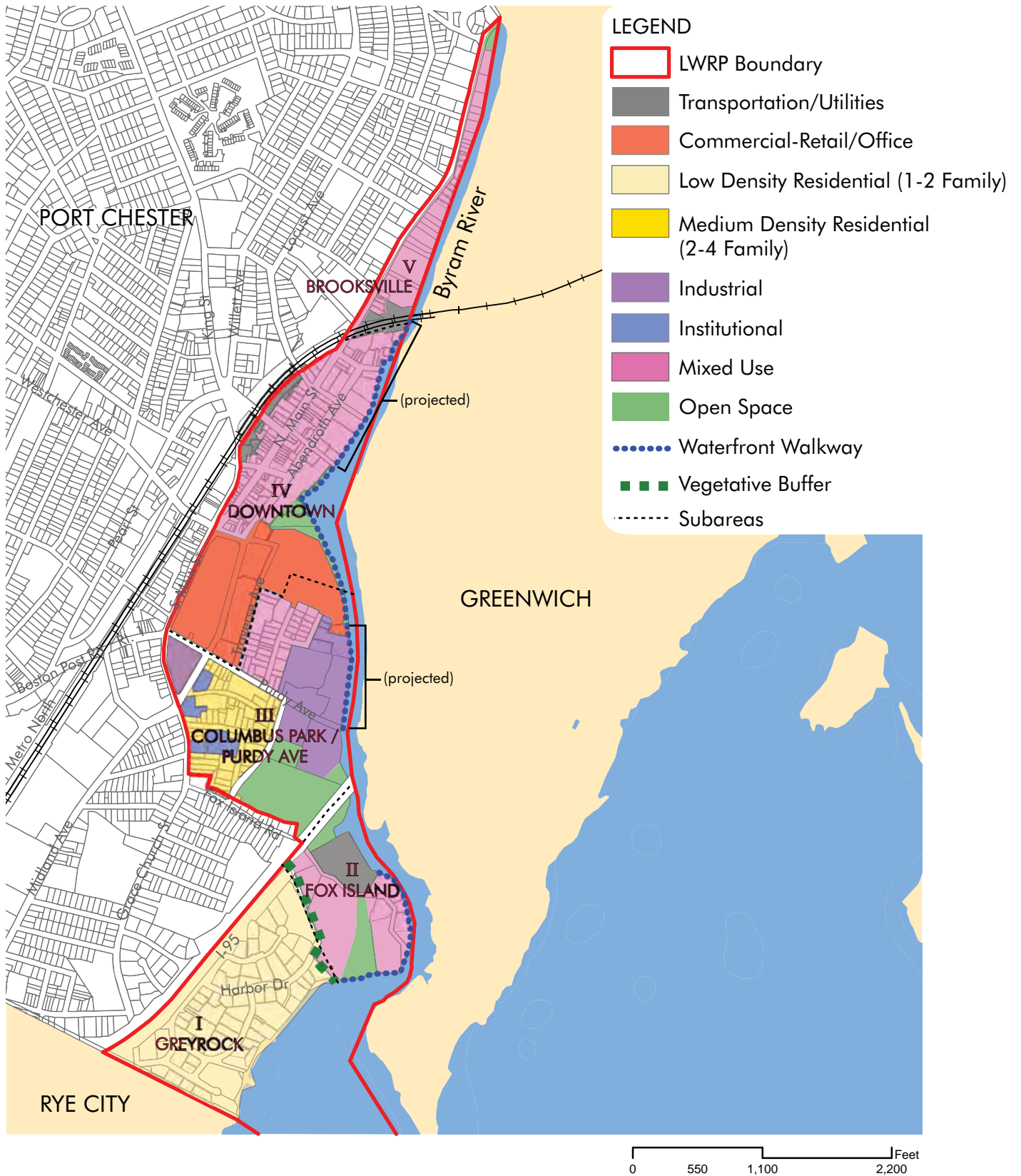
A. PROPOSED LAND USES

The proposed land and water uses recommended for the Village of Port Chester LWRP area are illustrated on Figure 18, Future Land Use Plan. Because this LWRP does not propose any significant changes to land use patterns, the Future Land Use Plan was derived mainly from the existing zoning map and generalized current land use, as well as consideration to future land uses proposed by the draft Comprehensive Plan. This map is not intended to describe the proposed land use pattern on a parcel-by-parcel basis; rather, it is a broad expression of the range of uses intended for the LWRP area. Because the Future Land Use Plan largely stems from current zoning, no substantial changes to Port Chester's regulatory framework (e.g. zoning and subdivision regulations) are proposed.

Anticipated future land uses within the Port Chester LWRP area are described below for the five LWRP subareas.

1. Greyrock Subarea

Greyrock is a stable low-density residential neighborhood on Port Chester Harbor, virtually isolated from the rest of Port Chester by Interstate 95. It is anticipated that this subarea shall remain a low-density residential neighborhood, with the remaining vacant parcels to be built out with residential uses of a similar character as allowable under the existing R7 zoning. Due to Greyrock's character and location, opportunities for public open space are limited. No regulatory changes or projects for this area are proposed.



2. Fox Island Subarea

As discussed in Section II, the Fox Island Subarea presently contains the Westchester County sewage treatment plant, the Village's Department of Public Works (DPW), a number of light industrial operations and the Port Chester Yacht Club, as well as various small-scale assorted uses. This subarea is significantly underutilized, although the adjacent harbor and water areas are well-used by area boaters.

It is anticipated that the sewage treatment plant, the existing light industrial uses and the Port Chester Yacht Club will remain in place, and these uses should be encouraged to renovate and upgrade as appropriate. In addition, the Village's DPW facility will likely remain on Fox Island, although a consolidation and overall clean-up of this site is proposed, as discussed below. However, for the remainder of the Fox Island subarea, this LWRP promotes a combination of mixed use and public waterfront access. In addition, a new vegetative buffer is proposed along the rear, landward lot lines of the parcels located on the southern side of Fox Island Road, to screen these industrial areas from the Greyrock neighborhood immediately adjacent.

3. Columbus Park / Purdy Avenue Subarea

This subarea includes a wide range of uses: Columbus Park and the largely medium- and high-density residential neighborhood to the west (which includes several large institutional uses: Our Lady of the Rosary and the South End Fire House). Industrial uses are located primarily along Purdy Avenue as it approaches the Byram River, with a light industrial area found at the south side of the intersection of Purdy Avenue and South Main Street. Finally, the Columbus Park/Purdy Avenue Subarea includes the high-density residential areas along Traverse Avenue and Townsend Street, which also contains a number of vacant, industrial and underutilized sites.

This LWRP provides for continued support of the existing industrial uses at either end of Purdy Avenue, as they provide local employment and contribute to the Village's tax base. The generally stable neighborhood bounded by Purdy Avenue, Ryan Avenue/Columbus Park and Grace Church Street/Don Bosco Place, would remain as a medium-density residential area. However, the existing higher-density residential area north of Purdy Avenue, which is sandwiched between heavy industrial uses along the waterfront and the Waterfront at Port Chester large-scale commercial development, would become a mixed-used area with an overall reduced emphasis on residential use. Because much of this area is already used for industrial and commercial uses, and also contains a number of vacant or underutilized parcels, it would be best used as a transition area for industrial, commercial and some high-density residential uses as appropriate.

This LWRP also supports the creation of new public water access at Columbus Park. Currently, the portion of the park that fronts the Byram River is heavily vegetated, with

limited physical or visual access to the water. This area should be opened up and used for passive and water recreation, as described more fully below (see Section B (1) (c)).

4. Downtown Subarea

Reflecting the significant diversity of uses within downtown Port Chester, this entire subarea has been designated as mixed use, supporting the existing commercial and light industrial uses as well as promoting new residential development as appropriate.

The Downtown Subarea is also designated for increased public waterfront access, with the existing, manmade “cove” area carved out of the Byram River just north of the foot of Westchester Avenue to be filled in and converted to a public waterfront park. In addition, the existing riverfront walkway north and south of this cove area would be improved and extended northward as far as Highland Street.

5. Brooksville Subarea

This subarea presently contains a mix of uses including industrial at the southern end, open space (William James Park) and commercial uses at the northern end and medium-density residential uses in the middle portion. Because Brooksville is largely stable and provides little future redevelopment potential given the limited size and depth of its lots, no changes in its existing development pattern are proposed. This subarea is proposed to remain a mixed-use area, accommodating all the uses currently in place. No regulatory changes or projects are proposed for this area.

B. PROPOSED WATER USES

The principal use of the waters of the Byram River and Port Chester Harbor is continuation of the federal navigation project which extends from Long Island Sound to 100 feet south of the Mill Street Bridge.

1. Greyrock Subarea

The waters off the Greyrock neighborhood are to be mostly open with small docks along the shoreline as accessory uses to residential development. A small mooring field may be established off-shore within the Village’s 1,500-foot management jurisdiction and outside the current Federal project.

2. Fox Island Subarea

The Federal channel and the docks of the Port Chester Yacht Club are the primary use of the water in this subarea. Additionally floating docks for recreational boating and other vessels may line the Byram River shore. Opportunities for hand boat launch should exist in this subarea.

3. Columbus Park/Purdy Avenue Subarea

The Federal channel, along with shoreline docking facilities for recreational boating, barge shipment and/or commercial fishing occupy this subarea. A wetland resource will continue in the cove.

4. Downtown Subarea

This area's waterside is characterized by the Federal channel and a public marina for resident and transient vessels that parallels the shore and at its northern end private docking facilities accessory to commercial uses. An entertainment vessel, such as the *Showboat*, may be located in this subarea. The former turning basin, no longer maintained as part of the federal navigation project, may be altered substantially (see discussion of the Cove area, below).

5. Brookville Subarea

Due to shallow waters, there are no in-water uses beyond the navigation allowed by the water depths.

C. PROPOSED PROJECTS

The following section describes a set of site-specific and programmatic projects which will be or are being implemented to improve the Village's LWRP area. This section is not intended to anticipate all projects that would further the goals of the LWRP; other future projects may develop that could also improve the LWRP area.

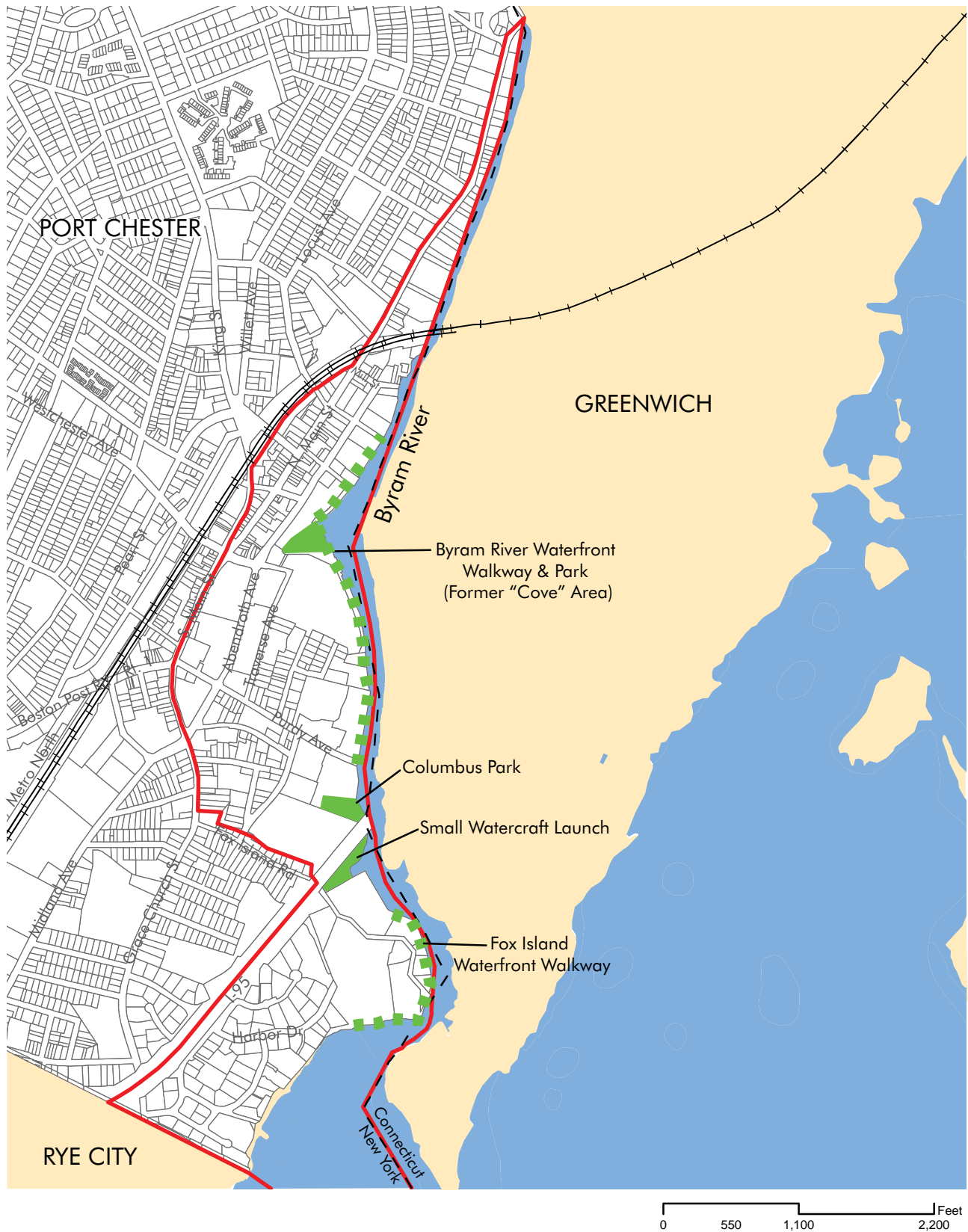
1. Enhance and Increase Public Waterfront Access

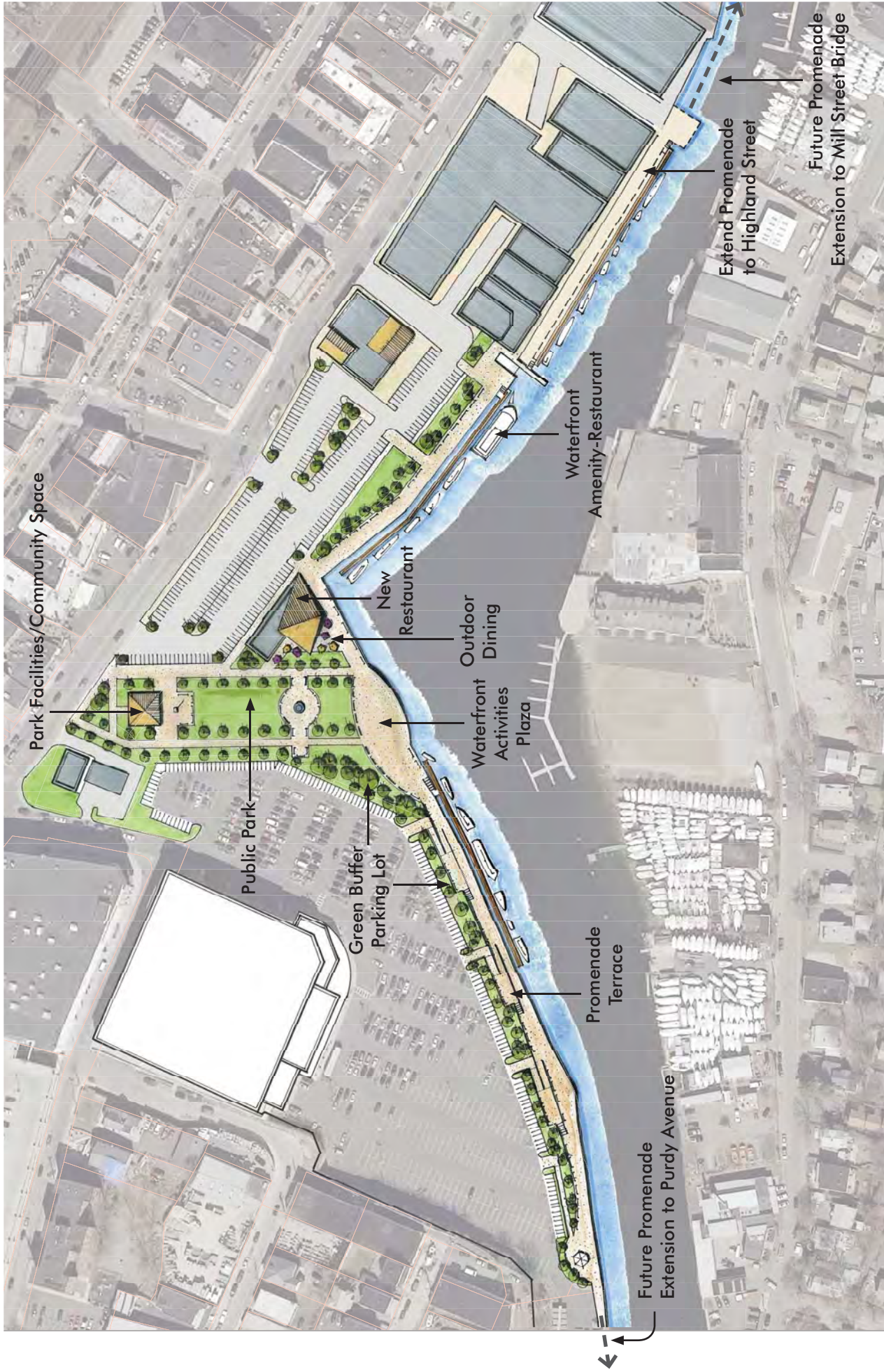
Port Chester presently contains a very limited amount of public waterfront space, with the existing resources primarily confined to the downtown riverfront walkway and the boat ramp at the Port Chester Yacht Club. The 1992 LWRP outlined a series of ambitious proposals for the creation of new waterfront park areas; however, these proposals were never realized. Therefore, the central goal of the proposed projects in this LWRP is to increase public waterfront access in a meaningful and achievable manner. The following specific areas are targeted (see Figure 19):

a. "The Cove" area at foot of Westchester Avenue

Along the Byram River shoreline just north of Westchester Avenue is a manmade indentation totaling approximately one half-mile in area. This area, known as "The Cove," is a remnant of the river's industrial past; it was carved out to accommodate barges and other large watercraft which serviced the oil tanks directly across the river in Greenwich. However, with those tanks now removed and regular dredging no longer being conducted in this area due to the lack of water-dependent industry, the Cove has no practical function. It is too shallow to accommodate watercraft, and it acts as a collector for waterborne garbage, detracting from the visual quality of the downtown waterfront area. The Cove also interrupts the pedestrian waterfront walkway and the overall fabric at the foot of Westchester Avenue.

This LWRP proposes to fill in The Cove and convert it to the Byram River Waterfront Park, which would also include the existing triangular open space area immediately north of The Cove. This park could be the centerpiece of Port Chester's waterfront, and would be a significant asset in the continued redevelopment of the downtown area. Key issues that would need to be addressed in creation of this park include State permitting approval for filling the area, filling of the floodway and changing of base flood elevation, relocation of the existing stormwater outfall into The Cove and conveyance or use agreement for the existing, privately owned (by G&S) open space area between the parking lot and The Cove. As part of any relocation of the stormwater outfall, the outfall should be upgraded to include an oil/water separator, to improve water quality in the Byram River. Implementation of this project should begin with a feasibility study. See Figures 20-22, below.





PORT CHESTER LWRP

PORT CHESTER, NY

FIGURE 20: COVE PARK PLAN

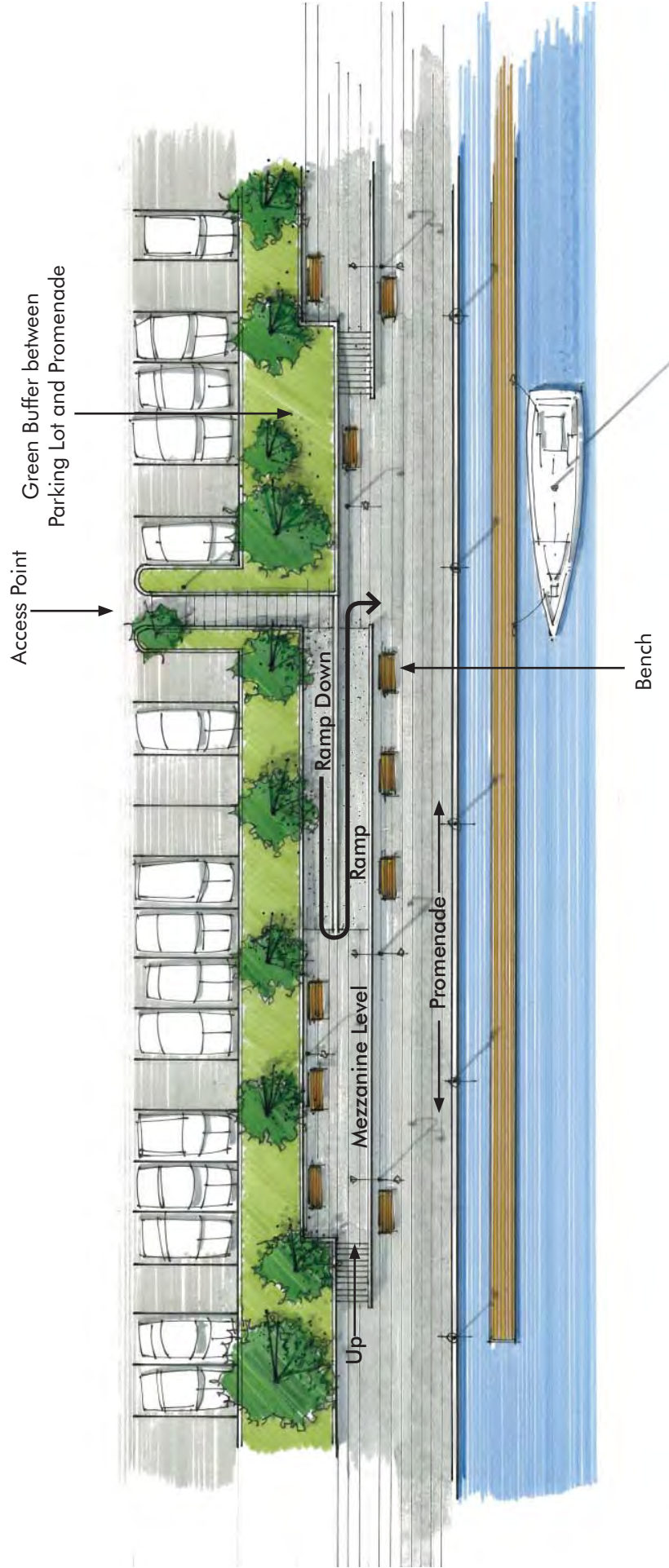
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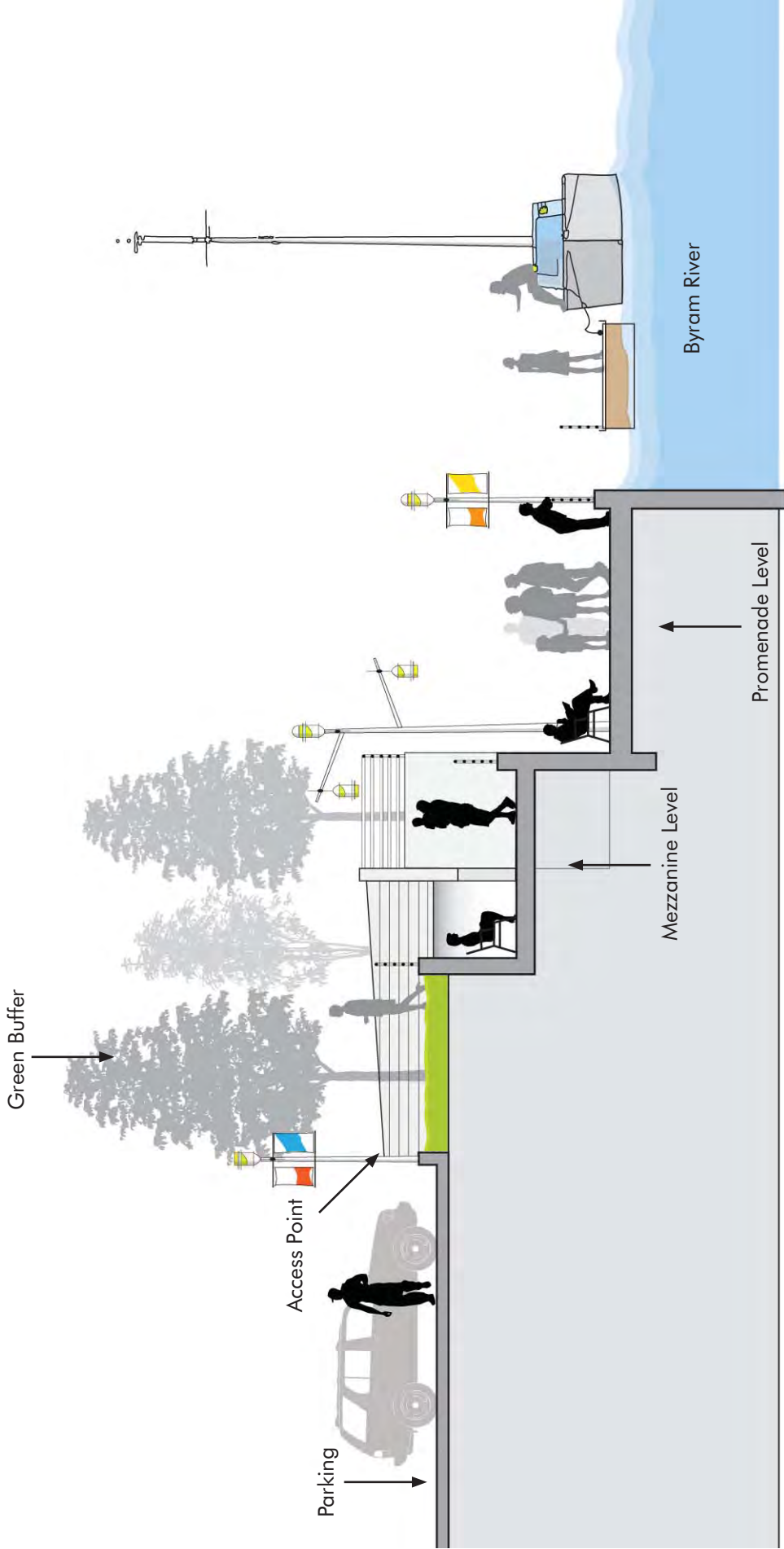


BFJ Planning

200 ft

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b. Byram River Waterfront Walkway

The existing waterfront walkway along the Byram River represents a major access opportunity that is not presently being captured. The portion of the walkway adjoining the Costco parking lot is in poor condition, with portions of the structure falling into the river. In addition, the overall design of this walkway does little to promote its use and enjoyment, because the walkway structure is at a lower grade than the adjacent parking lot. This situation makes the walkway completely disconnected from the landward uses, as well as potentially unsafe, given that pedestrians would largely not be visible from upland locations. The Village is currently in negotiations with the owners of The Waterfront at Port Chester complex on the appropriate repairs or replacement of this portion of the walkway. This LWRP recommends that, beyond simply repairing or replacing the structure in kind, the Village coordinate with the shopping center owners to expand and enhance the walkway. This could be achieved by eliminating the row of parking immediately adjacent to the walkway and adjusting the slope of this area down to the river so that the walkway is wider and closer to at-grade with the land. In addition, a public point of interest could be added at the southern terminus of the walkway, where the Costco parking lot dead-ends as it meets a substantial topographical change and abuts heavy industrial uses. A gazebo, pocket park or similar resource could be added to give this area a sense of place and provide pedestrians a reason to travel the full length of the walkway, thus enhancing its usability and safety.

North of The Cove area, the riverfront walkway is in better condition and appears to be fairly well used. This segment should extend at least as far northward as the bartaco restaurant north of Willett Avenue, with every effort made to continue it farther to Highland Street. This extension could be accomplished through the site plan approval process, as existing uses along the Byram River are redeveloped in the future. In addition, any potential reuse of the public parking lots currently leased to the Village along Abendroth Avenue north of the Cove should include a condition that the waterfront walkway be preserved and enhanced, as practicable. Figures 19-22 illustrate the potential for an expanded and improved Byram River Waterfront Walkway.

c. Columbus Park

Columbus Park is the most significant public open space within the LWRP area, and the Village's recent upgrades have significantly enhanced its attractiveness and potential use by the community, in particular the neighborhoods immediately south and west. However, despite the fact that this park is located along the river, there is virtually no visual or physical access to the water. This LWRP proposes opening up the waterfront portion of the park for a combination of passive and water recreational use. The existing walkway to the park's water feature could be extended to the waterline, and a pedestrian walkway and fishing pier constructed to allow the community to closely interact

with the water. Given the shallow depths at this portion of the Byram River, a shoreline boat launch is not feasible, but the fishing pier could also provide mooring opportunities for small craft. This area also provides a potential opportunity for wetlands creation and restoration, which would attract wildlife and could serve to mitigate potential environmental effects of filling in the Cove farther north. The end result would be a unique passive recreational area that could allow users to relate both to Port Chester's riverfront habitats as well as its robust industrial usage. Development of the Columbus Park waterfront would require close coordination with the existing industrial users to the north and with the New York State Thruway Authority.

d. Fox Island

Beginning at the northernmost portion of Fox Island, there is a small, undeveloped area of land between I-95 and the sewage treatment plant that could be used for storage and launch of small watercraft such as canoes, rowboats, dinghies and kayaks. Because of limited space and the proximity of the public boat ramp at the Port Chester Yacht Club, no launch facilities for motorcraft are proposed in this undeveloped area. Communication and coordination with Westchester County would be required to ensure no disruption to the operation of the sewage treatment plant.

There is also the potential for this area to be connected with the redeveloped waterfront portion of Columbus Park (see above), under I-95. Clearly, the public use of land underneath the highway could raise security concerns and would have to be negotiated with the Thruway Authority and other relevant agencies. However, it could provide an important pedestrian and open space link between the Fox Island Peninsula and the rest of the Port Chester waterfront. Recent and current projects throughout the region (including planned renovations to Brooklyn Bridge Park that would allow public access under the Brooklyn and Manhattan Bridges in New York City) have shown that security issues can be overcome in the interest of increasing public open space.

South of the sewage treatment plant, the Village should promote development of a public waterfront walkway southward along the remainder of Fox Island. Much of the land immediately adjacent to the water in this area appears to be devoted to underutilized parking areas and boat storage, and could be reworked to accommodate the walkway. As uses in Fox Island are redeveloped or changed, this public access could be achieved through the site plan approval process.

Another major opportunity to enhance public access and open space on Fox Island lies with the Village's DPW site. While it is anticipated that this facility will remain at the current location due to the extremely limited feasible alternative sites within Port Chester, the DPW operations should be consolidated to the greatest degree practicable away from the water. This would allow for both the

necessary environmental cleanup of the landfill/mulching area and for the public use and access of this area, which provides one of the few unobstructed, public viewsheds of Port Chester Harbor. In conjunction with this creation of new public space, a vegetative buffer would be created at the western edge of the Fox Island Peninsula to provide more clear separation from the industrial uses to the east from the low-density Greyrock neighborhood to the west.

2. Implement Harbor Management in the Village

The Village plan for harbor management is an integral part of this LWRP. Its components are: the in-water boundary of the LWRP (section1); the description of the current water-dependent uses and water-enhanced uses of the shoreline and the waters and the issues to be addressed (section 2); the policies that relate to uses of the shoreline and waters (Section3, particularly policies 9, 10, and 11); the proposed uses of the shoreline and the water (Section 4); projects described in Section 4; the zoning that provides for water-dependent and water-enhanced uses for most of the shoreline (Section 5); the continuation of the Federal channel and its associated facilities; and the provisions of the boating and watercraft law and the designation of personnel to implement it (Section 5 and Appendix).

3. Explore Future Opportunities for Mooring of Entertainment Vessels

The Village has considered proposals in the past for permanent moorings of vessels intended for use as entertainment and dining space, for example the *Showboat*, which is presently docked at the Highland Street marina. Such uses could present opportunities for Port Chester to gain unique waterfront attractions that would enhance downtown activity. Permanent moorings of entertainment-themed vessels could also provide for upgrades to adjacent marina facilities, as well as potential upgrades or extensions to the waterfront pedestrian walkway.

Although any proposal to permanently moor a vessel for entertainment use along the Village's waterfront would need to address issues of traffic (vessel, vehicular and pedestrian), parking, interference with navigation and other factors, such proposals should be thoughtfully considered as key waterfront redevelopment opportunities.

4. Explore Provision of Hand-Launched and Transient Docking Facilities in the Downtown Area

The potential small watercraft launch off Fox Island Road discussed above could take some time to plan and develop, with issues of access and parking to be addressed. In the short-term, the Village could provide for more immediate hand-launched boat facilities in appropriate locations. For example, once repairs to the Byram River bulkhead are complete, the municipal docks are planned to be extended southward to the end of the adjacent Costco parking lot. Until these docks are fully utilized by seasonal permit holders, they could be used for the next 1-2 years for the launching and storage of kayaks, canoes or other hand-launched boats. Once a more permanent

location for these small watercraft is developed off Fox Island Road, they could be relocated.

In addition, the Village could explore setting aside a portion of future municipal docks for transient, or short-term, docking. This would allow boaters from throughout the region to tie up and make use of the Waterfront at Port Chester and other nearby shopping and dining attractions. Such an arrangement would need to establish a physical separation between the transient and long-term docks – such as a gate with keycard access – so that the seasonal permit holders could be assured that their boats are secure.

It is important to note that both the provision of hand-launched boat facilities and transient docking facilities in the downtown area are contingent upon the completion of repairs to the Byram River bulkhead.

5. Consider Extending Utilities Along Fox Island Road

Much of Fox Island’s redevelopment potential appears to be limited by the fact that municipal utilities do not fully extend to the end of Fox Island Road, which has interfered with the continued operation of some uses and could impair the expansion potential of others. The Village should consider pursuing all available funds, including grants, to fully extend utilities throughout the Fox Island Peninsula, as a means to support the existing uses as well as promote overall redevelopment of the area.

6. Support Continued Upgrades to the Westchester County Sewage Treatment Plant

The Westchester County Sewage Treatment Plant recently completed upgrades to the facility, and no further renovations are planned in the near future. However, if current upgrades to the County’s sewage treatment plants in New Rochelle and Mamaroneck do not achieve nitrogen reduction levels required by the DEC, the County will need to retrofit its Port Chester and Blind Brook sewage treatment plants for biological nutrient removal (BNR), which removes nitrogen and phosphorous from wastewater through the use of microorganisms. The Village should support any such future upgrades to the sewage treatment plant, but should maintain close communications with the County to ensure that potential negative impacts to Village residents are minimized.

The Village should also initiate discussions with the County regarding exterior renovations to the sewage treatment plant. Although such renovations would clearly not represent as high a priority for the County as required functional upgrades, the exterior of the plant has a huge impact on Port Chester’s image, and in particular on the redevelopment of the Fox Island peninsula. The Village should work with the County to secure funding for exterior improvements through any available means, such as grants through the State’s Coastal Management or Brownfield Opportunity Area (BOA) programs. Such efforts would capitalize on the potential for the sewage treatment plant to act as a visual asset for Port Chester, as has occurred elsewhere in the region. For example, the County’s sewage treatment plant in Mamaroneck has undergone

significant upgrades – both interior functional improvements and exterior renovation – that contribute to its recognition as a significant community resource and point of pride. That situation is clearly unique because the Mamaroneck facility occupies a prominent central location within the village and is eligible for listing on the National and State Registers of Historic Places, but it serves as a potential model for Port Chester.

7. Support Measures to Improve Water Quality

The Village of Port Chester has made major steps in addressing non-point source pollution, largely through the adoption in 2007 of a stormwater management law in accordance with the New York State DEC Phase II regulations; a 2011 amendment to that law to promote “green” infrastructure; and ongoing inspections of stormwater outfalls for illicit discharges and possible sources of pollutants. However, as noted in Section II, the Village is under an EPA mandate to improve its stormwater management program to correct violations of the Federal Clean Water Act.

The Village should continue its diligent efforts to correct stormwater management issues and improve water quality through its compliance with EPA and DEC regulations. Other actions that should be considered include adoption of existing draft local laws on erosion and sediment control and illicit discharge and identification, as appropriately modified for the Village. Port Chester may also want to consider strengthening its stormwater management regulations beyond the minimum Phase II requirements. Specifically, the Village should explore requiring a Stormwater Pollution Prevention Plan (SWPPP) for any land development activity that results in the disturbance of land greater than 1,000 square feet (rather than 1 acre as is required by Phase II regulations). Given that much of Port Chester consists of parcels of less than one acre, this change would significantly increase the Village’s ability to regulate stormwater management.

8. Improve Training of Waterfront Commission and Ensure Coordination with other Land Use Boards

The determination of consistency with an LWRP is a unique, often highly technical analysis. According to information on consistency provided by the New York State Department of State, the key distinction of consistency review as compared with other land use decisions is the requirement that activities within the LWRP boundary comply with and be conducted in a manner consistent with all applicable coastal policies. This requirement is different from the more traditional approaches of the State Environmental Quality Review Act (SEQRA) and the National Environmental Policy Act (NEPA), which call for balancing the potential beneficial effects of a proposed activity against its potential adverse effects. These other environmental analysis processes allow activities to progress when individual beneficial effects “outweigh” certain adverse impacts. This is not the case in consistency review; one applicable policy is not to be advanced to the detriment of any other applicable policies.

Because of the unique requirements and process of consistency review, it is imperative that Port Chester’s Waterfront Commission be adequately trained and prepared, and

that procedures are developed and followed to facilitate the orderly and appropriate enforcement of the LWRP policies. The Village has recently made substantial progress in improving Waterfront Commission procedures by appointing a full commission membership, creating a more formalized meeting schedule and developing meeting minutes. In addition, the Village's planning staff provides advisory support on consistency determination, and that process is planned to be enhanced through the creation of a coastal assessment form.

In addition, the Village should explore the feasibility of providing annual training sessions, conducted by a staff member from the Department of State, to Waterfront Commission members. Such sessions have been conducted in other LWRP communities in Westchester County – often jointly organized by more than one municipality to reduce costs – and have generally been found to be helpful to LWRP consistency boards and commissions. When possible, training sessions should be timed to coincide with the beginning of terms for new members, to help ensure a smooth transition between old and new members, with the goal being that each application before the Waterfront Commission has the benefit of a fully trained and knowledgeable commission.

9. Support Maintenance Dredging of the Federal Navigation Project

The Byram River and Port Chester Harbor were last dredged in 1990. Currently, siltation has reduced the project depths considerably. Initiating a maintenance dredging project by the Army Corps of Engineers will require substantial lead time to obtain the necessary Federal fiscal support, as well as cooperation with Connecticut and shoreline facilities and river users that depend on adequate channel depths. Analyzing sediment contamination and identifying suitable disposal options is complex. Opportunities for coordinating dredging needs outside the Federal channel should also be explored. The Village supports future dredging efforts on the river that extend northward to the Mill Street Bridge.

SECTION V

TECHNIQUES FOR LOCAL IMPLEMENTATION

SECTION V TECHNIQUES FOR LOCAL IMPLEMENTATION

This section describes the techniques for implementation of the Village of Port Chester LWRP. It describes the land use controls that have been enacted by the Village to implement the policies and projects of the LWRP, and makes recommendations for potential changes to these regulations. All referenced laws are included in an Appendix to this LWRP.

A. Existing Laws

1. Zoning Regulations (Port Chester Village Code Chapter 345)

The intent of Chapter 345 is to establish a precise and detailed plan for the use of land in the Village, based on the Comprehensive Plan, in order to promote and protect the health, safety, morals or general welfare of the public. This law regulates and restricts, by district, the location, construction and use of buildings and structures, and the use of land in the Village of Port Chester. Chapter 345 also establishes permitted uses, standards and procedures for the Village’s specialized zoning districts.

Chapter 345 also specifies the process for obtaining building permits and certificates of occupancy as well as the duties of the designated Code Enforcement Officer (Building Inspector). Article VI establishes the Zoning Board of Appeals and outlines its duties. Article V establishes the site plan review procedures and standards. (See Section II.H for further discussion on zoning.)

2. Land Subdivision Regulations (Port Chester Village Code Chapter A402)

Chapter A402 establishes regulations and procedures for the subdivision of land into two or more individual lots. The law also provides standards for the layout and dimensions of streets and lots, the naming of streets and the provision of open space within subdivisions.

3. Boating and Watercraft (Port Chester Village Code Chapter 148)

Chapter 148 establishes standards, requirements and procedures for the safe and sanitary operation of watercraft; mooring of watercraft; and use, maintenance and management of marinas and marine structures in Port Chester. The law provides for the enforcement of harbor rules and regulations by a Harbor Master, Assistant Harbor Master and any member of the Village’s Police Department. The Waterfront Commission has the authority to approve permits for the construction or reconstruction of marine structures within the harbor.

This ordinance addresses the following:

- Prohibition of dumping waste
- Required provision of pump-out facilities for marinas accommodating 25 or more vessels
- Removal of improperly moored boats
- Safe operation of boats
- Speed limits

- Prohibition of water skiing and similar water recreation
 - Approval of the location, type, and adequacy of moorings to be placed within the harbor areas.
4. Waterfront Consistency Review (Port Chester Village Code Chapter 332)
Chapter 332 provides consistency review procedures for implementation of the Village’s Local Waterfront Revitalization Program, including the responsibilities of the Waterfront Commission as the implementing body. The law establishes the following:
- Waterfront Commission’s formation and responsibilities
 - Coastal action review procedures
 - Policy standards and conditions
 - Exceptions and negative actions
5. Stormwater Management (Port Chester Village Code Chapter 281)
Chapter 281 establishes minimum stormwater management requirements and controls to meet New York State requirements for stormwater discharges; minimize increases in stormwater runoff from land development activities; minimize adverse impacts on water quality from stormwater runoff; and control erosion and sedimentation.
6. Flood Damage Prevention (Port Chester Village Code Chapter 181)
Chapter 181 is intended to regulate uses which are dangerous to health, safety and property due to flooding or erosion hazards, or which result in damaging increases in erosion or in flood heights and velocities; require that uses vulnerable to floods be protected against flood damage at the time of initial construction; control the alteration of natural floodplains, stream channels and natural protective barriers which are involved in the accommodation of floodwaters; control filling, grading, dredging and other development which may increase erosion or flood damages; regulate the construction of flood barriers which will unnaturally divert floodwaters or which may increase flood hazards to other lands; and quality for and maintain participation in the National Flood Insurance Program. The law provides the basis for establishing special flood hazard areas, establishes the procedures for granting floodplain development permits and outlines construction standards for structures within special flood hazard areas.
7. Building Code Administration and Enforcement (Port Chester Village Code Chapter 151)
Chapter 151 provides for the administration and enforcement of the New York State Uniform Fire Prevention and Building Code and the State Energy Conservation Construction Code in the Village. The law establishes the authority and duties of the Village Building Inspector and provides for standards and procedures for the issuance of building permits and certificates of occupancy.
8. Parks (Port Chester Village Code Chapter 236)
Chapter 236 establishes rules and regulations for all parks owned, operated, licensed, used or otherwise under the control or supervision of the Village of Port Chester.

