

**VILLAGE OF PORT CHESTER
BOARD OF TRUSTEES
Meeting, Monday, March 4, 2013
Proposed Special Meeting: 5:30-7:00 P.M.
Regular Meeting: 7:00 P.M.
VILLAGE JUSTICE COURTROOM
350 North Main Street
Port Chester, New York
AGENDA**

TIME: 5:30 P.M. to 7:00 P.M.

	WORK SESSION	ACTION
1	TIME: 5:30 P.M. to 6:15 P.M. Starwood - United Hospital	
2	TIME: 6:15 P.M. to 7:00 P.M. Zoning Text and Map proposed DW2 Downtown Design Waterfront Zoning District	

TIME: 7:00 P.M.

I	AWARD PRESENTATION	ACTION
1	To Port Chester High School Varsity Girls Bowling Team	
II	AFFIDAVIT OF PUBLICATION AND NOTICE OF PUBLICATION RE:	ACTION
1	Public Hearing to consider Zoning Text Amendments and Amendments to the Village Official Zoning Map Implementing the Comprehensive Plan.	
2	Consider the subdivision of Torosan Realty, South Main Street	
3	Consider the subdivision – Estate of Vera Davis, 96 Perry Avenue	
III	PRESENTATION	ACTION
1	Presentation by PC Community Cares Coalition on Park signage.	
2	Presentation of the Nixle comprehensive notification platform.	

IV	PUBLIC COMMENTS	ACTION
V	RESOLUTIONS	ACTION
	Planning	
1	Minetta Place private right-of-way	
	Parks / Recreation	
2	Authorize the Village Manager to enter into an agreement with LandTek Service to provide Turf Maintenance for Columbus Park Turf Soccer Field for 2013.	
3	Authorize the Village Manager to enter into an agreement with South East Consortium for Special Services, Inc. to provide services for the disabled in our community.	
	Administration	
4	Animal shelter agreement - Authorize the Village Manager to enter into an agreement with Stamen Animal Hospital and Violi Veterinary Care PPC, 61 Quaker Ridge Road, New Rochelle, New York 10804 to provide and maintain a pound or shelter for dogs seized in the Village and necessary veterinary care	
5	Appoint Additional Election Inspectors for the March 19, 2013 Village election.	
VI	REPORT OF THE VILLAGE MANAGER	
1	Update	
VII	REPORT OF THE VILLAGE CLERK	
1	Update on the Village Election	
VIII	DISCUSSIONS	ACTION
1	Additional amendments to Amnesty Program for 1 and 2 family homes.	
2	Landlord Registry – Per Mayor’s Request	
IX	CORRESPONDENCE	ACTION
1	From Port Chester Youth Baseball League (PCYBL) regarding the Fun Run on Saturday, April 13, 2013	
2	From Jerry Terranova, Chairman, & Park Commissioners regarding Port Chester Cares Community Coalition presenting their final changes to the proposed No Smoking signs.	

3	From the Recreation Commission who wishes to continue pursuing opportunities for funding the renovation of the old Horton school gym space.	
X	PUBLIC COMMENTS AND BOARD COMMENTS	ACTION

TIME: _____

WORK SESSION

VILLAGE OF PORT CHESTER
DEPARTMENT OF PLANNING & DEVELOPMENT

222 Grace Church Street, Rm. 202
Port Chester, NY 10573
(P) 914.937.6780
(F) 914.937.3169



Christopher Gomez, Director
Jessica Youngblood, Planner
Connie Phillips, Secretary

To: Hon. Mayor Pilla and Board of Trustees

From: Christopher Gomez, Director of Planning and Development

Re: Village Planning Responses to Comments Regarding Starwood/United Hospital Development

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

Date: March 1, 2013

As requested by the Board, I have provided responses below to clarify the impacts of the bulk and dimensional requirements of the proposed PMU Planned Mixed Use District in response to comments raised at the February 19, 2013 zoning text and map amendments public hearing and correspondence from Anthony B. Gioffre III Esq. of Cuddy & Feder LLP. Further, Frank Fish of BFJ Planning will be in attendance at the continued public hearing on March 4 to answer questions regarding the origin and subsequent genesis of the proposed PMU Planned Mixed Use District.

Note: Floor Area Ratio (FAR) = $\frac{\text{Total built square footage}}{\text{Land area of the parcel}}$

Comment:

“With regard to the proposed PMU zoning text that will be on the Board’s agenda for its next meeting, we remain opposed to it because the United Hospital site is the only major residential/mixed-use site in the Comprehensive Plan that had specific FAR requirements. The Comprehensive Plan failed to explain why the United Hospital site was being treated differently than Purdy Avenue and Fox Island where the Comprehensive Plan simply suggested that “... any new residential development would be properly controlled so as to not result in potential adverse impacts on public schools, traffic and infrastructure.”

Response:

The Comprehensive Plan is a vision document and as such does not need to speak to or predict the intention of subsequent specific zoning regulations enacted to achieve its stated goals and policies (e.g. height limitations or matrix allocating permitted floor area ratio by land use). Further, the rationale for treating the PMU in a unique manner is clearly outlined in the revised draft local law that recognizes the site(s) as the largest undeveloped parcel(s) left in

Village and the intent to "provide criteria so that mixed use development, including a variety of commercial, office, residential, and community facilities may be planned and developed in a unified manner". This approach is clearly consistent with the adopted Comprehensive Plan.

Comment:

"The proposed PMU zoning would also downsize the residential FAR from 0.80 to 0.20 – an arbitrary and capricious reduction that equates to a 75% diminution of the current 'as-of-right' zoning. We believe the proposed zoning would destroy the greater part of the value of the property because it permanently precludes the use for which it is most readily adapted. New York's highest court has held such actions to be an unconstitutional *de facto* taking. Furthermore, we believe that capping FAR at 0.80 now without any site-specific market studies or data is arbitrary, capricious, and particularly shortsighted for a Village that is looking for smart and feasible ways to grow its ratables."

Response:

This statement is factually incorrect. The PMU as currently conceived provides for both .20 FAR for unrestricted residential use and .30 FAR for age-restricted housing for a total potential maximum residential component of .50 FAR or 63% percent of the total as-of-right FAR permitted. The Final Generic Environmental Impact Statement (FGEIS) build-out study calculated that 260 dwelling units can be achieved with the .20 unrestricted FAR and up to as many as 432 dwelling units when combining both the unrestricted (.20) and age-restricted residential (.30) FAR.

Further, it is important to note that while the FAR is .80 in the existing R2F Zoning District, the 5,000 sq. ft. minimum lot size (or 2,500 sq. ft. per unit) regulation is the determining factor in the number of dwelling units permitted on the site. The build-out portion of the FGEIS calculates only 240 dwelling units under existing R2F zoning, or 20 units less than permitted under the proposed PMU unrestricted residential component (.20 FAR) and 192 units less than permitted when also considering the age-restricted component (.50 FAR total). So rather than a 75% diminution of as-of-right zoning, the proposed PMU actually increases residential potential by up to 80% (432 dwelling units versus 240).

From these numbers it is clear that the proposed PMU in no way constitutes a de facto taking. Not only will the PMU permit significantly more dwelling units than the existing R2F zone, but it will also enable a developer to select various additional complimentary commercial uses currently not permitted under the R2F zoning in an effort to create a true mixed-use environment.

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Christopher Gomez, Director
Jessica Youngblood, Planner
Connie Phillips, Secretary