9. Sewers (Port Chester Village Code Chapter 269)
Chapter 269 provides standards and conditions for ensuring the proper disposal of sewage and wastewater and the proper operation and maintenance of the public sewers, sewage treatment plant and other sewage works within the Village.
10. Signs and Billboards (Port Chester Village Code Chapter 272)
Chapter 272 specifies standards and procedures for the issuance of sign permits from the Village Building Inspector.
11. Solid Waste (Port Chester Village Code Chapter 275)
Chapter 275 regulates the disposal of all refuse within the Village of Port Chester, including the prohibition of dumping, littering and the accumulation of waste. The law also establishes procedures for garbage collection and sets forth the enforcement authority and penalties for non-compliance with regulations.
12. Trees and Shrubbery (Port Chester Village Code Chapter 304)
Chapter 304 establishes regulations for maintaining trees and shrubs in areas affecting Village sidewalks or roadways. The law also prohibits property owners from maintaining infected trees or shrubs anywhere on a lot; and prohibits the planting, trimming or removal of any tree within the Village right-of-way without permission.
13. Underground Utilities (Port Chester Village Code Chapter 312)
Chapter 312 sets forth a requirement that utilities be placed underground as part of redevelopment activities or as the opportunity arises, and provides procedures for implementing this requirement.

B. Local Laws Necessary to Implement the LWRP

To implement the policies and provisions of the Village of Port Chester Local Waterfront Revitalization Program, the following amendments shall be made to the Village Code.

1. Revisions to the Boating and Watercraft Law. In addition to clarification language regarding the required permit for moored vessels from the harbormaster, the local law is revised to account for the long-standing but limited encroachment of docks and vessels within the lines of the channel. The law is amended to allow the harbormaster or the Waterfront Commission to permit these encroachments under Village law, provided new or revised permits are obtained and the encroachments are easily removed when necessary to meet navigation needs. Changes in the Village Law do not affect the U.S. Army Corps' authority to enforce their own regulations in this matter. See the Appendix for the proposed revisions to Chapter 148.
2. Revisions to the Waterfront Consistency Review Law. This section of the Village Code (Chapter 332) will need to be amended to reflect the changes to policies in this LWRP (i.e., reorganizing the existing 44 LWRP policies into 13).

C. Other Public and Private Actions Necessary to Implement the LWRP

There are a number of public and private actions and projects that involve the potential redevelopment or enhancement of certain sites within the LWRP area. These actions hold promise for assisting with the renewal of the waterfront, improvements to the environment and the continued economic well-being of the Village, and are fully outlined in Section IV of this program.

D. Management Structure Necessary to Implement the LWRP

1. The Village Board of Trustees shall be the lead agency responsible for implementation of the Local Waterfront Revitalization Program. Implementation is to be accomplished through the previously identified projects and local laws, together with the review procedure whereby local permitting authorities (primarily the Board of Trustees, the Board of Appeals and the Planning Commission) will take into consideration and make determinations regarding the consistency of proposed actions with the policies of the Program. Prior to such determinations being made by permitting authorities, proposed actions in the coastal zone will be referred to the Waterfront Commission for its review and comment and this comment will be considered by the permitting authorities when making determinations of consistency.

All agencies of the Village will maintain their present responsibilities for programs, projects, and regulation. The Waterfront Commission will act in an advisory capacity to review and make recommendations to the Board of Trustees on any application in the LWRP zone, including dredging or construction of any structure in the water under the Village's jurisdiction, or any proposal to alter the shoreline.

The Waterfront Commission and the Harbor Master, in addition to federal and State authorities, shall regulate boating in Village waters. The Planning Board will retain its function to review and approve any land use plans or proposals within the coastal area, including the review of uses affecting tidal wetlands. The Board of Trustees has the authority to approve and fund (or secure funding for) specific improvements necessary to implement the LWRP.

2. The agency for the management of the LWRP will be the Waterfront Commission. The local official responsible for overall management and coordination of the LWRP will be the Chairperson of the Waterfront Commission.

The Waterfront Commission will assume the role of reviewing all public and private proposals for development or regulations in the Waterfront Revitalization Area and, where appropriate, make recommendations to responsible agencies to assure consistency with the LWRP.

The Commission will also be responsible for making its own proposals to various agencies for projects or programs that it believes to be important to the implementation of the LWRP.

3. State and Federal agencies identified in Section VI will notify the Mayor of the Village of Port Chester of proposed actions in or likely to affect the coastal zone. Such actions will be subject to the same consistency review as provided by the Waterfront and Coastal Resources Act, the Federal Coastal Zone Management Act and their implementing regulations.

E. Financial Resources Necessary to Implement the LWRP

The implementation of the proposed projects identified in Section IV will require funding from a combination of public and private sources. These costs will include capital outlays, maintenance costs and, potentially in some cases, property acquisition. For many of the projects, costs are undetermined at this time. It is recognized that if the majority of the projects identified are implemented, they will be funded privately or supplemented by State and Federal funding. Where applicable, the Village will work diligently to secure funding through grants available through State and Federal program funds to support implementation of the identified LWRP projects.

The Village is obligated to fund a portion of the construction and renovation costs of any proposed improvements on Village-owned property. There are grants available from State and Federal agencies that the Village hopes to obtain and leverage local funds against. The Village will continue to aggressively seek out such grants or in-kind assistance from governmental entities, elected representatives, quasi-governmental organizations and private entities to implement the plans and projects outlined in the LWRP.

Ongoing management of the LWRP will not require outside sources of funding.

SECTION VI

**STATE AND FEDERAL ACTIONS AND PROGRAMS
LIKELY TO AFFECT PROGRAM IMPLEMENTATION**

SECTION VI STATE AND FEDERAL ACTIONS LIKELY TO AFFECT PROGRAM IMPLEMENTATION

State and Federal actions will affect and be affected by implementation of the LWRP. Under State law and the U.S. Coastal Zone Management Act, certain State and Federal actions within or affecting the local waterfront area must be “consistent” or “consistent to the maximum extent practicable” with the enforceable policies and purposes of the LWRP. This consistency requirement makes the LWRP a unique, intergovernmental mechanism for setting policy and making decisions and helps to prevent detrimental actions from occurring and future options from being needlessly foreclosed. At the same times, the active participation of State and Federal agencies is also likely to be necessary to implement specific provisions of the LWRP.

The following State and Federal authorities are part of the institutional framework for local waterfront planning and harbor management that includes planning initiatives as well as regulatory requirements. The Village anticipates that all of the involved governmental entities identified in this section will likely have continuing roles affecting Port Chester’s waterfront area.

A. State and Federal Actions and Programs

The first part of this section identifies the actions and programs of State and Federal agencies which should be undertaken in a manner consistent with the LWRP. This is a generic list of actions and programs, as identified by the NYS Department of State; therefore, some of the actions and programs listed may not be relevant to this LWRP.

Pursuant to the State Waterfront Revitalization of Coastal Areas and Inland Waterways Act (Executive Law, Article 42), the Secretary of State individually and separately notifies affected State agencies of those agency actions and programs which are to be undertaken in a manner consistent with approved LWRPs. The following list of State actions is the list of actions subject to the State consistency requirement upon the Secretary of State’s approval of the Port Chester LWRP and notification of affected State agencies. Similarly, Federal agency actions and programs subject to consistency requirements are identified in the manner prescribed by the U.S. Coastal Zone Management Act and its implementing regulations. The list of Federal actions and programs included herein is informational only and does not represent or substitute for the required Federal identification and notification procedures. The current official list of actions subject to Federal consistency requirements may be obtained from the NYS Department of State.

The second part of this section is a more focused and descriptive list of State and Federal agency actions which are necessary to further implementation of the LWRP. It is recognized that a State or Federal agency’s ability to undertake such actions is subject to a variety of factors and considerations; that the consistency provisions referred to above may not apply; and that the consistency requirements cannot be used to require a State or Federal agency to undertake an action it could not undertake pursuant to other provisions of law.

1. State and Federal Actions and Programs Which Should be Undertaken in a Manner Consistent with the LWRP

a. State Agencies

OFFICE FOR THE AGING

- 1.00 Funding and/or approval programs for the establishment of new or expanded facilities providing various services for the elderly.

DEPARTMENT OF AGRICULTURE AND MARKETS

- 1.00 Agricultural Districts Program
- 2.00 Rural Development Program
- 3.00 Farm Worker Services Programs
- 4.00 Permit and approval programs:
 - 4.01 Custom Slaughters/Processor Permit
 - 4.02 Processing Plant License
 - 4.03 Refrigerated Warehouse and/or Locker Plant License

DIVISION OF ALCOHOLIC BEVERAGE CONTROL/STATE LIQUOR AUTHORITY

- 1.00 Permit and Approval Programs:
 - 1.01 Ball Park – Stadium License
 - 1.02 Bottle Club License
 - 1.03 Bottling Permits
 - 1.04 Brewer’s Licenses and Permits
 - 1.05 Brewer’s Retail Beer License
 - 1.06 Catering Establishment Liquor License
 - 1.07 Cider Producer’s and Wholesaler’s Licenses
 - 1.08 Club Beer, Liquor, and Wine Licenses
 - 1.09 Distiller’s Licenses
 - 1.10 Drug Store, Eating Place, and Grocery Store Beer Licenses
 - 1.11 Farm Winery and Winery Licenses
 - 1.12 Hotel Beer, Wine, and Liquor Licenses
 - 1.13 Industrial Alcohol Manufacturer’s Permits
 - 1.14 Liquor Store License
 - 1.15 On-premises Liquor Licenses
 - 1.16 Plenary Permit (Miscellaneous-Annual)
 - 1.17 Summer Beer and Liquor Licenses
 - 1.18 Tavern/Restaurant and Restaurant Wine Licenses
 - 1.19 Vessel Beer and Liquor Licenses
 - 1.20 Warehouse Permit
 - 1.21 Wine Store License
 - 1.22 Winter Beer and Liquor Licenses
 - 1.23 Wholesale Beer, Wine, and Liquor Licenses

DIVISION OF ALCOHOLISM AND SUBSTANCE ABUSE SERVICES

- 1.00 Facilities, construction, rehabilitation, expansion, or demolition or the funding of such activities.
- 2.00 Permit and approval programs:
 - 2.01 Certificate of approval (Substance Abuse Services Program)
- 3.00 Permit and approval:
 - 3.01 Letter Approval for Certificate of Need
 - 3.02 Operating Certificate (Alcoholism Facility)
 - 3.03 Operating Certificate (Community Residence)
 - 3.04 Operating Certificate (Outpatient Facility)
 - 3.05 Operating Certificate (Sobering-Up Station)

COUNCIL ON THE ARTS

- 1.00 Facilities construction, rehabilitation, expansion, or demolition or the funding of such activities.
- 2.00 Architecture and environmental arts program

DEPARTMENT OF BANKING

- 1.00 Permit and approval programs:
 - 1.01 Authorization Certificate (Bank Branch)
 - 1.02 Authorization Certificate (Bank Change of Location)
 - 1.03 Authorization Certificate (Bank Charter)
 - 1.04 Authorization Certificate (Credit Union Change of Location)
 - 1.05 Authorization Certificate (Credit Union Charter)
 - 1.06 Authorization Certificate (Credit Union Station)
 - 1.07 Authorization Certificate (Foreign Banking Corporation Change of Location)
 - 1.08 Authorization Certificate (Foreign Banking Corporation Public Accommodations Office)
 - 1.09 Authorization Certificate (Investment Company Branch)
 - 1.10 Authorization Certificate (Investment Company Change of Location)
 - 1.11 Authorization Certificate (Investment Company Charter)
 - 1.12 Authorization Certificate (Licensed Lender Change of Location)
 - 1.13 Authorization Certificate (Mutual Trust Company Charter)
 - 1.14 Authorization Certificate (Private Banker Charter)
 - 1.15 Authorization Certificate (Public Accommodation Office – Banks)
 - 1.16 Authorization Certificate (Safe Deposit Company Branch)
 - 1.17 Authorization Certificate (Safe Deposit Company Change of Location)
 - 1.18 Authorization Certificate (Safe Deposit Company Charter)
 - 1.19 Authorization Certificate (Savings Bank Charter)
 - 1.20 Authorization Certificate (Savings Bank De Novo Branch Office)
 - 1.21 Authorization Certificate (Savings Bank Public Accommodations Office)

- 1.22 Authorization Certificate (Savings and Loan Association Branch)
- 1.23 Authorization Certificate (Savings and Loan Association Change of Location)
- 1.24 Authorization Certificate (Savings and Loan Association Charter)
- 1.25 Authorization Certificate (Subsidiary Trust Company Charter)
- 1.26 Authorization Certificate (Trust Company Branch)
- 1.27 Authorization Certificate (Trust Company – Change of Location)
- 1.28 Authorization Certificate (Trust Company Charter)
- 1.29 Authorization Certificate (Trust Company Public Accommodations Office)
- 1.30 Authorization to Establish a Life Insurance Agency
- 1.31 License as a Licensed Lender
- 1.32 License for a Foreign Banking Corporation Branch

NEW YORK STATE BRIDGE AUTHORITY

- 1.00 Acquisition, disposition, lease, grant of easement and other activities related to the management of land under the jurisdiction of the Authority.
- 2.00 Facilities construction, rehabilitation, expansion, or demolition.

OFFICE OF CHILDREN AND FAMILY SERVICES

- 1.00 Facilities construction, rehabilitation, expansion or demolition or the funding of such activities.
- 2.00 Homeless Housing and Assistance Program.
- 3.00 Permit and approval programs:
 - 3.01 Certificate of Incorporation (Adult Residential Care Facilities)
 - 3.02 Operating Certificate (Children’s Services)
 - 3.03 Operating Certificate (Enriched Housing Program)
 - 3.04 Operating Certificate (Home for Adults)
 - 3.05 Operating Certificate (Proprietary Home)
 - 3.06 Operating Certificate (Public Home)
 - 3.07 Operating Certificate (Special Care Home)
 - 3.08 Permit to Operate a Day Care Center

DEPARTMENT OF CORRECTIONAL SERVICES

- 1.00 Facilities construction, rehabilitation, expansion, or demolition or the funding of such activities.

DORMITORY AUTHORITY OF THE STATE OF NEW YORK

- 1.00 Financing of higher education and health care facilities.
- 2.00 Planning and design services assistance program.

EDUCATION DEPARTMENT

- 1.00 Facilities construction, rehabilitation, expansion, demolition or the funding of such activities.
- 2.00 Permit and approval programs:

- 2.01 Certification of Incorporation (Regents Charter)
- 2.02 Private Business School Registration
- 2.03 Private School License
- 2.04 Registered Manufacturer of Drugs and/or Devices
- 2.05 Registered Pharmacy Certificate
- 2.06 Registered Wholesale of Drugs and/or Devices
- 2.07 Registered Wholesaler-Repacker of Drugs and/or Devices
- 2.08 Storekeeper's Certificate

EMPIRE STATE DEVELOPMENT CORPORATION

- 1.00 Preparation or revision of statewide or specific plans to address State economic development needs.
- 2.00 Allocation of the state tax-free bonding reserve.

NEW YORK STATE ENERGY RESEARCH AND DEVELOPMENT AUTHORITY

- 1.00 Issuance of revenue bonds to finance pollution abatement modifications in power-generation facilities and various energy projects.

DEPARTMENT OF ENVIRONMENTAL CONSERVATION

- 1.00 Acquisition, disposition, lease, grant of easement and other activities related to the management of lands under the jurisdiction of the Department.
- 2.00 Classification of Waters Program; classification of land areas under the Clean Air Act.
- 3.00 Facilities construction, rehabilitation, expansion, or demolition or the funding of such activities.
- 4.00 Financial assistance/grant programs:
 - 4.01 Capital projects for limiting air pollution
 - 4.02 Cleanup of toxic waste dumps
 - 4.03 Flood control, beach erosion and other water resource projects
 - 4.04 Operating aid to municipal wastewater treatment facilities
 - 4.05 Resource recovery and solid waste management capital projects
 - 4.06 Wastewater treatment facilities
- 5.00 Funding assistance for issuance of permits and other regulatory activities (New York City only).
- 6.00 Implementation of the Environmental Quality Bond Act of 1972, including:
 - (a) Water Quality Improvement Projects
 - (b) Land Preservation and Improvement Projects including Wetland Preservation and Restoration Projects, Unique Area Preservation Projects, Metropolitan Parks Projects, Open Space Preservation Projects and Waterways Projects.
- 7.00 Marine Finfish and Shellfish Programs
- 8.00 New York Harbor Drift Removal Project
- 9.00 Permit and approval programs:

Air Resources

- 9.01 Certificate of Approval for Air Pollution Episode Action Plan
- 9.02 Certificate of Compliance for Tax Relief – Air Pollution Control Facility
- 9.03 Certificate to Operate: Stationary Combustion Installation; Incinerator; Process, Exhaust or Ventilation System
- 9.04 Permit for Burial of Radioactive Material
- 9.05 Permit for Discharge of Radioactive Material to Sanitary Sewer
- 9.06 Permit for Restricted Burning
- 9.07 Permit to Construct: a Stationary Combustion Installation; Incinerator; Indirect Source of Air Contamination; Process, Exhaust or Ventilation System

Construction Management

- 9.08 Approval of Plans and Specifications for Wastewater Treatment Facilities.

Fish and Wildlife

- 9.09 Certificate to Possess and Sell Hatchery Trout in New York State
- 9.10 Commercial Inland Fisheries Licenses
- 9.11 Fishing Preserve License
- 9.12 Fur Breeder’s License
- 9.13 Game Dealer’s License
- 9.14 Licenses to Breed Domestic Game Animals
- 9.15 License to Possess and Sell Live Game
- 9.16 Permit to Import, Transport and/or Export under Section 184.1 (11-0511)
- 9.17 Permit to Raise and Sell Trout
- 9.18 Private Bass Hatchery Permit
- 9.19 Shooting Preserve Licenses
- 9.20 Taxidermy License
- 9.21 Permit-Article 15, (Protection of Water) – Dredge or Deposit Material in a Waterway
- 9.22 Permit – Article 15, (Protection of Water) – Stream Bed or Bank Disturbances
- 9.23 Permit – Article 24, (Freshwater Wetlands)

Hazardous Substances

- 9.24 Permit to Use Chemicals for the Control or Elimination of Aquatic Insects
- 9.25 Permit to Use Chemicals for the Control or Elimination of Aquatic Vegetation
- 9.26 Permit to Use Chemicals for the Control or Extermination of Undesirable Fish

Lands and Forest

- 9.27 Certificate of Environmental Safety (Liquid Natural Gas and Liquid Petroleum Gas)
- 9.28 Floating Object Permit
- 9.29 Marine Regatta Permit
- 9.30 Navigation Aid Permit

Marine Resources

- 9.31 Digger's Permit (Shellfish)
- 9.32 License of Menhaden Fishing Vessel
- 9.33 License for Non-Resident Food Fishing Vessel
- 9.34 Non-Resident Lobster Permit
- 9.35 Marine Hatchery and/or Off-Bottom Culture Shellfish Permits
- 9.36 Permits to take Blue-Claw Crabs
- 9.37 Permit to Use Pond or Trap Net
- 9.38 Resident Commercial Lobster Permit
- 9.39 Shellfish Bed Permit
- 9.40 Shellfish Shipper's Permits
- 9.41 Special Permit to Take Surf Clams from Waters other than the Atlantic Ocean
- 9.42 Permit – Article 25, (Tidal Wetlands)

Mineral Resources

- 9.43 Mining Permit
- 9.44 Permit to Plug and Abandon (a non-commercial, oil, gas or solution mining well)
- 9.45 Underground Storage Permit (Gas)
- 9.46 Well Drilling Permit (Oil, Gas, and Solution Salt Mining)

Solid Wastes

- 9.47 Permit to Construct and/or Operate a Solid Waste Management Facility
- 9.48 Septic Tank Cleaner and Industrial Waste Collector Permit

Water Resources

- 9.49 Approval of Plans for Wastewater Disposal Systems
- 9.50 Certificate of Approval of Realty Subdivision Plans
 - 9.51 Certificate of Compliance (Industrial Wastewater Treatment Facility)
 - 9.52 Letters of Certification for Major Onshore Petroleum Facility Oil Spill Prevention and Control Plan
 - 9.53 Permit – Article 36, (Construction in Flood Hazard Areas)
 - 9.54 Permit for State Agency Activities for Development in Coastal Erosion Hazard Areas

- 9.55 State Pollutant Discharge Elimination System (SPDES) Permit
- 9.56 Approval – Drainage Improvement District
- 9.57 Approval – Water (Diversion for) Power
- 9.58 Approval of Well System and Permit to Operate
- 9.59 Permit – Article 15, (Protection of Water) – Dam
- 9.60 Permit – Article 15, Title 15 (Water Supply)
- 9.61 River Improvement District Approvals
- 9.62 River Regulatory District Approvals
- 9.63 Well Drilling Certificate of Registration
- 9.64 401 Water Quality Certification
- 10.00 Preparation and revision of Air Pollution State Implementation Plan
- 11.00 Preparation and revision of Continuous Executive Program Plan
- 12.00 Preparation and revision of Statewide Environmental Plan
- 13.00 Protection of Natural and Man-made Beauty Program
- 14.00 Urban Fisheries Program
- 15.00 Urban Forestry Program
- 16.00 Urban Wildlife Program

ENVIRONMENTAL FACILITIES CORPORATION

- 1.00 Financing program for pollution control facilities for industrial firms and small businesses.

FACILITIES DEVELOPMENT CORPORATION

- 1.00 Facilities construction, rehabilitation, expansion, or demolition or the funding of such activities

OFFICE OF GENERAL SERVICES

- 1.00 Administration of the Public Lands Law for acquisition and disposition of State lands, including grants of land and grants of easement of land under water, including for residential docks over 4,000 square feet and all commercial docks, issuance of licenses for removal of materials from lands under water and oil and gas leases for exploration and development
- 2.00 Administration of Article 4-B, Public Buildings Law, in regard to the protection and management of State historic and cultural properties and State uses of buildings of historic, architectural or cultural significance
- 3.00 Facilities construction, rehabilitation, expansion, or demolition.
- 4.00 Administration of Article 5, Section 233, Sub 5 of the Education Law on removal of archeological and paleontological objects under State water bodies
- 5.00 Administration of Article 3, Section 32 of the Navigation law regarding location of structures in or on navigable waters

DEPARTMENT OF HEALTH

- 1.00 Facilities construction, rehabilitation, expansion, or demolition or the funding of such activities.
- 2.00 Permit and approval programs:
 - 2.01 Approval of Completed Works for Public Water Supply Improvements
 - 2.02 Approval of Plans for Public Water Supply Improvements
 - 2.03 Certificate of Need (Health Related Facility – except Hospitals)
 - 2.04 Certificate of Need (Hospitals)
 - 2.05 Operating Certificate (Diagnostic and Treatment Center)
 - 2.06 Operating Certificate (Health Related Facility)
 - 2.07 Operating Certificate (Hospice)
 - 2.08 Operating Certificate (Hospital)
 - 2.09 Operating Certificate (Nursing Home)
 - 2.10 Permit to Operate a Children’s Overnight or Day Camp
 - 2.11 Permit to Operate a Migrant Labor Camp
 - 2.12 Permit to Operate as a Retail Frozen Dessert Manufacturer
 - 2.13 Permit to Operate a Service Food Establishment
 - 2.14 Permit to Operate a Temporary Residence/Mass Gathering
 - 2.15 Permit to Operate or Maintain a Swimming Pool or Public Bathing Beach
 - 2.16 Permit to Operate Sanitary Facilities for Realty Subdivisions
 - 2.17 Shared Health Facility Registration Certificate

DIVISION OF HOMES AND COMMUNITY RENEWAL

- 1.00 Facilities construction, rehabilitation, expansion, or demolition
- 2.00 Financial assistance/grant programs:
 - 2.01 Federal Housing Assistance Payment Programs (Section 8 Programs)
 - 2.02 Housing Development Fund Programs
 - 2.03 Neighborhood Preservation Companies Program
 - 2.04 Public Housing Programs
 - 2.05 Rural Initiatives Grant Program
 - 2.06 Rural Preservation Companies Program
 - 2.07 Rural Rental Assistance Program
 - 2.08 Special Needs Demonstration Project
 - 2.09 Urban Initiatives Grant Program
 - 2.10 Urban Renewal Programs
- 3.00 Preparation and implementation of plans to address housing and community renewal needs.

HOUSING FINANCE AGENCY

- 1.00 Funding programs for the construction, rehabilitation, or expansion of facilities.
- 2.00 Affordable Housing Corporation

JOB DEVELOPMENT AUTHORITY

- 1.00 Financing assistance programs for commercial and industrial facilities.

MEDICAL CARE FACILITIES FINANCING AGENCY

- 1.00 Financing of medical care facilities

OFFICE OF MENTAL HEALTH

- 1.00 Facilities construction, rehabilitation, expansion, or demolition or the funding of such activities.
- 2.00 Permit and approval programs:
 - 2.01 Establishment and Construction Prior Approval
 - 2.02 Operating Certificate Community Residence
 - 2.03 Outpatient Facility Operating Certificate

METROPOLITAN TRANSPORTATION AUTHORITY (regional agency)

- 1.00 Facilities construction, rehabilitation, expansion, or demolition or the funding of such activities.
- 2.00 Increases in special fares for transportation services to public water-related recreation resources.

DIVISION OF MILITARY AND NAVAL AFFAIRS

- 1.00 Preparation and implementation of the State Disaster Preparedness Plan.

NATURAL HERITAGE TRUST

- 1.00 Funding program for natural heritage institutions.

OFFICE OF PARKS, RECREATION AND HISTORIC PRESERVATION (including Regional State Park Commission)

- 1.00 Acquisition, disposition, lease, grant of easement or other activities related to the management of land under the jurisdiction of the Office.
- 2.00 Facilities construction, rehabilitation, expansion, or demolition or the funding of such activities.
- 3.00 Funding program for recreational boating, safety and enforcement.
- 4.00 Funding program for State and local historic preservation projects.
- 5.00 Land and Water Conservation Fund programs.
- 6.00 Nomination of properties to the Federal and/or State Register of Historic Places.
- 7.00 Permit and approval programs:
 - 7.01 Floating Objects Permit
 - 7.02 Marine Regatta Permit
 - 7.03 Navigation Aide Permit
 - 7.04 Posting of Signs Outside State Parks
- 8.00 Preparation and revision of the Statewide Comprehensive Outdoor Recreation Plan and the Statewide Comprehensive Historic Preservation

- Plan and other plans for public access, recreation, historic preservation or related purposes.
- 9.00 Recreation services program.
- 10.00 Urban Cultural Parks Program.

POWER AUTHORITY OF THE STATE OF NEW YORK

- 1.00 Acquisition, disposition, lease, grant of easement and other activities related to the management of land under the jurisdiction of the Authority.
- 2.00 Facilities construction, rehabilitation, expansion, or demolition.

NEW YORK STATE SCIENCE AND TECHNOLOGY FOUNDATION

- 1.00 Corporation for Innovation Development Program
- 2.00 Center for Advanced Technology Program

DEPARTMENT OF STATE

- 1.00 Appalachian Regional Development Program
- 2.00 Coastal Management Program
- 3.00 Community Services Block Grant Program
- 4.00 Permit and approval programs:
 - 4.01 Billiard Room License
 - 4.02 Cemetery Operator
 - 4.03 Uniform Fire Prevention and Building Code

STATE UNIVERSITY CONSTRUCTION FUND

- 1.00 Facilities construction, rehabilitation, expansion, or demolition or the funding of such activities.

STATE UNIVERSITY OF NEW YORK

- 1.00 Acquisition, disposition, lease, grant of easement and other activities related to the management of land under the jurisdiction of the University.
- 2.00 Facilities construction, rehabilitation, expansion, or demolition or the funding of such activities.

OFFICE OF TEMPORARY AND DISABILITY ASSISTANCE

- 1.00 Facilities construction, rehabilitation, expansion or demolition or the funding of such activities
- 2.00 Homeless Housing and Assistance Program
- 3.00 Permit and approval programs:
 - 3.01 Certificate of Incorporation (Adult Residential Care Facilities)
 - 3.02 Operating Certificate (Children’s Services)
 - 3.03 Operating Certificate (Enriched Housing Program)
 - 3.04 Operating Certificate (Home for Adults)
 - 3.05 Operating Certificate (Proprietary Home)
 - 3.06 Operating Certificate (Public Home)

- 3.07 Operating Certificate (Special Care Home)
- 3.08 Permit to Operate a Day Care Center

THRUWAY AUTHORITY/CANAL CORPORATION/CANAL RECREATIONWAY COMMISSION (regional agency)

- 1.00 Acquisition, disposition, lease, grant of easement and other activities related to the management of land and other resources under the jurisdiction of the Thruway Authority, Canal Corporation, and Canal Recreationway Commission.
- 2.00 Facilities construction, rehabilitation, expansion, or demolition.
- 3.00 Permit and approval programs:
 - 3.01 Advertising Device Permit
 - 3.02 Approval to Transport Radioactive Waste
 - 3.03 Occupancy Permit
 - 3.04 Permits for use of Canal System lands and waters
- 4.00 Statewide Canal Recreationway Plan

DEPARTMENT OF TRANSPORTATION

- 1.00 Acquisition, disposition, lease, grant of easement and other activities related to the management of land under the jurisdiction of the Department.
- 2.00 Construction, rehabilitation, expansion, or demolition of facilities, including but not limited to:
 - a) Highways and Parkways
 - b) Bridges on the State highways system
 - c) Highway and parkway maintenance facilities
 - d) Rail facilities
- 3.00 Financial assistance/grant programs:
 - 3.01 Funding programs for construction/reconstruction and reconditioning/preservation of municipal streets and highways (excluding routine maintenance and minor rehabilitation)
 - 3.02 Funding programs for development of the ports of Albany, Buffalo, Oswego, Ogdensburg and New York
 - 3.03 Funding programs for rehabilitation and replacement of municipal bridges
 - 3.04 Subsidies program for marginal branchlines abandoned by CSX
 - 3.05 Subsidies program for passenger rail service
- 4.00 Permits and approval programs:
 - 4.01 Approval of applications for airport improvements (construction projects)
 - 4.02 Approval of municipal applications for Section 18 Rural and Small Urban Transit Assistance Grants (construction projects)
 - 4.03 Approval of municipal or regional transportation authority applications for funds for design, construction and rehabilitation of omnibus maintenance and storage facilities

- 4.04 Approval of municipal or regional transportation authority applications for funds for design and construction of rapid transit facilities
- 4.05 Certificate of Convenience and Necessity to Operate a Railroad
- 4.06 Highway Work Permits
- 4.07 License to Operate Major Petroleum Facilities
- 4.08 Outdoor Advertising Permit (for off-premises advertising signs adjacent to interstate and primary highway)
- 4.09 Real Property Division Permit for Use of State-Owned Property
- 5.00 Preparation or revision of the Statewide Master Plan for Transportation and sub-area or special plans and studies related to the transportation needs of the State.
- 6.00 Water Operation and Maintenance Program – Activities related to the containment of petroleum spills and development of an emergency oil-spill control network.

URBAN DEVELOPMENT CORPORATION and its subsidiaries and affiliates

- 1.00 Acquisition, disposition, lease, grant of easement or other activities related to the management of land under the jurisdiction of the Corporation.
- 2.00 Planning, development, financing, construction, major renovation or expansion of commercial, industrial, and civic facilities and the provision of technical assistance or financing for such activities, including, but not limited to, actions under its discretionary economic development programs such as the following:
 - a) Tax-exempt Financing Program
 - b) Lease Collateral Program
 - c) Lease Financial Program
 - d) Targeted Investment Program
 - e) Industrial Buildings Recycling Program
- 3.00 Administration of special projects
- 4.00 Administration of State-funded capital grant programs

DIVISION OF YOUTH

- 1.00 Facilities construction, rehabilitation, expansion, or demolition or the funding or approval of such activities.

b. Federal Agencies

DIRECT FEDERAL ACTIVITIES AND DEVELOPMENT PROJECTS

DEPARTMENT OF COMMERCE

National Marine Fisheries Services

- 1.00 Fisheries Management Plans

DEPARTMENT OF DEFENSE

Army Corps of Engineers

- 1.00 Proposed authorizations for dredging, channel improvements, breakwaters, other navigational works, or erosion control structures, beach replenishment, dams or flood control works, ice management practices and activities, and other projects with potential to impact coastal lands and waters
- 2.00 Land acquisition for spoil disposal or other purposes
- 3.00 Selection of open water disposal sites

Army, Navy and Air Force

- 4.00 Location, design, and acquisition of new or expanded defense installations (active or reserve status, including associated housing, transportation or other facilities)
- 5.00 Plans, procedures and facilities for landing or storage use zones
- 6.00 Establishment of impact, compatibility or restricted use zones

DEPARTMENT OF ENERGY

- 1.00 Prohibition orders

GENERAL SERVICES ADMINISTRATION

- 1.00 Acquisition, location and design of proposed Federal Government property or buildings, whether leased or owned by the Federal Government
- 2.00 Disposition of Federal surplus lands or structures

DEPARTMENT OF INTERIOR

Fish and Wildlife Service

- 1.00 Management of National Wildlife refuges and proposed acquisitions.

Mineral Management Service

- 2.00 OCS lease sale activities including tract selection, lease sale stipulations, etc.

National Park Service

- 3.00 National Park and Seashore management and proposed acquisitions.

DEPARTMENT OF TRANSPORTATION

Amtrak, CSX

- 1.00 Expansions, curtailments, new construction, upgrading or abandonments or railroad facilities or services, in or affecting the State's coastal areas

Coast Guard

- 2.00 Location and design, construction or enlargement of Coast Guard stations, bases, and lighthouses

- 3.00 Location, placement or removal of navigation devices which are not part of the routine operations under the Aids to Navigation Program (ATON)
- 4.00 Expansion, abandonment, designation or anchorages, lightering areas or shipping lands and ice management practices and activities

Federal Aviation Administration

- 5.00 Location and design, construction, maintenance, and demolition of Federal aids to air navigation

Federal Highway Administration

- 6.00 Highway construction

FEDERAL LICENSES AND PERMITS

DEPARTMENT OF DEFENSE

Army Corps of Engineers

- 1.00 Construction of dams, dikes or ditches across navigable waters, or obstruction or alteration of navigable waters required under Sections 9 and 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 401, 403)
- 2.00 Establishment of harbor lines pursuant to Section 11 of the Rivers and Harbors Act of 1899 (33 U.S.C. 404, 405)
- 3.00 Occupation of seawall, bulkhead, jetty, dike, levee, wharf, pier, or other work built by the U.S. pursuant to Section 14 of the Rivers and Harbors Act of 1899 (33 U.S.C. 408)
- 4.00 Approval of plans for improvements made at private expense under USACE supervision pursuant to the Rivers and Harbors Act of 1902 (33 U.S.C. 565)
- 5.00 Disposal of dredged soils into the waters of the U.S., pursuant to the Clean Water Act, Section 404, (33 U.S.C. 1344)
- 6.00 All actions for which permits are required pursuant to Section 103 of the Marine Protection, Research and Sanctuaries Act of 1972 (33 U.S.C. 1413)
- 7.00 Construction of artificial islands and fixed structures in Long Island Sound pursuant to Section 4(f) of the River and Harbors Act of 1912 (33 U.S.C.)

DEPARTMENT OF ENERGY

Economic Regulatory Commission

- 1.00 Regulation of gas pipelines, and licensing of import or export of natural gas pursuant to the Natural Gas Act (15 U.S.C. 717) and the Energy Reorganization Act of 1974
- 2.00 Exemptions from prohibition orders

Federal Energy Regulatory Commission

- 3.00 Licenses for non-Federal hydroelectric projects and primary transmission lines under Sections 3(11), 4(e) and 15 of the Federal Power Act (16 U.S.C. 796(11), 797(11) and 808)
- 4.00 Orders for interconnection of electric transmission facilities under Section 202(b) of the Federal Power Act (15 U.S.C. 824a(b))
- 5.00 Certificates for the construction and operation of interstate natural gas pipeline facilities, including both pipelines and terminal facilities under Section 7(c) of the Natural Gas Act (15 U.S.C. 717f(c))
- 6.00 Permission and approval for the abandonment of natural gas pipeline facilities under Section 7(b) of the Natural Gas Act (15 U.S.C. 717 f(b))

ENVIRONMENTAL PROTECTION AGENCY

- 1.00 NPDES permits and other permits for Federal installations, discharges in contiguous zones and ocean waters, sludge runoff and aquaculture permits pursuant to Section 401, 402, 403, 405, and 318 of the Federal Water Pollution Control Act of 1972 (33 U.S.C. 1341, 1342, 1343, and 1328)
- 2.00 Permits pursuant to the Resources Recovery and Conservation Act of 1976
- 3.00 Permits pursuant to the underground injection control program under Section 1424 of the Safe Water Drinking Water Act (42 U.S.C. 300h-c)
- 4.00 Permits pursuant to the Clean Air Act of 1976 (42 U.S.C. 1857)

DEPARTMENT OF INTERIOR

Fish and Wildlife Services

- 1.00 Endangered species permits pursuant to the Endangered Species Act (16 U.S.C. 153(a))

Mineral Management Service

- 2.00 Permits to drill, rights of use and easements for construction and maintenance of pipelines, gathering and flow lines and associated structures pursuant to 43 U.S.C. 1334, exploration and development plans, and any other permits or authorizations granted for activities described in detail in OCS exploration, development, and production plans
- 3.00 Permits required for pipelines crossing federal lands, including OCS lands, and associated activities pursuant to the OCS Lands Act (43 U.S.C. 1334) and 43 U.S.C. 931 (c) and 20 U.S.C. 185

NUCLEAR REGULATORY COMMISSION

- 1.00 Licensing and certification of the siting, construction and operation of nuclear power plants pursuant to Atomic Energy Act of 1954, Title II of the Energy Reorganization Act of 1974 and the National Environmental Policy Act of 1969

SURFACE TRANSPORTATION BOARD

- 1.00 Authority to abandon railway lines (to the extent that the abandonment involves removal of trackage and disposition of right-of-way); authority to construct railroads; authority to construct coal slurry pipelines

DEPARTMENT OF TRANSPORTATION

Coast Guard

- 1.00 Construction or modification of bridges, causeways or pipelines over navigable waters pursuant to 49 U.S.C. 1455
- 2.00 Permits for Deepwater Ports pursuant to the Deepwater Ports Act of 1974 (33 U.S.C. 1501)

Federal Aviation Administration

- 3.00 Permits and licenses for construction, operation or alteration of airports.

FEDERAL ASSISTANCE*

DEPARTMENT OF AGRICULTURE

- 10.068 Rural Clean Water Program
- 10.409 Irrigation, Drainage, and other Soil and Water Conservation Loans
- 10.410 Low to Moderate Income Housing Loans
- 10.411 Rural Housing Site Loans
- 10.413 Recreation Facility Loans
- 10.414 Resource Conservation and Development Loans
- 10.415 Rural Renting Housing Loans
- 10.416 Soil and Water Loans
- 10.418 Water and Waste Disposal Systems for Rural Communities
- 10.422 Business and Industrial Loans
- 10.424 Industrial Development Grants
- 10.426 Area Development Assistance Planning Grants
- 10.429 Above Moderate Income Housing Loans
- 10.430 Energy Impacted Area Development Assistance Program
- 10.901 Resource Conservation and Development
- 10.902 Soil and Water Conservation
- 10.904 Watershed Protection and Flood Prevention
- 10.906 River Basin Surveys and Investigations

DEPARTMENT OF COMMERCE

- 11.300 Economic Development – Grants and Loans for Public Works and Development Facilities
- 11.301 Economic Development – Business Development Assistance
- 11.302 Economic Development – Support for Planning Organizations
- 11.304 Economic Development – State and Local Economic Development Planning

- 11.305 Economic Development – State and Local Economic Development Planning
- 11.307 Special Economic Development and Adjustment Assistance Program – Long Term Economic Deterioration
- 11.308 Grants to States for Supplemental and Basic Funding of Titles I, II, III, IV, and V Activities
- 11.405 Anadromous and Great Lakes Fisheries Conservation
- 11.407 Commercial Fisheries Research and Development
- 11.417 Sea Grant Support
- 11.427 Fisheries Development and Utilization – Research and Demonstration Grants and Cooperative Agreements Program
- 11.501 Development and Promotion of Ports of Intermodal Transportation
- 11.509 Development and Promotion of Domestic Waterborne Transport Systems

COMMUNITY SERVICES ADMINISTRATION

- 49.002 Community Action
- 49.011 Community Economic Development
- 49.013 State Economic Opportunity Offices
- 49.017 Rural Development Loan Fund
- 49.018 Housing and Community Development (Rural Housing)

ENVIRONMENTAL PROTECTION AGENCY

- 66.001 Air Pollution Control Program Grants
- 66.418 Construction Grants for Wastewater Treatment Works
- 66.426 Water Pollution Control State and Areawide Water Quality Water Quality Management Planning Agency
- 66.451 Solid and Hazardous Waste Management Program Support Grants
- 66.452 Solid Waste Management Demonstration Grants
- 66.600 Environmental Protection Consolidated Grants Program Support Comprehensive Environmental Response, Compensation and Liability (Super Fund)

GENERAL SERVICES ADMINISTRATION

- 39.002 Disposal of Federal Surplus Real Property

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

- 14.112 Mortgage Insurance – Construction or Substantial Rehabilitation of Condominium Projects
- 14.115 Mortgage Insurance – Development of Sales Type Cooperative Projects
- 14.117 Mortgage Insurance – Homes
- 14.124 Mortgage Insurance – Investor Sponsored Cooperative Housing
- 14.125 Mortgage Insurance – Land Development and New Communities
- 14.126 Mortgage Insurance – Management Type Cooperative Projects
- 14.127 Mortgage Insurance – Mobile Home Parks
- 14.218 Community Development Block Grants/Entitlement Grants

- 14.219 Community Development Block Grants/Small Cities Program
- 14.221 Urban Development Action Grants
- 14.223 Indian Community Development Block Grant Program

DEPARTMENT OF INTERIOR

- 15.400 Outdoor Recreation – Acquisition, Development and Planning
- 15.402 Outdoor Recreation – Technical Assistance
- 15.403 Disposal of Federal Surplus Real Property for Parks, Recreation, and Historical Monuments
- 15.411 Historic Preservation Grants-in-Aid
- 15.417 Urban Park and Recreation Recovery Program
- 15.600 Anadromous Fish Conservation
- 15.605 Fish Restoration
- 15.611 Wildlife Restoration
- 15.613 Marine Mammal Grant Program
- 15.802 Minerals Discovery Loan Program
- 15.950 National Water Research and Development Program
- 15.951 Water Resources Research and Technology – Assistance to State Institutes
- 15.952 Water Research and Technology – Matching Funds to State Institutions

SMALL BUSINESS ADMINISTRATION

- 59.012 Small Business Loans
- 59.013 State and Local Development Company Loans
- 59.024 Water Pollution Control Loans
- 59.025 Air Pollution Control Loans
- 59.031 Small Business Pollution Control Financing Guarantee

DEPARTMENT OF TRANSPORTATION

- 20.102 Airport Development Aid Program
- 20.103 Airport Planning Grant Program
- 20.205 Highway Research, Planning, and Construction
- 20.309 Railroad Rehabilitation and Improvement – Guarantee of Obligations
- 20.310 Railroad Rehabilitation and Improvement – Redeemable Preference Shares
- 20.506 Urban Mass Transportation Demonstration Grants
- 20.509 Public Transportation for Rural and Small Urban Areas

*Numbers refer to the Catalog of Federal Domestic Assistance Programs, 1980 and its two subsequent updates.