To: Hon. Mayor Pilla and the Board of Trustees

From: Christopher Gomez, Director of Planning and Development

Re: Proposed DW2 Downtown Design Waterfront District Setback Analysis

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

Date: March 1, 2013

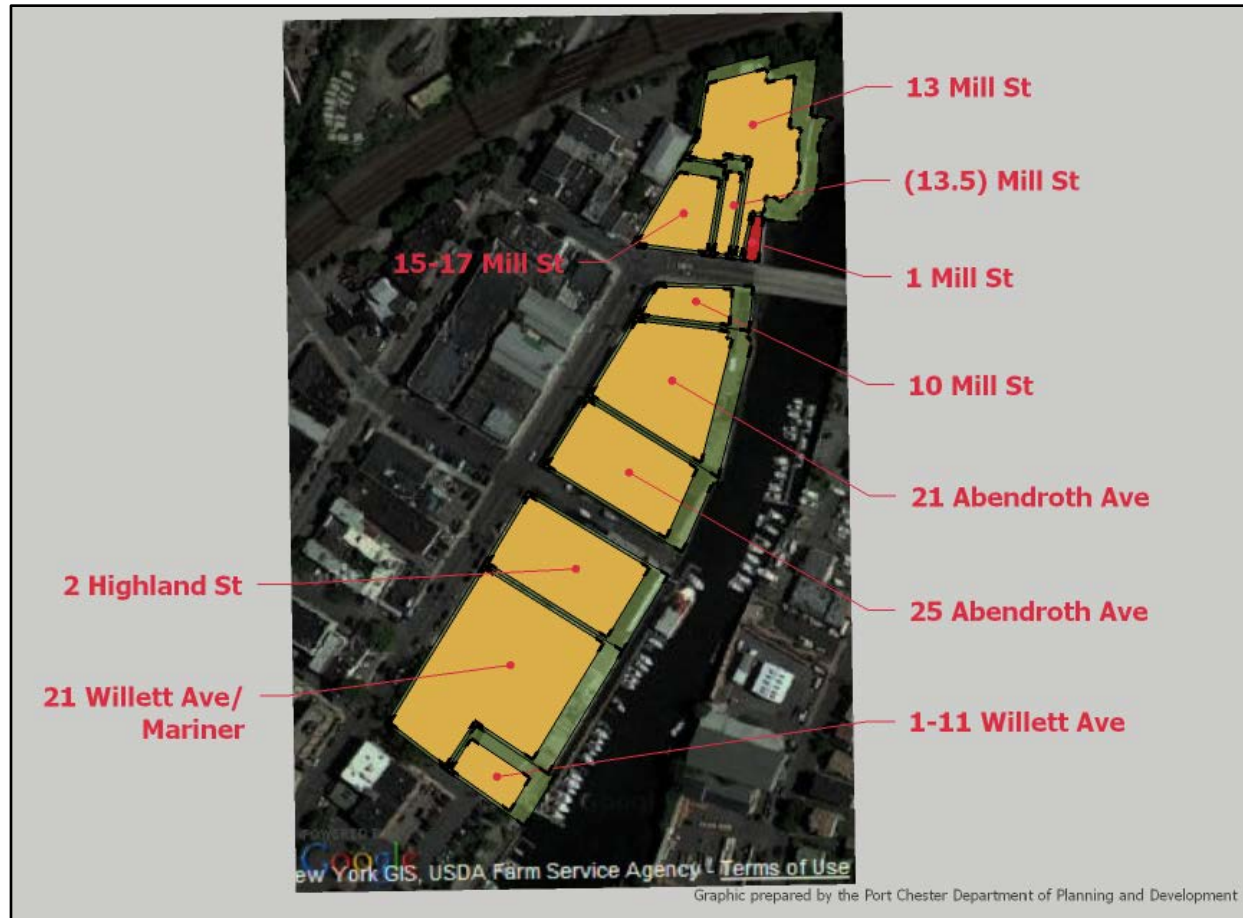
The attached updated DW2 setback analysis calculates the potential development envelope, buildable square footage and setback percentage per lot for the proposed district regulations and various scenarios as requested by the Board. Each scenario table provided includes those three variable columns while all other fields remain constant.

Please note that percentage of lot dedicated to setbacks can be a bit misleading as the Floor Area Ratio (buildable square footage divided by parcel size) and maximum permitted height of four stories, in accordance with the comprehensive plan, are the more significant factors in determining total buildout. The setbacks as percentage of total lot area only analyzes the parcel in plane, whereas the FAR and height consider 3D volume. Further, by way of comparison, setbacks in the Village's R-5 One-Family Residence District consume 67% percent of a typical 5,000 sq. ft. lot



DW2 Downtown Design Waterfront District: Proposed Setback Analysis

	DW2 Downtown Design Waterfront § 345-54.1
Maximum Floor Area Ratio	2.40 (2.6)
Maximum Floor Area Ratio For 1 Story	NR
Minimum Size of Lot:	
Area, nonresidential (square feet)	NR
Area per dwelling unit (square feet)	600 (500)
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 ⁸



Graphic prepared by the Port Chester Department of Planning and Development



DW2 District Setback Analysis

Proposed draft local law setbacks: 30' river, 5' front/side

Lot	Total Lot Area	Existing Built Sq. Ft.	Max Sq. Ft. (1.6 FAR - DW original proposal)	Max Sq. Ft. (2.4 FAR - as of right DW2)	Floor Plate w/Setbacks	Max Sq. Ft. (4 Stories)	Setback as % of Lot Area
1 - 11 Willett Ave	11,456	3,500	18,330	27,494	6,015	24,060	47%
141 Abendroth / Mariner	60,559	146,480	96,894	145,342	48,798	195,192	19%
2 Highland St	31,130	87,435	49,808	74,712	24,997	99,988	20%
25 Abendroth Ave	29,151	28,125	46,642	69,962	22,733	90,932	22%
21 Abendroth Ave	35,965	18,020	57,544	86,316	27,026	108,104	25%
10 Mill St	9,484	4,928	15,174	22,762	6,020	24,080	37%
1 Mill St	1,244	2,624	1,990	2,986	0	0	100%
13 Mill St	36,904	3,360	59,046	88,570	22,557	90,228	39%
(13.5) Mill St	4,761	0	7,618	11,426	2,732	10,928	43%
15 - 17 Mill St	12,558	5,260	20,093	30,139	9,444	37,776	25%

Scenario A: 30' river, 0' front/side

Lot	Total Lot Area	Existing Built Sq. Ft.	Max Sq. Ft. (1.6 FAR - DW original proposal)	Max Sq. Ft. (2.4 FAR - as of right DW2)	Floor Plate w/Setbacks	Max Sq. Ft. (4 Stories)	Setback as % of Lot Area
1 - 11 Willett Ave	11,456	3,500	18,330	27,494	6,853	27,412	40%
141 Abendroth / Mariner	60,559	146,480	96,894	145,342	52,283	209,132	14%
2 Highland St	31,130	87,435	49,808	74,712	27,728	110,912	11%
25 Abendroth Ave	29,151	28,125	46,642	69,962	25,355	101,420	13%
21 Abendroth Ave	35,965	18,020	57,544	86,316	29,376	117,504	18%
10 Mill St	9,484	4,928	15,174	22,762	7,550	30,200	20%
1 Mill St	1,244	2,624	1,990	2,986	0	0	100%
13 Mill St	36,904	3,360	59,046	88,570	25,008	100,032	32%
(13.5) Mill St	4,761	0	7,618	11,426	4,129	16,516	13%
15 - 17 Mill St	12,558	5,260	20,093	30,139	11,191	44,764	11%



DW2 District Setback Analysis

Setback Scenario B: 25' river, 5' front/side

Lot	Total Lot Area	Existing Built Sq. Ft.	Max Sq. Ft. (1.6 FAR - DW original proposal)	Max Sq. Ft. (2.4 FAR - as of right DW2)	Floor Plate w/Setbacks	Max Sq. Ft. (4 Stories)	Setback as % of Lot Area
1 - 11 Willett Ave	11,456	3,500	18,330	27,494	6,307	25,228	45%
141 Abendroth / Mariner	60,559	146,480	96,894	145,342	49,814	199,256	18%
2 Highland St	31,130	87,435	49,808	74,712	25,603	102,412	18%
25 Abendroth Ave	29,151	28,125	46,642	69,962	23,304	93,216	20%
21 Abendroth Ave	35,965	18,020	57,544	86,316	28,035	112,140	22%
10 Mill St	9,484	4,928	15,174	22,762	6,292	25,168	34%
1 Mill St	1,244	2,624	1,990	2,986	0	0	100%
13 Mill St	36,904	3,360	59,046	88,570	23,696	94,784	36%
(13.5) Mill St	4,761	0	7,618	11,426	2,732	10,928	43%
15 - 17 Mill St	12,558	5,260	20,093	30,139	9,444	37,776	25%