2. State and Federal Actions and Programs Necessary to Further the LWRP

a. State Actions and Programs

OFFICE OF GENERAL SERVICES

- Prior to any development occurring in the water or on the immediate waterfront, OGS should be consulted for a determination of the State's interest in underwater or formerly underwater lands and for authorization to use and occupy these lands.

DEPARTMENT OF ENVIRONMENTAL CONSERVATION

- Planning, development, construction, or expansion of recreational facilities/projects located on the waterfront.
- Provision of funding for capital projects under the Clean Water/Clean Air Bond Act.
- Review of actions within National Register Districts pursuant to SEQR.

OFFICE OF PARKS, RECREATION, AND HISTORIC PRESERVATION

- Planning, development, construction, major renovation or expansion of recreational facilities or the provision of funding for such facilities.
- Provision of funding for State and local activities from the Land and Water Conservation Fund.
- Planning, development, implementation or the provision of funding for recreation services programs.
- Funding or partial funding of eligible activities through the Environmental Protection Fund (EPF) administered by the OPRHP – including the acquisition, development and improvement of parks and historic properties.
- Provision of funding for State and local historic preservation activities.
- Review of Type I actions within the National Historic Districts.
- Certification of properties within the National Register Districts.
- Nomination to State and Federal Register of Historic Places of structures and districts making them eligible for funding and tax incentives.

DEPARTMENT OF STATE

- Provision of funding for implementation of an approved LWRP
- Funding or partial funding of eligible activities through the Environmental Protection Fund (EPF) administered by the DOS.

COUNCIL ON THE ARTS

- Assistance from the Architecture and Environmental Arts program for a harborfront plan.

DEPARTMENT OF TRANSPORTATION

- Assistance for street repairs through the Consolidated Highway Improvements Program.

b. Federal Actions and Programs

DEPARTMENT OF DEFENSE

Corps of Engineers

A U.S. Army Corps of Engineers permit would be required for the following activities:

- Dredging and shoreline stabilization
- Repair or installation of boat ramps
- Installation of piers and marina-related facilities

ENVIRONMENTAL PROTECTION AGENCY

1. Review of any proposed action within a National Register District pursuant to NEPA

DEPARTMENT OF THE INTERIOR

National Park Service

2. Provision of funding under the Land and Water Conservation Fund Program.

SECTION VII

**CONSULTATION WITH OTHER AFFECTED FEDERAL, STATE,
REGIONAL AND LOCAL AGENCIES**

SECTION VII CONSULTATION WITH OTHER AFFECTED FEDERAL, STATE, REGIONAL AND LOCAL AGENCIES

As part of the preparation of Port Chester's Local Waterfront Revitalization Program, affected agencies, neighborhood communities, and the representatives of Port Chester's concerned citizens were consulted to assure that recommendations represented both what the people wanted and what was realistic given the existing resources.

State and National agencies contacted included:

- New York State, Department of State, Division of Coastal Resources and Waterfront Revitalization
- New York State, Office of Parks, Recreation and Historic Preservation
- New York State Department of Environmental Conservation
- U.S. Army Corps of Engineers

Westchester County agencies included:

- Westchester County Department of Environmental Facilities (re: Sewage Treatment Plant)
- Westchester County Department of Planning (re: Village GIS tax maps)

Neighboring communities contacted included:

- Town of Greenwich, Connecticut
- Town of Rye Tax Assessor's Office

Local agencies included:

- Village of Port Chester (Director of Planning and Development, Village Attorney, Village Manager's office)
- Village of Port Chester Waterfront Commission

Interviews with agencies were conducted to assure that there were no conflicts with other planning activities or environmental factors, as well as collecting data on which to base the plan.

In addition, the Draft LWRP was reviewed and approved by the Board of Trustees and forwarded to the New York State Department of State. The Department of State then initiated a 60-day review of the Draft LWRP pursuant to the Waterfront Revitalization of Coastal Areas and Inland Waterways Act and the State Environmental Quality Review Act. Copies of the Draft LWRP were distributed to all potentially affected State agencies, Westchester County and adjacent waterfront communities. Comments received on the Draft LWRP were reviewed by the Village and the Department of State, and changes made to the LWRP, as appropriate.

SECTION VIII

OBTAINING LOCAL COMMITMENT

SECTION VIII OBTAINING LOCAL COMMITMENT

A. Public Outreach

The LWRP was prepared in partnership with the New York State Department of State (DOS) and in accordance with regulations established by the DOS. The DOS initiated a review of the Draft LWRP by potentially affected State, Federal and local agencies to identify, and avoid, conflicts with existing projects, programs and policies.

In addition, the Village undertook efforts to gain public input and comment on the LWRP. In conjunction with BFJ Planning, the Waterfront Commission hosted two public workshops (see appendix for workshop summaries) and all drafts of the LWRP were made available on the Village's website.

B. LWRP Process

The Village of Port Chester received a grant from the DOS to prepare an update to its existing LWRP, which was originally adopted in 1992. This LWRP update has been prepared by the Village's planning consultant, BFJ Planning, with assistance from Village staff and the Waterfront Commission, which met during 2011 and 2012 to prepare the update to the 1992 LWRP, as follows:

- May 9, 2011
- June 21, 2011
- August 24, 2011
- September 21, 2011
- October 19, 2011
- November 17, 2011
- January 23, 2012
- February 16, 2012
- March 20, 2012
- April 11, 2012

The Village also hosted two public workshops, on October 25, 2011, and February 29, 2012, to present draft versions of the LWRP to the public and to solicit feedback.

Draft of portions of the LWRP were prepared and released in October of 2011 and February of 2012. Thereafter, the Board of Trustees declared itself Lead Agency, accepted the Draft LWRP and completed its SEQRA compliance by issuing a Negative Declaration pursuant to 6 NYCRR 617.7 in May 2012. (See Section IX for a discussion of the Village's SEQRA compliance.)

SECTION IX
SEQRA COMPLIANCE

SECTION IX SEQRA COMPLIANCE

Please see the attached Negative Declaration. TO BE COMPLETED.

APPENDIX A

**PROPOSED REVISIONS TO VILLAGE CODE, CHAPTER 148
(BOATING AND WATERCRAFT)**

Chapter 148. BOATING AND WATERCRAFT

[HISTORY: Adopted by the Village Board of the Village of Port Chester 7-6-1992 by L.L. No. 9-1992. Amendments noted where applicable.]

GENERAL REFERENCES

Rowboat stations and boat liveries — See Ch. [206](#), Art. [IX](#).

§ 148-1

Purpose.

The operation and mooring of [watercraftvessels](#) in the Byram River and Port Chester Harbor, being a matter affecting the public interest, is and should be subject to the regulatory and administrative controls hereinafter set forth. The purpose of this chapter is to reestablish standards, requirements and procedures for the safe and sanitary operation of [watercraftvessels](#); mooring of [watercraftvessels](#); and use, maintenance and management of marinas and marine structures.

§ 148-2

Definitions.

As used in this chapter, the following terms shall have the meanings stated after each such term:

CHANNEL

A federally or locally designated navigation accessway in the harbor.

HARBOR

All waters to the mean high water mark, within or bounding the Village, as such waters are designated on the Official Map of Port Chester which are located south and east of the mouth of the Byram River.

LITTER

Any garbage, refuse or rubbish and other waste material.

MARINA

Any public or private installation which provides accommodations or facilities for [watercraftvessels](#), including mooring, docking, storing, leasing, sale or servicing of [watercraftvessels](#) within the [River or](#) harbor or uplands adjacent thereto, including yacht clubs, beach clubs, boatyards and any other installation providing for services or storage space for [watercraftvessels](#).

MARINE STRUCTURES

Any boathouse, mooring and/or dock, [or other structure](#) in any waters

within or bounding the Village to a distance of 1,500 feet from shore.

MEAN HIGH WATER

The average height of the high waters over a nineteen-year period immediately preceding the current year.

MOORING

The attachment of a watercraftvessel to a pier or dock or other structure or the attachment of a watercraftvessel to the ground or lands underwater by means of tackle so designed that, when such attachment is terminated, some portion of the tackle remains below the surface of the water and is not under the control of the watercraftvessel or its operator. The term "mooring" shall also include the placing of a watercraftvessel at anchor for more than 12 hours consecutively.

VESSEL

Any watercraft or other contrivance used or capable of being used as a means of transportation in the water.

§ 148-3

Operation of watercraftvessels.

A.

Dangerous operation prohibited. No person shall operate a watercraftvessel at a speed greater than is reasonable and prudent or which unreasonably endangers the users of the Village waters under the conditions and having regard to the actual and potential hazards then existing.

B.

Speed limit. No watercraftvessel shall be operated by any person within the posted limits of the harbor at a speed in excess of five nautical miles per hour, nor shall any watercraftvessel be operated by any person within such limits so as to make dangerous wakes that have the potential to cause injury to persons on another watercraftvessel or to cause damage to another watercraftvessel, structure or shoreline.

C.

Identification. WatercraftVessel operators shall, at all times, identify themselves and produce the watercraftvessel's registration to Village, state and federal authorities upon request. Failure to produce such registration upon request shall be a violation of this section.

D.

Anchoring and mooring. No person shall anchor or moor any watercraftvessel in a channel within Village waters except in emergencies.

Comment [OU1]: The federal channel comes close to the shore along most of the Byram River. As result most of the vessels moored at docks along the Village's Byram River shore lie, at least in part, within the channel and thus violate this provision of the Village law. The LWRP will recommend that the line of the channel be modified by the Corps of Engineers so the it does, not for the most part, come within, say 35 feet, of shore thus allowing for most, if not all, of the vessel that are docked along the to avoid violating this provision of the Village law.

Minor encroachments by vessels within the outer edge of the Byram River channel may be permitted on a seasonal basis for provided they are removed on demand for dredging, bathymetric surveys and other public necessities, and do not impede navigation through the channel.

E.

Fishing. No person shall anchor to or fish from any watercraft vessel located in a channel.

F.

No person shall use or operate a watercraft vessel to tow a person on water-skis, boards, tubes or any other device through the water.

§ 148-4

Erection of marine structures.

Erection of marine structures requires a Village permit. The application process is set forth in §§ [148-13](#) through [148-15](#) of this chapter. The issuance of any necessary permits from the federal or state government, or any other regulatory authority, does not relieve any party seeking to erect a marine structure from the requirements of this chapter.

§ 148-5

Excavating, dredging or filling.

Excavating, dredging or filling in the Byram River and Port Chester Harbor are subject to the issuance of all necessary federal and state regulatory agency permits. All applicants are responsible for applying for all necessary federal and state regulatory agency permits and, at the same time, must submit one copy of the application package made to such agencies to the Village Building Department.

§ 148-6

Prohibition on littering and discharge of pollutants.

A.

Littering. No person shall place, throw, deposit or discharge or cause to be placed, thrown, deposited or discharged in to the harbor or river from any watercraft vessels, marina or from the shoreline any litter or any other materials including, but not limited to hydrocarbons, soapy and detergent waters which render the waters unsightly, noxious or otherwise detrimental to the public health or welfare, to marine, animal or plant life or to the enjoyment of the water for recreational purposes.

§ 148-7

Marina sanitation requirements.

A.

Litter receptacles at marinas. The owner or other person vested with the possession, management and control of a marina shall be required, under this chapter, to provide and maintain a sufficient number and selection of trash receptacles for the deposit of litter at locations where they are convenient to watercraftvessel users of such marinas.

B.

Toilet facilities at marinas.

(1)

The owner or other person vested with the possession, management or operation of a marina shall maintain suitable toilet facilities onshore for the accommodation of watercraftvessel users who are patrons of their marinas.

(2)

The owner or other person vested with the possession, management or operation of a marina accommodating 25 or more vessels with United States Coast Guard approved onboard marine sanitation devices shall install and maintain suitable vessel waste sewage and waste-pumping facilities onshore for the purpose of servicing watercraftvessels.

§ 148-8

Location of anchorage and moorings.

A.

Anchorage and mooring areas. The anchorage grounds for watercraftvessels in the water include the Byram River and Port Chester Harbor except those areas within the fairways and channels used for ingress to and egress from the Byram River and the Harbor. The ~~Harbor Master~~Harbormaster is authorized to designate the areas within the harbor where watercraftvessels may be moored or placed at anchor.

B.

Location of moorings.

(1)

The location of all offshore moorings for watercraftvessels shall be designated by the ~~Harbor Master~~Harbormaster.

(2)

No person shall moor a watercraftvessel in Village waters until its location and position have been approved by the ~~Harbor Master~~Harbormaster.

(3)

The ~~Harbor Master~~Harbormaster shall have authority, for reasons of safety or other documented reasons, to direct and order that the location or position of moorings be changed. Such notice shall be provided to the owner of the subject watercraftvessel and compliance shall be required within 10 days thereof. Failure to comply with such direction or order of the ~~Harbor Master~~Harbormaster shall be a violation of this section.

§ 148-9

Mooring ~~tackle and buoy~~ permits.

A.

Permits required. No person shall moor, anchor or dock a watercraftvessel without a mooring ~~tackle and buoy~~ permit, nor shall any person lay any mooring tackle, unless a permit is issued therefor and then only for the watercraftvessel specified in the permit and only at the location specified in the permit. The issuance of a mooring ~~tackle and buoy~~ permit shall be evidenced by a decal, which shall be affixed to a vessel in accordance with section 148-9 C.

B.

Mooring ~~tackle and buoy~~ permit process.

(1)

Any person desiring to procure a ~~mooring tackle and buoy permit~~mooring permit shall file with the ~~Harbor Master~~Harbormaster a written application upon a form furnished by the Village Clerk. Such application shall state the name, type, length and registration number, if any, together with such proof of ownership or right to use of the watercraftvessel as the ~~Harbor Master~~Harbormaster may require. The annual administrative fee, as set forth in Village Code Chapter 175, Fees, shall accompany the application.

(2)

The ~~Harbor Master~~Harbormaster has the authority to approve or deny each application for permit.

(3)

~~Mooring tackle and buoy permit~~Mooring permits shall be issued only to the owner or lessee of the watercraftvessel to be moored. A marina may apply for all vessels moored at the marina provided the required information is given for all such vessels.

(4)

A mooring ~~tackle and buoy~~ decal shall be issued upon the payment of an annual administrative fee for watercraftvessels moored offshore, irrespective of where moored and for watercraftvessels docked at private docks, marinas and clubs.

Comment [OU2]: The words “tackle and bouys” were removed from the name of the permit because the permit also is required for vessels moored at docks and not just for vessels moored with tackle attached to the land underwater. This change reduces confusion that might exist regarding the applicability of the permit requirement.

(5)

No licensed watercraftvessel shall exceed 24 feet in length and eight feet and six inches in width. For purposes of length, watercraftvessels shall be measured from bow to stern on a center line over the deck; for purposes of width, watercraftvessels shall be measured at their widest point. These maximum dimensions shall include any additional platform(s) or extensions that would increase the overall length or width of the vessel.

[Amended 3-6-2006 by L.L. No. 3-2006]

(6)

There shall be a charge as set forth in Chapter 175, Fees, for the issuance of a duplicate decal to replace a lost or misplaced decal.

(7)

Requests for a new ~~mooring tackle and buoy permit~~mooring permit may be filed with the Village Clerk at any time specifying the type and size of the watercraftvessel for which the ~~mooring tackle and buoy permit~~mooring permit are requested. After February 15, the last day for filing applications for renewal of mooring tackle may be forwarded to those persons who have requested the same as space is available for the type and size of watercraftvessel for which mooring tackle and buoy space has been requested. Within the limits of type and size of watercraftvessels, priority will be given in the forwarding of applications for permits in the order in which requests for such permits have been filed and accepted as complete by the ~~Harbor Master~~Harbormaster.

(8)

One mooring tackle and buoy space shall be allotted any one watercraftvessel.

C.

Display of permit. The ~~mooring tackle and buoy permit~~mooring permit decal issued pursuant to this Chapter 148 shall be conspicuously displayed on the exterior port side of said watercraftvessel and only on the particular watercraftvessel for which an application is on file.

D.

Transfer of permit.

(1)

~~Mooring tackle and buoy permit~~Mooring permits are not transferable or assignable from person to person or watercraftvessel to watercraftvessel, except as herein provided. Subject to the consent of the ~~Harbor Master~~Harbormaster and upon payment of a fee as set forth in Chapter 175, Fees, the holder of a permit may exchange such permit with the

holder of another permit so as to allow an exchange of locations between such two holders. The holder of a permit may substitute another ~~watercraftvessel~~ of which such holder is the owner or lessee for the ~~watercraftvessel~~ originally specified in such ~~mooring tackle and buoy permit~~ mooring permit, provided that the ~~Harbor Master~~ Harbormaster approves such substitution upon written application therefor.

(2)

In the event that a holder of a ~~mooring tackle and buoy permit~~ mooring permit sells his ~~watercraftvessel~~ while the permit is still in force, he shall immediately notify the Village Clerk in writing. The party holding such ~~mooring tackle and buoy permit~~ mooring permit shall cause the decal to be removed prior to the ~~watercraftvessel~~'s delivery to the purchaser.

(3)

It is a violation of this section for any person issued a permit to transfer or cause to be transferred such permit to any other person or ~~watercraftvessel~~. This violation shall apply to both the person so transferring and person so receiving or benefiting from the transfer.

E.

Renewal of permit. Priority will be given in the issuance of permits to those persons applying for the renewal of permits granted in the preceding year. The applicant shall file with the Village Clerk renewal application for such a permit on or before February 15 of the year for which the permit is to be effective. The ~~Harbor Master~~ Harbormaster reserves the right to reassign space based upon availability and size of ~~watercraftvessel~~. The prescribed fee for the renewal of the necessary permit shall be paid at the time application is filed. In the event any permit holder fails to file a renewal application with the ~~Harbor Master~~ Harbormaster by 5:00 p.m. of the last business day on or before February 15 of the year in question, said party shall forfeit the priority for a renewal permit as provided in this section and must make a new application for any such permit.

§ 148-10

Method of mooring.

A.

Mooring buoys must be clearly and permanently marked, -in the manner prescribed by the Harbormaster, with the owner's name or ~~mooring tackle and buoy permit~~ mooring permit number. Winter buoys, when used, must be similarly marked.

B.

If a mooring buoy or winter buoy becomes a hazard to navigation, the

~~Harbor Master~~Harbormaster may, at the owner's expense, without previously notifying the owner, remove the buoy and drop the chain to the bottom. In such instances, the ~~Harbor Master~~Harbormaster, the Village, or other agent of the Village shall not be responsible for loss of the mooring or mooring tackle.

C.

Multiple vessels on mooring buoys. No person shall moor more than one vessel to any single mooring buoy, nor shall any other floating object be secured to a mooring buoy by any person without the advance permission of the ~~Harbor Master~~Harbormaster.

§ 148-11

Responsibilities of mooring tackle and buoy owners.

A.

Permit holder. The permit holder shall be responsible for compliance with all the provisions of this chapter and shall be subject individually to the penalties provided for any violation of this chapter.

B.

Maintenance of mooring buoy equipment shall be maintained in good condition to prevent the moored ~~watercraft~~vessel from breaking adrift and damaging other ~~watercraft~~vessels and property and endangering public safety. Whenever a mooring buoy is exchanged in accordance with this chapter, the mooring buoy tackle shall be raised and inspected before another ~~watercraft~~vessel is placed on that mooring buoy. Mooring buoy tackle found to be in poor condition will not be reset until it has been made safe by the owner or his agent. This section shall not apply to mooring buoy tackle, which has been installed or raised and inspected during the season for which the current mooring buoy permit has been issued. Mooring buoy tackle must be raised and inspected every three years, and defective parts must be replaced.

C.

Responsibility of owner upon expiration or revocation of mooring ~~tackle~~buoy permit. Mooring buoy tackle in a space for which a permit has expired and for which a renewal application has not been received shall be removed by the owner. If such tackle is not removed by May 1, the ~~Harbor Master~~Harbormaster may remove it or have it removed and hold the same until the cost of such removal is paid. Mooring buoy tackle in a space for which a permit has been revoked shall be removed within 10 days of notification of revocation.

D.

Unauthorized mooring tackle and buoys. Failure of an owner to remove unauthorized mooring tackle and buoy, including one for which no permit has been issued, may result in the owner being assessed for charges of mooring tackle and buoy removal, fined as defined in this chapter and subjected to liability for obstruction to navigation pursuant to § [148-16](#) of this chapter.

§ 148-12

Removal of moorings, recordkeeping and other harbor-related regulations.

A.

Record of mooring. The ~~Harbor Master~~Harbormaster or the Village Clerk shall record in a proper register the location and the names, length, draft, beam and type of all watercraftvessels moored in the harbor, as well as the names and addresses of the owners of all such watercraftvessels, and the position of each approved mooring shall be noted upon a map or chart of the harbor. Such records, maps and charts shall be kept at the office of the Village Clerk.

B.

Inspection of watercraftvessels. The ~~Harbor Master~~Harbormaster, or Assistant Harbor MasterHarbormaster or a Police Officer, while on duty, may enter and survey all watercraftvessels within Village waters for the purpose of determining compliance with the Navigation Law of the State of New York and with this chapter. ~~in the presence of the owner, operator or his representative and with their consent, either express or implied, except in case of emergency.~~

C.

Revocation of permits. All permits may be revoked by the ~~Harbor Master~~Harbormaster, with the approval of the Village Manager for any violation of this chapter or any regulation promulgated by any applicable state or federal law.

D.

Removal of watercraftvessels. The ~~Harbor Master~~Harbormaster may remove unattended watercraftvessels from their mooring or anchorage location in order to protect life or property.

E.

If directions given by the ~~Harbor Master~~Harbormaster, with the approval of the Village Manager, with respect to removing unauthorized moorings or changing the location of existing moorings, shortening of mooring chains, cables or ropes or with respect to other provisions of this chapter are not

complied with within 10 days after notice of such directions has been given as herein provided, the ~~Harbor Master~~Harbormaster, with the approval of the Village Manager, may cause such moorings to be removed or changed or may drop the same to the bottom. The cost of such removal, change or dropping will be assessed against the owner of the ~~watercraft~~vessel and an action therefor may be instituted in the Village Court. Whenever the ~~Harbor Master~~Harbormaster shall be unable to find the owner of a ~~watercraft~~vessel mooring or any agent or person in possession, charge or control thereof, upon whom notice may be served, he shall address, stamp and mail such notice, by certified mail, to such person at this last known address and, in addition thereto, shall, during the notice period, attach said notice to the subject ~~watercraft~~vessel.

F.

Any ~~watercraft~~vessel or marine structures or parts thereof, including moorings, which become a menace to navigation or a danger to life, property or the environment, which is unseaworthy or sinks to the bottom or is run aground or otherwise becomes disabled shall be removed by the owner or person in charge thereof within 10 calendar days of issuance of an order to correct said hazard by the ~~Harbor Master~~Harbormaster. If such menace to navigation and/or safety is not removed or corrected within 10 calendar days as aforesaid, it may be removed or corrected by the ~~Harbor Master~~Harbormaster or at his direction and the cost thereof shall be charged against said owner or person in charge of said navigation hazard. Nothing herein contained shall prevent the ~~Harbor Master~~Harbormaster from taking such immediate action as he deems necessary for the protection of life, property or environment.

§ 148-13

Permit process for construction or reconstruction in Village water.

A.

Construction or reconstruction, as defined in Subsection **B** hereof, is prohibited unless the party seeking to perform the same obtains a permit with respect to the same.

B.

An application for a permit for the construction or reconstruction, as defined herein, of a marine structure within the harbor shall be referred by the Building Inspector to the Waterfront Commission within five days of the date of the application, provided that it appears to conform, in all respects, to all other applicable laws. For the purpose of this section, "construction"

and "reconstruction" shall mean any new manufacture of any value or the addition to or alteration of any existing marine structure where the estimated cost is more than \$2,000. "Addition," "alteration" or "erection" as used herein shall refer to activity respecting a single project or collectively for any projects or portions thereof, over a one-year period, which relate to any marine structure under common ownership.

C.

Notwithstanding the provisions of the above Subsection **B**, an application for a permit shall be filed for a construction or reconstruction which results in a changed configuration to an existing marine structure or which the Waterfront Commission determines may result in an interference with navigation within the harbor.

D.

Existing marine structures that do not possess a marine structure permit shall apply for a permit from the Waterfront Commission. Submission of a copy to the Waterfront Commission of a valid federal (Army Corps of Engineers) permit for the structure may satisfy this requirement.

Comment [OU3]: A valid federal, ACOE, permit may be used to satisfy this provision. A copy of the permit together with the DOS consistency determination shall be provided to the Waterfront Commission.

§_ 148-14

Consideration of application.

The Waterfront Commission may approve, disapprove or approve with condition, any application for a permit referred to it, provided that such action shall be by the majority vote of Commission members present. In case of disapproval, the Commission shall find that the marine structure for which the permit was applied would, if erected, be detrimental to the desirability or development of the harbor by reason of:

A.

Method and manner of construction: unsuitable materials, methods or design which can be reasonably expected to result in a marine structure that may fail to accomplish its stated and intended purpose or will present a safety hazard to any person utilizing the harbor for commercial or recreational pursuits.

B.

Inappropriateness of marine structure: inappropriate size, design or material which will result in a marine structure that is ill-suited or ill-adapted and will conflict with the lawful use of any existing marine structure in the harbor or any land-based structure located within 500 feet.

C, Siting of the marine structure: location of a marine structure such that it lies within the lines of a channel or which would result in vessels moored to the structure lying within the lines of a channel. Minor encroachments may be permitted provided the structure is a floating structure for seasonal use and which is removable for channel maintenance and does substantially not interfere with navigation through the channel.

§ 148-15

Action on application and appeal process.

A.

The Building Department shall refuse any permit application disapproved as provided in § 148-14. Failure on the part of the Waterfront Commission to act on any permit application referred to it under this chapter within 90~~3~~ days from the date of receipt of the application by the Waterfront Commission from the Building Department shall be deemed to constitute approval, unless the time limit is extended by stipulation with the applicant.

B.

The Building Department shall forthwith issue an order to stop all work of construction or reconstruction of any marine structure if an applicant proceeds after the application has been disapproved by the Commission or if the applicant proceeds in a manner inconsistent with the conditions or specifications under which the Commission approved the application.

C.

Any person aggrieved by the action of the Waterfront Commission on approving or disapproving a permit application may take an appeal therefrom to the duly constituted Zoning Board of Appeals of the Village of Port Chester in the same manner as is provided for zoning appeals, and such Board of Appeals, after proceeding in the same manner as is provided for zoning appeals and with the same power and authority therein vested in passing upon appeals before it under the provisions of law and Chapter 98, Zoning, of the Village of Port Chester Code and in the exercise thereof may reverse or affirm the action of the Waterfront Commission.

§ 148-16

Enforcement generally; penalties for offenses; additional regulations.

A.

Enforcement. The enforcing authority of this chapter shall be the ~~Harbor Master~~Harbormaster, the Assistant ~~Harbor Master~~Harbormaster and any

member of the Police Department of the Village of Port Chester.

B.

Penalties for offenses.

(1)

Any person who has been determined to be in violation of any of the foregoing provisions of this chapter may, upon conviction, be punished by a fine not exceeding \$250 or imprisonment not exceeding 15 days, or both, for each and every day in violation.

(2)

In addition, any person who has been convicted of a violation of § [148-9D\(3\)](#) herein shall have any current permits revoked and may not be permitted to apply for or to receive permits for two years.

C.

Appeals. The Zoning Board of Appeals of the Village of Port Chester shall be empowered to hear and decide appeals from and reviews of any order, requirement, decision or determination made by the Village of Port Chester ~~Harbor Master~~Harbormaster with respect to the issuance or revocation of ~~mooring tackle and buoy permit~~mooring permits or ~~municipal dock permits~~ as provided for in this chapter.

(1)

Request for hearing. Upon the denial of a permit by the ~~Harbor Master~~Harbormaster or V in connection with the issuance of a ~~mooring tackle and buoy permit~~mooring permit or upon the issuance of a notice of revocation of any such permit, the aggrieved applicant may, within five days after receiving written notice from the ~~Harbor Master~~Harbormaster or the Village Clerk, file an appeal, in writing, in the office of the Village Clerk, requesting a review of any such determination by the ~~Harbor Master~~Harbormaster. The Zoning Board of Appeals shall hear and decide such appeals and may reverse or affirm, wholly or partly, or may modify the determination appealed from and/or make such determination and order which, in its opinion, should be made under the circumstances.

(2)

(Reserved)

Editor's Note: Former Subsection C(2), Filing fee, was repealed 11-3-1997 by L.L. No. 17-1997.

(3)

Hearing. Upon receipt of a request for a hearing as provided above, the Clerk of the Zoning Board of Appeals shall set a time and place for a public hearing. Such hearing shall commence no later than 30 days after the date

on which the request was filed, unless an extension of said time period is agreed upon by both the Zoning Board of Appeals and the aggrieved party. Failure by the Zoning Board of Appeals to commence said hearing within the above-specified time period shall not be deemed to constitute approval of such request if good and sufficient reason exists.

(4)

Conduct of hearing. The applicant, or his representative, shall be given an opportunity to show cause why such decision by the ~~Harbor Master~~Harbormaster should be modified or withdrawn. The burden of proof in this regard shall be upon said applicant, or his representative, who shall be required to demonstrate by a fair preponderance of the evidence that the ~~Harbor Master~~Harbormaster's decision should be withdrawn or modified.

(5)

Findings. Upon consideration of the evidence presented, the Zoning Board of Appeals shall sustain, modify or withdraw the ~~Harbor Master~~Harbormaster's decision.

D.

Adoption of administrative regulations. In the event administrative regulations are required for the safe and efficient maintenance of the harbor and related moorings and float facilities, the Waterfront Commission shall prepare regulations with respect to the same and submit them for approval as follows:

(1)

Any proposed administrative regulation relative to this chapter shall be submitted to and reviewed by the ~~Harbor Master~~Harbormaster and the Village Manager.

(2)

Any proposed administrative regulation relative to this chapter shall be approved by the Village Board of Trustees.

(3)

After being approved by the Village Board of Trustees, said regulation shall be published in the manner required by law and shall be enforced by the ~~Harbor Master~~Harbormaster.

APPENDIX B

**PROPOSED REVISIONS TO VILLAGE CODE, CHAPTER 332
(WATERFRONT CONSISTENCY)**

Chapter 332. WATERFRONT CONSISTENCY REVIEW

[HISTORY: Adopted by the Village Board of the Village of Port Chester 7-6-1992 as L.L. No. 8-1992. Amendments noted where applicable.]

GENERAL REFERENCES

Building and fire prevention — See Ch. 151.

Land Subdivision Regulations — See Ch. A402.

§ 332-1. Title.

This chapter will be known as the Village of Port Chester "Waterfront Consistency Review Law."

§ 332-2. Authority and purpose.

A. This chapter is adopted under the authority of the Municipal Home Rule Law and the Waterfront Revitalization of Coastal Areas and Inland Waterways Act (Article 42 of the Executive Law).

B. The purpose of this chapter is to promote the health, safety and general welfare of the people of the Village of Port Chester by providing consistency review procedures for implementation of the Village of Port Chester Local Waterfront Revitalization Program by incorporating environmental factors and consideration of coastal resources into Village planning and decision-making processes.

§ 332-3. Applicability.

All boards, departments, offices, other bodies or officers of the Village of Port Chester to which the provisions of this chapter are applicable, prior to carrying out, approving or funding any action other than Type II, Exempt or Excluded actions, as those terms are defined in Part 617 of Title 6 of the Official Compilation of Codes, Rules and Regulations of the State of New York.

§ 332-4. Definitions.

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

ACTIONS

Either Type I or unlisted actions as defined in the State Environmental Quality Review Act (SEQR), 6 NYCRR Part 617, which are undertaken by an agency and which are:

A. Projects or physical activities, such as construction or other activities, which change the use or appearance of any natural resource or structure, which:

(1) Are directly undertaken by an agency;

(2) Involve funding by an agency; or

(3) Require one or more permits or approvals from an agency or agencies.

B. Agency planning and policymaking activities that commit the agency to a course of future decisions.

C. Adoption of agency rules, regulations and procedures including local laws and resolutions.

D. Combinations of the above.

AGENCY

Any board, agency, department, office, other body or officer of the Village of Port Chester.

COASTAL AREA

The New York State coastal waters and adjacent shorelands as defined in Article 42 of the Executive Law. The boundaries of the Village's Coastal Area are coincident with the Village's municipal boundary as shown on the Coastal Area Map on file in the office of the Secretary of State and as delineated in the Village of Port Chester Local Waterfront Revitalization Program.

COASTAL ASSESSMENT FORM (CAF)

The form used by an agency to assist it in determining the consistency of an action with the Local Waterfront Revitalization Program.

CONSISTENT

The action will be fully in compliance with and not hinder any of the Village of Port Chester LWRP policy standards and conditions.

LOCAL WATERFRONT REVITALIZATION PROGRAM (LWRP)

The Local Waterfront Revitalization Program of the Village of Port Chester, as approved by the Secretary of State pursuant to the Waterfront Revitalization of Coastal Areas and Inland Waterways Act (Executive Law Article 42), a copy of which is on file in the office of the Clerk of the Village of Port Chester.

§ 332-5. Waterfront Commission.

A. A Commission is created and shall be hereafter known as the "Waterfront Commission of the Village of Port Chester" (hereinafter "Commission").

B. The Commission shall consist of five members, all residents of the village and who shall be appointed by the Board of Trustees. Commission members shall serve for terms of four years with the exception of the original appointive members of the Commission, who shall serve as follows: two members shall hold office for terms of one year, two members for terms of two years, two members for terms of three years and one member for a term of four years. Vacancies shall be filled by the Board of Trustees by appointment for the unexpired term.

The position of Chairperson shall be appointed by the Board of Trustees. In addition, there shall be an alternate member who shall be appointed for a term of four years and who shall sit in the place of any absent member, and while so doing shall have all of the rights, powers and duties of such member.

[Amended 6-2-1993 by L.L. No. 7-1993; 10-20-2003 by L.L. No. 8-2003]

C. Each appointed member shall be chosen for their demonstrated knowledge, ability and readiness to serve on the Commission in the functions described in this chapter and with due regard for maintaining among the membership a range of special aptitudes, expertise and viewpoints in areas relevant to the work of the Commission.

[Amended 10-20-2003 by L.L. No. 8-2003]

D. The Commission may employ such persons as may be needed and as authorized by the Village Board and pursuant to law. This Commission shall have the power to adopt rules of procedure for the conduct of all business within its jurisdiction.

E. Following adoption of the LWRP, the Commission shall develop a set of regulations and review standards for waterfront operations and pier, wharf, dock or other construction on or in the waters of the Village coastal area for submission to the Village Board for approval. Upon approval, these shall become a part of Chapter 148, Boating and Watercraft, of the Village Code and will be binding upon property owners and developers who have applied for building permits for waterfront property.

F. The Commission shall serve without compensation and shall be charged with the duties as set forth in this chapter.

§ 332-6. Review of actions.

A. Whenever a proposed action is located in the Village's coastal area, an agency shall, prior to approving, funding or undertaking the action, make a determination that it is consistent with the LWRP policy standards and conditions set forth in Subsection G of this section.

B. Actions identified as Type II, Excluded or Exempt, pursuant to SEQR, 6 NYCRR Part 617, are deemed consistent and require no further review under this chapter.

C. Whenever an agency receives an application for approval or funding of an action or as early as possible in the agency's formulation of a direct action to be located in the Village's coastal area, the applicant or, in the case of a direct action, the agency, shall prepare a Coastal Assessment Form (CAF) to assist with the consistency review.

D. The Coastal Assessment Form and all other plans, details, specifications or other material necessary to make a full and complete consistency review shall be immediately forwarded,

upon receipt by the agency, to the Waterfront Commission for consideration at their next regular scheduled meeting.

E. After referral from an agency, the Waterfront Commission shall consider whether the proposed action is consistent with the LWRP policy standards and conditions set forth in Subsection H of this section.

F. Referrals to the Waterfront Commission shall be made at least 10 days prior to the Commission's regularly scheduled meeting. Referrals received after the ten-day submission period will be placed on the following month's agenda.

G. Recommendation of Commission.

(1) The Waterfront Commission shall render its written recommendation to the agency within 15 business days following the regularly scheduled meeting. The recommendation shall indicate whether, in the opinion of the Commission, the proposed action is consistent or inconsistent with one or more of the LWRP policy standards or conditions. The recommendation shall state the manner and extent to which any inconsistency affects the LWRP policy and standards and conditions.

(2) The Waterfront Commission shall, along with its consistency recommendation, make any suggestions to the agency concerning modification of the proposed action to make it consistent with LWRP policy standards and conditions or to greater advance them.

(3) Failure by the Waterfront Commission to make a recommendation upon a referral within the five-day time period shall not preclude the agency from making its consistency determination for the action.

H. The agency shall make the determination of consistency based on the CAF, the recommendation of the Commission and such other information as is deemed to be necessary in its determination. The agency shall issue its determination at its next scheduled meeting following the receipt of the Waterfront Commission's recommendation. If the Commission's recommendation is that the action would be inconsistent and the agency determines that it is consistent, the agency must make a detailed written account describing why its determination disagrees with the recommendation.

I. Actions to be undertaken within the Village's coastal area shall be evaluated for consistency in accordance with the following LWRP policy standards and conditions, which are derived from and further explained and described in Section III of the Village of Port Chester LWRP, a copy of which is on file in the Village Clerk's office and available for inspection during normal business hours. Agencies which undertake direct actions shall also consult with Section IV of the LWRP in making their consistency determination. The action shall be consistent with the policy to:

- (1) Foster a pattern of development in the Port Chester coastal area that enhances community character, preserves open space, makes efficient use of infrastructure, makes beneficial use of a coastal location and minimizes adverse effects of development (Policy 1). Restore, revitalize and redevelop deteriorated and underutilized waterfront areas for commercial, industrial, cultural, recreational, public access and other compatible uses (Policies 1, 1A, 1B, 1C, 1D and 1E).
- (2) Preserve historic resources of the Port Chester coastal area (Policy 2) Retain, encourage and prioritize the development of water dependent uses on or near coastal waters (Policy 2).
- (3) Enhance visual quality and protect scenic resources throughout the Port Chester coastal area (Policy 3) Encourage the protection and reestablishment of traditional uses and activities which once gave the Village a unique maritime identity (Policy 4).
- (4) Minimize loss of life, structures and natural resources from flooding and erosion (Policy 4) Ensure that development occurs where adequate public infrastructure is available (Policy 5).
- (5) Protect and improve water quality and supply in the Port Chester coastal area (Policy 5) Streamline development permit procedures (Policy 6).
- (6) Protect and restore the quality and function of the Port Chester coastal area ecosystem (Policy 6) fish and wildlife resources from chemical contamination (Policy 8).
- (7) Protect and improve air quality in the Port Chester coastal area (Policy 7) Maintain and expand the recreational use of existing fish and wildlife resources and use of the commercial fishing resources (Policy 9).
- (8) Minimize environmental degradation in Port Chester's coastal area from solid waste and other hazardous substances and wastes (Policy 8) Maintain and expand commercial fishing resources to promote commercial fishing opportunities (Policy 10).
- (9) Provide for public access to, and recreational use of, coastal waters, public lands and public resources of Port Chester's coastal area (Policy 9) Minimize flooding and erosion hazards through proper siting of buildings and structures; protection of natural protective features; construction of carefully selected, long-term structural measures; and the use of appropriate nonstructural means (Policies 11, 12, 13, 14, 15 and 17).
- (10) Incorporation of a public pedestrian walkway along the waterfront shall be included as part of development or redevelopment of waterfront parcels wherever practicable (Policy 9A) Public funds shall be used for erosion protection structures only where necessary and in an appropriate manner (Policy 16).

~~(11) Protect Port Chester's water-dependent uses and promote siting of new water-dependent uses in suitable locations (Policy 10)Safeguard vital economic, social and environmental interests in the coastal area when major actions are undertaken (Policy 18).~~

~~(12) Promote sustainable use of living marine resources in Long Island Sound and the Byram River (Policy 11)Maintain and improve public access to the shoreline and to water-related recreational resources, while protecting natural and historic resources and adjacent land uses (Policies 19, 20 and 20A).~~

~~(13) Promote appropriate use and development of energy and mineral resources (Policy 13)Encourage, facilitate and prioritize water dependent and water enhanced recreational resources and facilities near coastal waters (Policy 21).~~

~~(14) Encourage the development of water related recreational resources and facilities, as multiple uses, in appropriate locations within the shore zone (Policy 22).~~

~~(15) Protect, restore and enhance historic resources (Policy 23).~~

~~(16) Protect and enhance scenic and aesthetic resources (Policy 25).~~

~~(17) Site and construct energy facilities in a manner which will be compatible with the environment and contingent upon the need for a shorefront location and in such a manner as to avoid adverse environmental impacts when in operation (Policies 27 and 40).~~

~~(18) Protect coastal waters from direct and indirect discharge of pollutants (Policies 30, 31, 33, 34, 35, 36 and 37).~~

~~(19) Ensure that dredging and dredge spoil disposal are undertaken in a manner protective of natural resources (Policies 15 and 35).~~

~~(20) Ensure that any transportation, handling or disposal of hazardous wastes and effluent is undertaken in a manner which will not adversely affect the environment (Policy 39).~~

~~(21) Protect air quality (Policies 41 and 42).~~

~~(22) Preserve and protect tidal and freshwater wetlands (Policy 44).~~

J. Exceptions to standards.

(1) If the agency determines that the action would cause a substantial hindrance to the achievement of the LWRP policy standards and conditions, such action shall not be undertaken unless the agency determines with respect to the proposed action that:

(a) No reasonable alternatives exist which would permit the action to be undertaken in a manner which will not substantially hinder the achievement of such LWRP policy standards and conditions.

(b) The action would be undertaken in a manner which will minimize all adverse effects on such LWRP policy standards and conditions to the maximum extent practicable.

(c) The action will advance one or more of the other coastal policies.

(d) The action will result in an overriding Village, regional or statewide public benefit.

(2) Such finding shall constitute a determination that the action is consistent.

K. Each agency shall maintain a file for each action made the subject of a consistency determination, including any recommendations received from the Commission. Such files shall be made available for public inspection upon request.

§ 332-7. Coordinated review required.

Where there is a conflict or discrepancy in the application, interpretation or effect of the provisions of this chapter with any other law, rule or regulation of the Village, the provisions of this chapter shall govern.

PUBLIC COMMENTS

PRESENTATION

Zoning Build-Out Study

Existing C2 Zoning:
East side of Abendroth Ave. Willet Ave. to Train Tracks

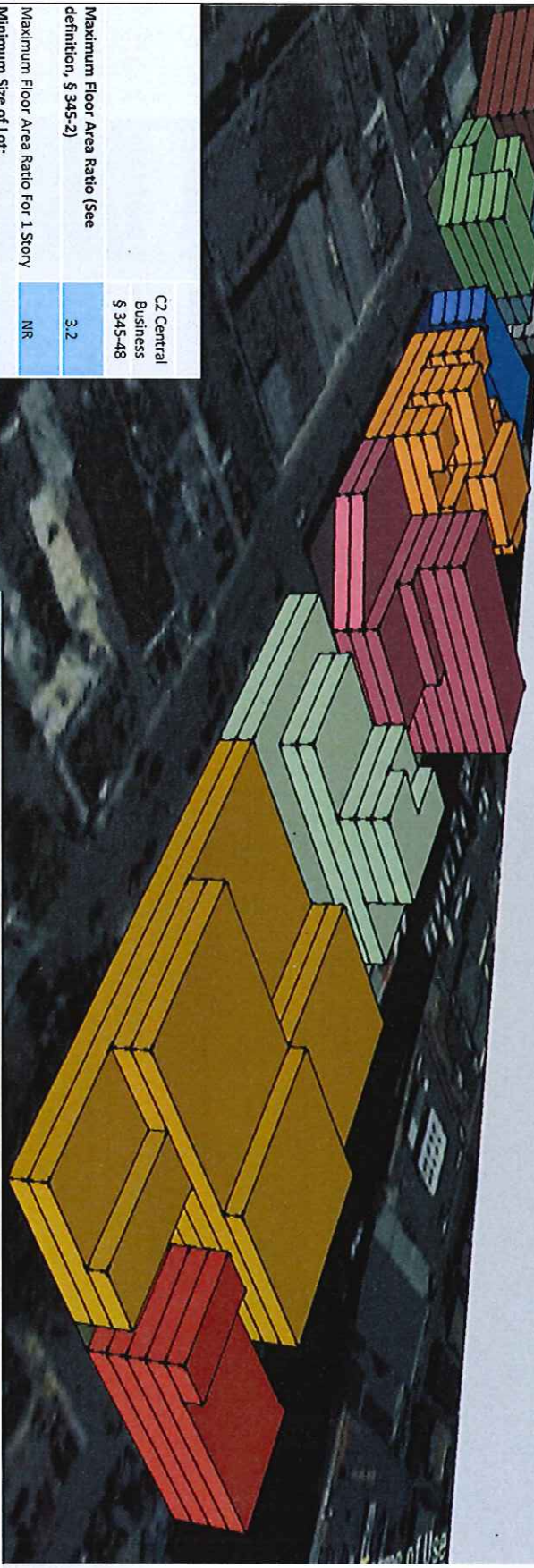
	C2 Central Business § 345-48
Maximum Floor Area Ratio (See definition, § 345-2)	3.2
Maximum Floor Area Ratio For 1 Story Minimum Size of Lot:	NR
Area, nonresidential (square feet)	NR
Area per dwelling unit (square feet)	750
Width (feet) (j) (e)	40
Depth (feet)	NR
Minimum Yard Dimensions:	
Front (feet)	NR
Side	
One (feet)	NR(a)
Total of 2 on interior lot (feet)	NR(a)
Rear (feet)	20
Maximum Height of Building:	
In stories	8
In feet	70
Minimum Usable Open Space on Lot:	
For each dwelling unit (square feet)	100





Existing C2 Zoning:

East side of Abendroth Ave., Willett Ave. to
Train Tracks (looking east)



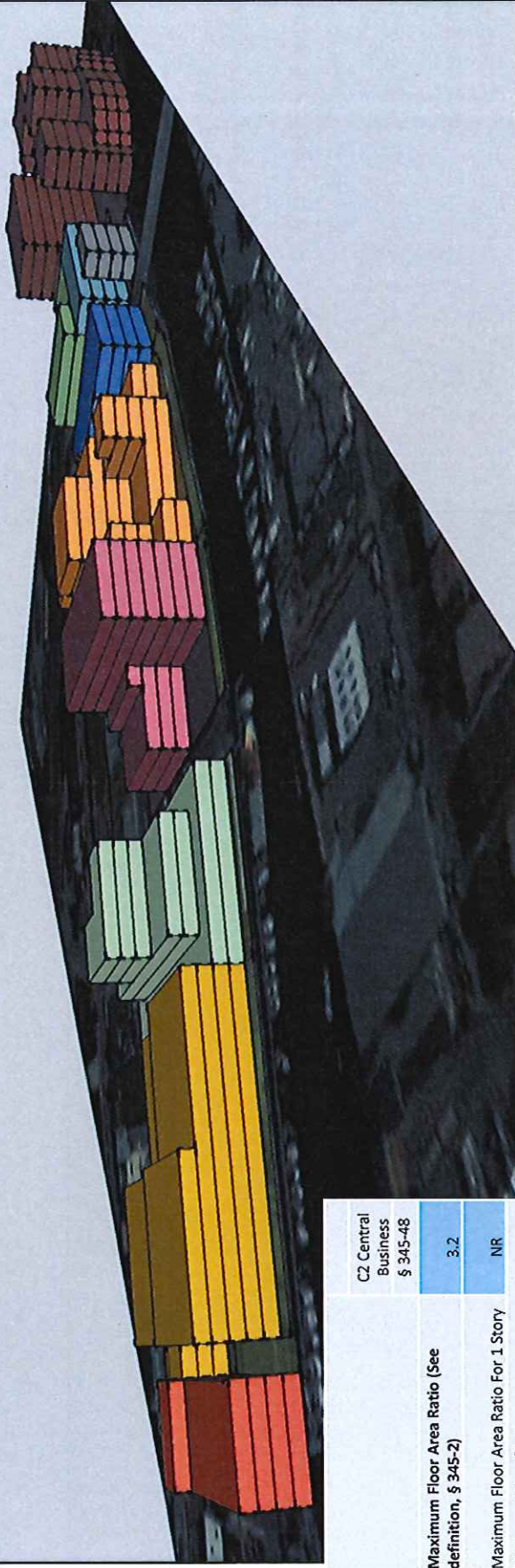
Maximum Floor Area Ratio (See definition, § 345-2)	C2 Central Business § 345-48	3.2
Maximum Floor Area Ratio For 1 Story Minimum Size of Lot:	NR	NR
Area, nonresidential (square feet)	NR	NR
Area per dwelling unit (square feet)	750	
Width (feet) (f) (e)	40	
Depth (feet)	NR	
Minimum Yard Dimensions:		
Front (feet)	NR	
Side	NR(a)	
One (feet)	NR(a)	
Total of 2 on interior lot (feet)	NR(a)	
Rear (feet)	20	
Maximum Height of Building:		
In stories	8	
In feet	70	
Minimum Usable Open Space on Lot:		
For each dwelling unit (square feet)	100	

Lot	Total Lot Area	Existing built SF	Max SF (3.2 FAR)
1 - 11 Willett Ave	11,456	3,500	36,659
141 Abendroth / Mariner	60,559	146,480	193,789
2 Highland St	31,130	87,435	99,616
25 Abendroth Ave	29,151	28,125	93,283
21 Abendroth Ave	35,965	18,020	115,088
10 Mill St	9,484	4,928	30,349
1 Mill St	1,244	2,624	3,981
13 Mill St	36,904	3,360	118,093
(13.5) Mill St	4,761	0	15,235
15 - 17 Mill St	12,558	5,260	40,186
Total:	233,212	299,732	746,278



Existing C2 Zoning:

East side of Abendroth Ave., Willet Ave. to
Train Tracks (looking west)

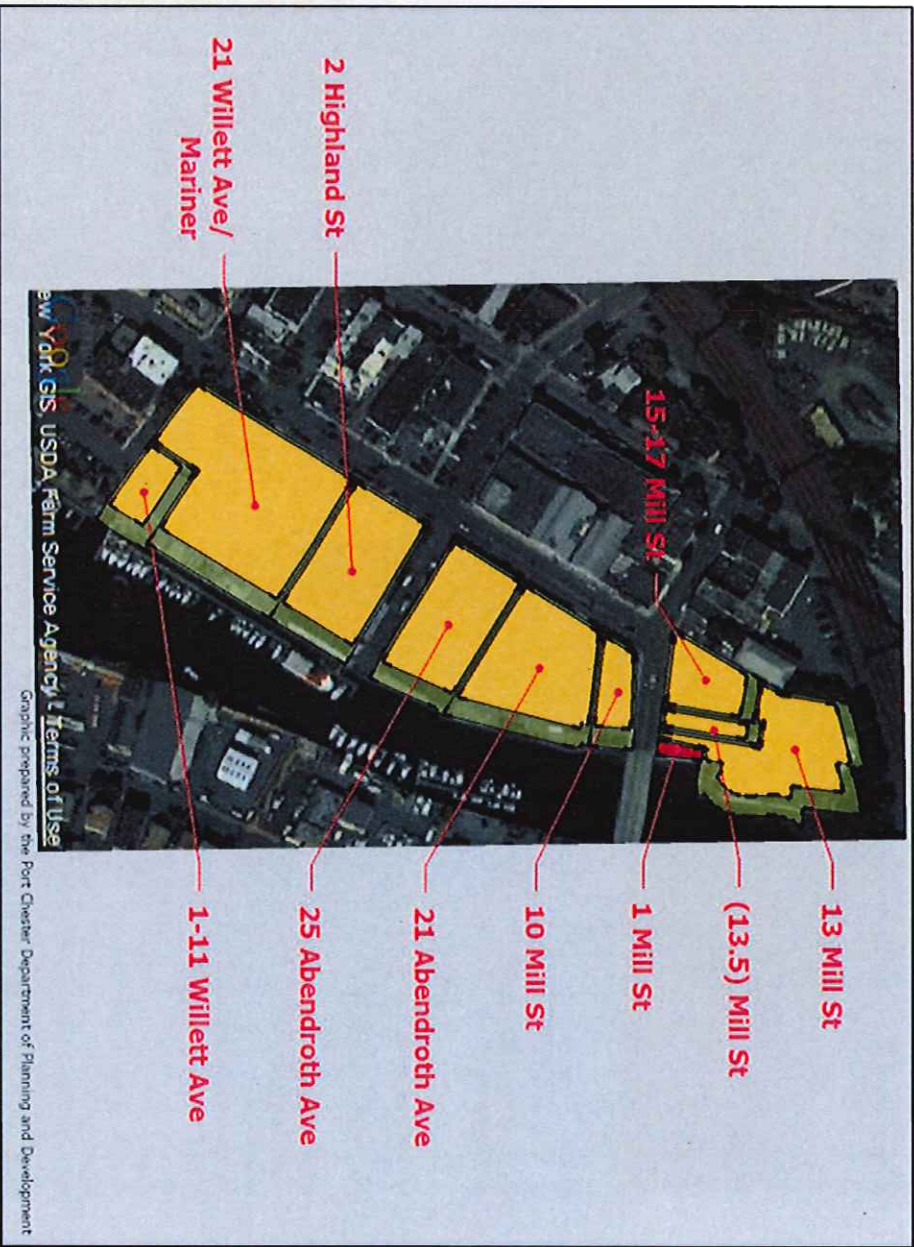


C2 Central Business § 345-48	
Maximum Floor Area Ratio (See definition, § 345-2)	3.2
Maximum Floor Area Ratio For 1 Story Minimum Size of Lot:	NR
Area, nonresidential (square feet)	NR
Area per dwelling unit (square feet)	750
Width (feet) (j) (e)	40
Depth (feet)	NR
Minimum Yard Dimensions:	
Front (feet)	NR
Side	
One (feet)	NR(a)
Total of 2 on interior lot (feet)	NR(a)
Rear (feet)	20
Maximum Height of Building:	
In stories	8
In feet	70
Minimum Usable Open Space on Lot:	
For each dwelling unit (square feet)	100

Lot	Total Lot Area	Existing built SF	Max SF (3.2 FAR)
1 - 11 Willett Ave	11,456	3,500	36,659
141 Abendroth / Mariner	60,559	146,480	193,789
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(13.5) Mill St	4,761	0	15,235
15 - 17 Mill St	12,558	5,260	40,186
Total:	233,212	299,732	746,278



Maximum Floor Area Ratio	DW/2 DOWNTOWN Design Waterfront \$ 345-54.1
Maximum Floor Area Ratio For 1 Story	2.40
Minimum Size of Lot: Area, nonresidential (square feet)	NR
Area per dwelling unit (square feet)	NR
Width (feet) (j) (e)	600
Depth (feet)	40
Minimum Yard Dimensions: Front (feet)	NR
Side	5
One (feet)	5
Total of 2 on interior lot (feet)	10
Rear (feet)	20
Maximum Height of Building: In stories	4
In feet	50
Minimum Usable Open Space on Lot: For each dwelling unit (square feet)	50 8



DW/2 Zoning:

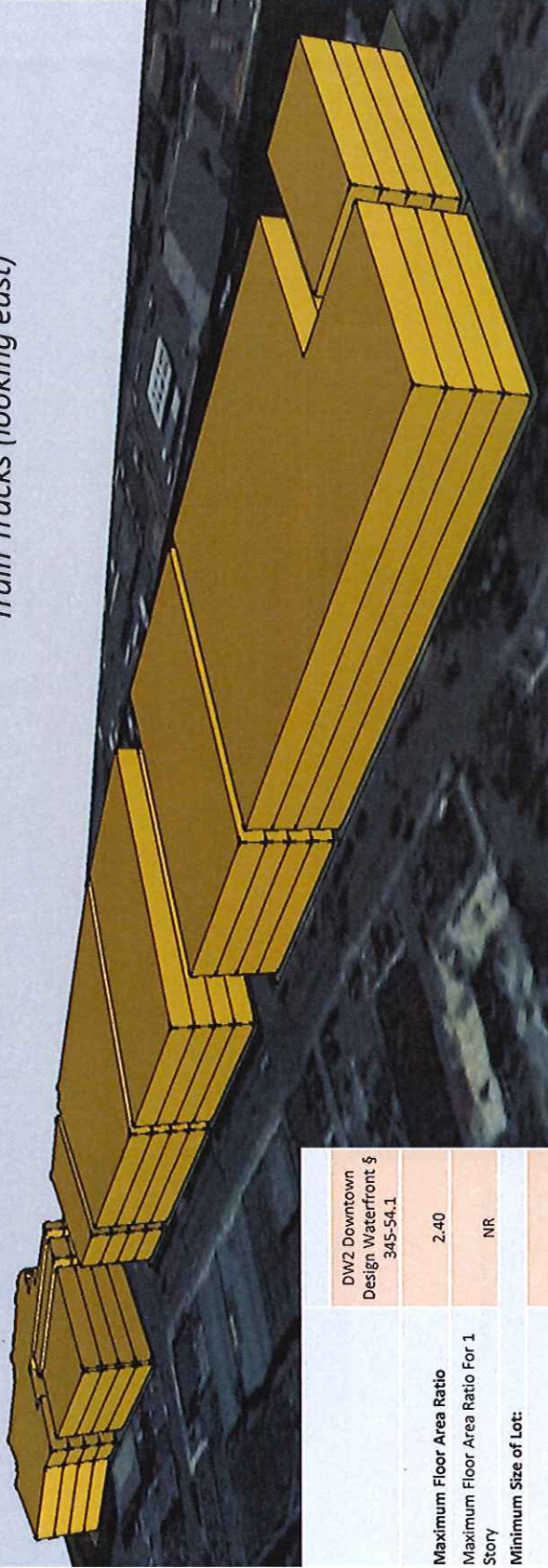
East side of Abendroth Ave., Willett Ave. to Train Tracks

Graphic prepared by the Port Chester Department of Planning and Development



DW2 Zoning:

East side of Abendroth Ave., Willet Ave. to
Train Tracks (looking east)



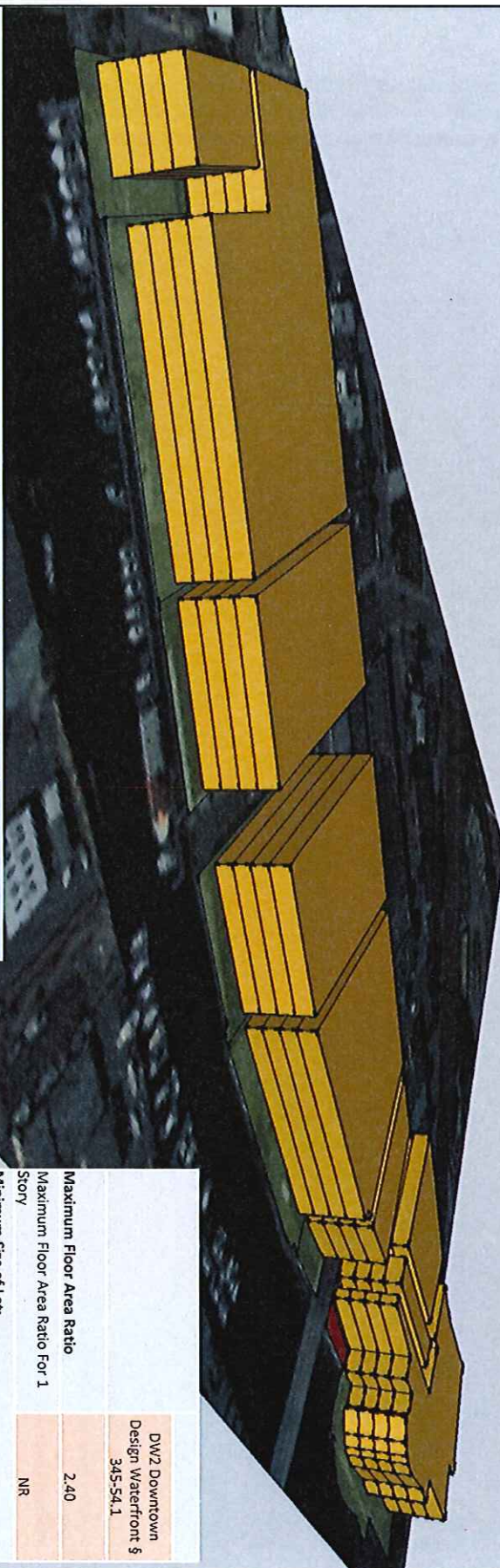
DW2 Downtown Design Waterfront § 345-54.1	
Maximum Floor Area Ratio	2.40
Maximum Floor Area Ratio For 1 Story	NR
Minimum Size of Lot:	
Area, nonresidential (square feet)	NR
Area per dwelling unit (square feet)	600
Width (feet) (l) (e)	40
Depth (feet)	NR
Minimum Yard Dimensions:	
Front (feet)	5
Side	
One (feet)	5
Total of 2 on interior lot (feet)	10
Rear (feet)	20
Maximum Height of Building:	
In stories	4
In feet	50
Minimum Usable Open Space on Lot:	
For each dwelling unit (square feet)	50 ⁸

Lot	Total Lot Area (Sq. Ft.)	Existing Built Sq. Ft.	Max Sq. Ft. (2.4 FAR - DW2)
1 - 11 Willett Ave	11,456	3,500	27,494
141 Abendroth / Mariner	60,559	146,480	145,342
2 Highland St	31,130	87,435	74,712
25 Abendroth Ave	29,151	28,125	69,962
21 Abendroth Ave	35,965	18,020	86,316
10 Mill St	9,484	4,928	22,762
1 Mill St	1,244	2,624	2,986
13 Mill St	36,904	3,360	88,570
(13.5) Mill St	4,761	0	11,426
15 - 17 Mill St	12,558	5,260	30,139
Totals:	233,212	299,732	559,709



DW2 Zoning:

East side of Abendroth Ave., Willett Ave. to
Train Tracks (looking east)



Lot	Total Lot Area (Sq. Ft.)	Existing Built Sq. Ft.	Max Sq. Ft. (2.4 FAR - DW2)
1 - 11 Willett Ave	11,456	3,500	27,494
141 Abendroth / Mariner	60,559	146,480	145,342
2 Highland St	31,130	87,435	74,712
25 Abendroth Ave	29,151	28,125	69,962
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Totals:	233,212	299,732	559,709

Maximum Floor Area Ratio	2.40	DW2 Downtown Design Waterfront \$ 345-54.1
Maximum Floor Area Ratio For 1 Story	NR	
Minimum Size of Lot:		
Area, nonresidential (square feet)	NR	
Area per dwelling unit (square feet)	600	
Width (feet) (j) (e)	40	
Depth (feet)	NR	
Minimum Yard Dimensions:		
Front (feet)	5	
Side		
One (feet)	5	
Total of 2 on interior lot (feet)	10	
Rear (feet)	20	
Maximum Height of Building:		
In stories	4	
In feet	50	
Minimum Usable Open Space on Lot:		
For each dwelling unit (square feet)	50 s	



C2/DW2 Comparison

	C2 Central Business § 345-48	DW2 Downtown Design Waterfront § 345-54.1
Maximum Floor Area Ratio	3.2	2.40
Maximum Floor Area Ratio For 1 Story	NR	NR
Minimum Size of Lot:		
Area, nonresidential (square feet)	NR	NR
Area per dwelling unit (square feet)	750	600
Width (feet) (j) (e)	40	40
Depth (feet)	NR	NR
Minimum Yard Dimensions:		
Front (feet)	NR	5
Side		
One (feet)	NR(a)	5
Total of 2 on interior lot (feet)	NR(a)	10
Rear (feet)	20	20
Maximum Height of Building:		
In stories	8	4
In feet	70	50
Minimum Usable Open Space on Lot: For each dwelling unit (square feet)	100	50 ⁸

Lot	Total Lot Area (Sq. Ft.)	Existing Built Sq. Ft.	Max Sq. Ft. (3.2 FAR - C2)	Max Sq. Ft. (2.4 FAR - DW2)
1 - 11 Willett Ave	11,456	3,500	36,659	27,494
141 Abendroth / Mariner	60,559	146,480	193,789	145,342
2 Highland St	31,130	87,435	99,616	74,712
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15 - 17 Mill St	12,558	5,260	40,186	30,139
Totals:	233,212	299,732	746,278	559,709

**BEFORE THE
NEW YORK STATE
PUBLIC SERVICE COMMISSION**

Joint Petition of Village of Port Chester and
United Water Westchester for
Approval of Use of Water Consumption
Data for Billing of Sewer Service Pursuant to
Section 8 of the Rules of the Commission and
Sections 451 and 452 of the General Municipal Law

Case 13 – W - _____

**JOINT PETITION OF VILLAGE OF PORT CHESTER AND UNITED
WATER WESTCHESTER FOR APPROVAL OF USE OF WATER
CONSUMPTION DATA FOR BILLING OF SEWER SERVICE
PURSUANT TO SECTION 8 OF THE RULES OF THE COMMISSION
AND SECTIONS 451 AND 452
OF THE GENERAL MUNICIPAL LAW**

Joel R. Dichter
Kathy Lane
Dichter Law, LLC
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New York, NY 10022
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John T Dillon
Senior Corporate Attorney – Regulated Operations
United Water
200 Old Hook Road
Harrington Park, NJ 07640
(201) 767-2811

Dated: January 17, 2013

**BEFORE THE
NEW YORK STATE
PUBLIC SERVICE COMMISSION**

Joint Petition of Village of Port Chester and
United Water Westchester for
Approval of Use of Water Consumption
Data for Billing of Sewer Service Pursuant to
Section 8 of the Rules of the Commission
and Sections 451 and 452
of the General Municipal Law

Case 13 – W - _____

By its attorneys, pursuant to Section 8 of the Rules of the Public Service Commission governing declaratory rulings, the Village of Port Chester and United Water-Westchester hereby jointly request the Commission to authorize the utilization of United Water-Westchester water consumption data in order to compute and bill charges for sewer rents adopted by the Village of Port Chester pursuant to the General Municipal Law. The Village of Port Chester provides, operates, and maintains the Port Chester Sanitary Sewer District. This Sewer District covers an approximate area of 2.7 square miles. It is virtually identical to the Village boundaries. United Water Westchester (hereinafter “UWW”) supplies water service to the majority of the Village of Port Chester (hereinafter “the Village” or “Port Chester”). In support of the Petition, the parties show as follows:

1. By way of background, the supply and operation of the water and sewer system within the Village is unique from the circumstances in most communities within New York State. In the Village, UWW serves the occupants with a supply of water obtained from Westchester Joint Water Works and Aquarion Water of Connecticut. While it is the Village which possesses the right to this water supply, it is UWW acting as the agent of the Village which provides, maintains, operates, bills and collects for the water supply. Accordingly, the Village provides, operates and maintains the Port Chester Sanitary Sewer Services independent of the supply of water.
2. Currently, the cost of providing, operating and maintaining the sewer system and concomitant services to the Village is recouped through Village property taxes. While this covers the cost of sewer service to the Village inhabitants, the Village seeks to establish a sewer rent based upon water usage in order to achieve equity in billing and collection and to more accurately recover its costs for operation and maintenance of its sewer system. It is the belief of the Village that a sewer rent tied to water consumption will result in greater equity in billing and more accurate recovery of sewer costs.

3. As stated above, currently UWW provides water to residential, commercial and industrial locations within the Village of Port Chester. Accordingly, data indicating the water usage of each premise that is necessary to bill a sewer rent is with UWW.
4. It is within the rights of the Village of Port Chester to “establish and impose sewer rents in accordance with the provisions of this article as a means of producing revenue.” Gen. Mun. Law ¶ 452. Article 14F, the Sewer Rent Law, of General Municipal Law explicitly grants the Village the authority to base its sewer rent upon water consumption data.

Specifically, the applicable portion of Section 451 of Gen. Mun. Law reads:

“Sewer rents.” A scale of annual charges established and imposed in a city or village or in a sewer or wastewater disposal district in a county or town pursuant to this article for the use of a sewer system or any part or parts thereof. Such charges may be based on either (a) the consumption of water on the premises connected with and served by the sewer system or such part or parts thereof . . .

5. Given this statutory grant of authority to base its sewer rents upon water consumption data, the Village seeks this information from UWW solely for the purpose of implementing, billing and collecting a sewer rent.

6. The Village has requested this water consumption data from UWW but has been referred to NYS Public Service Law 89-b(6), which reads “No water works corporation shall sell or offer for sale any list of names of its customers.” The intention of this statute is to protect consumer privacy from marketers. Consequently, while UWW is willing to enter into an Agreement to bill and collect the sewer rent on behalf of Port Chester, it believes it may be constrained by this statute.
7. The Village submits that were it to acquire the water consumption data from UWW it would not be the circumstances intended to be protected by the legislature. Importantly, the Village already has the list of the names of the customers of UWW through the property tax roll of the Village.
8. The Village submits that these two statutes, in accord with rules governing legislative construction, must be read in conjunction with one another to harmonize the results. It is well established that when a statute is clear and unambiguous, any attempts to construe its language are superfluous. McKinney's Cons Laws of NY, Book 1, Statutes § 75, 76. Here, the intent of both statutes is clear. The Gen. Mun. Law empowers municipalities and villages to impose sewer rents based upon water consumption. The Public Service Law prohibits water works

corporations from selling customer lists. These two statutes should be read in *pari materia*.

9. In this instance, the Village is not seeking to purchase the customer list of UWW. Rather it is seeking water consumption data at locations within the Village. Since, for the most part, the Village is already in possession of UWW's customer list, it is seeking the consumption data to carry out its rights under the General Municipal Law. The intention of the enactment of Pub. Serv. Law 89-b was consumer protection but it was not intended to protect consumers from sewer fees assessed in accordance with law. "The rule of in *pari materia* – like any canon of statutory construction – is a reflection of practical experience in the interpretation of statutes: a legislative body generally uses a particular word with a consistent meaning in a given context." *Erlenbaugh v. United States*, 93 S.Ct. 477 (1972). That is, "when two or more statutes, whenever passed relate to the same thing or the same class of things or to the same general subject matter, they are *in pari materia*, and are to be construed as forming a unitary system and as one statute." *In re Artcourt Realty Corp.*, 39 Misc.2d 796 (NY County 1963). Here it cannot be said that the legislature intended to grant municipalities the power to base

sewer rents on water consumption yet then take away the ability to obtain the water consumption data.

10. The parties understand and are mindful of consumer privacy concerns implications. Protections will be in place to insure the protection of the data to the extent permitted by law.
11. Additionally, PSC approval is required in order for UWW to dedicate rate payer funded services to actions outside the provision of water utility service. The PSC will also determine the level of any sharing of profits between Company shareholders and water ratepayers earned by UWW from the billing on behalf of Port Chester. Not one of these issues however, dilutes the grant of power from the legislature in Gen. Mun. Law §§451, 452.
12. While this may be a novel question within the context of water, the PSC has permitted the sharing or sale of customer information within the gas and electric context. In the Public Service Commission's Ruling in a Proceeding on Motion of the Commission Regarding an Energy Efficiency Portfolio Standard: Petition of Niagara Mohawk Power Corporation for Approval of an Energy Efficiency Portfolio Standard (EEPS) Utility-Administered Electric Energy Efficiency Program. Petition of Central Hudson Gas & Electric Corporation for Approval of

an Energy Efficiency Portfolio Standard (EEPS) Utility-Administered Electric Energy Efficiency Program, PSC Case No. 2010 WL 5030878. The matter came before the PSC as part of Energy Efficiency Portfolio Standards Programs of Niagara Mohawk and Central Hudson. In that matter the PSC noted the following:

The particular facts and circumstances of any instance involving third party access to customer data will dictate whether such access is appropriate. Moreover, as explained in more detail below, no transfer of customer information to a third party may violate the prohibition against selling or offering to sell lists of customer names found in [Public Service Law §65\(7\)](#).

In this order, we authorize the OPower behavioral programs specifically because: 1) OPower will be performing a rate-payer funded utility function - inducing customers to use less energy by providing them with specific information about their energy usage and how it compares to that of other similarly situated customers; 2) Central Hudson and Niagara Mohawk have demonstrated a need to provide access to the customer information in order to perform the utility function; 3) we have had an opportunity to review the contract between the utility and the OPower and believe it offers sufficient privacy safeguards.”

13. In that case, the PSC found appropriate protections in place and permitted EEPS programs which provided for access to customer data, including personally identifiable data. The PSC determined that the OPower was receiving the customer information solely to administer and analyze the customer behavioral modification

program and accordingly the receipt of such information was not a prohibited sale of customer information under Public Serv. Law 65(7).¹

14. Here, the information will be used to equitably determine sewer rents as provided by the General Municipal Law. In order to carry out this utility function in a manner permitted by the Legislature, the parties have shown a need for provision of the consumption data. The contract between UWW and the Village and any third party billing entity will include a confidentiality clause prohibiting the information from being used or disclosed for any purpose other than sewer rents to the full extent permitted by the laws of the State of New York.
15. Accordingly, the Village of Port Chester and United Water Westchester jointly respectfully request the Commission to authorize the provision of the water consumption data to be used for the billing of customers for provision of sewer service.

¹ Pub. Ser. Law 65(7) reads: 'No gas corporation or electric corporation shall sell or offer for sale any list of names of its customers.' This is substantially similar to Pub. Serv. Law 89-6(b), the only difference is it applies to gas and electric utilities.

Village of Port Chester

By: Joel R. Dichter
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Its Attorneys

United Water Westchester

By: John T Dillon
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United Water
200 Old Hook Road
Harrington Park, NJ 07640
(201) 767-2811

**SANITARY SEWER SERVICE BILLING
AND COLLECTION AGREEMENT**

THIS SANITARY SEWER SERVICE BILLING AND COLLECTION

AGREEMENT made and executed _____, 2013 (the " Agreement") by
and between the Village of Port Chester (the "Village") and
United Water Westchester ("UWW")

RECITALS

A. The Village operates a Sanitary Sewer System and has adopted charges for use of the system by its customers based upon the consumption of water supplied by UWW.

B. UWW is willing to utilize the water consumption data of customers to assist the Village in billing for use of the Village's sewer system.

C. UWW has agreed to bill and collect sewer rates from Users and pay the amounts collected over to the Village pursuant to the terms of this Agreement.

NOW, THEREFORE, in consideration of the respective representations and agreements contained herein, the parties hereto agree as follows:

Section 1. Billing and Collection of Sewer Rates. UWW agrees that it will, on behalf of the Village, bill and collect for sanitary sewer service from Users in the Village's Service Area. Such billing shall be at rates established from time to time by the Village. The billings shall be done simultaneously with the

UWW billings for water services for such Users, but not less frequent than every 3 months, or at such intervals as the Village and UWW shall agree. With respect to all such billings, the time limits for payment of such bills, the resolution of disputes, disagreements or other complaints, the testing of meters for accuracy and all other matters relating to billing and collection, the Village and UWW shall work together to develop such policies and the Village shall adopt such ordinances, rules, regulations and policies as shall be necessary to assure compliance of the provisions of this Section 1. Such policies adopted by the Village shall (a) provide for termination of water service upon nonpayment for a designated period of time as specified by the Village and (b) specify that such delinquent account shall constitute a lien in favor of the Village against the premises served as provided by law. All rates collected by the UWW for the Village from users shall be paid to the Village. UWW agrees to work cooperatively with the Village in the collection of delinquent accounts of Users.

Section 2. Rates and Charges. The rates and charges of UWW to the Village for performing the billing and collection functions, as well as payment terms, are set forth on Exhibit A hereto.

Section 3. Consumer Privacy and Confidentiality of Information. The Village and UWW are mindful of the importance of consumer privacy and confidentiality of consumer information. To the extent data is shared with the Village by UWW,

the Village agrees not to resell such data or list and to adhere to the security guidelines set forth in Exhibit B to the extent permitted by applicable law.

Section 4. Term. The term of this Agreement shall be ____ years. Thereafter, either party may terminate this Agreement upon _____days notice to the other party.

Section 5. Notices. All notices or other communications hereunder shall be sufficiently given and shall be deemed given when dispatched by regular or certified mail, postage prepaid, or by hand delivery, addressed as follows:

If to UWW:

If to Village:

The parties may, by notice given hereunder, designate any further or different address to which subsequent notices or other communications may be sent.

Section 6. Governing Law. This Agreement shall be construed in all respects in accordance with the laws of the State.

Section 7. Severability. In the event any provision of this Agreement shall be held

invalid or unenforceable by any court of competent jurisdiction, such holding shall not invalidate or render unenforceable the remaining valid provisions hereof provided the intent of this Agreement can still be met without such invalid provision.

Section 8. Binding Effect. The covenants herein contained shall bind, and the Benefits shall inure to, the respective successors and assigns of the parties hereto.

Section 9. Captions. The captions or headings in this Agreement are for convenience only and in no way define, limit or describe the scope or intent of any provisions or sections of this Agreement.

Section 10. Entire Agreement. Except as otherwise indicated in this Agreement, this Agreement constitutes the entire agreement between the parties and there are no other representations, warranties, promises, guarantees or agreements, oral or written, express or implied, between the parties hereto with respect to this Agreement.

Section 11. Amendment. This Agreement may not be amended, changed, modified, altered, assigned or terminated early without the written consent of both parties hereto.

Section 12. Exhibits. Exhibits A and B attached hereto are incorporated herein as thoughfully set forth herein.

Section 13. Assignment. This Agreement and the rights and obligations of a party

hereto may not be assigned without the written acceptance of the other party hereto.

Section 14. Waiver. The waiver by either party hereto of a breach or violation of any provision of this Agreement shall not be a waiver of any subsequent breach of the same or any other provision of this Agreement.

Section 15. Parties. This Agreement shall only be enforceable by the parties hereto and their successors in interest by virtue of an assignment and no other person shall have the right to enforce the provisions contained herein.

Section 16. Effective Date. This Agreement shall be effective as of the date set forth in the first paragraph hereof.

IN WITNESS WHEREOF, the Village of Port Chester and United Water Westchester have caused these presents to be signed by their respective duly authorized officers all as of the day and year first written above.

Village of Port Chester

By: _____

United Water Westchester

By: _____

RESOLUTIONS

SEQRA DETERMINATION OF SIGNIFICANCE
AND SITE-SPECIFIC DRAFT ENVIRONMENTAL IMPACT STATEMENT (DEIS)
POSITIVE DECLARATION AND SCHEDULING OF SCOPING SESSION
UNITED HOSPITAL REDEVELOPMENT

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

WHEREAS, the Petition was accompanied by a Site Plan Application, Long-Form Environmental Assessment Form “EAF”) prepared pursuant to the New York State Environmental Quality Review Act (SEQRA”) and draft scoping document for the preparation of a site-specific Draft Environmental Impact Statement (“EIS”); and

WHEREAS, on November 19, 2012, the Village Board of Trustees accepted the zoning text and map amendment petition and noticed its intent to be lead agency pursuant to Part 617 of the SEQRA regulations; and

WHEREAS, said resolution specifically anticipated that at the expiration of the time for which to object to such lead agency status, the Board would make a determination of significance by the issuance of a positive declaration and schedule a public scoping session on a draft scoping document. Now, therefore, be it

RESOLVED, that pursuant to Part 617 of the implementing regulations pertaining to Article 8 (State Environmental Quality Review Act) of the Environmental Conservation Law, the Board of Trustees as Lead Agency determines that the Proposed Action is Type I Action and may have a significant impact on the environment for the reasons enumerated in the attached Positive Declaration Form and supporting documentation and thereby directs the applicant to prepare a DEIS; and be it

FURTHER RESOLVED, that the Board has reviewed and accepted a draft scoping document prepared by Village staff and special environmental counsel and schedules a public scoping session on February 2013 to invite public comment and engagement and provide clear direction to the applicant in the preparation of the DEIS that will comprehensively assess all potential impacts and alternatives to the Petition; and be it

FURTHER RESOLVED, and with the recommendation of the Village Manager, the Board intends to select its outside consultants for the SEQRA review which expense is to be

assumed by the applicant and that the Manager be and is hereby authorized to enter into an escrow agreement with the applicant so as to fund all such expense; and be it

FURTHER RESOLVED, so as to allay any possible misapprehension, the Board reaffirms that the resolution adopted on November 19, 2012 was a discretionary action and that it should in no way be construed as conferring any right or expectation on the property owner or any other interested party with regard to the zoning amendments sought in the Petition; and be it

FURTHER RESOLVED, that following the SEQRA process, the Board is not bound to a particular outcome on the zoning for the subject property and any final action on the Petition is completely discretionary.

APPROVED AS TO FORM:

Village Attorney



Village of Port Chester

Department of Planning and Development

222 Grace Church Street, rm. 202 Port Chester, New York 10573
Ph. (914) 937-6780

To: Hon. Mayor Pilla and Board of Trustees

From: Christopher Gomez, Director of Planning and Development

Re: Comprehensive Plan Related Zoning Text and Map Amendments –
Setting of Public Hearing

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

Date: January 18, 2013

Attached please find the updated draft local zoning law and draft official zoning map reflecting suggested changes from previous public hearings and staff input. Also note the inclusion of a new Downtown Design Waterfront District (DW2) and build-out renderings as requested and contemplated in the adopted SEQRA Findings document. A resolution to set a public hearing for February 19th on the draft law/zoning map and referral to the Port Chester Planning Commission and Westchester County Planning Board has been provided for your consideration at the January 22nd meeting.

The following list outlines the necessary steps required to ensure compliance with Village Zoning Code Section 345-34 regarding zoning map amendments including publication, mailing, and notice required.

- ✓ Staff preparation of draft local law and draft official zoning map as edited during public hearing and SEQRA Findings adoption process.
 - Set public hearing on draft local law and refer to County Planning Board and Port Chester Planning Commission for report as per Section 345-34. 30-day minimum requirement.
 - Notice public hearing in official papers
 - Prepare detailed notification mailing for all Port Chester residents including address, existing zone, proposed zone, section, block and Lot, and associated maps.
 - Prepare large-scale signs with requisite information, post conspicuously throughout Village
 - Hold Public hearing and upon closure, provide for written comment period
 - Adoption

RESOLUTION
ZONING TEXT AND MAP AMENDMENTS
SETTING OF PUBLIC HEARING AND REFERRAL TO PLANNING COMMISSION
AND COUNTY PLANNING BOARD

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

WHEREAS, the Village of Port Chester adopted its first ever Comprehensive Plan (“Plan”) on December 17, 2012 to guide future growth and preservation patterns for the protection of the public health, safety and general welfare of its citizens; and

WHEREAS, the proposed related draft zoning text and map amendments will serve to further the adopted vision, objectives and goals set forth in the Plan; and

WHEREAS, pursuant to Village Zoning Regulation 345-34, proposed zoning amendments require a Board of Trustees public hearing before adoption and shall be referred by the to the Planning Commission and County Planning Board for recommendation; Now, therefore, be it

RESOLVED, that the Village Board of Trustees, hereby schedules a public hearing on the draft zoning text and map amendments, to be held at the Port Chester Village Court, 350 N. Main Street, Port Chester, NY 10573, on February 19, 2013 at 7:00 p.m.; and be it further

RESOLVED, that the Board refers the draft zoning text amendments and map to the Village Planning Commission and the Westchester County Planning Board for review and recommendation.

Approved as to Form

Village Attorney

ROLL CALL

AYES:

NOES:

ABSENT:

DATE:

(Use this form to file a local law with the Secretary of State)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate a new matter.

County
City of Port Chester, New York
Town
Village

Local Law No. _____ of the year 2013

A local law amending the CODE OF THE VILLAGE OF PORT CHESTER, CHAPTER 345, ARTICLE II, SECTION 345-2B, ARTICLE III, SECTION 345-3, ARTICLE IV, SECTIONS 345-7, 345-8, 345-13, 345-14, 345-15 and 345-16, ARTICLE VIII, SECTIONS 345-39, 345-40, 345-41, 345-42, 345-43, 345-44, 345-45 and 345-46, ARTICLE IX, SECTIONS 345-47, 345-48, 345-49, 345-50, 345-50.1, 345-50.2, 345-51, 345-52, 345-53, 345-54, 344-54.1, 345-55, 345-56, 345-57 AND 345-57.1, ARTICLE X, SECTIONS 345-60 and 345-61, ARTICLE XI, SECTION 345-62, AND the OFFICIAL ZONING MAP of the Village of Port Chester.

Be it enacted by the Board of Trustees of the
(Name of Legislative Body)

County
City of Port Chester, New York as follows:
Town
Village

A LOCAL LAW AMENDING THE CODE OF THE VILLAGE OF PORT CHESTER, CHAPTER 345, AND THE OFFICIAL ZONING MAP WITH REGARD TO IMPLEMENTING THE PROVISIONS OF THE COMPREHENSIVE PLAN.

SECTION 1: Purpose and Intent

Background

This local law amends the Village Code, Chapter 345, the Zoning Regulation, as well as the Official Zoning Map with regard to implementing the Village of Port Chester’s Comprehensive Plan. New York’s zoning enabling statutes – the statutes empowering cities, towns and villages to enact local zoning laws – require that zoning laws be adopted “in accordance with a

comprehensive plan.” The purpose of the Comprehensive Plan is to serve as the backbone for a local zoning code. The Zoning Regulation is adopted to provide a precise plan for residential, commercial, industrial, open space and other land uses in the Village, and is the principal device used to implement the Comprehensive Plan.

Originally adopted in 1975, and amended several times since then, the Village of Port Chester’s current Zoning Regulation has become, across several dimensions, outdated. The amendments included herein primarily deal with revisions to the dimensional requirements in the residential districts, and the use and dimensional requirements in the commercial districts. The secondary but no less significant purpose of this amendment process is the creation of new zoning districts to provide the opportunity for the creation of visually attractive, economically viable and environmentally sustainable development.

Overall Approach

Amendments to the Zoning Regulation are prepared to address the changing needs and desires of the community with respect to the built environment. The vision and policy recommendations set forth in the Comprehensive Plan – the foundation of these proposed zoning amendments – aim to retain the qualities of Port Chester that its people have come to cherish, including a diverse population, low-density residential neighborhoods, quality homes at relatively affordable prices, and a vibrant downtown. At the same time, the vision addresses the challenges confronting the Village, including changing socio-economic conditions, unpredictable growth patterns, physical constraints limiting waterfront access, and underutilized properties. The Plan identifies goals, policies, and guidelines for the immediate and long-range protection, enhancement, growth and development of Port Chester, focusing on major elements of the build environment, including maintenance and enhancement of residential neighborhoods; strengthening and revitalization of the downtown and waterfront areas; strengthening of industrial areas; and identifying key areas of limited growth opportunities. To this end, the overall approach of this zoning amendment process is captured in the following five (5) key elements:

- Reducing potential future density increases throughout the Village;
- Preserving and protecting the existing character of residential neighborhoods;
- Identifying strategic areas for limited growth opportunities;
- Improving development predictability and coordinating private development with public; investments in transportation and infrastructure systems; and
- Eliminating floating zones.

SECTION 2: The Code of the Village of Port Chester, Chapter 345, Article II “Definitions”, is hereby amended as follows:

Section 345-2B. Word usage; terms defined.

....

[PLANNED TOWER DEVELOPMENT – An area of land or air right over such land controlled by a single proprietor to be developed as a single entity for one or a combination of the authorized uses as provided in Section 345-46. With respect to a planner tower development, a “single proprietor” shall be deemed to include a person or corporation having an enforceable proprietary interest in such land or the air rights over such land.]

...

SECTION 3: The Code of the Village of Port Chester, Chapter 345, Article III, “Districts, Boundaries and Application of regulations”, is hereby amended as follows:

Section 345-3. Districts classified.

For the purposes of this Regulation, the Village of Port Chester is hereby divided into [25] 26 classes of districts, as follows:

R20 One-Family Residence District

R7 One-Family Residence District

R5 One-Family Residence District

R2F Two-Family Residence District

RA2 Multifamily Residence District

RA3 Multifamily Residence District

RA4 Multifamily Residence District

[PTD Planned Tower Development District]

C1 Neighborhood Retail District

C2 [Central Business District] Main Street Business District

C3 [Design] Office and Commercial District

C4 General Commercial District

C5 Train Station Mixed Use District

C5T Downtown Mixed Use Transitional District

CD Design Shopping Center District

CDS Special Design Commercial District

PD Design Professional Building District

DW Design Waterfront District

DW2 Downtown Design Waterfront

M1 Light Industrial District

M2 General Industrial District

PMU Planned Mixed Use District

[PRSP Planned railroad Station Plaza Development]

M2D Designed Industrial District

VCRA/LIR Village Center Redevelopment Area Light Industrial/Research Use District

PRD Planned Residential Development District

ROO Residential Office Overlay District

TRD Transitional Residential Development District

MUR Marina Redevelopment Project Urban Renewal District

SECTION 4: The Code of the Village of Port Chester, Chapter 345, Article IV, “Supplementary Regulations,” is hereby amended as follows:

345-7. Useable open space.

....

E. In the C2, C5, C5-T and DW2 districts, the Village Board of Trustees may accept an offer of cash in lieu of 50 square feet of useable open space per unit or a portion thereof. The value shall be based on 50 percent of the assessed value of the land on the site, calculated by utilizing the 50 square feet of land per unit. All funds shall be kept by the Village in separate account to be used only for the acquisition, preservation, or improvement of open space.

SECTION 5: The Code of the Village of Port Chester, Chapter 345, Article IV, “Supplementary Regulations,” is hereby amended as follows:

Section 345-8. Minimum residential floor area.

B. Minimum schedule. Every dwelling or other building converted in whole or in part to a residential use which is hereafter erected or converted to accommodate additional facilities, shall provide a minimum floor area per family on finished floors with a clear ceiling height of not less than seven feet six inches, in conformance with the following schedule and with other provisions of this section. The minimum stipulated herein shall be deemed to be exclusive of unenclosed porches, breezeways, garage area and basement and cellar rooms or areas, and of public hallways, foyers and service areas.

Type of Residence Building	Minimum Required Floor Area per Family (square feet)
One and two-family detached dwelling	900
Dwelling units in converted one-family Dwellings	750
Multiple dwelling, except one-room studio Apartment	600
Multiple dwelling, one-room studio Apartment only [not permitted in PTD District]	400

SECTION 6: The Code of the Village of Port Chester, Chapter 345, Article IV, “Supplementary Regulations,” is hereby amended as follows:

Section 345-13. Nonconforming uses and nonconforming buildings and structures.

A. Continuing Existing Uses. Except as otherwise provided in this section, the lawfully permitted uses of land or buildings and structures existing at the time of the adoption of this Regulation, or amendments made to this Regulation inclusive of new zoning districts, may be continued in accordance with the provisions of this section, although such use does not conform to the regulations specified by this Regulation for the district in which such land or building is located. Said uses, buildings and structures shall be deemed nonconforming uses.

...

C. Nonconforming use of buildings or structures.

(2) Any such nonconforming use may be extended throughout any parts of the building or structure which were manifestly arranged or designed for such use at the time of the adoption of this Regulation and subsequent amendments.

SECTION 7: The Code of the Village of Port Chester, Chapter 345, Article IV, “Supplementary Regulations,” is hereby amended as follows:

Section 345-14. Off-Street parking, truck loading and vehicular access.

A. General Application of off-street parking and truck loading requirements.

....

(3) Requirements for off-street parking facilities shall be applicable in all districts except the Central Business District, which district shall be defined as all lands located in the C2 Main Street Business District [Central Business District], except that cabarets, catering and events establishments and theaters located in the C2 Main Street Business District [Central Business District] shall provide off-street parking according to the requirements applicable to those uses.

....

C. Schedule of off-street parking space requirements.

(1) For residential land uses

Uses	Number of Spaces Required
...	
Multifamily dwelling, including Condominium or cooperative dwelling [except in PTD District]	1.5 per dwelling
[Condominium or cooperative multifamily Dwelling in PTD]	[1.5 per dwelling unit]
...	

SECTION 8: The Code of the Village of Port Chester, Chapter 345, Article IV, “Supplementary Regulations,” is hereby amended as follows:

Section 345-15. Sign regulations

...

E. Other commercial and industrial district identification signs.

- (1) A wall identification sign shall be attached or incorporated in a building wall. Such sign shall not:
 - (a) Exceed two square feet in total area for each horizontal foot of such wall on which it is mounted up to a maximum of 100 horizontal feet and an additional one square foot for each horizontal foot. [; provided, however, that in the PTD District the sign area may be applied separately to both the base structure and to the individual tower buildings projecting from the open top deck of the base structure.]
 - (b) Be located above the second story of the building wall, [except in the PTD District this may be applied separately to the base structure and to the individual tower buildings projecting from the open deck of the base structure; and further provided that a symbol, not exceeding 10% of the permitted sign area, designed to identify a building, may be located higher on the building wall.]

...

H. Billboard Regulations

...

- (9) Permitted zones. Billboards shall be permitted in only the following zoning districts:
 - (a) C3 [Design] Office and Commercial District

....

SECTION 9: The Code of the Village of Port Chester, Chapter 345, Article IV, “Supplementary Regulations,” Section 345-16 “Modifications for large subdivision developments,” is deleted and new provisions of said Article, entitled “Building Height and Floor Area Bonus Program” is hereby added in its place and stead as follows:

[Section 345-16 Modifications for large subdivision developments]

[A. Where the owner of any tract of land having a total area of not less than 15,00 square feet presents for record a plat for the development of such tract primarily for residential purposes, the Planning Commission, in accordance with the provisions of Section 7-738 of the Village Law, may authorize a modification of all yard and area regulations as herein established and such modifications of the dwelling types herein are established as are essential in the effective carrying out of such residential development plan, subject to the following limitations:]

(1)

[(1) This section shall only apply in the R2F Zoning Districts.]

[(2) Useable open space of not less than 400 square feet per unit shall be provided and maintained, which open space will be kept in lawn or garden.]

[(3) Not less than two off-street parking spaces per unit shall be laid out and provided.]

[(4) Where the rear yard of an R2F Zone cluster abuts an R5 or R7 Zoning District, a minimum rear yard of 30 feet shall be maintained in the clustered development.]

[(5) Where the side yard of an R2F Cluster Zone abuts an R5 or R7 Zoning District, a minimum side yard of 14 feet shall be maintained on the side so abutting.]

[B. Purpose. The purpose of cluster development is to permit a procedure for development which will result in improved living and working environments, which will promote more economic subdivision layout, which will encourage a variety of types of residential dwellings, which will encourage ingenuity and originality in total subdivision and individual site design and which can preserve open space to serve recreational, scenic and public service purposes and other purposes related thereto within the densities established for the cluster net tract area.]

[C. Authorization and eligibility. Authorization is granted to the Planning Commission, pursuant to Section 7-738 of the Village Law, to apply clustering standards to plans of residential development.]

[D. Computation of unit density. In any R2F District, the Planning Commission may authorize the subdivision of tracts or parcels of land into lots for residential clustering use

in accordance with the density, use, height and parking requirements of the particular district.]

[(1) For purposes of computing net parcel acreage, the following areas are to be excluded from the gross area of the development:]

[(a) Bodies of water, including streams, ponds and swamps.]

[(b) Rock outcroppings of more than 200 square feet each.]

[(c) Areas with a slope of more than 25%.]

[(2) For purposes of computing parcel density, the net parcel square footage shall be divided by 2,500 square feet.]

[E. Subdivision review. Where any development will result in a division of land into two or more lots, plots, sites or parcels, subdivision review and application of clustering standards by the Planning Commission shall be coordinated through the Office of Planning and Development.]

[F. Application procedure and site plan elements. Application preparation, submission and review shall follow the procedure specified in Section 345-23 of this chapter and shall consist of the site plan elements required by Section 345-23E. The site plan shall further show:]

[(1) The disposition of various land uses and the areas covered by each, in acres.]

[(2) Delineation of the various residential areas, including the number of dwelling units by each housing type: single family detached and semidetached, attached quadruple or townhouse dwellings, multistory multiple dwellings, etc. plus a calculation of the density in lot area provided per dwelling unit.]

[(3) The common open space system and a statement as to how it is to be preserved as such throughout the life of any portion of the cluster development and how it is to be owned and maintained.]

[G. General requirements; design objectives and criteria. In reviewing a cluster development, the Planning Commission shall give particular consideration to the objectives set forth on Section 345-23 of this chapter and the following design objectives:]

[(1) Individual lots, buildings, streets and parking areas shall be designed and situated to minimize alteration of the natural site features to be preserved.]

- [(2) The usability of cluster open space intended for recreation or public use shall be determined by the size, shape, topographic and location requirements of the particular purpose proposed for the site.]
- [(3) Cluster open space shall include irreplaceable natural features located in the tract, such as but not limited to stream beds, significant stands of trees, individual trees of significant size and rock outcroppings.]
- [(4) Cluster open space intended for recreation or public use shall be easily accessible to pedestrians, which accessibility shall meet the needs of the handicapped and elderly.]
- [(5) Diversity and originality in lot layout and individual building design shall be encouraged to achieve the best possible relationship between development and the existing topography.]
- [(6) Individual lots, buildings, units and parking areas shall be situated to avoid the adverse effects of shadows, noise and traffic on the residents of the site.]
- [(7) Areas with slopes greater than 15% shall be preserved and not disturbed unless means to mitigate adverse environmental effects are defined in an engineer's, architect's or landscape architect's report and approved by the Planning Commission.]
- [(8) Energy conservation shall be encouraged through the use of southern slopes, where feasible, for passive solar access.]
- [H. Utility placement. All electrical, telephone, cable television and similar equipment shall be installed underground in accordance with the New York Public Service Commission regulations.]
- [I. On site improvements. The developer shall provide all necessary on site water and sewer facilities, including but not limited to water storage tanks, if necessary, storm drainage, highway access, paved service streets, curbing, sidewalks, parking and loading facilities, lighting, fire alarm and other necessary support systems, which shall be connected to the municipal systems at the nearest feasible point, and other necessary facilities, making reasonable provision for utility service or connections with adjoining properties in other ownerships. Such proposed improvements shall be subject to revision and approval by the appropriate municipal authority. The Village shall not be obligated to extend existing systems to accommodate the developer.]
- [J. Common lands and facilities.]

- [(1) Where a clustering development approved pursuant to this authorization results in the permanent preservation of open spaces or the creation of other commonly used lands or facilities, their location and use shall be governed by the Planning Commission, using as a guide the Comprehensive Development Plan and the concept of creating a coordinated system of open spaces with public right of way between them, as well as the purposes set forth herein and in section 7-738 of the Village Law.]
- [(2) In cluster developments having more than five acres, the developer may offer at least 25% of the total area of all common open space parcels containing an area greater than one acre each to the Village of Port Chester for dedication for public use. The Planning Commission shall review such offer of dedication during preliminary site plan review and recommend either acceptance or refusal of a part or all of said parcels to the Board of Trustees.]
- [(3) Common lands which are not dedicated in accordance with Subsection J(2) above and any private common facilities shall be owned and maintained by a property owners' association or its successor organization, subject to the following requirements:]
 - [(a) The property owners' association shall be a legal entity authorized by the laws of the State of New York. It shall be created by a trust agreement or certificate of incorporation, approved as to form and sufficiency by the Corporation Counsel and designed to assure the permanent preservation and protection of the common lands and any improvements thereon for their intended purposes. The association shall be established prior to obtaining a building permit.]
 - [(b) The property owners' association shall be responsible for the continued future maintenance, ownership and use of all such common lands and facilities.]
 - [(c) The property owners' association shall be perpetual and shall not dispose of any common land or any improvements thereon or thereunder, by sale or otherwise, except to a successor organization.]
 - [(d) The instrument establishing the association shall provide notice that, in the event that it or any successor organization shall at any time after approval of the development shall fail to maintain the common land or any improvements thereon in accordance with the approved plan, the Village Manager may serve certified or personal notice upon such legal entity or successor organization and upon the property owners as recorded on the assessment rolls within the development, setting forth the manner in which the association has failed to maintain the common land or any improvements thereon, and said notice shall include a demand that such deficiencies be corrected within 60 days. The Village Manager

may, upon application and for good cause, extend said period for additional sixty day periods. If the deficiencies are not so corrected, the Village Manager, in order to preserve the taxable values of the property within the development and to prevent the common land and improvements thereon from becoming a public nuisance, may direct that the Village enter upon and take possession of said common land and improvements and maintain the same until such time as the Board of Trustees shall determine that the property owners' association is ready and able to maintain the common land and improvements in proper condition. Said entry and maintenance shall not best in the public any rights to use the common land or improvements. The decision of the Village Manager with respect to the action described in this subsection shall constitute a final administrative decision subject to review in accordance with the provisions of Article 78 of the Civil Practice Law and Rules. The cost to the Village of any such maintenance shall be assessed against the properties within the cluster development affected, and in the event of a failure or refusal of any property owner to pay any such charges when levied, the unpaid amount thereof shall become a lien against the property and, together with interest allowed by state law from the due date thereof, shall be included in the following annual tax levy of the Village upon such property for the following fiscal year, and the amount so levied shall be collected in the same manner as other Village taxes.]

- [(e) The property owners' association agreement shall require that every property owner within the cluster development shall automatically be and become a member of the association and shall be subject to a charge for a proportionate share of expenses of the association's activities, including but not limited to the maintenance and operation of the common land improvements thereon.]
- [(4) After final site plan approval and before obtaining a building permit, the developer of the cluster development shall file a performance bond to ensure the proper installation of all improvements on common property.]

Section 345-16 Building Height and Floor Area Bonus Program

A. Purpose

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

B. General Regulations

(1) The bonus program is available in the C2 Main Street Business, C5 Train Station Mixed Use, C5T Downtown Mixed Use Transitional and PM Planned Mixed Use districts (see Schedule of

Regulations for Non-Residence Districts, Attachment 3B) by special exception only and is subject to approval by the Board of Trustees.

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

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

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

C. Bonus Floor Area Option.

In the C2 Main Street Business, C5 Train Station Mixed Use, C5T Downtown Mixed Use Transitional, and PMU Planned Mixed Use districts, additional development potential in the form of floor area can be earned for a project when the project includes any of the specified provisions listed herein. The bonus floor area amount is additional to the maximum floor area ratio in the respective district (see Schedule of Regulations for Nonresidence Districts, Attachments 3B).

(1) Open space provision.

In the eligible zoning districts specified herein, proposals that include an open space monetary contribution in addition to the minimum useable open space requirement of the respective district can receive bonus floor area, as specified in the Schedule of Regulations for Nonresidence Districts, Attachment 3B and subject to approval of the Board of Trustees. The payment for bonusable floor area shall be calculated at a minimum of 15 percent of the assessed value of the bonusable floor space, as determined by the Village Assessor.

(2) “Housing Rehabilitation Program” provision.

In the eligible zoning districts specified herein, an applicant who contributes a monetary contribution to the Village Housing Rehabilitation Program can receive bonus floor area for the proposed development, as specified in the Schedule of Regulations for Nonresidence Districts, Attachment 3B and subject to approval by the Board of Trustees. The payment for bonusable floor area shall be calculated at minimum of 15 percent of the assessed value of the bonusable floor space, as determined by the Assessor.

(3) “Funding for Downtown Public Parking Garage” provision.

In the eligible zoning districts specified herein, an applicant who contributes a monetary contribution to a Village-designated program used to fund the construction of a public parking

garage in the downtown can receive bonus floor area for the proposed development, as specified in the Schedule of Regulations for Nonresidence Districts, Attachment 3B and subject to approval by the Village Board of Trustees. The payment for bonusable floor area shall be calculated at a minimum of 15 percent of the assessed value of the bonusable floor space, as determined by the Assessor.

(4) All three funds listed in Section 345-16C(1), (2) and (3) above shall be kept by the Village as dedicated funds in a separate account to be used only for their respective purposes of open space, housing rehabilitation and public parking.

D. Bonusable building height option.

Bonus building height is also earned in the C2 Main Street Business, C5T Downtown Mixed Use Transitional, and PMU Planned Mixed Use Districts in addition to the bonus floor area achieved through the provisions established in this Section. Bonus height is in addition to the maximum building height in the respective district, as established in the Schedule of Regulations for Nonresidence Districts, Attachment 3B. Bonus height is earned by contributing to any of the three provisions specified in Section 345-16C(1), (2) and (3) above.

SECTION 10: The Code of the Village of Port Chester, Chapter 345, “Zoning”, Article VIII, entitled “Use and Dimensional Regulations for Residential Districts”, is hereby amended as follows:

Within any residence district, a building, structure or lot shall only be used for the uses indicated for that specific district in which it is located on the Zoning Map and in accordance with the specific classifications of that use in that district as shown in the Schedule of Regulations for Residence Districts which are annexed hereto and included at the end of this chapter ; and further, any such building, structure or lot shall only be utilized in conformance with the dimensional regulations set forth on the same Schedule of Regulations for Residence Districts. In addition, such use shall also comply with all other applicable provisions of this Regulation.

Section 345-39. R20 One-Family Residence District

See the Schedule of Regulations for Residence Districts (Attachments 1A and 1B)

Section 345-40. R7 One-Family Residence District

See the Schedule of Regulations for Residence Districts (Attachments 1A and 1B)

Section 345-41 R5 One-Family Residence District

See the Schedule of Regulations for Residence Districts (Attachments 1A and 1B)

Section 345-42 R2F Two-Family Residence District

See the Schedule of Regulations for Residence Districts (Attachments 1A and 1B)

Section 345-43 RA2 Multifamily Residence District

See the Schedule of Regulations for Residence Districts (Attachments 1A and 1B)

Section 345-44 RA3 Multifamily Residence District.

See the Schedule of Regulations for Residence Districts (Attachments 1A and 1B)

Section 345-45 RA4 Multifamily Residence District.

See the Schedule of Regulations for Residence Districts (Attachments 1A and 1B)

Section 345-46 (Reserved) [PTD Planner Tower Development District]

SECTION 11: The Code of the Village of Port Chester, Chapter 345, “Zoning”, Article IX, Use and Dimensional Regulations for Nonresidence Districts, is hereby amended as follows:

Within any nonresidence district, a building, structure or lot shall only be used for the uses indicated for that specific district in which it is located on the Zoning Map and in accordance with the specific classification for that use in that district as shown in the Schedule of regulations for Nonresidence Districts which are annexed hereto and included at the end of this chapter; and further, any such building, structure or lot shall only be utilized in conformance with the dimensional regulations set forth on the same Schedule of Regulations for Nonresidence Districts. In addition such use shall also comply with all other applicable provisions of this Article.

Section 345-47 C1 Neighborhood Retail District

See the Schedule of Regulations for Nonresidence Districts (Attachments 3A and 3B)

Section 345-48 C2 Main Street Business District [Central Business District]

See the Schedule of Regulations for Nonresidence Districts (Attachments 3A and 3B)

Section 345-49 C3 [Design] Office and Commercial District

See the Schedule of Regulations for Nonresidence Districts (Attachments 3A and 3B)

Section 345-50 C4 General Commercial District.

See the Schedule of Regulations for Nonresidence Districts (Attachments 3A and 3B)

Section 345-50.1 C5 Train Station Mixed Use District.

See the Schedule of Regulations for Nonresidence Districts (Attachments 3A and 3B)

Section 345-50.2 C5T Downtown Mixed Use Transitional District

See the Schedule of Regulations for Nonresidence Districts (Attachments 3A and 3B)

Section 345-51. CD Design Shopping Center District.

See the Schedule of Regulations for Nonresidence Districts (Attachments 3A and 3B)

Section 345-52, CDS Special Design Commercial District.

See the Schedule of Regulations for Nonresidence Districts (Attachments 3A and 3B)

Section 345-53. PD Design Professional Building District.

See the Schedule of Regulations for Nonresidence Districts. (Attachments 3A and 3B)

Section 345-54. DW Design Waterfront District.

See the Schedule of Regulations for Nonresidence Districts. (Attachments 3A and 3B)

Section 345-54.1. DW2 Downtown Design Waterfront District

Section 345-54.1. DW2 Downtown Design Waterfront

See the Schedule of Regulations for Nonresidence Districts. (Attachments 3A and 3B)

A. Purpose of District

(1) It is the purpose of the Downtown Design Waterfront District (DW2) to provide for appropriate scaled and environmentally sound development along the Byram River waterfront. This section provides the criteria so that such waterfront development will enhance the Byram River waterfront without imposing potentially significant adverse environmental impacts.

B. Permitted Principal Uses

- (1) Multifamily dwelling.
- (2) Multifamily dwelling (floors above first floor).
- (3) Church or other place of worship.
- (4) Convalescent home or nursing home.

- (5) Membership club, fraternal organization or similar social institution not operated for a profit.
- (6) Public utility facility.
- (7) School, elementary or high, public, private or parochial, having a curriculum equivalent to that ordinarily given in public schools.
- (8) Bank, excluding drive-in.
- (9) Hotel or motel.
- (10) Hotel, motel (floors above first floor).
- (11) Hotel, limited service.
- (12) Marina or yacht club.
- (13) Theater.
- (14) Office, office building.
- (15) Radio or television station studio, excluding transmission tower.
- (16) Radio or television station studio, excluding transmission tower (floors above first floor).
- (17) Retail store or personal service shop, services clearly incidental to retail sales on the premises or to personal services.
- (18) Veterinary hospital or board and care of small animals.
- (19) Wholesale business, storage building or warehouse
- (20) Creamery, ice cream parlor or bakery plant.
- (21) Laundry or dry-cleaning plant.
- (22) Nonnuisance industry, provided that in nonindustrial districts equipment is used that has a rating of no more than 5 horsepower.
- (23) Printing plant.
- (24) Research laboratory, provided that is shall not be obnoxious by reason of dissemination of smoke, dust, fumes, noise or vibration or hazardous from fire waste materials or the creation of excessive demands upon municipal services.

C. Permitted Accessory Uses

(1) Customary accessory structure or use, including cultural, recreational or athletic facility, meeting room or similar accessory structure or use related to a school, church or other place of worship.

(2) Ground-floor office as accessory use to multifamily development.

(3) Provide garage or private off-street parking area, in accordance with §345-14.

(4) Sign, in accordance with §345-15.

D. Dimensional Standards and Regulations

(1) Maximum Floor Area Ratio (See definition, §345-2)

(a) The maximum floor area ratio (FAR): 2.4.

(2) Maximum Floor Area Ratio for 1 Story: None required.

(3) Minimum Size of Lot

(a) Area, nonresidential (square feet): None required.

(b) Area per dwelling unit (square feet): 600.

(c) Width (feet): 40

(d) Depth (feet): None required.

(4) Minimum Yard Dimensions

(a) Front (feet): 5.

(b) Side

(i) One (feet): 5.

(ii) Total of 2 on interior lot (feet): 10.

(c) Rear (feet): 20.

(5) Maximum Height of Building

(a) In stories: 4.

(b) In feet: 50.

(6) Minimum Usable Open Space on Lot

(a) For each dwelling unit (square feet): 50. The Village Board of Trustees may accept an offer of cash in lieu of 50 square feet of useable open space per unit or portion thereof. The value shall be based on 50% of the assessed value of the land on the site, calculated by utilizing the 50 square feet of land per unit. All funds shall be kept by the Village in separate account to be used only for the acquisition, preservation, or improvement of open space.

Section 345-55. M1 Light Industrial District.

See the Schedule of Regulations for Nonresidence Districts (Attachments 3A and 3B)

Section 345-56. M2 General Industrial District.

See the Schedule of Regulations for Nonresidence Districts (Attachments 3A and 3B)

...

Section 345-57 Planned Mixed Use District [PRSP Planned Railroad Station Plaza Development District]

See the Schedule of Regulations for Nonresidence Districts (Attachments 3A and 3B)

Section 345-57.1. M2D Designed Downtown Industrial District

See the Schedule of Regulations for Nonresidence Districts (Attachment 2)

...

SECTION 12: The Code of the Village of Port Chester, Chapter 345, "Zoning", Article X, entitled "Special Exception Use Regulations", is hereby amended as follows:

345-60 General standards

...

(B) All special exception uses in the Design Waterfront [District] (DW) and Downtown Design Waterfront (DW2) Districts shall meet the following additional general standards...

SECTION 13: The Code of the Village of Port Chester, Chapter 345, "Zoning", Article X, entitled "Special Exception Use Regulations", is hereby amended as follows:

345-61 Special conditions and safeguards for certain special exception uses.

...

F. Gasoline Service Station

....

(4) Gasoline pumps and other service equipment shall be set back from a street lot line at least 20 feet. All other buildings and structures shall be set back at least 40 feet from a street lot line and 15 feet from other lot lines, unless larger distances are specified in the Regulations. All buildings, pumps and other service equipment shall be set back at least 30 feet from the boundary of any residence district, and a landscaped area at least 10 feet wide containing a dense screen of evergreens at least eight feet in height shall be maintained between any filling station and a contiguous lot in a residential district. [except that in any C2 Central Business District said evergreens need not be provided between any filling station and a contiguous lot in a residential district, but if said screen of evergreens is not provided, there shall be required instead a solid faced fence at least six feet high, with the smooth side facing any contiguous lot in a residential district.]

SECTION 14: The Code of the Village of Port Chester, Chapter 345, “Zoning”, Article X, entitled “Special Exception Use Regulations”, is hereby amended as follows:

345-61 Special conditions and safeguards for certain special exception uses.

...

G. Health Club

(1) Off-street parking shall be provided in accordance with Section 345-14 in all zones, including the C2 Main Street Business District. [Central Business District] The adequacy of the parking shall be determined by considering all of the facilities to be contained within the health club.

SECTION 15: The Code of the Village of Port Chester, Chapter 345, “Zoning”, Article X, entitled “Special Exception Use Regulations”, is hereby amended as follows:

345-61 Special conditions and safeguards for certain special exception uses.

....

X. Ground floor office as accessory use to multifamily development.

(1) The purpose of this special exception use is to permit ground floor office use in a C-2 Zone as a component of and in connection with a special exception use permitting multifamily development. For purposes of this section “office use” shall be defined as professional offices, including but not limited to medical, legal, architectural, real estate, insurance or similar

professional uses. The use as a ground floor office shall be in addition to the currently permitted C2 Main Street Business [General Business] uses. This section provides criteria in which such use is to be permitted so that said special exception use may be planned and developed in an orderly manner on parcels of land which are appropriate for such use. It is further the intent to:

SECTION 16: The Code of the Village of Port Chester, Chapter 345 “Zoning”, Article XI, entitled “PRSP Planned Railroad Station Development District” is deleted and new provisions of said Article, entitled “Planned Mixed Use District” is hereby added in its place and stead as follows:

345-62. [PRSP Planned railroad Station Plaza Development District.] Planned Mixed Use District

[A. Permitted principal uses.]

[(1) Village parking lot or garage for passenger motor vehicles.]

[(2) Village offices or recreation facilities.]

[B. Permitted accessory uses.]

[(1) Any accessory building or use customarily incident to a permitted use.]

[C. Planned railroad station plaza development, subject to approval by the Board of Trustees, after a public hearing and pursuant to the following procedures and requirements:]

[(1) The planned railroad station plaza development may include one or a combination of the following uses:]

[(a) Any of the uses listed in Subsections A and B above.]

[(b) Membership club, fraternal organization and similar social institutions operated for profit.]

[(c) Office, office building, bank, excluding drive in facilities.]

[(d) Railroad passenger station, bus and taxi passenger facilities.]

[(e) Restaurant or other places serving food or beverages, other than a drive in restaurant.]

[(f) Retail store or personal service shop not exceeding 1,200 square feet of floor area; further provided that the total floor area devoted to such uses shall not

exceed 1% of the total floor area of the principal uses in the district, excluding off-street parking, Village offices and recreation facilities, and all accessory uses.]

[(2) The planned railroad station plaza development application shall be submitted as a modification of the Village Comprehensive Plan and shall include the following:]

[(a) Proposed land use plan, including land area, total floor area by use and floor area by use for each building level.]

[(b) Proposed horizontal and vertical circulation plan for vehicles, pedestrians and service deliveries; and an analysis of the impact of the projected traffic generation on the surrounding community.]

[(c) Proposed drainage and utility service analysis and plan.]

[(d) Proposed plan for coordination of the planned railroad station plaza development proposal with projected land uses, circulation, community facilities and utilities in the vicinity, including any proposed agreements regarding such coordination.]

[(e) Such other supporting documentation as the Village Board of Trustees shall request.]

[(3) Prior to taking action on the proposed planned railroad station plaza development, the Village Board of Trustees shall hold a public hearing after public notice.]

[(4) The planned railroad station plaza development approval by the Village Board of Trustees shall be adequately documented to provide a definitive basis for the issuance of building permits. Such approval and building permits shall expire two years after such authorization if substantial work has not been completed within such period. Extension of the approval and building permits may be granted by the Board of Trustees.]

[(5) Planned railroad station plaza development uses shall be construed to be conforming uses.]

[(6) Any violation of the limitations or special conditions and safeguards established by such specific authorization and approval shall be deemed a violation of this Regulation and punishable under the provisions of Section 345-26.]

[(7) The fee for a planned railroad station plaza development zoning permit application shall be as set forth in Chapter 175, Fees. Such fee shall not be refundable.]

[(8) In approving such an application, the Village Board of Trustees shall determine that:]

[(a) Such uses will be in harmony with and will tend to promote the general purposes and intent of this Regulation and the Village Comprehensive Plan.]

[(b) The district site area is sufficient, appropriate and suitably situated for the uses and the reasonably anticipated operation and expansion thereof.]

[(c) The proposed uses will not prevent the orderly and reasonable use of adjacent properties in adjacent zoning districts.]

[(d) Access facilities are adequate for the estimated traffic from public streets, sidewalks and public transportation, so as to assure the public safety and to avoid undue traffic congestion; and further that vehicular entrances and exits shall be clearly visible from the street and not be within 75 feet of the intersection of street lines at a street intersection, except under unusual circumstances.]

[(e) All proposed curb cuts and signalization shall have been approved by the street or highway agency which has jurisdiction.]

[(f) There are off street parking and truck loading spaces at least equivalent in number to those required in this section, but in any case sufficient for the anticipated number of occupants, both employees and patrons or visitors; and further, that the layout of the spaces and driveways is convenient and conducive to safe operation.]

[(g) There are adequate yards, walls, fences and screening where necessary to protect the public and adjacent properties,]

[(h) Adequate provisions have been made for the collection and disposal of stormwater runoff from the site, and of sanitary sewage, refuse or other wastes, whether they be liquid, solid, gaseous or of any other character.]

[(i) Public open spaces are so designed and landscaped as to enhance the environment of the Central Business District.]

[D. Maximum floor area ratio. (See definition, Section 345-2) The maximum floor area ratios set forth herein shall apply to the aggregate of all buildings and structures on the district site.]

[(1) Parking garage structure on the east side of the railroad tracks shall have a floor area ratio not exceeding 1.80 with reference to the total district land area, provided that no one story shall exceed 0.45 and that the top floor level shall be on an open deck except for a potential covered walkway.]

[(2) Parking garage structure on the west side of the railroad shall primarily be below grade; nevertheless its floor area ratio shall not exceed 1.20 with reference to the total district land area, provided that no one story shall exceed 0.40 and that the top floor level

shall be an open deck developed as the plaza setting for the proposed buildings, including only short term off street parking with an area not exceeding 50% of the total plaza area.

[(3) The aggregate floor area of any above ground structures on the west side of the railroad tracks shall not exceed a floor area ratio of 2.0 with reference to the total district land area, provided that no one story shall exceed 0.25.]

[E. Minimum size of lot.]

[(1) Area: 6 ½ acres.]

[(2) Width: none]

[(3) Depth: None]

[F. Minimum yard dimensions:]

[(1) Front: none, except as required by the Village Board of Trustees]

[(2) Side:]

[(a) Least one: none, except as required by the Village Board of Trustees]

[(b) Total of two: none, except as required by the Village Board of Trustees]

[(3) Rear: none, except as required by the Village Board of Trustees]

[G. Maximum height of buildings.]

[(1) East side of the railroad: 45 feet]

[(2) West side of the railroad: 235 feet]

[H. Maximum useable open space on lot, as required by Section 345-10C: none.]

[I. Mandatory off street loading space (as defined in Section 345-14): for all buildings other than parking garages: one space for each 60,000 square feet of floor area or part thereof, plus one additional space for railroad related use.]

[J. Other provisions and requirements.]

[(1) Required off street parking shall be computed on the basis of 3.0 parking spaces for each 1,000 square feet of net floor area, plus 500 parking spaces for railroad commuters and employees.]

A. Purpose of district.

(1) It is the purpose of the Planned Mixed Use (PMU) District to provide the opportunity for creation of an environmentally sound and visually attractive mixed use area to replace the de-commissioned hospital located at 406 Boston Post Road (Section 141.052, Block 1, Lot 2) and the adjacent 12-story residential apartment building located at 999 High Street (Section 141.052, Block 1, Lot 2). This section provides the criteria so that mixed use development, including a variety of commercial, office, residential, and community facility uses, may be planned and developed in a unified manner. The creation of a mixed use development shall be comprised of one or of a combination of the following uses:

B. Permitted principal uses.

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

(2) Hotel or motel.

(3) Bar or tavern; catering or events establishment; cabaret; table service restaurant, no drive-in, open front, fast-food or curb service types.

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

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

(6) Theater

(7) Retail store or personal service shop.

(8) Office, office building; bank, excluding drive-in.

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

(10) Ground-floor office as accessory use to multifamily development.

C. Permitted accessory uses.

(1) Private garage or private off-street parking area, in accordance with Section 345-14.

(2) Sign, in accordance with Section 345-15.

D. Special Exception Uses.

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

(2) Hospital; medical and dental offices; ethical pharmacy.

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

(4) Funeral home.

(5) Radio or television station studio; excluding transmission tower.

(6) Veterinary hospital or board and care of small animals.

[(7) Ground-floor office as accessory use to multi-family development.]

E. Dimensional standards and requirements.

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

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

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

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

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

(6) The maximum floor area ration (FAR) for community facility uses shall be 0.10.

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

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

(9) The maximum building height for mixed use (commercial/residential) structures shall be five (5) stories or fifty-five (55) feet. A maximum building height of eight (8) stories, or eighty-five feet shall be allowable by special exception, subject to the approval by the Board of Trustees and excluding any incentive density increases which may be granted pursuant to the requirements set forth in Section 345-67.

(10) A building height bonus of two (2) stories, or fifteen (15) feet over the maximum building height allowable by special exception is available pursuant to the requirements set forth in Section 345-16 and with approval by the Village Board of Trustees.

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

SECTION 17: The Official Zoning Map of the Village of Port Chester is hereby amended as follows:

To permit the following property to be changed from a C2 Main Street Business District to a C5 Train Station Mixed Use District and be thereafter subject to the requirements and regulations of such latter district as described in the Village Code, Chapter 345, Zoning Regulation:

C2 to C5

Address	Section, Block and Lot	Existing Zoning	Proposed Zone
101-111 Westchester Ave	142.30-2-24	C2	C5
12 King St	142.30-2-25	C2	C5
136 Irving Ave	142.22-2-3	C2	C5
139 Irving Ave	142.22-2-72	C2	C5
14 King St	142.30-2-26	C2	C5
143 Irving Ave	142.22-2-71	C2	C5
143 Westchester Ave	142.30-2-21	C2	C5
144 King St	142.22-2-67	C2	C5
145 Irving Ave	142.22-2-70	C2	C5
145 Westchester Ave	142.30-2-20	C2	C5
146-148 Irving Ave	142.22-2-5	C2	C5
147 Irving Ave	142.22-2-69	C2	C5
151 Westchester Ave	142.30-2-19	C2	C5
153-157 Westchester Ave	142.30-2-18	C2	C5
16-18 King St	142.30-2-27	C2	C5
20 Broad St	142.30-2-22	C2	C5
20-24 King St	142.30-2-28	C2	C5
30 Broad St	142.22-2-2	C2	C5

34-36 Broad St	142.22-2-73	C2	C5
38 Broad St	142.22-2-74	C2	C5
40 Broad St	142.22-2-75	C2	C5
46 Broad St	142.22-2-76	C2	C5
5 N Pearl St	142.30-2-2	C2	C5
50 Broad St	142.22-2-77	C2	C5
9 -11 N Pearl St	142.30-2-1	C2	C5
Broad St	142.22-2-1	C2	C5
Broad St	142.30-2-23	C2	C5
Broad St	142.30-2-23.1	C2	C5
Irving Ave	142.22-2-4	C2	C5
King St	142.30-2-29	C2	C5
King St	142.23-1-1	C2	C5
N Pearl St	142.22-2-68	C2	C5

SECTION 18: The Official Zoning Map of the Village of Port Chester is hereby amended as follows:

To permit the following property to be changed from a C2 Main Street Business District to a C5T Downtown Mixed Use District and thereafter subject to the requirements and regulations of such latter district as described in the Village Code, Chapter 345, Zoning Regulation:

C2 to C5T

Address	Section, Block and Lot	Existing Zoning	Proposed Zone
10 S Main St	142.30-2-49	C2	C5T
106 Westchester Ave	142.30-2-54	C2	C5T
11 Pearl St	142.30-2-3	C2	C5T
110 Westchester Ave	142.30-2-55	C2	C5T
112 Westchester Ave	142.30-2-56	C2	C5T
114-122 Westchester Ave	142.30-2-63.1	C2	C5T
14 S Main St	142.30-2-48	C2	C5T
140 Westchester Ave	142.30-2-65	C2	C5T
148-150 Westchester Ave	142.30-2-17	C2	C5T
15 E Broadway	142.30-2-58	C2	C5T
16 S Main St	142.30-2-47	C2/C4	C5T/C2
18 S Main St	142.30-2-46	C2/C4	C5T/C2
2 S Main St	142.30-2-53	C2	C5T
20 S Main St	142.30-2-45	C2	C5T
21 E Broadway	142.30-2-59	C2	C5T
22 S Main St	142.30-2-44	C2	C5T

4 S Main St	142.30-2-52	C2	C5T
6 S Main St	142.30-2-51	C2	C5T
7 E Broadway	142.30-2-57	C2	C5T
8 S Main St	142.30-2-50	C2	C5T
9 New Broad St	142.30-2-63	C2/C4	C5T/C4

SECTION 19: The Official Map of the Village of Port Chester is hereby amended as follows:

To permit the following property to be changed from a C2 Main Street Business District to a DW2 Downtown Design Waterfront District and thereafter subject to the requirements and regulations of such latter district as described in the Village Code, Chapter 345, Zoning Regulation:

C2 to DW2

Address	Section, Block and Lot	Existing Zoning	Proposed Zone
1 Mill St	142.23-2-7	C2	DW2
10 Mill St	142.23-2-10	C2	DW2
1-11 Willett Ave	142.23-2-16	C2	DW2
13 Mill St	136.79-2-45	C2	DW2
141 Abendroth	142.23-2-47	C2	DW2
15-17 Mill St	142.23-2-5	C2	DW2
2 Highland St	142.23-2-14	C2	DW2
21 Abendroth Ave	142.23-2-11	C2	DW2
25 Abendroth Ave	142.23-2-12	C2	DW2
Mill St	142.23-2-6	C2	DW2

SECTION 20: The Official Map of the Village of Port Chester is hereby amended as follows:

To permit the following property to be changed from a C4 General Commercial District to a C2 Main Street Business District and thereafter subject to the requirements and regulations of such latter district as described in the Village Code, Chapter 345, Zoning Regulations:

C4 to C2

Address	Section, Block and Lot	Existing Zoning	Proposed Zone
112 William St	142.38-1-37	C4	C2
113-115 William St	142.38-1-51	C4	C2
116 William St	142.38-1-38	C4	C2
118 William St	142.38-1-39	C4	C2
120 S Main St	142.38-1-32	C4	C2
122 S Main St	142.38-1-31	C4	C2
124 S Main St	142.38-1-30	C4	C2
136-138 S Main St	142.38-1-27	C4	C2
140 S Main St	142.38-1-26	C4	C2
194 1/2 S Main St	142.38-1-28	C4	C2
194 S Main St	142.38-1-29	C4	C2
25 E Broadway	142.30-2-60	C4	C2
43 E Broadway	142.30-2-61	C4	C2
47 E Broadway	142.38-1-45	C4	C2
50 S Main St	142.38-1-53	C4	C2
51 E Broadway	142.38-1-46	C4	C2
55 E Broadway	142.38-1-47	C4	C2
57-59 E Broadway	142.38-1-48	C4	C2
63 E Broadway	142.38-1-49	C4	C2
65 E Broadway	142.38-1-50	C4	C2
S Main St	142.38-1-25	C4	C2
Westchester Ave	142.30-2-62	C4/C2	C2
William St	142.38-1-40	C4	C2
William St	142.38-1-41	C4	C2

SECTION 21: The Official Map of the Village of Port Chester is hereby amended as follows:

To permit the following property to be changed from a M1 Light Industrial District to a DW Design Waterfront District and thereafter subject to the requirements and regulations of such latter district as described in the Village Code, Chapter 345, Zoning Regulation:

M1 to DW

Address	Section, Block and Lot	Existing Zoning	Proposed Zone
1 Martin Pl	142.39-1-61	M1	DW
15 Beech St	142.47-1-27	M1	DW
26 Martin Pl	142.39-1-52	M1	DW
30-32 Martin Pl	142.39-1-51	M1	DW
31 Purdy Ave	142.39-1-70	M1/DW	DW
36 Martin Pl	142.39-1-50	M1	DW
38 Beech St	142.47-1-22	M1	DW
38 Townsend St*	142.39-1-31	M1/MUR	DW
40 Beech St	142.47-1-23	M1	DW
40 Martin Pl	142.39-1-49	M1	DW
44 Beech St	142.47-1-21	M1	DW
44 Purdy Ave	142.47-1-28	M1	DW
45 Townsend St	142.39-1-43	M1	DW
45 Traverse Ave	142.39-1-12	M1	DW
47 Purdy Ave	142.39-1-63	M1	DW
47 Townsend St	142.39-1-44	M1	DW
48 Beech St	142.47-1-20	M1	DW
48 Purdy Ave	142.47-1-29	M1	DW
48 Townsend St	142.39-1-30	M1	DW
49 Townsend St	142.39-1-45	M1	DW

49-51 Beech St	142.47-1-25	M1	DW
5 Dock St	142.39-1-48	M1	DW
51 Purdy Ave	142.39-1-69	M1	DW
52-54 Beech St	142.47-1-19	M1	DW
55 Purdy Ave	142.39-1-68	M1	DW
58 Townsend St	142.39-1-29	M1	DW
60 Townsend St	142.39-1-28	M1	DW
62 Townsend St	142.39-1-27	M1	DW
63 Purdy Ave	142.39-1-20	M1	DW
63 Townsend St	142.39-1-64	M1	DW
63 Traverse Ave	142.39-1-13	M1	DW
65 Traverse Ave	142.39-1-14	M1	DW
66 Townsend St	142.39-1-26	M1	DW
67 Purdy Ave	142.39-1-19	M1	DW
67-71 Townsend St	142.39-1-65	M1	DW
68 Townsend St	142.39-1-25	M1	DW
69 Traverse Ave	142.39-1-15	M1	DW
70 Purdy Ave	142.39-1-2	M1/R2F	DW/R2F
71 Purdy Ave	142.39-1-18	M1	DW
72 Townsend St	142.39-1-24	M1	DW
73 Traverse Ave	142.39-1-16	M1	DW
74 Townsend St	142.39-1-23	M1	DW
75 Traverse Ave	142.39-1-17	M1	DW
78 Townsend St	142.39-1-22	M1	DW
82 Townsend St	142.39-1-21	M1	DW
9 Beech St	142.47-1-18	M1/R2F	DW/R2F
Beech St	142.47-1-26	M1	DW
Martin Pl	142.39-1-62	M1	DW

**38 Townsend Street (TMID142.39-1-3) also includes Parcel 4 – comprised of approximately 5,000 sf of real estate located adjacent to TMID No. 142.39-1-31 and being a portion of former TMID No. 2-100-10, all as more particularly described as follows: All that certain plot, piece or parcel of land, situate, lying and being in the Village of Port Chester, Town of Rye, being more particularly bounded and described as follows:*

Beginning at a point being the intersection of the northerly line of lands now or formerly of Maria Sanellez and the westerly line of the premises herein, distant north 89° 30' 24" east 167.32 feet from the intersection of said northerly line and the easterly side of Traverse Avenue, a public way; running thence north 02° 39' 35" east, 17.39 feet; thence north 67° 45' 46" east, 20.46 feet; thence south 89° 03' 58" east, 20.21 feet; thence north 00° 00' 47" east, 6.06 feet; thence north 89° 26' 12" east, 56.41 feet to a point of curvature: thence along an arc of a circle bearing to the right, having a radius of 42.81 feet, a length of 59.84 feet to a point of tangency along the westerly line of Townsend Street; thence south 01° 19' 00" west 11.71 feet; thence leaving the westerly line of Townsend Street Extension, south 89° 23' 34" west 105.03 feet; thence north 03° 33' 24" east, 4.03 feet; thence north 06° 16' 36" west 12.76 feet; south 89° 30' 24" west 32.45 feet to the point or place of beginning.

SECTION 22: The Official Map of the Village of Port Chester is hereby amended as follows:

To permit the following property to be changed from a M1 Light Industrial District to a R2F Two-Family Residence District and thereafter subject to the requirements and regulations of such latter district as described in the Village Code, Chapter 345, Zoning Regulation:

M1 to R2F

Address	Section, Block and Lot	Existing Zoning	Proposed Zone
10 Bulkley Ave	142.22-1-49	M1	R2F
10-12 Bush Ave	136.78-2-24	M1	R2F
11 Bulkley Ave	142.22-1-43	M1	R2F
11-13 Bush Ave	142.22-1-60	M1	R2F
12 Bulkley Ave	142.22-1-48	M1	R2F
14 Bush Ave	136.78-2-23	M1	R2F
15 Bulkley Ave	142.22-1-44	M1	R2F
15-17 Bush Ave	136.78-1-1	M1	R2F
16-18 Bulkley Ave	142.22-1-47	M1	R2F
18 Bush Ave	136.78-2-22	M1	R2F
19 Bush Ave	136.78-1-2	M1	R2F
20 Bulkley Ave	142.22-1-46	M1	R2F
20 Bush Ave	136.78-2-21	M1	R2F
21 Bush Ave	136.78-1-3	M1	R2F
227 Irving Ave	142.22-1-35	M1/C1	R2F/C1
24 Bush Ave	136.78-2-20	M1	R2F
26 Bush Ave	136.78-2-19	M1	R2F
28 Bulkley Ave	142.22-1-45	M1	R2F
30 Bush Ave	136.78-2-18	M1	R2F
31 Bush Ave	136.78-1-5	M1	R2F
32 Bulkley Ave	136.78-1-12	M1	R2F
34 Bulkley Ave	136.78-1-11	M1	R2F
34 Bush Ave	136.78-2-17	M1	R2F
35 Bush Ave	136.78-1-6	M1	R2F
36 Bush Ave	136.78-2-16	M1	R2F
38 Bulkley Ave	136.78-1-10	M1	R2F
39 Bush Ave	136.78-1-7	M1	R2F
5 Bush Ave	142.22-1-58.1	M1	R2F
57 Haseco Ave	136.78-1-9	M1	R2F
6 Bulkley Ave	142.22-1-51	M1	R2F
61 Haseco Ave	136.78-1-8	M1	R2F
7 Bulkley Ave	142.22-1-42	M1	R2F
7 Bush Ave	142.22-1-58	M1	R2F
8 Bulkley Ave	142.22-1-50	M1	R2F
8 Bush Ave	136.78-2-25	M1	R2F

9 Bush Ave	142.22-1-59	M1	R2F
Bush Ave	136.78-1-4	M1	R2F

SECTION 23: The Official Map of the Village of Port Chester is hereby amended as follows:

To permit the following property to be changed from a MUR Marina Redevelopment Project Urban Renewal District to a DW Design Waterfront District and thereafter subject to the requirements and regulations of such latter district as described in the Village Code, Chapter 345, Zoning Regulation.

MUR to DW

Address	Section, Block and Lot	Existing Zoning	Proposed Zone
3 Dock St	142.39-1-47	MUR	DW
43 Townsend St	142.39-1-42	MUR	DW
51 Townsend St	142.39-1-46	MUR	DW
73-75 Townsend St	142.39-1-66	MUR	DW
77 Townsend St	142.39-1-67	MUR	DW

SECTION 24: The Official Map of the Village of Port Chester is hereby amended as follows:

To permit the following property to be changed from a R2F Two Family Residence District to a PMU Planned Mixed Use District and thereafter subject to the requirements and regulations of such latter district as described in the Village Code, Chapter 345, Zoning Regulation:

R2F to PMU

Address	Section, Block and Lot	Existing Zoning	Proposed Zone
406 Boston Post Rd	141.52-1-2	R2F	PMU
406 Boston Post Rd	141.52-1-2.4	R2F	PMU
999 High St	141.52-1-2.1	R2F	PMU

SECTION 25: The Official Map of the Village of Port Chester is hereby amended as follows:

To permit the following property to be changed from a R2F Two-Family Residence District to a R5 One-Family Residence District and thereafter subject to the requirements and regulations of such latter district as described in the Village Code, Chapter 345, Zoning Regulation.

R2F to R5

Address	Section, Block and Lot	Existing Zoning	Proposed Zone
Putnam Ave	136.56-1-50	R2F/C4	R5/C4
15 Riverdale Ave	136.56-1-47	R2F	R5
17 Riverdale Ave	136.56-1-46	R2F	R5
18 Riverdale Ave	136.56-1-18	R2F	R5
19 Riverdale Ave	136.56-1-45	R2F	R5
20 Riverdale Ave	136.56-1-19	R2F	R5
21 Riverdale Ave	136.56-1-44	R2F	R5
210 Madison Ave	136.64-1-17	R2F	R5
211 Madison Ave	136.64-1-18	R2F	R5
213 Madison Ave	136.56-1-17	R2F	R5
215 Madison Ave	136.56-1-16	R2F	R5
216 Madison Ave	136.55-2-19	R2F	R5
217 Madison Ave	136.56-1-15	R2F	R5
217 Mortimer St	136.63-1-71	R2F	R5
218 Madison Ave	136.55-2-20	R2F	R5
219 Mortimer St	136.63-1-70	R2F	R5
22 Riverdale Ave	136.56-1-20	R2F	R5
221 1/2 Mortimer St	136.63-1-69	R2F	R5

221 Mortimer St	136.63-1-68	R2F	R5
222 Madison Ave	136.55-2-21	R2F	R5
223 Madison Ave	136.56-1-14	R2F	R5
223 Mortimer St	136.63-1-67	R2F	R5
225 Madison Ave	136.56-1-13	R2F	R5
226 Madison Ave	136.55-2-22	R2F	R5
229 Madison Ave	136.56-1-12	R2F	R5
23 Riverdale Ave	136.56-1-43	R2F	R5
23 Riverdale Ave	136.56-1-48	R2F	R5
230 Madison Ave	136.55-2-23	R2F	R5
231 Madison Ave	136.56-1-11	R2F	R5
232 Madison Ave	136.55-2-24	R2F	R5
233 Madison Ave	136.56-1-10	R2F	R5
233 Mortimer St	136.63-1-66	R2F	R5
234 Madison Ave	136.55-2-25	R2F	R5
235 Husted St	136.63-1-47	R2F	R5
235 Mortimer St	136.63-1-65	R2F	R5
236 Madison Ave	136.55-2-26	R2F	R5
237 Mortimer St	136.63-1-64	R2F	R5
238 Madison Ave	136.55-2-27	R2F	R5
239 Husted St	136.63-1-46	R2F	R5
239 Madison Ave	136.56-1-9	R2F	R5
239 Mortimer St	136.63-1-63	R2F	R5
240 Madison Ave	136.55-2-28	R2F	R5
241 Mortimer St	136.63-1-63.1	R2F	R5
242 Madison Ave	136.55-2-29	R2F	R5
245 Madison Ave	136.56-1-8	R2F	R5
247 Madison Ave	136.56-1-7	R2F	R5
249 Madison Ave	136.56-1-6	R2F	R5
25 Riverdale Ave	136.56-1-42	R2F	R5
250 Madison Ave	136.55-2-30	R2F	R5
252 Madison Ave	136.55-2-32	R2F	R5
254 Madison Ave	136.55-2-31	R2F	R5
258 Madison Ave	136.55-2-33	R2F	R5
26 Riverdale Ave	136.56-1-21	R2F	R5
260 Madison Ave	136.55-2-34	R2F	R5
261 Madison Ave	136.56-1-5	R2F	R5
262 Madison Ave	136.55-2-35	R2F	R5
263 Madison Ave	136.56-1-4	R2F	R5
265 Madison Ave	136.56-1-3	R2F	R5
267 Madison Ave	136.56-1-2	R2F	R5
27 Riverdale Ave	136.56-1-41	R2F	R5
28 Riverdale Ave	136.56-1-22	R2F	R5
29 Riverdale Ave	136.56-1-40	R2F	R5

31 Riverdale Ave	136.56-1-39	R2F	R5
33 Riverdale Ave	136.56-1-38	R2F	R5
35 Riverdale Ave	136.56-1-37	R2F	R5
36 Riverdale Ave	136.56-1-23	R2F	R5
37 Riverdale Ave	136.56-1-36	R2F	R5
38 Riverdale Ave	136.56-1-24	R2F	R5
40 Riverdale Ave	136.56-1-25	R2F	R5
44 Riverdale Ave	136.56-1-26	R2F	R5
46 Riverdale Ave	136.56-1-27	R2F	R5
47 Riverdale Ave	136.56-1-35	R2F	R5
48 Riverdale Ave	136.56-1-28	R2F	R5
52 Riverdale Ave	136.56-1-29	R2F	R5
54 Riverdale Ave	136.56-1-30	R2F	R5
549 Willett Ave	136.55-1-59	R2F	R5
551 Willett Ave	136.55-1-58	R2F	R5
557 Locust Ave	136.55-2-16	R2F	R5
557 Willett Ave	136.55-1-57	R2F	R5
558 Locust Ave	136.55-1-64	R2F	R5
559 Locust Ave	136.55-2-15	R2F	R5
56 Riverdale Ave	136.56-1-31	R2F	R5
560 Locust Ave	136.55-1-65	R2F	R5
561 Locust Ave	136.55-2-14	R2F	R5
561 Willett Ave	136.55-1-56	R2F	R5
562 Locust Ave	136.55-1-66	R2F	R5
563 Locust Ave	136.55-2-13	R2F	R5
565 Locust Ave	136.55-2-12	R2F	R5
565 Willett Ave	136.55-1-55	R2F	R5
566 Locust Ave	136.55-1-67	R2F	R5
568 Locust Ave	136.55-1-68	R2F	R5
569 Locust Ave	136.55-2-11	R2F	R5
569 Willett Ave	136.55-1-54	R2F	R5
570 Locust Ave	136.55-1-69	R2F	R5
571 Locust Ave	136.55-2-10	R2F	R5
572 Locust Ave	136.55-1-70	R2F	R5
573 Locust Ave	136.55-2-9	R2F	R5
574 Locust Ave	136.55-1-71	R2F	R5
576 Locust Ave	136.55-1-72	R2F	R5
579 Locust Ave	136.55-2-7	R2F	R5
58 Riverdale Ave	136.56-1-32	R2F	R5
6 Riverdale Ave	136.64-1-20	R2F	R5
62 Riverdale Ave	136.56-1-33	R2F	R5
8 Riverdale Ave	136.64-1-19	R2F	R5
Locust Ave	136.55-2-8	R2F	R5
Mortimer St	136.63-1-63.2	R2F	R5

SECTION 26: The Official Map of the Village of Port Chester is hereby amended as follows:

To permit the following property to be changed from a R7 One-Family Residence District to a DW Design Waterfront District and thereafter subject to the requirements and regulations of such latter district as described in the Village Code, Chapter 345, Zoning Regulation.

R7 to DW

Address	Section, Block and Lot	Existing Zoning	Proposed Zone
82-84 Fox Island Rd	142.55-1-3	R7	DW

SECTION 27: The Official Map of the Village of Port Chester is hereby amended as follows:

To permit the following property to be changed from a RA3 Multifamily Residence District to a R2F Two-Family Residence District and thereafter subject to the requirements and regulations of such latter district as described in the Village Code, Chapter 345, Zoning Regulation.

RA3 to R2F

Address	Section, Block and Lot	Existing Zoning	Proposed Zone
1 Drew St	141.44-3-61	RA3	R2F
10 Parker St	136.78-2-30	RA3	R2F
106 Poningo St	136.78-2-26	RA3	R2F
11 Parker St	136.78-3-11	RA3	R2F
110 Poningo St	136.78-2-27	RA3	R2F
114 Poningo St	136.78-2-28	RA3	R2F
118 Poningo St	136.78-2-29	RA3	R2F
12-14 Parker St	136.78-2-31	RA3	R2F
124 Poningo St	136.78-3-12	RA3	R2F
128 Poningo St	136.78-3-13	RA3	R2F
130 Poningo St	136.78-3-14	RA3	R2F
134 Poningo St	136.78-3-15	RA3	R2F
136 Poningo St	136.78-3-16	RA3	R2F
140 Poningo St	136.78-3-17	RA3	R2F
146 Poningo St	136.78-3-18	RA3	R2F
148 Poningo St	136.78-3-19	RA3	R2F
15-17 Parker St	136.78-3-10	RA3	R2F
152 Poningo St	136.78-3-20	RA3	R2F
156 Poningo St	136.78-3-21	RA3	R2F
16 Palace Pl	142.22-2-28.1	RA3	R2F
160 Poningo St	136.78-3-22	RA3	R2F
164 Poningo St	136.70-1-1	RA3	R2F
166 Poningo St	136.70-1-2	RA3	R2F

168 Poningo St	136.70-1-3	RA3	R2F
17 Palace Pl	142.22-2-56	RA3	R2F
18 Palace Pl	142.22-2-28	RA3	R2F
18 Parker St	136.78-2-32	RA3	R2F
19-21 Parker St	136.78-3-9	RA3	R2F
2 Drew St	141.44-3-62	RA3	R2F
20 Palace Pl	142.22-2-29	RA3	R2F
204 King St	142.22-2-64	RA3	R2F
208 King St	142.22-2-65	RA3	R2F
21 Poningo St	142.22-2-22	RA3	R2F
210-212 Seymour Rd	136.78-2-5	RA3	R2F
214 Seymour Rd	136.78-2-6	RA3	R2F
216 King St	142.22-2-45	RA3	R2F
217 Seymour Rd	136.78-2-52	RA3	R2F
218 King St	142.22-2-44	RA3	R2F
22 Parker St	136.78-2-33	RA3	R2F
220-222 Seymour Rd	136.78-2-7	RA3	R2F
221 Seymour Rd	136.78-2-51	RA3	R2F
224-226 Seymour Rd	136.78-2-8	RA3	R2F
228 King St	136.78-3-37	RA3	R2F
229 S Regent St	141.44-3-59	RA3	R2F
229 Seymour Rd	136.78-2-50	RA3	R2F
23 Palace Pl	142.22-2-54	RA3	R2F
23 Poningo St	142.22-2-21	RA3	R2F
231 S Regent St	141.44-3-60	RA3	R2F
232 King St	136.78-3-38	RA3	R2F
232 Seymour Rd	136.78-2-9	RA3	R2F
23-25 Parker St	136.78-2-67	RA3	R2F
233 Seymour Rd	136.78-2-49	RA3	R2F
234 Seymour Rd	136.78-2-10	RA3	R2F
235 S Regent St	141.44-3-68	RA3	R2F
235 Seymour Rd	136.78-2-48	RA3	R2F
235-241 S Regent St	141.44-3-69	RA3	R2F
237 Seymour Rd	136.78-2-47	RA3	R2F
239 Seymour Rd	136.78-2-46	RA3	R2F
241 S Regent St	141.44-3-70	RA3	R2F
243 Seymour Rd	136.78-2-45	RA3	R2F
246 Seymour Rd	136.78-2-11	RA3	R2F
247 Seymour Rd	136.78-2-44	RA3	R2F
248 Seymour Rd	136.78-2-12	RA3	R2F
25 Poningo St	142.22-2-20	RA3	R2F
251 Seymour Rd	136.78-2-43	RA3	R2F
252 Seymour Rd	136.78-2-13	RA3	R2F
26 Palace Pl	142.22-2-30	RA3	R2F

26 Parker St	136.78-2-34	RA3	R2F
27 Palace Pl	142.22-2-53	RA3	R2F
27 Poningo St	142.22-2-19	RA3	R2F
27-29 Parker St	136.78-2-66	RA3	R2F
29 Palace Pl	142.22-2-52	RA3	R2F
30 Palace Pl	142.22-2-31	RA3	R2F
30 Parker St	136.78-2-35	RA3	R2F
31 Poningo St	142.22-2-18	RA3	R2F
31-33 Parker St	136.78-2-65	RA3	R2F
32 Palace Pl	142.22-2-32	RA3	R2F
32 Parker St	136.78-2-36	RA3	R2F
32 Poningo St	142.22-1-40	RA3	R2F
33 Palace Pl	142.22-2-51	RA3	R2F
34 Palace Pl	142.22-2-33	RA3	R2F
35 Palace Pl	142.22-2-50	RA3	R2F
36 Poningo St	142.22-1-41	RA3	R2F
36-38 Parker St	136.78-2-37	RA3	R2F
37 Parker St	136.78-2-64	RA3	R2F
37 Poningo St	142.22-2-17	RA3	R2F
38-40 Palace Pl	142.22-2-34	RA3	R2F
39 Palace Pl	142.22-2-49	RA3	R2F
39 Parker St	136.78-2-63	RA3	R2F
39 Poningo St	142.22-2-16	RA3	R2F
4 Drew St	141.44-3-63	RA3	R2F
40-42 Parker St	136.78-2-38	RA3	R2F
42 Palace Pl	142.22-2-35	RA3	R2F
43 Poningo St	142.22-2-15	RA3	R2F
44/48 Poningo St	142.22-1-52	RA3	R2F
44-46 Parker St	136.78-2-39	RA3	R2F
45 Poningo St	142.22-2-14	RA3	R2F
46 Palace Pl	142.22-2-36	RA3	R2F
49 Poningo St	142.22-2-13	RA3	R2F
5 Drew St	141.44-3-67	RA3	R2F
50 Palace Pl	142.22-2-37	RA3	R2F
50 Poningo St	142.22-1-53	RA3	R2F
51 Poningo St	142.22-2-12	RA3	R2F
52 Palace Pl	142.22-2-38	RA3	R2F
54 Poningo St	142.22-1-54	RA3	R2F
54-56 Palace Pl	142.22-2-39	RA3	R2F
55 Poningo St	142.22-2-11.1	RA3	R2F
56 Poningo St	142.22-1-55	RA3	R2F
57 Palace Pl	136.78-3-34	RA3	R2F
57 Poningo St	142.22-2-11	RA3	R2F
58 Palace Pl	136.78-3-35	RA3	R2F

58 Palace Pl	136.78-3-36	RA3	R2F
58 Poningo St	142.22-1-56	RA3	R2F
59 Summerfield Pl	142.22-2-48	RA3	R2F
6 Drew St	141.44-3-64	RA3	R2F
60 Summerfield Pl	142.22-2-40	RA3	R2F
61 Poningo St	142.22-2-10	RA3	R2F
62 Summerfield Pl	142.22-2-41	RA3	R2F
63 Poningo St	142.22-2-9	RA3	R2F
63 Summerfield Pl	142.22-2-47	RA3	R2F
64 1/2 Summerfield Pl	142.22-2-41.1	RA3	R2F
64 Summerfield Pl	142.22-2-42	RA3	R2F
65 1/2 Poningo St	142.22-2-7	RA3	R2F
65 Poningo St	142.22-2-8	RA3	R2F
65 Summerfield Pl	142.22-2-46	RA3	R2F
66 Poningo St	136.78-2-1	RA3	R2F
67 Poningo St	136.78-3-33	RA3	R2F
7 Drew St	141.44-3-66	RA3	R2F
70 Poningo St	136.78-2-2	RA3	R2F
70 Summerfield Pl	142.22-2-43	RA3	R2F
73 Poningo St	136.78-3-32	RA3	R2F
74 Poningo St	136.78-2-3	RA3	R2F
75 Poningo St	136.78-3-31	RA3	R2F
78 Poningo St	136.78-2-4	RA3	R2F
7-9 Maple Pl	136.78-3-8	RA3	R2F
9 Drew St	141.44-3-65	RA3	R2F
Bush Ave	142.22-1-57	RA3	R2F
Palace Pl	142.22-2-55	RA3	R2F
Palace Pl	142.22-2-57	RA3	R2F

SECTION 28: The Official Map of the Village of Port Chester is hereby amended as follows:

To permit the following property to be changed from a RA4 Multifamily Residence District to a RA2 Multifamily Residence district and thereafter be subject to the requirements and regulations of such district as described in the Code of the Village of Port Chester.

RA4 to RA2

Address	Section, Block and Lot	Existing Zoning	Proposed Zone
356 Irving Ave	136.77-1-41	RA4	RA2
378 Irving Ave	136.77-1-42	RA4	RA2
380 Irving Ave	136.77-1-43	RA4	RA2
384 Irving Ave	136.77-1-44	RA4	RA2
388 Irving Ave	136.77-1-45	RA4	RA2
392 Irving Ave	136.77-1-46	RA4	RA2
394 Irving Ave	136.77-1-47	RA4	RA2
398 Irving Ave	136.77-1-48	RA4	RA2
402 Irving Ave	136.77-1-49	RA4	RA2

SECTION 21: Conflict with Other Laws

Whenever the requirements of this local law are in conflict with the requirements of any other lawfully adopted local laws, the most restrictive of such local law, or those imposing higher standards shall govern.

SECTION 22: Validity and Severability

If any section of this local law shall be held unconstitutional, invalid, or ineffective, in whole or in part, such determination shall not be deemed to affect, impair, or invalidate the remainder of this local law.

SECTION 23: Effective Date

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

ZONING

345 Attachment 1 A

Village of Port Chester
 Schedule of Regulations for Residence Districts
 Part 1, Use Regulations

Type of Use	Districts							
	R20 One-Family Residential §345-391	R7 One-Family Residential §345-40	R5 One-Family Residential §345-41	R2F Two-Family Residential §345-42	RA2 Multi-family Residential §345-43	RA3 Multi-family Residential §345-44	RA4 Multi-family Residential §345-45	[PTD Planned Tower Development §345-46]
Residential Uses								
One-family dwelling	P	P	P	P	P	P	P	[X]
Two-family dwelling, including covered one-family dwelling on adequate lot	X	X	X	P	P	P	P	[X]
Multifamily dwelling, excluding cooperative or condominium dwelling	X	X	X	X	P	P	P	[X]
Multifamily cooperative or condominium dwelling	X	X	X	X	P	P	P	[P]
Residential Facilities								
Church or other place of worship, parish house, rectory, Sunday school, convent, seminary	SE	SE	SE	SE	SE	SE	SE	[X]
Park, playground or recreation facility operated by the Village of Port Chester	P	P	P	P	P	P	P	[P]
Residential community facility, such as library, museum or community center, operated by the Village of Port Chester	P	P	P	P	P	P	P	[X]
School, elementary or high, public, private or parochial, having a curriculum equivalent to that ordinarily given in public schools	P	P	P	P	P	P	P	[X]
General Community Facilities								
Hospital	X	X	X	SE	SE	SE	SE	[X]
Membership club, fraternal organization and similar social institutions not operated for profit	X	X	X	SE	SE	SE	SE	[SE]
Municipal off-street parking lot or garage	X	X	X	P	P	P	P	[P]
Nursery school	X	X	X	SE	SE	SE	SE	[X]
Public utility building serving the local area only, excluding material storage or building, and general service facility	X	X	X	SE	SE	SE	SE	[X]
Business Uses								
Funeral home	X	X	X	X	SE	SE	SE	[X]
Hotel, motel, boateel	X	X	X	X	X	X	X	[P]
Marina, private, or yacht club	X	X	X	X	X	X	X	[P]
Office or studio of a nonresident physician, dentist, town planner, architect, engineer or similar professional person	X	X	X	X	P	P	P	[P]
Office, office building, bank, excluding drive-in facility	X	X	X	X	X	X	X	[P]
Restaurant other than drive-in, open-front, or curb-service types	X	X	X	X	X	X	X	[P]
Nonresident physicians office on hospital grounds in accessory building [Added 2-9-1978 by L.L. No. 3, 1978]	X	X	X	SE	SE	SE	SE	[X]
Accessory Uses								
Accommodations for not more than 2 nontransient roomers per owner-occupied dwelling unit, except in multifamily dwellings, provided that there is no separate kitchen or entrance	P	P	P	P	P	P	P	[X]
Customary accessory structure or use, including cultural, recreational or athletic facility, meeting room or similar accessory structure or use related to a school, church or other place of worship.	P	P	P	P	P	P	P	[P]
Home occupation	SE	SE	SE	SE	SE	SE	SE	[X]
Home professional office or studio of a physician, dentist, architect, engineer or similar professional person	P	P	P	P	P	P	P	[P]
Personal service shops not exceeding 500 square feet in area designed to serve only residents and nonresidential occupants, with a total area not exceeding 40,500 square feet or 20,000 square feet in any 1 building	X	X	X	X	X	X	X	[P]
Private garage or private off-street parking space, in accordance with §§ 345-14 and 345-23 [Amended 4-26-1989 by L.L. No. 10, 1989]	P	P	P	P	P	P	P	[P]
Private swimming pool	P	P	P	P	P	P	P	[P]
Sign, in accordance with § 345-15	P	P	P	P	P	P	P	[P]

NOTE:
 P = permitted use
 SE = special exception use
 X = prohibited use
 All unlisted uses are prohibited in all districts.

¹ [Added 9-5-1995 by L.L. No. 6-1995]

ZONING

345 Attachment 1 B

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

	Districts							
	R20 One-Family Residential §345-39 ¹	R7 One-Family Residential §345-40	R5 One-Family Residential §345-41	R2F Two-Family Residential §345-42	RA2 Multi-family Residential §345-43	RA3 Multi-family Residential §345-44	RA4 Multi-family Residential §345-45	[PTD Planned Tower Development § 345-46]
Maximum Floor Area Ratio								
(See definition, § 345-2)	[0.50] 0.35	[0.60] 0.50	[0.70] 0.60	[0.80] 0.70	[1.00] 0.90	[1.60] 1.50	[2.5] 2.00	[(a)]
Minimum Size of Lot:								
Area, total (square feet)	20,000	7,500	5,000	5,000	5,000	5,000	5,000	[4.75 acres]
Area per dwelling unit (square feet)	20,000	7,500	5,000	2,500	1,500	750	750	[575]
Width (feet)(g)	125	70	50	50	50	50	50	[100]
Depth (feet)	150	100	100	100	100	100	100	[100]
Minimum Yard Dimensions:								
Front (feet)(h)	40	30	25	20	50	20	25	[NR]
Side								
One (feet)	15	10	8	8	25	(b)	(c)	[NR(d)]
Total of 2 on interior lot (feet)	40	20	14	14	50			[NR(d)]
Rear (feet)	40	30	30	30	25	30	30	[NR]
Maximum Height of Building:								
In stories	2½	2½	2½	2½	3	[8] 6	[10] 7	[(e)]
In feet	35	35	35	35	40	[70] 60	[95] 70	[(e)]
Minimum Usable Open Space								
For each dwelling unit (sq. ft.)	5,000	3,500	2,000	800	400	400	400	[400 (f)]

NOTES:

- [(a) The maximum floor area ratios set forth herein shall apply as indicated to all buildings and structures on the site:]
- [(1) For the base structure or the first enclosed stories above ground level, a maximum floor area ratio of three and two-tenths (3.2) exclusive of the open deck which shall be set aside for usable open space and related pedestrian activities, provided that no one (1) story shall exceed zero and eight-tenths (0.8).]
- [(2) For tower stories above the base structure or first enclosed stories above ground level, a maximum floor area ratio of five and three-tenths (5.3), provided that no one (1) story shall exceed zero and two-tenths (0.2).]
- (a) Each twenty-five (25) feet or one-half (½) the height of the building, whichever shall be the greater, except that one-and two-family dwellings shall have yards of not less than eight (8) feet.
- (b) Each twenty (20) feet or one-half (½) the height of the building, whichever shall be greater, except that one-and two-family dwellings shall have yards of not less than thirty (30) feet.
- [(d) If provided, at least ten (10) feet per yard.]
- [(e) Maximum height of building:]
- [(1) In stories: none.]
- [(2) In feet:]
- [(a) For the base structure or first enclosed stories above ground level: fifty (50) feet.]
- [(b) Overall height of base structure and tower structures: three hundred fifteen (315) feet.]
- (c) Minimum usable open space on the open deck at the top of the base structure.
- (1) One hundred (100) square feet for each dwelling unit and for each hotel, motel or boatel room designed for the overnight accommodation of guests.
- (2) All structures shall be set back at least ten (10) feet from the water's edge along the Byram River and the Byram River Cove; provided, however, that
- (d) Must be maintained from the minimum front yard depth to the rear lot line.
- (e) Section 345-10I must be complied with.

NR = none required

ZONING

345 Attachment [1] - 2

Village of Port Chester Schedule of Regulations for Designed Industrial District Part 1, Use Regulations

Type of Use	M2D District §345-57[.1]
General Community Facilities	
Public utility facility	P
Railroad or other rapid-transit passenger stations, including accessory services and rights-of-way	P
Railroad or other rapid-transit passenger stations, freight siding and accessory services and rights-of-way	P
Recreational facility, provided that such facility is within a totally enclosed structure designed and used for participation only	P
Vocational training, secretarial and business schools	P
Telephone exchange	P
Business Uses	
Heating, air conditioning, plumbing, electrical and similar construction business, including outdoor storage of equipment, materials or vehicles, provided that the same shall be suitably screened from view of public streets	P
Office, office building, bank or other financial institution, including drive-in facility	P
Wholesale business, storage building, warehouse and distribution center	P
Common carriers, contract carriers and other freight and materials trucking businesses and terminals, provided that any lot used for such purposes does not exceed five (5) acres in size, and provided further that the aggregate of all such lots within any district used for such purposes do not, in the aggregate, exceed six (6) acres	P
Industrial Uses	
Cold storage plant, freezer plant, ice plant and center distribution station	P
Creamery, ice cream plant, bakery plant and food processing plant	P
Nonnuisance industry, provided that in nonindustrial districts equipment is used that has a rating of no more than five (5) horsepower	P
Other industrial uses not offensive, obnoxious or detrimental to the neighborhood by reason of dust, smoke, vibration, noise, odor or other effluents	SE
Accessory outdoor freight facilities for public use	P
Plant for printing, lithography photoengraving and other similar duplicating processes	P
Research and development laboratory, provided that it shall not be obnoxious by reason of dissemination of smoke, dust, fumes, noise or vibration, hazardous from fire waste materials or the creation of excessive demands upon municipal services	P
Light or power plant, garbage or sewage disposal facility, provided that the same are designed for and used by only the owners and tenants of lots within a Designed Industrial (M2D) District and the owners and tenants of commercial lots which are contiguous thereto	P
Accessory Uses	
Private garage or private off-street parking area, in accordance with § 345-14	P
Sign, in accordance with § 345-15	P
Maintenance and service facilities relating solely to the authorized principal use or uses	P
Residence of superintendent, caretaker or watchman	P
Cafeterias, lunchrooms and similar facilities, provided that the use thereof is limited to employees and their guests	P

NOTE:

P = Permitted Use

SE = Special Exception Use

ZONING

345 Attachment [1] 3A

Village of Port Chester
 Scheduling of Regulations for Nonresidence Districts
 Part 1, Use Regulations

Type of Use	Districts																[PRSP Planned Railroad Station Plaza Development §345-57]	PMU Planned Mixed Use §345-57
	C1 Neighborhood Retail §345-47	[C2 Central Business §345-48]	C2 Main Street Business §345-48	C3 [Design] Office and Commercial §345-49	C4 General Commercial §345-50	C5 Train Station Mixed Use §345-50.1	C5T Downtown Mixed Use Transitional §345-50.2	CD Design Shopping Center §345-51	CDS Special Designed Commercial §345-52	PD Design Professional Building §345-53	DW Design Waterfront §345-54	DW2 Downtown Design Waterfront §345-54.1	M1 Light Industrial §345-55	M2 General Industrial §345-56 ¹				
Residential Uses																		
1 Family Dwelling	X	[X]	X	X	X	X	X	X	X	X	X	X	X	X	X	X	[See § 345-62]	X
2 Family Dwelling	X	[X]	X	X	X	X	X	X	X	X	X	X	X	X	X	X		P
Multifamily Dwelling	X	[X]	SE	X	X	SE	SE	X	X	X	SE	SE	X	X	X	P		
Multifamily Dwelling (floors above first floor)	X	[SE]	SE	X	X	P	P	X	X	X	SE	SE	X	X	X	P		
Residential Community Facilities																		
Church or other Place of Worship, Parish House, Rectory, Sunday School, Convent, Seminary	SE	[X]	SE	SE	SE	SE	SE	SE	X	X	SE	SE	SE	SE	SE	SE	[See § 345-62]	SE
General Community Facilities																		
Assembly Hall	X	[X]	SE	SE	SE	SE	SE	X	X	X	X	X	X	X	X	X	[See § 345-62]	P
Convalescent home or nursing home	X	[X]	X	SE	X	X	X	X	X	X	SE	SE	X	X	X	P		
Hospital	X	[X]	SE	SE	X	SE	SE	X	X	X	X	X	X	X	X	SE		
Medical and dental offices, not including operating room or community X-ray or therapy room	X	[X]	SE	P	X	SE	SE	P	P	P	X	X	X	X	X	SE		
Membership club, fraternal organization or similar social institution not operated for a profit	X	[X]	P	SE	SE	P	P	X	X	X	SE	SE	X	X	X	P		
Nursery school, day camp or day care center	SE	[X]	SE	SE	X	SE	SE	X	X	X	X	X	X	X	X	SE		
Public utility facility	X	[SE]	SE	SE	SE	SE	SE	X	X	X	SE	SE	P	P	P	SE		
[Planned railroad station plaza, as provided in §345-62]	[X]	[X]	[X]	[X]	[X]	[X]	[X]	[X]	[X]	[X]	[X]	[X]	[X]	[X]	[X]	[X]		
School, elementary or high, public, private, or parochial, having a curriculum equivalent to that ordinarily given in public schools.	X	[X]	SE	X	X	SE	SE	X	X	X	SE	SE	X	X	X	SE		
Medical and dental offices including X-ray and therapy room	X	[SE]	SE	X	X	SE	SE	X	X	X	X	X	X	X	X	SE		
Business Uses																		
Automobile repair garage	X	[X]	X	X	SE	X	X	X	X	X	X	X	X	X	X	X	[See § 345-62]	X
Bank, excluding drive-in	P	[P]	P	P	P	P	P	P	P	P	SE	SE	P	P	P	P		
Bar or Tavern	X	[P]	P	X	X	P	P	X	X	X	X	X	X	X	X	P		
Bowling Alley	X	[X]	SE	SE	SE	SE	SE	P	P	X	X	X	X	X	X	P		
Cabaret	X	[P]	P	X	X	P	P	X	X	X	X	X	X	X	X	P		
Catering and Events Establishment	X	[P]	P	X	X	P	P	X	X	X	X	X	X	P	P	P		
Commercial Indoor Athletic Training Facility	X	[X]	SE	X	X	SE	SE	X	X	X	X	X	X	P	P	P		
Drive-in establishments other than restaurant, or circus, carnival, or other outdoor amusements	X	[SE]	X	SE	SE	X	X	SE	SE	X	X	X	X	X	X	X		
Drive-in and fast-food restaurant	X	[X]	X	X	SE	X	X	X	X	X	X	X	X	X	X	X		
Food processing shop	X	[X]	X	X	SE	X	X	X	X	X	X	X	X	X	X	X		
Funeral Home	SE	[X]	SE	SE	SE	SE	SE	X	X	X	X	X	X	X	X	SE		
Gasoline Station	X	[X]	X	X	SE	X	X	X	X	X	X	X	SE	SE	SE	X		
Health Club, including racquetball facilities and indoor swimming pools	X	[SE]	P	P	P	P	P	P	P	X	X	X	X	X	X	P		
Heating, air conditioning, plumbing, electrical, and similar construction businesses, excluding open storage of materials	X	[X]	X	X	P	X	X	X	X	X	[X] SE	X	P	P	X	X		

Notes:
 P = permitted use
 SE = special exception use
 X = prohibited use

All unlisted uses are prohibited in all districts
¹Editor's Note: See §345-56 for additional special exception uses in the M2 District.

ZONING

345 Attachment [1] 3A

Village of Port Chester
 Scheduling of Regulations for Nonresidence Districts
 Part 1, Use Regulations

Type of Use	Districts														[PRSP Planned Railroad Station Plaza Development §345-57]	PMU Planned Mixed Use §345-57
	C1 Neighborhood Retail §345-47	[C2 Central Business §345-48]	C2 Main Street Business §345-48	C3 [Design] Office and Commercial §345-49	C4 General Commercial §345-50	C5 Train Station Mixed Use §345-50.1	C5T Downtown Mixed Use Transitional §345-50.2	CD Design Shopping Center §345-51	CDS Special Designed Commercial §345-52	PD Design Professional Building §345-53	DW Design Waterfront §345-54	DW2 Downtown Design Waterfront §345-54.1	M1 Light Industrial §345-55	M2 General Industrial §345-56*		
Hotel or Motel	X	[X]	P	P	X	P	P	P	X	X	[X] SE	SE	X	X		P
Hotel, Motel (floors above first floor)	X	[SE]	P	P	X	P	P	P	X	X	[X] SE	SE	X	X		P
Hotel, limited service	X	[SE]	P	SE	X	P	P	SE	X	X	[X] SE	SE	X	X		P
Marina or yacht club	X	[X]	X	X	X	X	X	X	X	X	SE	SE	X	X		X
Theater	X	[P]	P	[X] P	X	P	P	X	X	X	[X] SE	SE	P	P		P
Motor Vehicle Sales lot, motor vehicle salesroom and accessory repair shop	X	[X]	X	X	SE	X	X	X	X	X	X	X	X	X		X
Office, Office Building	P	[X]	SE	P	P	SE	SE	P	P	P	SE	SE	P	P		P
Office, Office Building (floors above first floor)	P	[P]	P	P	P	P	P	P	P	P	SE	SE	P	P		P
Off-street parking lot or garage for motor vehicles, but not including storage of used or new motor vehicles for sale or hire; minimum requirements shall be in accordance with § 345-14.	X	[P]	P	P	P	P	P	X	X	X	[X] SE	SE	X	X		P
Pawnshops	X	[X]	X	X	X	X	X	X	X	X	X	X	SE	SE		X
Radio or television station studio, excluding transmission tower	X	[X]	SE	P	P	SE	SE	X	X	X	SE	SE	P	P		SE
Radio or television station studio excluding transmission tower (floors above first floor)	X	[P]	P	P	P	P	P	X	X	X	SE	SE	P	P		SE
Shooting ranges with accessory sales of guns and equipment	X	[X]	X	X	X	X	X	X	X	X	X	X	X	P		X
Table-service restaurant, no drive-in, open front, fast food, or curb-service types	P	[P]	P	P	P	P	P	P	X	X	SE	SE	X	X		P
Tax Preparation Office	X	[P]	P	X	X	P	P	X	X	X	[X] SE	SE	X	X		P
Retail store or personal service shop, services clearly incidental to retail sales on the premises or to personal services	P	[P]	P	P	X	P	P	P	SE	X	[X] SE	SE	X	X		P
Veterinary hospital or board and care of small animals	X	[X]	SE	X	SE	SE	SE	X	X	X	[X] SE	SE	X	X		SE
Wholesale business, storage building or warehouse	P	[X]	X	X	P	X	X	X	X	X	SE	SE	P	P		X
Industrial uses																
Cold storage plant, ice plant, bottling central distribution station, light or power plant, or garbage or sewage disposal facility	X	[X]	X	X	X	X	X	X	X	X	X	X	X	P		X
Creamery, ice cream plant or bakery plant	X	[X]	X	X	P	X	X	X	X	X	SE	SE	P	P		X
Laundry or dry-cleaning plant	X	[X]	X	X	X	X	X	X	X	X	SE	SE	P	P		X
Nonnuisance industry, provided that in nonindustrial districts equipment is used that has a rating of no more than 5 horsepower	X	[X]	X	X	P	X	X	X	X	X	SE	SE	P	P		X
Open storage of equipment or materials	X	[X]	X	X	X	X	X	X	X	X	X	X	X	SE		X
Printing plant	X	[X]	X	P	P	X	X	X	X	X	SE	SE	P	P		X
Research laboratory, provided that is shall not be obnoxious by reason of dissemination of smoke, dust, fumes, noise or vibration, or hazardous from fire waste materials or the creation of excessive demands upon municipal services	X	[X]	X	SE	SE	X	X	X	X	X	SE	SE	P	P		X
Accessory Uses																
CD Accessory garden center	X	[X]	X	X	X	X	X	P	X	X	X	X	X	X		X
Customary accessory structure or use, including cultural, recreational, or athletic facility, meeting room or similar accessory structure or use related to a school, church, or other place of worship	P	[P]	P	P	P	P	P	P	P	P	SE	SE	P	P		SE
Ethical Pharmacy	X	[X]	SE	X	X	SE	SE	P	X	P	X	X	X	X		SE
Ground-floor office as accessory use to multifamily development	X	[SE]	SE	X	X	SE	SE	X	X	X	[X] SE	SE	X	X		P
Private garage or private off-street parking area, in accordance with § 345-14	P	[P]	P	P	P	P	P	P	SE	P	SE	SE	P	P		P
Sign, in accordance with § 345-15	P	[P]	P	P	P	P	P	P	P	P	SE	SE	P	P		P

Notes:
 P = permitted use
 SE = special exception use
 X = prohibited use

All unlisted uses are prohibited in all districts
 *Editor's Note: See §345-56 for additional special exception uses in the M2 District.

ZONING

345 Attachment 3B

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

Type of Use	Districts																		
	C1 Neighborhood Retail § 345-47	[C2 Central Business § 345-48]	<u>C2 Main Street Business § 345-48</u>	<u>C3 [Design] Office & Commercial § 345-49</u>	[C4 ³ General Commercial § 345-50]	[C4* General Commercial (Multifamily Dwellings) § 345-50]	<u>C5 Train Station Mixed Use § 345-50.1</u>	<u>C5T Downtown Mixed Use Transitional District § 345-50.2</u>	CD Design Shopping Center § 345-51	CDS Special Designed Commercial § 345-52	[Special Exception Uses ¹¹]	PD Design Professional Building § 345-53	DW Design Waterfront § 345-54	<u>DW2 Downtown Design Waterfront § 345-54.1</u>	M1 Light Industrial § 345-55	M2 General Industrial § 345-56	[PRSP Planned Railroad Station Plaza Development § 345-57]	<u>PMU Planned Mixed Use § 345-57</u>	
Maximum Floor Area Ratio (See definition, § 345-2)	1.00	[3.2]	<u>3.2</u> ¹	3.00	2.00	[1.5]	<u>4.00</u> ³	<u>4.00</u> ³	1.00	1.00	[0.25(e)]	1.00	1.60	<u>2.40</u>	1.00	2.00	[See §345-62]	<u>0.8</u> ⁹	
Maximum Floor Area Ratio For 1 Story	0.35	[NR]	<u>NR</u>	0.60	NR	=	<u>NR</u>	<u>NR</u>	0.35	NR	[0.25(e)]	NR	0.40	<u>NR</u>	0.50	0.70			
Minimum Size of Lot:																			
Area, nonresidential (square feet)	NR	[NR]	<u>NR</u>	NR	NR	[20,000]	<u>NR</u>	<u>NR</u>	21,780	65,340	=	21,780	10,000	<u>NR</u>	NR	NR			
Area per dwelling unit (square feet)	NR	[750]	<u>750</u> ²	NR	NR	[750]	<u>400</u> ⁴	<u>575</u> ⁵	NR	NR	=	NR	750	<u>600</u>	NR	NR			
Width (feet) [(j)] [e]	40	[40]	<u>40</u>	40	40	[100]	<u>40</u>	<u>40</u>	40	NR	[150(f)]	40	40	<u>40</u>	40	40			
Depth (feet)	NR	[NR]	<u>NR</u>	NR	NR	[100]	<u>NR</u>	<u>NR</u>	NR	NR	=	NR	NR	<u>NR</u>	NR	NR			
Minimum Yard Dimensions:																			
Front (feet)	NR	[NR]	<u>NR</u>	10	10	[25]	<u>NR</u>	<u>NR</u>	30	60	[150(h) ²]	10	20	<u>5</u>	25	10			
Side																			
One (feet)	NR(a)	[NR(a)]	<u>NR(a)</u>	(b)	NR(a)	[20]	<u>NR(a)</u>	<u>NR(a)</u>	30	50	[6(h) ²]	20	(c)	<u>5</u>	20	10			
Total of 2 on interior lot (feet)	NR(a)	[NR(a)]	<u>NR(a)</u>	(b)	NR(a)	--	<u>NR(a)</u>	<u>NR(a)</u>	60	100	[12(h) ²]	40	(c)	<u>10</u>	40	20			
Rear (feet)	30	[20]	<u>20</u>	20	20	[30]	<u>20</u>	<u>20</u>	30	50	[30(h) ²]	30	30	<u>20</u>	20	20			
Maximum Height of Building:																			
In stories	2½	[8]	<u>5</u>	[NR] <u>5</u>	3	[7]	<u>8</u> ⁶	<u>5</u> ⁷	3	3	[2(g)]	5	[8] <u>4</u>	<u>4</u>	2	8			
In feet	35	[70]	<u>60</u>	[120] <u>60</u>	45	[70]	<u>90</u> ⁶	<u>60</u> ⁷	45	45	[35(g)]	60	[70] <u>50</u>	<u>50</u>	40	70			
Minimum Usable Open Space on Lot:																			
For each dwelling unit (square feet)	1,200	[100]	<u>50</u> ⁸	NR(d)	NR	[300(i)]	<u>50</u> ⁸	<u>50</u> ⁸	NR	NR	=	100(d)	<u>50</u> ⁸	<u>50</u> ⁸	NR	NR		<u>100</u>	

NOTES:

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

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

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

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

[(e) In the event that the site of a special exception use is partially within the Village of Port Chester and partially within the Town of Rye, the maximum floor area ratio may be increased to up to fifty hundredths (0.50) within the Village of Port Chester, provided that the average floor area ratio for the entire site, both within the Village of Port Chester and within the Town of Rye, does not exceed thirty hundredths (0.30).

[(f) On a state or county road or highway or shall be contiguous to and in common ownership with a site which shall have said minimum frontage.]

[(g) Other than office buildings.]

[(h) Applicable only in the event that the site of a special exception use is partially within the Town of Rye and partially within the Village of Port Chester.]

[(i) Improved exterior space, e.g., recreation areas and gardens, may be included in the open space calculation. In addition, those portions of rooftop space that have been developed for recreational use and are made available for such use to occupants of the building as courts, swimming pools, deck areas or the like may, upon approval by the Planning Commission, be included in the open space calculation.]

[(j)] [e] Must be maintained from the minimum front yard depth to the rear lot line.

¹ A floor area ratio (FAR) bonus of 0.8 is available in accordance with §345-16.

² A minimum of 575 sq. ft. of lot area per dwelling unit can be achieved through a Building Height and Floor Area Bonus Program in accordance with §345-16.

³ A Floor Area Bonus of 0.5 is available in accordance with §345-16.

⁴ A minimum of 250 sq. ft. of lot area per dwelling unit can be achieved through a Building Height and Floor Area Bonus Program in accordance with §345-16.

⁵ A minimum of 400 sq. ft. of lot area per dwelling unit can be achieved through a Building Height and Floor Area Bonus Program in accordance with §345-16.

⁶ A building height bonus of 2 stories (30 feet) is available in accordance with §345-16. [In C4 Districts where multifamily dwellings are permitted, they shall conform to the regulations shown in the C4* column.]

⁷ A building height bonus of 1 story (10 feet) is available in accordance with §345-16.

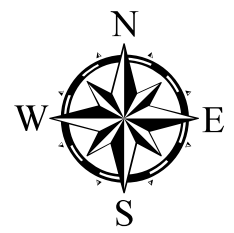
⁸ See §345-7.E.

⁹ A floor area bonus of 0.20 is available in accordance with §345-16. For any mixed use (commercial/residential) structure, a building height bonus of 2 stories (15 feet) is available in accordance with §345-16.

NR = none required

Draft Official Zoning Map

Village of Port Chester New York



MAP NOTE: This map was produced by C. Gomez, Village of Port Chester Director of Planning and Development- January 2013. Base data and format provided by the Westchester County Department of Planning as part of a countywide initiative to map local zoning districts and to align them with digital tax parcel boundaries in April 2011.

ZONING DISTRICTS

SINGLE FAMILY RESIDENTIAL

- R20** One Family Residence 20,000 sq ft min lot
- R7** One Family Residence 7,500 sq ft min lot
- R5** One Family Residence 5,000 sq ft min lot

TWO-FAMILY RESIDENTIAL

- R2F** Two Family Residence 5,000 sq ft min lot

MULTI-FAMILY RESIDENTIAL

- RA2** Multi Family Residence 5,000 sq ft min lot
- RA3** Multi Family Residence 5,000 sq ft min lot
- RA4** Multi Family Residence 5,000 sq ft min lot

PLANNED RESIDENTIAL

- PRD** Planned Residential Development

COMMERCIAL

- C1** Neighborhood Retail
- C2** Main Street Business
- C3** Office and Commercial
- C4** General Commercial
- CD** Designed Shopping Center
- CDS** Special Design Commercial

OFFICE

- PD** Design Professional Building

INDUSTRIAL

- M1** Light Industrial
- M2** General Industrial

WATERFRONT

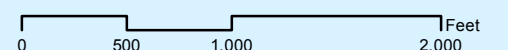
- MUR** Marina Urban Redevelopment*
- DW** Design Waterfront Development
- DW2** Downtown Design Waterfront

MIXED USE & OTHER

- ROO** Residential Office Overlay
- VCRA** Village Center Redevelopment Area
- TRD** Transitional Residential Development
- PMU** Planned Mixed Use
- C5** Train Station Mixed Use
- C5T** Downtown Mixed Use Transitional

Buildings (from 2004 aerial photography)

*MUR Marina Urban Redevelopment Underlay Zone is C2 Main Street Business District



RESOLUTION
AUTHORIZING RENEWAL AGREEMENT WITH PORT CHESTER YOUTH
BASEBALL LEAGUE (PCYBL) TO OPERATE VILLAGE'S YOUTH BASEBALL
PROGRAM

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

WHEREAS, acknowledging the scarcity of Village resources and the need to secure alternative means of delivery of recreational services, the Village announced its intention to designate a not-for-profit operator to provide a portion of same; and

WHEREAS, since 2004, the Village has designated the Port Chester Youth Baseball League as the operator to provide youth baseball programs at Lyon Park for the Village's youth; and

WHEREAS, the Program has proven to be a successful private-public partnership in the delivery of recreational services and is a model for other communities; and

WHEREAS, the parties desire to renew this partnership. Now, therefore, be it

RESOLVED, that the Village Manager be and is hereby authorized to enter into a renewal agreement with the Port Chester Youth Baseball League to operate Tee-Ball (age 5-6), Rookie (age 7-8), Minor (age 9-10) and Major (11-12) Program at Lyon Park with a term of January 1, 2013 and expiring December 31, 2014, payment to be \$12,000per year, from General Ledger, Account Code: 7310-0460 "Youth Baseball".

APPROVED AS TO FORM:

Village Attorney, Anthony Cerreto

ROLL CALL

AYES:

NOES:

ABSENT:

DATE:

AGREEMENT

This Agreement made the _____ day of January 2013 by and between the **VILLAGE OF PORT CHESTER** (hereinafter referred to as the “VILLAGE”), a New York municipal corporation with offices located at 222 Grace Church Street, Port Chester, NY 10573, and the **PORT CHESTER YOUTH BASEBALL LEAGUE, INC.** (hereinafter referred to as the “LEAGUE”), a New York not-for-profit corporation with its offices at 436 Willet Avenue, Port Chester, NY 10573.

WITNESSTH

WHEREAS, acknowledging the scarcity of Village resources and the need to secure alternative means of delivery of recreational services, the Village announced its intention to designate a not-for-profit operator to provide a portion of same; and

WHEREAS, since 2004 the Village has designated the League as the operator to provide youth baseball programs at the baseball field at Lyons Park for the Village’s resident children ages 12 and under (hereinafter referred to as the “Program”); and

WHEREAS, the Program is a successful private-public partnership in the delivery of recreational services and is a model for other communities; and

WHEREAS, the parties desire to continue this partnership.

NOW, THEREFORE, in consideration of the covenants hereinafter set forth, the parties mutually agree as follow:

1. Term: That this agreement shall be for a term commencing January 1, 2013 and ending on December 31, 2014.

2. Scope of Services: The League will solely and exclusively undertake to operate all aspects of the Program on behalf of the Village, which shall include the following: Tee-ball (age 5-6), Rookie (age 7-8), Minor (9-10) and Major (11-12).

3. Consideration: In consideration of the services provided, the Village shall make annual payment to the League in the amount of \$12,000.00. Said payment shall be made in two installments of \$6,000 each payable on January 1st and September 1st of each year of this Agreement, excepting for the first payment in the first year which shall be January 31st. The payment provided by the Village is for the Program and may only be used by the League for that purpose.
4. User Fees and Charges: The League is authorized to establish a schedule of user fees and charges to participants to assist in defraying the operating costs of the Program. Such fees and charges shall be disclosed to the Village on or before January 1 of each year of this Agreement subject to the Village's approval, which approval shall not be unreasonably withheld.
5. Insurance: The League shall comply with the Village's insurance specifications and attached herein and made a part hereto as Exhibit "A". In addition, the League shall obtain and maintain in full force and effect an accident insurance policy for the benefit of participants for the duration of this Agreement. The League shall provide evidence of such policies to the Village for review and approval by the Village Attorney.
6. Defense/Indemnification: The League agrees to protect, defend, indemnify and hold the Village of Port Chester, and any agents, officers, employees and consultants, or any of them, free and harmless from and against any and all losses, penalties, damages, settlements, costs, charges, fees or other expenses or liabilities of any kind and character arising out of or relating to any and all claims, liens, demands, obligations, actions, proceedings, or cause of action of every kind and character in connection with or arising directly or indirectly out of this Agreement and/or the performance hereof. Without limiting the generality of the foregoing, any and all claims relating to personal injury, death, damage to property, defects in materials, actual or alleged infringement of any patent, trademark, copyright (or application for any thereof) or of any other tangible or intangible personal or property right, or any actual or alleged violation of any applicable statute,

ordinance, local law, administrative order, rule or regulation, decree of any court, shall be included in the indemnity hereunder. The League further agrees to investigate, handle and provide a defense for and defend any such claims, etc. at its sole expense and agrees to bear all costs and expenses related thereto, even if such claims are groundless, false or fraudulent. In any case in which such indemnification would violate Section 5-322 of the New York General Obligations Law, or any other applicable legal prohibition, the foregoing provisions concerning indemnification shall not be construed to indemnify the Village for damage arising out of bodily injury to persons or damage to property caused by or resulting from the sole negligence of the Village or its officers or employees.

7. Independent Contractor: It is understood and agreed that the League is an independent contractor and that the Village assumes no liability for the means and methods for the League's operation of the Program. Any persons employed or contracted with by the League shall not be deemed to be employed or contracted with by the Village in any capacity whatsoever.
8. Financial Statement: The League agrees to file a copy of an annual financial statement showing revenues and expenditures together with a summary of its operations to the Village no later than April 1 of each year.
9. Use of Equipment: The Village may permit the League to use any available field equipment it currently owns that may be related to the Program. All League personnel shall be trained in the operation of such equipment prior to use.
10. Use of Facility: The Village shall grant a revocable license for use of the baseball fields located at Lyon Park to the League for the operation of the Program on a temporary, seasonal basis only. The League shall provide the Village a schedule prior to the start of its' spring, summer and fall seasons. The League shall not sublet such fields to third-parties without Recreation Department approval during these periods. It is understood that the field is property held by the Village and that when they are not in use by the League, they are reserved and available to the Village.

11. Use of Mail Box. The Village shall provide a mail box at Village Hall, 222 Grace Church Street, for the League to receive mail.
12. The Village shall be responsible for ensuring that the baseball fields are available for play throughout the seasons, including, but not limited to, lawn cutting, scarification, chalking of the lines as may be appropriate and necessary. The Village shall undertake the annual spring-and fall field preparation as well as fertilization.
13. Improvements: The League anticipates making improvements as part of the Program during the term of this Agreement. The Village recognizes the potential value of such improvements, but the League nevertheless agrees not to undertake any improvements without proper plans for review and subsequent express written permission of the Village. Notwithstanding the foregoing, any improvements constructed shall be the property of the Village.
14. Signage: The League shall not erect or cause to be erected or display any signs without the permission of the Village subject to the following. Any signage shall be temporary and seasonal, unobtrusive with minimal visual impact and blend in a park setting.
15. Vehicles: The League shall not park any vehicles at the parks.
16. Meetings: The League shall provide notice and an agenda of all meetings to the Village. If the Village wishes to attend a meeting to discuss a matter of concern it shall advise the League of its intention to attend said meeting.
17. Operational Issues: The League shall be responsible for resolving issues with regard to the operation of the Program, such as scheduling, selection of coaches and umpires, determining rosters and determination of play. The League shall establish a formal grievance procedure and in the administration of same shall act in good

faith and in a non-discriminatory manner. The Village Recreation Department shall be notified within thirty (30) days of such complaint and disposition.

18. **Non-Discrimination:** The League shall abide by all applicable state and federal discrimination and human rights laws as well as the Village's Anti-Discrimination and Harassment Policy. Any complaint with respect thereto shall be immediately reported to the Village.
19. **Background Checks:** All coaching staff shall be retained subject to background checks.
20. **Complaints:** Any written complaints by a resident on the impact of League operations shall be addressed by the League and responded to by the League with a plan to resolve the issue. A copy of the complaint and the response to resolve same shall be forwarded to the Village Recreation Department within thirty (30) days of the complaint.
21. **Performance Review:** This Agreement shall be subject to an annual review to be conducted by the Village no later than October 1st in each year.
22. **Termination:** Should the League wish to terminate this Agreement, the league shall give the Village ninety (90) days prior written notice. Should the Village wish to terminate this agreement, the Village shall give the League ninety (90) days prior written notice and shall hold a public hearing to discuss the termination of this agreement with the League at the next available Port Chester Board of Trustees meeting.

23. Notices: All correspondence under this agreement shall be sent as follows:

Village Manager	President
Village of Port Chester	Port Chester Youth Baseball League, Inc.
222 Grace Church Street	436 Willet Avenue
Port Chester, N.Y. 10573	Port Chester, NY 10573

24. This agreement is entire and shall not be altered or amended except by a writing signed by the parties hereto.

25. If any clause, paragraph, section or part of this Agreement shall be determined by a court of competent jurisdiction to be invalid, the judgment thereon shall not affect the validity of this Agreement as a whole or any part thereof other than the part decided to be invalid.

26. The Port Chester Park Commission and Recreation Commission have approved this Agreement.

Approved as to Form:

Village Attorney

IN WITNESS WHEREOF the parties hereto have set their hands and seals the day and year first above written.

Village of Port Chester

By: _____
Christopher D. Steers, Village Manager

Port Chester Youth Baseball League, Inc.

By: _____
President

EXHIBIT "A"

INSURANCE

1. The Contractor, prior to signing of the contract, shall provide to the **Village of Port Chester** and maintain throughout the life of the contract, at his own cost and expense, proof of the following insurance by insurance companies licensed in the State of New York.
 - a. Workmen's Compensation. The Contractor shall take out and maintain during the life of this contract the statutory Workmen's Compensation, Disability, and Employer's Liability Insurance for all of his employees to be engaged in work on the project under this Contract, and, in case any such work is sublet, the Contractor shall require the Subcontractor similarly to provide Workmen's Compensation, Disability and Employer's Liability Insurance for all for the latter's employees to be engaged in such work.
 - b. General Liability Insurance for bodily injury and property damage of \$1,000,000/\$2,000,000. The Certificate of Insurance shall name the Village as an additional insured and indicate the following:
 - (1) Premises – Operations;
 - (2) Any deductibles shall not be the liability of the **Village of Port Chester, New York**.
 - c. Property Damage – Property Damage Insurance shall include the legal liability of its contractor for loss or damage to property of the **Village of Port Chester**.
2. The Contractor shall obtain and maintain in full force and effect all of his insurance policies with a reputable insurer licensed to do business in the State of New York with at least a Best rating of A-.
3. All policies and certificates of the Contractor shall contain clauses as follows:
 - a. The insurance companies issuing the policy or policies shall have no recourse against the **Village of Port Chester, New York**, for payment of any premium or for assessments under any form of policy.
 - b. Any and all deductibles in the above described insurance policies shall be assumed by and be for the account of and the sole risk of the Contractor.
 - c. In case of cancellation or material change in any of the policies, thirty (30) days notice shall be given to the **Village of Port Chester, New York**, by registered mail, return receipt requested. Any and all deductibles in the above described insurance policies shall be assumed by and be for the account of and the sole risk of the Contractor.
 - d. In case of cancellation or material change in any of the policies, thirty (30) days notice shall be given to the **Village of Port Chester, New York**, by registered mail, return receipt requested.

4. All property losses shall be made payable to and adjusted with the **Village of Port Chester**.
5. All policies of insurance shall be acceptable to an approved by the Village Attorney prior to the inception of any work.
6. If, at any time, any of the said policies shall be or become unsatisfactory to the **Village of Port Chester**, as to form or substance, or if any company issuing such a policy shall be or become unsatisfactory to the **Village of Port Chester** the Contractor shall promptly obtain a new policy, submit same to the **Village of Port Chester**, for approval and submit a certificate thereof as hereinafter provided. Upon failure of the contractor to furnish, deliver and maintain such insurance as above provide, this Contract, at the election of the **Village of Port Chester**, may be forthwith declared suspended, discontinued or terminated. Failure of the contractor to take out and/or to maintain or the taking out and and/or maintenance of any required insurance, shall not relieve the contractor for any liability under the contract, nor shall the insurance requirements be construed to conflict with the obligations of the Contractor.
7. In the event that claims in the excess of these amounts are filed by reason of any operations under the contract, the amounts of excess of such claims, or any portion thereof, may be withheld from payment due or to become due the Contractor until such time as the Contractor shall furnish additional security covering such claims.
8. The Insurance Policy shall be endorsed to name the **Village of Port Chester** and any officers, employees, consultants as additional insured on all policies and Hold Harmless documents, and shall stipulate that this insurance is primary, that any other insurance or self-insurance maintained by the **Village of Port Chester** shall be excess only and shall not be called upon to contribute with this insurance. ISO Additional Insured Endorsement form number CG2010 1185 under GL. Contractors Form B must be utilized and accompany the Certificate of Insurance.

RESOLUTION
APPOINTMENT OF MEMBER TO
BEAUTIFICATION COMMISSION

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

RESOLVED, that TARYN HERBERT, residing 17 Wesley Avenue, Port Chester, New York, be and she hereby is appointed as a member of the Port Chester BEAUTIFICATION COMMISSION, effective immediately with said term to expire July 1, 2014.

APPROVED AS TO FORM:

Village Attorney, Anthony Cerreto

ROLL CALL

AYES:

NOES:

ABSENT:

DATE:

RESOLUTION
REAPPOINTMENT OF MEMBER TO
ZONING BOARD OF APPEALS

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

RESOLVED, that WILLIAM VILLANOVA of 73 Hawley Avenue Port Chester New York is hereby reappointed as a member of the Port Chester ZONING BOARD OF APPEALS, effective immediately with said term to expire December 31, 2015.

APPROVED AS TO FORM:

Village Attorney, Anthony Cerreto

ROLL CALL

AYES:

NOES:

ABSENT:

DATE:

RESOLUTION
REAPPOINTMENT OF MEMBER TO
ZONING BOARD OF APPEALS

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

RESOLVED, that EVELYN PETRONE, residing at 49 Lafayette Drive, Port Chester, New York is hereby reappointed as a member of the Port Chester ZONING BOARD OF APPEALS, effective immediately with said term to expire December 31, 2015.

APPROVED AS TO FORM:

Village Attorney, Anthony Cerreto

ROLL CALL

AYES:

NOES:

ABSENT:

DATE:

RESOLUTION
REAPPOINTMENT OF MEMBER TO
ZONING BOARD OF APPEALS

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

RESOLVED, that RONALD LUISO, 6 Hilltop Drive, Port Chester, New York, is hereby reappointed as a member of the Port Chester ZONING BOARD OF APPEALS, effective immediately with said term to expire December 31, 2014.

APPROVED AS TO FORM:

Village Attorney, Anthony Cerreto

ROLL CALL

AYES:

NOES:

ABSENT:

DATE:

RESOLUTION
REAPPOINTMENT OF MEMBER TO
ZONING BOARD OF APPEALS

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

RESOLVED, that FRANK STRAUCH of 81 Glendale Place, Port Chester, New York is hereby reappointed as a member of the Port Chester ZONING BOARD OF APPEALS, effective immediately with said term to expire December 31, 2014.

APPROVED AS TO FORM:

Village Attorney, Anthony Cerreto

ROLL CALL

AYES:

NOES:

ABSENT:

DATE:

RESOLUTION

APPOINTMENT OF ELECTION INSPECTORS

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

RESOLVED, that the Election for the Village of Port Chester, New York has been called and will be held on the 19th day of March, 2013 between the hours of 7:00 A.M. and 9:00 P.M., and

BE IT FURTHER RESOLVED, that the following named are qualified Election Inspectors and are hereby appointed for said election; TERESA ACUNA, CLOTILDE AGUILAR, HELEN ALBERT, DOLORES M ANSELMO-ISANBERG, INGRID M AREVALO, MICHELLE E BARNETT, ROSEMARIE BARONE, PATRICIA BARR, IGNATIUS J BONANNO, JEFFERY BONDS, WILLIAM R BRESSON, SILVIO V BUCCIERI, LUCY M CABRERA, PATRICIA M CABRERA, JORGE E CACERES SR, CARRIE E CHATMAN, RUTH A COHEN, BEATRICE T CONETTA, BETTY J CRAFT, GLENFORD DAVIS, ANN ROSE DECARLO, ADELE S DIENSTAG, GERALD E DONAHUE, JENNIFER P DOOLEY, ANTOINETTE R FARELLA, FRANCES G FERRETTI, ANNE M GALLETTA, GREGORIA R GAMARRA, ZAKID GAMARRA, THERESA M GENTILE, JOSEPH V GIANDURCO, ALEXANDER J GLENNON JR, FRANCISCO GOMEZ, MARIA D GOMEZ-BARRIGA, BLANCA R HANDAL, WILLIAM HEGEDUS, ANNETTE JAMES, DIANA M KING, LINDA L KOCHANOWICZ, RICHARD B KOCHANOWICZ, GERALDINE KOLOK, JAMES P KOLOK, MARILYN J KOWALCYK, STACEY LEWIN, ETHEL LIVINGSTON, MELORA LUCAS, PAUL R LUCAS, CATHERINE MACKIN, MARIE MALPELLI, ANN MARIE MARINO, COURTNEY MARINO, CONSIGLIA MARSILI, DANIEL MCCOURT, JESSIE MCDUFFIE, MARLENE E MEDINA, NANCY D MEMALEPEREZ, ANTONIO A MORAN, DOMENICK MORLINO, NINO PALLOTTI, DORIS PEET, JOSE RIOS, THERESA RODRIGUEZ, JOANN ROMANELLO, ELAINE RUSSO, JOYCE S RYTELEWSKI, TERESA SABATINO, DANIEL G STUART, ADRIENNE TROUPE, JOSE R TRUJILLO, ESTHER TURNER, CAROLINE VEINTIMILLA, MARIO VELASQUEZ, JORGE L VIDES, JOYCEMARIE WASHBURN, DANIEL L WILLIAMS, MARY R YOUNG, HANNAH A ZACCAGNINO, ESPERANZA ZARATE.

APPROVED AS TO FORM:

Village Attorney, Anthony Cerreto

ROLL CALL

AYES:

NOES:

ABSENT:

DATE:

SERVICE AGREEMENT WITH REGARD TO the VILLAGE DIGITAL PARKING METERS

On motion of TRUSTEE _____, seconded by TRUSTEE _____

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

RESOLVED, that the Village Manager is hereby authorized to enter into a service agreement with Cincinnati Time Recorder New York (CTR/NY) to provide maintenance services to the Village with regard to the digital parking meters, for the term June 7, 2012 and expire on June 6, 2013, unless sooner terminated, compensation to be \$30,885.00 for covered items/services.

APPROVED AS TO FORM:

Village Attorney

AGREEMENT

THIS AGREEMENT, made this ____ day of January, 2013, by and between Cincinnati Time Recorder New York (CTRNY), 907 Broadway, New York, New York 10010, (hereinafter called the "Contractor") and the VILLAGE OF PORT CHESTER, 222 Grace Church Street, Port Chester, New York (hereinafter called the "Village")

WITNESSETH, that the Contractor and the Village for the consideration stated herein mutually agree as follows:

I. Statement of Work. The Contractor will provide a preventative maintenance program, including labor, parts and minor shop repairs for its parking meters as follows:

Product	QTY	Serial Number	Labor Yor N	Parts Yor N	Unit Price
Digital Luke Pay Station	29	300010050059 through 300010050087	Yes	Yes	\$1,065.00

Each Digital Luke Unit covered under this agreement is equipped with the following options:

- Digital 1000 Note US Bill Validator
- Digital Color LCD Screen
- Digital Coin Acceptor
- Digital 2" Thermal Printer
- Digital Dual Card Reader

2. Service. The Contractor will provide its maintenance services Monday through Friday during the hours of 8:30a.m. to 5:00p.m. EST, except CTRNY designated holidays. The Contractor acknowledges all calls for service during normal business hours on the same day and schedules the actual service call for the very next available time slot, based on the availability of both CTRNY and the Village of Port Chester, with expected service within two business days, barring no unforeseen circumstances. The Contractor maintains an appropriate inventory of replacement parts, based upon business needs. It is understood that time is of the essence in the Contractor's performance of this agreement. The services include the installation of manufacturer software upgrades. The Contractor shall communicate and coordinate their services in advance of work on the equipment to the Village's designated contact-person, assuming a contact person is provided and available. Documentation of work performed, such as a work order, shall likewise be provided once the service call is completed. The Village agrees to provide the service technician assistance and access to the equipment.

3. Non-covered Items/Services: The Contractor may charge an additional amount, on a time and materials basis, for the Contractor to replace batteries, wireless cellular modems, coin bags, bill containers, shell/case and solar panels and any parts damaged not in the course of standard business operation. Attached is the Contractor's fee schedule for same. Said schedule may be revised on thirty-day notice to the Village.

4. Shop Repairs. If the estimated time for shop repairs to an item exceeds two man-hours, it is not a covered item/service. Upon notification of such expense, the Village may elect not to proceed with such repair.

5. Compensation: The Contractor shall be paid a total of \$30,885.00 for covered items and services.

6. Exclusions: The following are excluded from this agreement: equipment relocation or damage to equipment due to electrical failure, fire, flood, vandalism, or acts of God beyond CTRNY's control.

7. Confidentiality. The Contractor shall treat all data retrieved from the Village as confidential and will not release same to third parties not authorized by the Village excepting court order or directive from law enforcement personnel, and except to the manufacturer where necessary for repairs.

8. Limitation on Damages: The Contractor shall not be held liable for special, incidental, or consequential damages in connection with the servicing of the Village's equipment, including, but not limited to loss of profits, or revenue, loss of use of equipment, or other down-time costs.

9. Depot Service: For Depot service, the Village is responsible for shipping the affected equipment to the Contractor at the above address at its own expense and must cover any costs for insurance. The Contractor will repair the equipment, and at no charge (except for the items not covered under this agreement) ship same to the Village by ground transportation. If an alternative shipping method is required, the Village shall reimburse the Contractor for the additional expense.

10. Insurance/Defense and Indemnification. The Contractor shall provide a certificate of insurance evidencing general liability insurance in the minimum limits of \$1 million per occurrence/\$2 million in the aggregate, naming the Village of Port Chester as an additional insured. Such certificate and policy shall be reviewed and approved by the Village Attorney. The insurance carrier shall be rated no less than a minus by A.M. Best. The Contractor shall also provide workers compensation coverage for its employees as required by New York State Law.

To the fullest extent permitted by law, the Contractor shall defend and indemnify the Village of Port Chester, its officers and employees, from any claim, suit, action or proceeding, from any act or omission arising out of the Contractors' performance of its obligations under this agreement.

II. Term: This agreement shall commence June 7, 2012 and expire on June 6, 2013, unless sooner terminated on ninety (90) day written notice by either party to the other in writing.

12. Notice: Notice between the parties with regard to the performance of this agreement shall be to the addresses above indicated by first-class U.S. Mail or by personal delivery. If there is a change of address, the party shall forthwith notify the other of such change.

13. Compliance: The Contractor shall comply with all applicable state, federal or local laws and regulations, and also the Village's Anti-Discrimination and Harassment Policy.

14. Entire Agreement: This agreement contains the entire agreement between the parties. No representations, inducements, promises, negotiations, or agreements, oral or otherwise, not contained herein shall be of any force and effect.

15. Amendment: No modifications or amendment of this agreement is binding on either party unless it is in writing and signed by an authorized representative or officer of each party.

16. Assignment: The Contractor may not assign or transfer its rights and obligations under this agreement without the prior written consent of the Village.

IN WITNESS WHEREOF, the parties have caused this agreement to be executed in five (5) original copies on the day and year first above written.

ATTEST:

CTRNY

By: _____

Title: _____

VILLAGE OF PORT CHESTER

By: _____

Christopher D. Steers
Village Manager

Luke Paystation Parts Schedule

January 9, 2013

Part #	Description	Price
610.0003	Coin Bag Regular-IP/L/S Each	\$145.00
140.0098	Cable Battery Terminals Each	\$20.00
605.0003	33Ahr Battery-L/S Each	\$175.00
886.0007	Solar Panel,Slimline,Ant –L Each	\$1,430.00
880.1209	Solar Panel Battery Kit-L Each	\$200.00
511.0003	Solar Regulator-RADIUS/L2/S Each	\$365.00
450.0018	Key-Green Ext Access-L/S Each	\$35.00
450.0019	Key-Yellow Ext Access-L/S Each	\$35.00
450.0020	Key-Red Ext Access-L/S Each	\$25.00
450.0002	Key-Coinbag Removal-L/S Each	\$25.00
450.0003	Key-Coinbag Access-L/S Each	\$25.00
450.0015	Key-Bill Stacker Removal-L/S Each	\$20.00
450.0016	Key-Bill Stacker Access-L/S Each	\$20.00
880.0086	DPT BOSS Suite Per PC	\$250.00
880.1028	USB Data Key-L/S	\$95.00
460.0002	Cleaner Card Credit Card-L/S (50 per box) Each card	\$1.50
460.0015	Cleaner Card Bill-L/S (15 per box) Each card	\$3.00
460.0012	Cleaner Card 2in Printer-L/S (25 per box) Each card	\$4.00
460.0013	Cloth Polish 2in Printer-L/S (6 per box) Each cloth	\$5.00
165.0012	LCD Display Lexan w/o spkr-L Spare	\$35.00
620.0006	Bezel Coin Entry-L Spare	\$65.00
620.0009	Pacifier Coin Bezel-L/S Spare	\$270.00
140.0205	Cable Coin Acceptor Fuse-L/S Spare	\$20.00
610.0020	Coinbag Bracket and Bag RADIUS Spare	\$305.00
521.0021	US Bill Validator Memory Stick (non discountable) Stick Only	\$30.00
880.1202	Anti-Static Brush Kits L/S	\$50.00
500.0065	Communications Antenna-L/S Spare	\$110.00
500.0111	Modem GSM - Units running 6.3.5 software and higher Spare	\$590.00
115.0072	Battery Charger 120Vac-L/S CSA Spare Internal	\$120.00
500.0085	120V 700W CSA AC Heater-L/L2/S Spare	\$565.00
550.0028	Lock Programmable-L/S Lock Code Required.Spare.	\$169.00
115.0100	LUKE C2 CRS Pedestal (additional parts may be required)	\$2355.00
165.0013	Receipt Lexan-L (June 2006 units and later) Spare	\$50.00
500.0080	LUKE Meter Hood Cover Spare	\$500.00

*Shipping & Handling TBD at the time of shipment

*Prices quoted do not include training, shipping and handling, or installation.

**RESOLUTION
CLOSEOUT OF CAPITAL PROJECTS**

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, that there remain a balance or deficit on completed capital projects; and

WHEREAS, that the Village's independent auditors have identified these balances/deficits and has recommended that corrective action be taken so that these capital projects can be closed out and remaining balances be transferred to the Debt Service Fund to assist in the paying off of debt as per the office of the State Comptroller's guidelines; and

WHEREAS, the Village Treasurer concurs with this recommendation. Now, therefore, be it

RESOLVED, that the following projects in the Capital Fund be closed out, and that the Capital Fund be modified as follows:

<u>Project</u>	<u>Budget</u>	<u>Revenues</u>	<u>Expenditures</u>	<u>Balance</u>
005.5110.0400.2009.0090: Street Resurfacing-2009/10	\$600,000.00	\$600,000.00	\$591,365.02	\$ 8,634.98
005.8120.0400.2007.0057: Storm Sewer Imp-2007/08	\$265,000.00	\$265,000.00	\$249,527.33	\$ 15,472.67
005.8120.0400.2008.0077: Sanitary Swr Line Rehab-2008/09	\$300,000.00	\$300,000.00	\$265,248.21	\$ 34,751.79
005.8120.0400.2009.0093: Storm Sewer Rehab-2009/10	\$300,000.00	\$300,000.00	\$286,278.30	\$ 13,721.70
\$ 8,634.98	From: Street Resurfacing-2009/10 005.5110.0400.2009.0090		To: Road Resurfacing-2010/11 005.5110.0400.2010.0110 (Budget Increase from \$1,292,870.94 to \$1,301,505.92)	
\$ 15,472.67	From: Storm Sewer Imp-2007/08 005.8120.0400.2007.0057		To: Sanitary/Storm Sewers-2010/11 005.8120.0400.2010.0117 (Budget increase from \$840,500.00 to \$855,972.67)	
\$ 34,751.79	From: Sanitary Sewer Line Rehab-2008/09 005.8120.0400.2008.0077		To: Sanitary/Storm Sewers-2010/11 005.8120.0400.2010.0117 (Budget increase from \$855,972.67 to \$890,724.46)	
\$ 13,721.70	From: Storm Sewer Rehab-2009/10 005.8120.0400.2009.0093		To: Sanitary/Storm Sewers-2010/11 005.8120.0400.2010.0117 (Budget increase from \$890,724.46 to \$904,446.16)	

**RESOLUTION
CLOSEOUT OF CAPITAL PROJECTS TO DEBT SERVICE FUND**

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, that there remain a balance or deficit on completed capital projects; and

WHEREAS, that the Village’s independent auditors have identified these balances/deficits and has recommended that corrective action be taken so that these capital projects can be closed out and remaining balances be transferred to the Debt Service Fund to assist in the paying off of debt as per the office of the State Comptroller’s guidelines; and

WHEREAS, the Village Treasurer concurs with this recommendation. Now, therefore, be it

RESOLVED, that the following projects in the Capital Fund be closed out, and that the Capital and Debt Service Funds be modified as follows:

<u>Project</u>	<u>Budget</u>	<u>Revenues</u>	<u>Expenditures</u>	<u>Balance</u>
005.1460.0400.2005.0031: Records Management-2005/06	\$ 95,000.00	\$102,500.00	\$100,481.77	\$ 2,018.23
005.3320.2138.0000.0000: Dwntrwn Pkng Lot Imp-2002/03	\$330,000.00	\$330,000.00	\$150,326.41	\$179,673.59
005.3410.0400.2009.0100: Fire Dept & Bldg Imp-2009/10	\$100,000.00	\$100,000.00	\$ 99,987.19	\$ 12.81
005.5110.2099.0000.0000: Beech St Pkg Lot Imp-2000/02	\$200,000.00	\$200,000.00	\$199,999.95	\$ 0.05
005.8160.0203.2008.0079: 31 Yard Garbage Truck	\$224,000.00	\$224,000.00	\$216,646.05	\$ 7,353.95
				<u>\$189,058.63</u>

\$ 2,018.23	From: 005.1460.0400.2005.0031 – Records Management – 2005/2006
\$179,673.59	From: 005.3320.2138.0000.0000 – Downtown Parking Lot Improvements – 2002/2003
\$ 12.81	From: 005.3410.0400.2009.0100 – Fire Dept. & Building Improvements – 2009/2010
\$ 0.05	From: 005.5110.2099.0000.0000 – Beech Street Parking Lot Improvements – 2000/2002
\$ 7,353.95	From: 005.8160.0203.2008.0079 – 31 Yard Garbage Truck
\$189,058.63	To: Debt Service Fund (Transfers from Capital Fund)

**RESOLUTION
CLOSEOUT OF CAPITAL PROJECTS**

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, that there remain a balance or deficit on completed capital projects; and

WHEREAS, that the Village’s independent auditors have identified these balances/deficits and has recommended that corrective action be taken so that these capital projects can be closed out and remaining balances be transferred to the Debt Service Fund to assist in the paying off of debt as per the office of the State Comptroller’s guidelines; and

WHEREAS, the Village Treasurer concurs with this recommendation. Now, therefore, be it

RESOLVED, that the following projects in the Capital Fund be closed out, and that the Capital and General Funds be modified as follows:

To General Fund:

<u>Project</u>	<u>Budget</u>	<u>Revenues</u>	<u>Expenditures</u>	<u>Balance</u>
005.3120.2095.0000.0000: Local Law Blk Police Grant 00/01	\$128,807.00	\$131,353.61	\$128,853.61	\$ 2,500.00
005.3410.0203.2008.0075: Replace Fire Engine 58	\$585,000.00	\$585,000.00	\$584,347.29	\$ 652.71
005.5110.0203.2010.0116: DPW Vehicles-2010/11	\$136,621.00	\$136,621.00	\$133,768.85	<u>\$ 2,852.15</u>
				\$ 6,004.86

\$ 2,500.00	From:	005.3120.2095.0000.0000: Local Law Block Police Grant - 2000/01
\$ 652.71	From:	005.3410.0203.2008.0075: Replace Fire Engine 58 - 2008/09
\$ 2,852.15	From:	005.5110.0203.2010.0116: DPW Vehicles – 2010/2011
\$ 6,004.86	To:	General Fund (Transfers from Capital Fund)

From General Fund:

<u>Project</u>	<u>Budget</u>	<u>Revenues</u>	<u>Expenditures</u>	<u>Balance</u>
005.1940.2121.0000.0000: Various Village Contaminations	\$ 17,390.63	\$ 17,390.63	\$ 20,254.77	(\$ 2,864.14)
005.3120.2080.0000.0000: PD Vests-1999/00	\$ 25,842.50	\$ 25,842.50	\$ 26,077.63	(\$ 235.13)
005.8020.0400.2005.0042: Multi-Hazard Mitigation Plan	\$ 24,142.00	\$ 21,687.36	\$ 21,803.50	(\$ 116.14)
005.7110.0400.2009.0104: Abendroth Pk Grading/Fence	\$283,516.80	\$283,516.80	\$288,688.53	<u>(\$ 5,171.73)</u>
				(\$ 8,387.14)

\$ 8,387.14	From:	General Fund (Transfers to Capital Fund)
\$ 2,864.14	To:	005.1940.2121.0000.0000: Various Village Contaminations - 2001/02
\$ 235.13	To:	005.3120.2080.0000.0000: PD Vests – 1999/2000
\$ 116.14	To:	005.8020.0400.2005.0042: Multi-Hazard Mitigation Plan 2005/06
\$ 5,171.73	To:	005.7110.0400.2009.0104: Abendroth Park Grading & Fence – 2009/2010

RESOLUTION

WESTCHESTER COUNTY FOOD SERVICE PERMIT
FOR SENIOR NUTRITION PROGRAM
220 GRACE CHURCH STREET

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

RESOLVED, that the Village Manager be authorized to submit an application to the Westchester County Health Department for renewal of permit number 01-6620-B which expires March 31, 2013 for the Port Chester Nutrition Program at 220 Grace Church Street.

APPROVED AS TO FORM:

Village Attorney, Anthony Cerreto

ROLL CALL

AYES:

NOES:

ABSENT:

DATE:

Robert P. Astorino
County Executive

Sherlita Amler, M.D.
Commissioner of Health

PERMIT RENEWAL FOR FOOD SERVICE ESTABLISHMENT OWNERS AND OPERATORS

Please be advised that your permit to operate a food service establishment expires soon. According to provisions of Section 873.301 of the Westchester County Sanitary Code, applications must be received not later than 60 days prior to the date of expiration. **In order for you to continue to operate your business, you are required to do the following:**

1. Submit your "Renewal Application for a Permit to Operate"

Answer all questions, and do not leave anything blank. Please include your email contact information. Be sure to date and sign application. Please do not detach or attempt to reassemble the forms for any reason as this will delay processing. Change any information that is incorrect. Note: If the owner's name that appears on the Renewal Application is not yours, or if ownership has changed even if by "name" only, you cannot use this form. Please contact your Regional Office for instructions and an original application.

2. Worker's Compensation/Disability Insurance

SEE PAGE 2 OF THE RENEWAL APPLICATION FOR ACCEPTABLE FORMS. Any questions concerning the forms or procedure should be directed to the local NYS Workers' Comp Board Office or the Bureau of Compliance, NYS Workers' Comp Board at 518-486-6307. If you do not provide Worker's Compensation or Disability Insurance, you are required to submit Form CE-200, which can be done online at www.wcb.ny.gov.

3. Corporate Ownership

If ownership of the business is a corporation, you must file the enclosed "Certificate of Resolution". The person who signs the Renewal Application *must be* the same person named and authorized in the Certificate of Resolution. The corporate seal must be affixed to the document. If your corporate officers have changed since you last filed your application, submit a list of names and addresses of the new corporate officers.

4. Source of Food Supply Form and Food Managers Certification Course

Answer questions concerning your major food suppliers and the Food Managers Certification Course. The Westchester County Sanitary Code mandates that all operators of food service establishments attend an approved Food Managers Course and re-certify every five (5) years. If you have any questions concerning this requirement, contact your Regional Office.

(over)



5. Application Fee

Every application for a permit shall be accompanied by a **NON-REFUNDABLE** application fee as specified on the renewal- see "**Total Fee Due**" printed on **Renewal Application for a Permit to Operate**.

Applications that are received after the permit expiration date will incur an \$80.00 late fee. In addition, Operators may be subject to closure and legal action with additional fines.

Cash Payments are NOT Accepted

Please make checks or money orders payable to:
WESTCHESTER COUNTY HEALTH DEPARTMENT

BE SURE APPLICATIONS ARE COMPLETE
SUBMIT ALL REQUIRED PAPERS PROMPTLY TO AVOID DELAY

Return the completed application and all Supporting documents to:
Westchester County Health Department
Bureau of Public Health Protection
25 Moore Avenue
Mount Kisco, NY 10549
(914) 864-7330

Permit to Operate
Renewal Application

Westchester County Department of Health

Facility Information (Please modify only if information has changed.)

Facility NUTRITION PROGRAM FOR THE ELDERLY -

Code: 01-6620-B

Address 220 GRACE CHURCH STREET
PORT CHESTER, NY 10573

Phone (914) 939-4975

Location Village of PORT CHESTER

County WESTCHESTER

Mail To
VILLAGE OF PORT CHESTER
220 GRACE CHURCH ST.
PORT CHESTER, NY 10573-

Permit Number 01-6620-B

Permit Expiration Date
March 31, 2013

Fee Exempt

Permitted
Operation

NUTRITION PROGRAM FOR THE ELDERLY - PORT CHESTER
SOFA Food Service - SOFA Satellite Site -State Office for the Aging

Operation ID: 455556

In Operation: Year-Round Seasonal

If Seasonal: Expected Opening Date _____ Expected Closing Date _____
Month/Day Month/Day

Capacity: 90 Seats

Days/Hours of Operation: _____

Permit Applicant Information (Please modify only if information has changed.)

Legal Operator or Operating Corporation: VILLAGE OF PORT CHESTER

Person in Charge _____ VILLAGE OF PORT CHESTER
Title First M.I. Last
Address 220 GRACE CHURCH ST.
City, State, Zip PORT CHESTER NY 10573- SSN EIN Number _____
Primary Phone (914) 939-4975 Ext _____ Cell Fax (914) 305-2523 Emergency Contact
Other Phone (914) 939-2200 Ext _____ Cell E-mail carol.nielsen@portchesterny.com

Owner: VILLAGE OF PORT CHESTER

Address 220 GRACE CHURCH ST.
City, State, Zip PORT CHESTER NY 10573- SSN EIN Number _____
Primary Phone (914) 939-4975 Ext _____ Cell Fax (914) 305-2523 Emergency Contact
Other Phone (914) 939-2200 Ext _____ Cell E-mail carol.nielsen@portchesterny.com

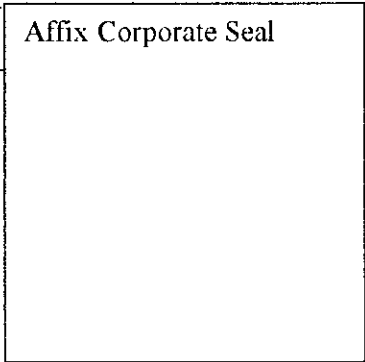
CERTIFICATE OF RESOLUTION
FOR AUTHORIZATION

The Undersigned, _____ of _____
Name of Corporation _____, a corporation
Duly organized and validly existing under the laws of (State) _____
Hereby certifies that the following resolution was duly adopted by the Board of Directors, of said
Corporation, at a meeting duly called and held on the _____ day of _____, 20____.
Be it resolved that the Board of Directors, or President if there is no Board of Directors, of (Name of
Corporation) _____
With offices at: _____
Hereby authorizes (Name if person authorized): _____
To execute and deliver to the Westchester County Department of Health, for and on behalf of said
corporation, and application for a permit to operate a (type of operation): _____

to execute and deliver any and all additional documents which may be appropriate or desirable in
connection therewith.
The undersigned further certifies that said resolution has not been revoked, rescinded or modified and
remains in full force and effect on the date hereof.

In WITNESS WHEREOF, the undersigned has duly executed this certificate
This _____ day of _____, 20____.

OFFICER'S SIGNATURE: _____
TITLE: _____
ACKNOWLEDGEMENT



STATE OF _____)
COUNTY OF _____): ss:

On this _____ day of _____, 20____, before me personally came _____
to me known, and known to me to be the _____ of
_____ the corporation referred to in the within Certificate of
Resolution, who being by duly sworn did depose and say that (s)he is _____
of said corporation and that (s)he signed his/her name thereto.

NOTARY PUBLIC

COUNTY

**WESTCHESTER COUNTY DEPARTMENT OF HEALTH
BUREAU OF PUBLIC HEALTH PROTECTION**

Supplement to be Completed as Part of the Application

SOURCE OF FOOD SUPPLY

ITEM	FIRM	ADDRESS	CITY, STATE
MEAT			
FISH			
DAIRY PRODUCTS			
CANNED PRODUCTS			
BEVERAGES			
OTHER			

FOOD MANAGER'S CERTIFICATION COURSE (PLEASE PRINT CLEARLY)

Have you taken the Food Manager's Certification course Yes No

If yes, name of person who took course: CAROL Nielsen

Social Security number of person who took course: _____

Institution where course was taken: Westchester Community College

Date of course: 5/10/2010

REPORT FROM
THE VILLAGE CLERK

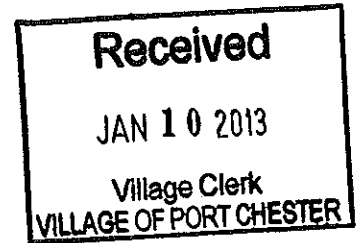
DISCUSSION

CORRESPONDENCE



Mellor Engine & Hose Co. No 3, Inc.

P.O. BOX 575
PORT CHESTER, NEW YORK 10573



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

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

January 9, 2013

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

To whom it may concern:

The members of Mellor Engine & Hose Company #3, Inc. have elected Mr. Harrison Batista, to active membership in the our company. This action took place during our regular monthly meeting.

Mr. Batista resides at 9 Weber Drive Port Chester NY 10573. We believe Mr. Batista will be an asset to the Fire Department. Upon completion of the necessary physical exam requirements, Mr. Batista will present a copy of this letter to your office.

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

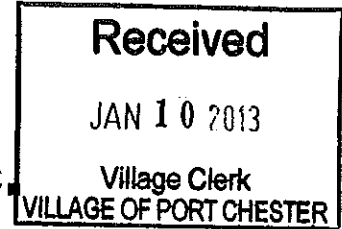
Sincerely,

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



**Mellor Engine &
Hose Co. No 3, Inc.**

P.O. BOX 575
PORT CHESTER, NEW YORK 10573



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

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

January 9, 2013

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

To whom it may concern:

Shiloh Mertz Has resigned from active membership from the Port Chester Fire Department; please remove her from active rolls. We have admitted her to our Honorary membership. Shiloh's badge should be returned to the Village in a timely fashion.

Sincerely,

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



Companies:

Reliance Chemical & Hose
No. 1

Putnam Steamer & Hose
No. 2

Fire Department

Village of Port Chester

WESTCHESTER COUNTY, N. Y.



Headquarters: Westchester Avenue and Ponings Street

Received

JAN 7 2013

Harry Howard Hook &
Ladder No. 1

Village Clerk

VILLAGE OF PORT CHESTER

Fire Police No. 1

Mellor Hose No. 1

Washington Engine & Hose
No. 4

Brookville Hose No. 5

TO THE HONORABLE BOARD OF TRUSTEES OF THE VILLAGE PORT CHESTER, N. Y.:

The Reliance Engine & Hose Coth respectfully reports that at a meeting

held on Dec. 7, 2012 favorable action was taken on the following:

Elected active members Rafael A. Delfino 21 Clinton St. PC. NY 10573

Elected honorary members

Members resigned

Members expelled

Members suspended

Members died Bernard R. Santucci 38 Haines Blvd PC NY 10573

Badges returned (numbers)

Remarks

Secretary.

BRYAN A. SANTUCCI
38 HAINES BLVD.
PORT CHESTER NY 10573

C-4B A

Received
JAN 15 2013
Village Clerk
VILLAGE OF PORT CHESTER

JOHN B. COLANGELO
ATTORNEY AT LAW

DAVID GREGORY GALLO
OF COUNSEL

211 SOUTH RIDGE STREET
RYE BROOK, NEW YORK 10573
(914) 939-0002

FAX (914) 939-2665
e mail: jbclaw100@aol.com

January 8, 2013

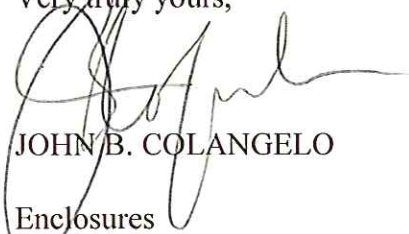
Mayor Dennis Pilla
Members of the Port Chester Board of Trustees
222 Grace Church Street
Port Chester, NY 10573

**Re: *Torosan Realty South Main Street Subdivision
and 96 Perry Avenue Subdivision***

Dear Mayor Pilla and Members of the Board of Trustees:
On January 3, 2013, the above-captioned subdivisions were referred to your Board for review and Public Hearing. I enclose herewith eight (8) copies of the subdivision map for each of the proposed subdivisions, and request that these matters be placed on your agenda for January 22, 2013, for the purposes of scheduling Public Hearings.

If you have additional questions, please feel free to contact me.

Very truly yours,



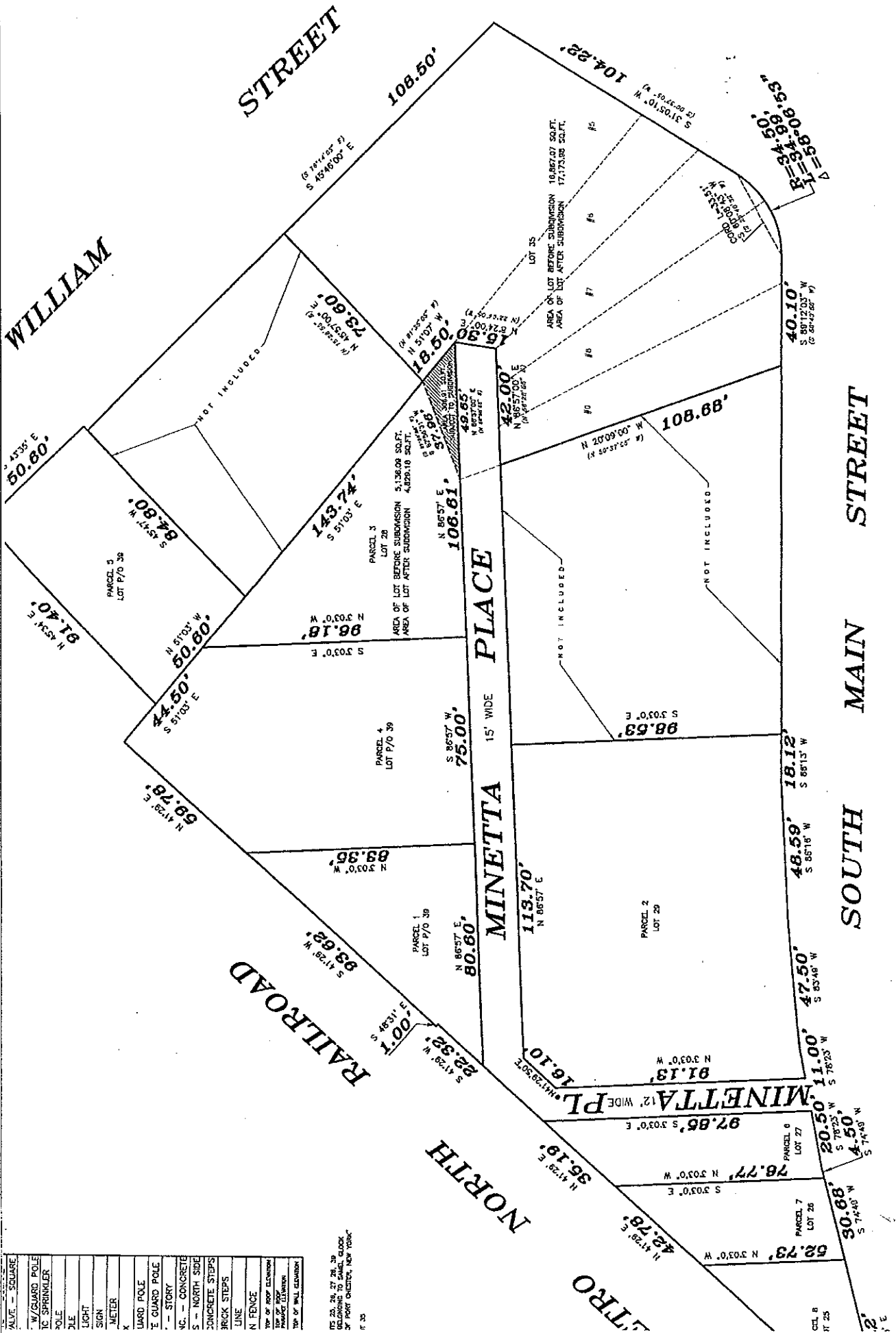
JOHN B. COLANGELO

Enclosures
JBC:dc

January 13,
Please
add item on
agenda ~~to set~~
~~Public Hearing~~
~~Planning's~~
~~recommendation~~
for

ALVE - SQUARE
W/GUARD POLE
IC SPRINKLER
POLE
DLE
LIGHT
SIGN
METER
X
WARD POLE
E GUARD POLE
- STORY
VC - CONCRETE
S - NORTH SIDE
CONCRETE STEPS
BRICK STEPS
LINE
N FENCE
TOP OF ROOF ELEVATION
TOP OF FINISH ELEVATION
TOP OF WALL ELEVATION

BY 23, 24, 27, 28, 30
 OF THE STATE OF NEW YORK
 IN THE COUNTY OF NEW YORK
 R. 35



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

January 3, 2013

**TOROSAN/GATEWAY PLAZA SUBDIVISION
Section 142.38, Block 1, Lots 25, 26, 27, 28, 29 & 39**

WHEREAS, a subdivision application has been submitted by Torosan Realty and Gateway Plaza for property located off South Main Street to the Planning Commission for review and recommendation; and

WHEREAS, the site is located within the C-4 General Commercial zoning district and is more specifically known and designated as Section 142.38, Block 1, Lots 25, 26, 27, 28, 29 & 39; and

WHEREAS, the applicant has submitted the following subdivision plan, prepared by Geoland Professional Land Surveying, Glendale, NY, dated November 27, 2012; and

WHEREAS, the applicant proposes to transfer a 306.91 square foot triangular parcel of land from Lot 28 (owned by Torosan) to Lot 35 (owned by Gateway Plaza). No new lots are being created. The purpose of the transfer is to "square off" the rear of the Gateway Plaza parcel.

WHEREAS, the applicant has indicated that no development is presently proposed on the site; and

WHEREAS, the Planning Commission reviewed the application at a public meeting, at which time anyone wishing to comment on this matter was provided an opportunity to be heard, and additionally, the Planning Commission reviewed all of the materials submitted by the applicant in support of the application, as well as all comment memoranda submitted by Village staff and consultants, has visited the site, and is fully familiar with all aspects of the proposal; and

NOW THEREFORE BE IT RESOLVED, that based upon the forgoing, the Planning Commission hereby refers subdivision to the Board of Trustees, subject to the following conditions:

1. This recommendation is specific to the layout, configuration and property improvements depicted on the subdivision plans described herein.
2. The transfer of land would (along with the abandonment of Minetta Place) "square off" the rear of the Gateway Plaza property, thereby creating a more uniform and well-defined parcel.
3. The small size of the land to be transferred limits the significance of any new development opportunities that may be created.


4. Both the Torosan Realty property and the Gateway Plaza property are currently underutilized. Creating the physical conditions to foster potential future development, in full conformance with the applicable zoning regulations, reflects an appropriate municipal objective.

BE IT FINALLY RESOLVED, that this resolution shall have an effective date of January 3, 2013.

On the motion of Commissioner *CERVINKA*, seconded by Commissioner *ANTAKI*, it was adopted by the following vote:

Ayes: 5

Nays: 0


Michael Scarola, Chairman

This resolution was thereupon duly adopted

C-410^H

Received
JAN 15 2013
Village Clerk
VILLAGE OF PORT CHESTER

JOHN B. COLANGELO
ATTORNEY AT LAW

DAVID GREGORY GALLO
OF COUNSEL

211 SOUTH RIDGE STREET
RYE BROOK, NEW YORK 10573
(914) 939-0002

FAX (914) 939-2665
e mail: jbcclaw100@aol.com

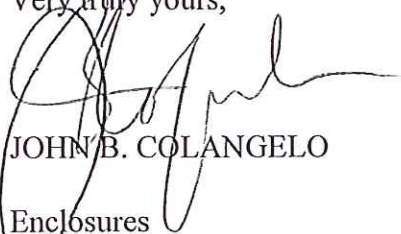
January 8, 2013

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

**Re: *Torosan Realty South Main Street Subdivision*
*and 96 Perry Avenue Subdivision***

Dear Mayor Pilla and Members of the Board of Trustees:
On January 3, 2013, the above-captioned subdivisions were referred to your Board for review and Public Hearing. I enclose herewith eight (8) copies of the subdivision map for each of the proposed subdivisions, and request that these matters be placed on your agenda for January 22, 2013, for the purposes of scheduling Public Hearings.

If you have additional questions, please feel free to contact me.

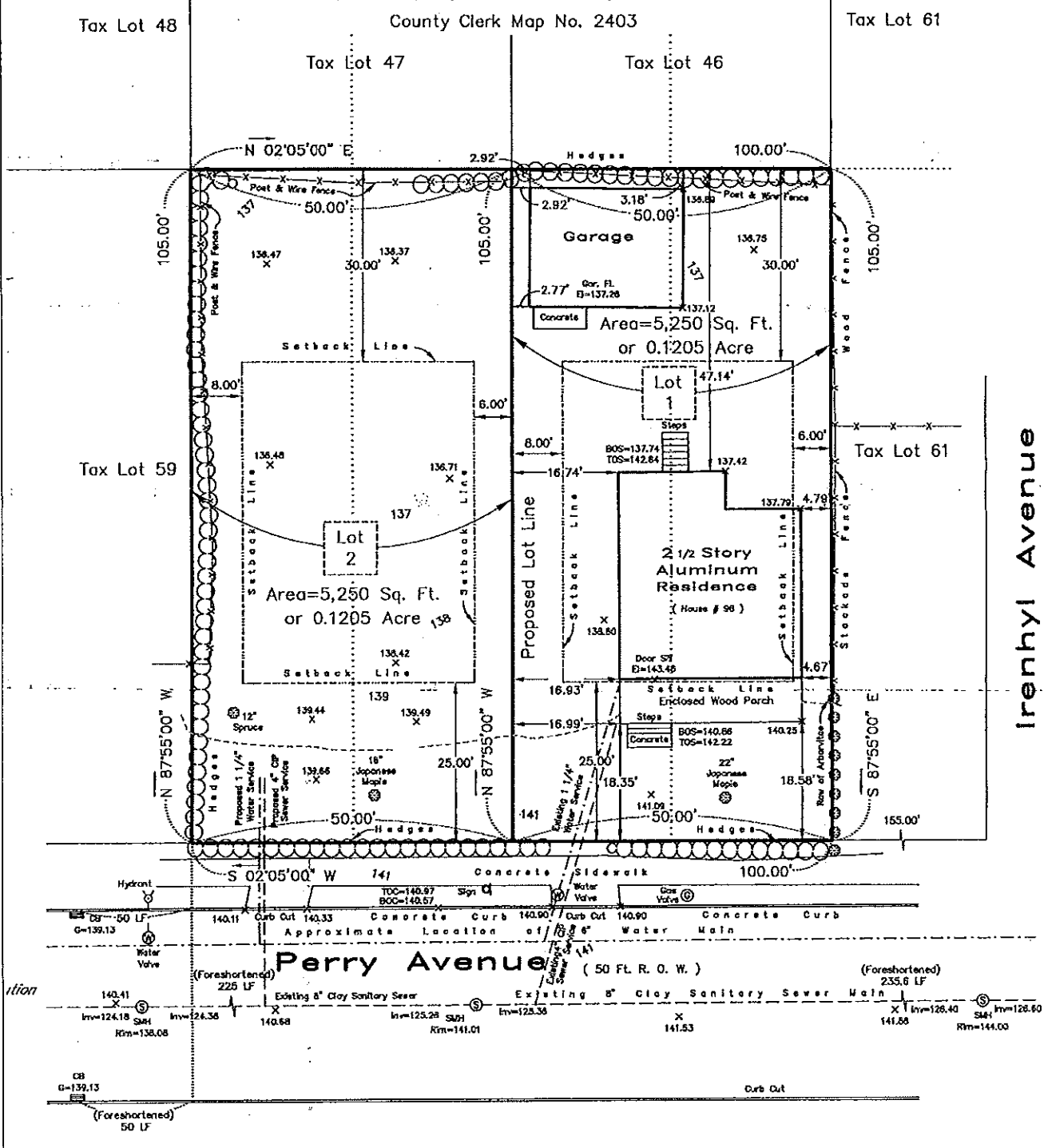
Very truly yours,

JOHN B. COLANGELO
Enclosures
JBC:dc

James,
Please
add item on
agenda ~~to set~~
~~Public Hearing~~
~~Per Planning's~~
~~recommendation~~
JBC

Zoning Table		District: R-5 (One Family Residential)	
Requirements	Lot 1	Lot 2	
Min. Lot Area: 5,000 Sq. Ft.	5,250 Sq. Ft.	5,250 Sq. Ft.	
Min. Lot Width: 50 Ft.	50 Ft.	50 Ft.	
Min. Lot Depth: 100 Ft.	105 Ft.	105 Ft.	
Min. Front Setback: 25 Ft.	18.35 Ft. * (Pre-existing)	25 Ft.	
Min. 1 Side Setback: 8 Ft.	4.67 Ft. * (Pre-existing)	8 Ft.	
Total 2 sides: 14 Ft.	21.41 Ft.	14 Ft.	
Min. Rear Setback: 30 Ft.	30 Ft.	42.14 Ft.	
Max. BLDG Height: 35 Ft.	< 35 Ft.	35 Ft.	
Max. BLDG Height: 2 1/2	2 1/2 Stories	2 1/2 Stories	

"Subdivision Map of Property known as Wesley Homestead" Block "C"

County Clerk Map No. 2403



Subdivision Map
prepared for

Village of Port Chester Tax Assessment Designation

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

January 3, 2013

**96 PERRY AVENUE SUBDIVISION
Section 135.76, Block 3, Lot 60**

WHEREAS, a subdivision application has been submitted by Vera K. Davis for property located at 96 Perry Avenue to the Planning Commission for review and recommendation; and

WHEREAS, the site is located within the R-5 One Family Residence zoning district and is more specifically known and designated as Section 135.76, Block 3, Lot 60; and

WHEREAS, the applicant has submitted the following plans, prepared by Escaladas Associates, Architects and Engineers, Elmsford, dated October 9, 2012:

- 1 of 2 Proposed Sewer Connection
- 2 of 2 Detail Sheet

WHEREAS, the applicant proposes to subdivide a 10,500 square foot parcel of land fronting on Perry Avenue which currently supports an existing two and one half story dwelling and a detached garage; and

WHEREAS, the subdivision will create two new lots of 5,250 square feet respectively. The existing dwelling located on Lot 1 will remain, and one new single-family residence is proposed on Lot 2; and

WHEREAS, the Planning Commission reviewed the application at a public meeting, at which time anyone wishing to comment on this matter was provided an opportunity to be heard, and additionally, the Planning Commission reviewed all of the materials submitted by the applicant in support of the application, as well as all comment memoranda submitted by Village staff and consultants, has visited the site, and is fully familiar with all aspects of the proposal; and

NOW THEREFORE BE IT RESOLVED, that based upon the forgoing, the Planning Commission hereby refers subdivision to the Board of Trustees, subject to the following conditions:

1. This recommendation is specific to the layout, configuration and property improvements depicted on the subdivision plans described herein.
2. The presence of the detached garage on Lot 1 restricts the availability of required usable open space (2,000 square feet is required, approximately 1,870 square feet is provided). The applicant has indicated that a shed attached to the garage can be

removed, thereby allowing for compliance with the usable open space provision. The Planning Commission recommends the removal of this shed. If the shed is not removed, then a variance would be required.

3. All comments of the Village Engineer shall be addressed.
4. The provision of a "hammer-head turn around in the front yard is not recommended, as it would result in excessive pavement and impervious surface in the front yard, create a negative visual condition, and encourage front yard parking, which is not in keeping with the character of the surrounding neighborhood.
5. Should the building on Lot 1 be demolished, the vacant site shall be secured and stabilized to the satisfaction of the Building Inspector.
6. The Planning Commission recognizes that a need exists for park land within the community, and has determined that a suitable park or recreation site cannot be located on the site, and the a fee-in-lieu of park land should be supplied by the applicant in accordance with Village regulations and the municipal fee schedule.
7. The applicant shall obtain all other applicable permits and approvals and shall pay all other fees prior to the execution of the final site plan.

BE IT FINALLY RESOLVED, that this resolution shall have an effective date of January 3, 2013.

On the motion of Commissioner BAXTER, seconded by Commissioner CERVINKA, it was adopted by the following vote:

Ayes: 6

Nays: 0


Michael Scarola, Chairman

This resolution was thereupon duly adopted

CPLR §2302: Authority to issue

(a) **Without court order.** Subpoenas may be issued without a court order by the clerk of the court, a judge where there is no clerk, the attorney general, an attorney of record for a party to an action, an administrative proceeding or an arbitration, an arbitrator, a referee, or **any member of a board, commission or committee authorized by law to hear, try or determine a matter or to do any other act, in an official capacity, in relation to which proof may be taken or the attendance of a person as a witness may be required;** provided, however, that a subpoena to compel production of a patient's clinical record maintained pursuant to the provisions of section 33.13 of the mental hygiene law shall be accompanied by a court order. A child support subpoena may be issued by the department, or the child support enforcement unit coordinator or support collection unit supervisor of a social services district, or his or her designee, or another state's child support enforcement agency governed by title IV-D of the social security act.

CPLR §2308: Disobedience of subpoena

(b) **Non-judicial.** (1) Unless otherwise provided, if a person fails to comply with a subpoena which is not returnable in a court, the issuer or the person on whose behalf the subpoena was issued may **move in the supreme court to compel compliance. If the court finds that the subpoena was authorized, it shall order compliance and may impose costs not exceeding fifty dollars. A subpoenaed person shall also be liable to the person on whose behalf the subpoena was issued for a penalty not exceeding fifty dollars and damages sustained by reason of the failure to comply. A court may issue a warrant directing a sheriff to bring the witness before the person or body requiring his appearance.** If a person so subpoenaed attends or is brought before such person or body, but refuses without reasonable cause to be examined, or to answer a legal and pertinent question, or to produce a book, paper or other thing which he was directed to produce by the subpoena, or to subscribe his deposition after it has been correctly reduced to writing, the court, upon proof by affidavit, **may issue a warrant directed to the sheriff of the county where the person is, committing him to jail, there to remain until he submits to do the act which he was so required to do or is discharged according to law.** Such a warrant of commitment shall specify particularly the cause of the commitment and, if the witness is committed for refusing to answer a question, the question shall be inserted in the warrant.

	CITIZEN COMPLAINT	NEPOTISM	INVESTIGATORY POWER OF EB	PENALTIES LEVIED BY EB
Town of Mamaroneck	N/A	√ §17-5(B)(2) – “no...special consideration, treatment, favor or advantage...”	N/A	N/A
Village of Bronxville	√ §21-12(A) – “Upon receipt of a sworn complaint by any person...”	√ §21-3(3)(b) – “...refrain from taking any discretionary action...in order to obtain a pecuniary or material benefit...”	√ §21-11(C) – outlines powers and duties §21-12(A) – “...conduct any investigation necessary...” *subpoena power included	√ §21-13 – “Any village officer or employee...may be warned or reprimanded or suspended or removed...”
Village of Ardsley	N/A	N/A	N/A	√ §18-6 – “any person...may be fined, suspended or removed...” *includes power to fine in any manner as provided by law
Village of Scarsdale	N/A	N/A	√ §37-3(D) – “...disclose...the nature and extent of any direct or indirect financial or other private interest...”	√ §37-6 – “...suspended or removed...”

	CITIZEN COMPLAINT	NEPOTISM	INVESTIGATORY POWER OF EB	PENALTIES LEVIED BY EB
Town of New Castle	N/A	√ §9-3(E) – “no town official or employee shall...give or secure privileges...” (see also 9-3(C) & (D))	√ §9-4(D)(2) – “...request and receive...data as will enable the Board...to carry out its functions...”	√ §9-6 – penalties that can be levied by Board *includes power to fine – not more than \$100 for the first offense and not more than \$250 for each subsequent offense
Town of Greenburgh	√ §570-11(D) – “...the receipt of a verified complaint by any resident of the Town...” §570-11(K) – “Should the Board of Ethics receive a verified complaint...it shall promptly transmit a copy...to the Town Board...”	√ §570-4(B) – “No public officer, employee...shall use any information...for the purpose of furthering his/her interests...”	√ §570-11(I)(J) – “...shall conduct an initial investigation...with respect to any verified complaint...” *no subpoena power, but may call witnesses, and administer oaths & affirmations if witnesses are called	√ §570-9 – penalties for offenses that can be levied by Board *includes power to fine – not in excess of \$250
City of White Plains	√ §2-5-111(a)(1) – “...authority to receive from any person a written complaint questioning the compliance by any City officer or employee...”	√ §2-5-109(e) – “...an officer or employee...shall publicly disclose...any financial or other private interest...”	√ §2-5-111(8-10) – “...the Board shall proceed to conduct a full investigation of the complaint...” “the Board...may issue subpoenas...” *subpoena power included	N/A

	CITIZEN COMPLAINT	NEPOTISM	INVESTIGATORY POWER OF EB	PENALTIES LEVIED BY EB
City of New Rochelle	<p style="text-align: center;">√</p> <p>§33-11(5) – “Receive complaints alleging a violation of this article...”</p>	N/A	<p style="text-align: center;">√</p> <p>§33-17 – “...the power...to conduct any investigation necessary to carry out the provisions of this article...”</p> <p>*subpoena power included</p>	<p style="text-align: center;">√</p> <p>§33-14 – outline penalties that can be levied by Board</p> <p>*includes power to fine – civil penalty in an amount not to exceed \$10,000</p>



ANDREW M. CUOMO
GOVERNOR

STATE OF NEW YORK
EXECUTIVE DEPARTMENT
DIVISION OF ALCOHOLIC BEVERAGE CONTROL
STATE LIQUOR AUTHORITY

317 LENOX AVENUE, 5TH FLOOR
NEW YORK, NEW YORK 10027-4450

NOTICE OF HEARING PURSUANT TO SECTION 64(7) OR 64-a(7)
of the Alcoholic Beverage Control Law
(212) 961-8385

Received
JAN 11 2013
Village Clerk
VILLAGE OF PORT CHESTER

DENNIS ROSEN
CHAIRMAN
JEANIQUE GREENE
COMMISSIONER

Community Board/Municipality:

Village Clerk of Portchester
333 Grace Church St
Portchester, NY 10573

PLEASE TAKE NOTICE that a hearing pursuant to Section 64(7) or 64-a(7) of the Alcoholic Beverage Control Law, concerning a proposed premises which is located within a 500 foot radius of at least three (3) other licensed and operating on-premises liquor establishments, will be held on:

DATE: 1/24/13
TIME: 11:00 A.M.
PLACE OF HEARING: 317 Lenox Ave, New York, NY 10027
ROOM: 4th Floor

A on premise application was filed on: 1/3/13 with the State Liquor Authority for the following premises:

BELGIAN BRASSERIE LLC: 151WESTOP1268162252
DBA:
ABENDROTH AVE
PORTCHESTER, NY 10573

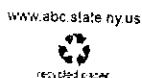
Testimony will be taken from: the applicant and/or an authorized representative, an individual duly authorized to represent the community board or municipality in an official capacity, and any other qualified intervenor.

Written testimony submitted in lieu of oral testimony is preferred, and should be submitted in addition to oral testimony. The official position of the Community Board must be in writing and must reflect the decision of a majority of the members present and entitled to vote during the presence of quorum. The hearing officer has the discretion to limit the time that individual speakers will have to testify.

Speakers will only be permitted to testify to issues of fact regarding the specific application at hand and must address the impact of the proposed premises in relation to the other licensed and operating on-premises liquor establishments within the 500' radius. Cumulative testimony will not be permitted.

THERE WILL BE NO ADJOURNMENT OF THIS HEARING.

Attorney/Representative:
WARREN B PESETSKY ESQ
PESETSKY & BOOKMAN
325 BROADWAY STE 501
NEW YORK, NY 10007



STATE LIQUOR AUTHORITY
by: Kerri J. O'Brien, Deputy Commissioner
Date: 01/09/2013

January 15, 2013

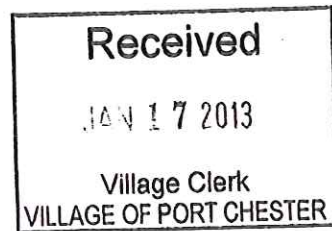
Village of Port Chester
222 Grace Church Street
Port Chester NY 10573

VILLAGE OF PORT CHESTER

JAN 16 2013

RECEIVED

RE: KKDC Inc.
508 Westchester Avenue
Port Chester NY 10573



Dear Sir or Madam:

Please be advised that the captioned party is going to apply for a beer and wine license at the subject address. We also do inform you hereby that we are in "extreme financial hardship" due to the poor economic conditions brought on by the recession. In view thereof, we request that you extend to us a waiver of the 30 day period required for notification of the municipality.

Sincerely,
James Gould
JAMES GOULD

845-551-5888



1.	Date the original copy of this Notice was mailed to the Local Municipality or Community Board:		0	1	1	5	2	0	7	3				
THIS 30-DAY ADVANCE NOTICE IS BEING PROVIDED TO THE CLERK OF THE FOLLOWING LOCAL MUNICIPALITY OR COMMUNITY BOARD														
2.	Name of the Local Municipality or Community Board:		Municipality of Portchester											
FOR NEW APPLICANTS, PROVIDE DESCRIPTION BELOW USING ALL INFORMATION KNOWN TO DATE FOR ALTERATION APPLICANTS, ATTACH COMPLETE DESCRIPTION AND DIAGRAM OF PROPOSED ALTERATION(S) FOR CURRENT LICENSEES, SET FORTH APPROVED METHOD OF OPERATION ONLY DO NOT USE THIS FORM TO CHANGE YOUR METHOD OF OPERATION														
3.	Type(s) of alcohol sold or to be sold under the license ("X" one):		<input type="checkbox"/> Beer Only	<input checked="" type="checkbox"/> Wine and Beer Only	<input type="checkbox"/> Liquor, Wine, and Beer									
4.	Extent of food service: ("X" one)		<input checked="" type="checkbox"/> Restaurant (Sale of food primarily; Full food menu; Kitchen run by chef)			<input type="checkbox"/> Tavern / Cocktail Lounge / Adult Venue / Bar (Alcohol sales primarily - meets legal minimum food availability requirements)								
5.	Type of establishment: ("X" all that apply)		<input type="checkbox"/> Hotel	<input type="checkbox"/> Live Music	<input type="checkbox"/> Disk Jockey	<input type="checkbox"/> Juke Box	<input type="checkbox"/> Patron Dancing (Small Scale)	<input type="checkbox"/> Cabaret, Night Club, Discotheque (Large Scale Dance Club)	<input type="checkbox"/> Capacity for 600 or more patrons					
			<input type="checkbox"/> Club (e.g. Golf / Fraternal Org.)	<input type="checkbox"/> Bed & Breakfast	<input type="checkbox"/> Catering Facility	<input type="checkbox"/> Karaoke Bar	<input type="checkbox"/> Stage Shows	<input type="checkbox"/> Topless Entertainment	<input type="checkbox"/> Recreational Facility (Sports Facility/Vessel)					
6.	Licensed outdoor area:		<input checked="" type="checkbox"/> None	<input type="checkbox"/> Rooftop	<input type="checkbox"/> Patio or Deck	<input type="checkbox"/> Freestanding Covered Structure	<input type="checkbox"/> Garden / Grounds	<input type="checkbox"/> Sidewalk Cafe	<input type="checkbox"/> Other (Specify):					
7.	Will the license holder or a manager be physically present within the establishment during all hours of operation? ("X" one):								<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO				
8.	License serial number:		9.		Expiration Date:									
10.	The applicant's or license holder's full name, as it appears or will appear on the license:		KK DC Inc.											
11.	The trade name, if any, under which the establishment conducts or will conduct business:		John's of Arthur Avenue											
12.	The establishment is located within the building which has the following street address:		508 Westchester Avenue Portchester NY 10573											
13.	City, Town, or Village:		Portchester					NY	Zip Code: 10573					
14.	The establishment is located on the following floor(s) of the building at the above address:		Ground Floor											
15.	Within the building at the above address, the establishment is located within the room(s) numbered as follows:													
16.	Business telephone number of applicant/licensee:		9	1	4	-	4	8	1	-	8	8	8	8
17.	Business fax number of applicant/licensee:													
18.	Business e-mail address of applicant/licensee:													
19.	Does the applicant or license holder own the building in which the establishment is located? ("X" one)		Yes <input type="checkbox"/>			If "YES", SKIP items No. 20-23. Complete the 3 entries at Item No. 24.			No <input checked="" type="checkbox"/>			If "NO", ANSWER items No. 20-23, and complete the 3 entries at Item No. 24.		
OWNER OF THE BUILDING IN WHICH THE LICENSED ESTABLISHMENT IS LOCATED														
20.	Building owner's full name is:		Urstadt Biddle Properties Inc.											
21.	Building owner's street address:		321 Railroad Avenue, Greenwich, Conn 06830											
22.	City, Town, or Village:		Greenwich					CT	Zip Code: 06830					
23.	Business telephone number of building owner:		2	0	3	-	8	6	3	-	8	2	0	
24.	I am the applicant or hold the license or am a principal of the legal entity that holds or is applying for the license. Representations in this form are in conformity with representations made in submitted documents relied upon by the Authority when granting the license. I understand that representations made in this form will also be relied upon, and that false representations may result in disapproval of the application or revocation of the license.													
By my signature, I affirm - under Penalty of Perjury - that the representations made in this form are true.														
Printed Name:		James Gould			Title:		President			Signature:		James Gould		

**PUBLIC COMMENTS
AND
BOARD COMMENTS**