Setback Scenario C: 25' river, 0' front/side

Lot	Total Lot Area	Existing Built Sq. Ft.	Max Sq. Ft. (1.6 FAR - DW original proposal)	Max Sq. Ft. (2.4 FAR - as of right DW2)	Floor Plate w/Setbacks	Max Sq. Ft. (4 Stories)	Setback as % of Lot Area
1 - 11 Willett Ave	11,456	3,500	18,330	27,494	7,169	28,676	37%
141 Abendroth / Mariner	60,559	146,480	96,894	145,342	53,349	213,396	12%
2 Highland St	31,130	87,435	49,808	74,712	28,385	113,540	9%
25 Abendroth Ave	29,151	28,125	46,642	69,962	25,976	103,904	11%
21 Abendroth Ave	35,965	18,020	57,544	86,316	30,478	121,912	15%
10 Mill St	9,484	4,928	15,174	22,762	7,871	31,484	17%
1 Mill St	1,244	2,624	1,990	2,986	0	0	100%
13 Mill St	36,904	3,360	59,046	88,570	26,046	104,184	29%
(13.5) Mill St	4,761	0	7,618	11,426	4,129	16,516	13%
15 - 17 Mill St	12,558	5,260	20,093	30,139	11,191	44,764	11%



DW2 District Setback Analysis

Setback Scenario D: 20' river, 5' front/side

Lot	Total Lot Area	Existing Built Sq. Ft.	Max Sq. Ft. (1.6 FAR - DW original proposal)	Max Sq. Ft. (2.4 FAR - as of right DW2)	Floor Plate w/Setbacks	Max Sq. Ft. (4 Stories)	Setback as % of Lot Area
1 - 11 Willett Ave	11,456	3,500	18,330	27,494	6,599	26,396	42%
141 Abendroth / Mariner	60,559	146,480	96,894	145,342	50,832	203,328	16%
2 Highland St	31,130	87,435	49,808	74,712	26,210	104,840	16%
25 Abendroth Ave	29,151	28,125	46,642	69,962	23,873	95,492	18%
21 Abendroth Ave	35,965	18,020	57,544	86,316	29,055	116,220	19%
10 Mill St	9,484	4,928	15,174	22,762	6,566	26,264	31%
1 Mill St	1,244	2,624	1,990	2,986	0	0	100%
13 Mill St	36,904	3,360	59,046	88,570	24,892	99,568	33%
(13.5) Mill St	4,761	0	7,618	11,426	2,732	10,928	43%
15 - 17 Mill St	12,558	5,260	20,093	30,139	9,444	37,776	25%

Setback Scenario E: 20' river, 0' front/side

Lot	Total Lot Area	Existing Built Sq. Ft.	Max Sq. Ft. (1.6 FAR - DW original proposal)	Max Sq. Ft. (2.4 FAR - as of right DW2)	Floor Plate w/Setbacks	Max Sq. Ft. (4 Stories)	Setback as % of Lot Area
1 - 11 Willett Ave	11,456	3,500	18,330	27,494	7,486	29,944	35%
141 Abendroth / Mariner	60,559	146,480	96,894	145,342	54,417	217,668	10%
2 Highland St	31,130	87,435	49,808	74,712	29,038	116,152	7%
25 Abendroth Ave	29,151	28,125	46,642	69,962	26,597	106,388	9%
21 Abendroth Ave	35,965	18,020	57,544	86,316	31,550	126,200	12%
10 Mill St	9,484	4,928	15,174	22,762	8,192	32,768	14%
1 Mill St	1,244	2,624	1,990	2,986	0	0	100%
13 Mill St	36,904	3,360	59,046	88,570	27,283	109,132	26%
(13.5) Mill St	4,761	0	7,618	11,426	4,129	16,516	13%
15 - 17 Mill St	12,558	5,260	20,093	30,139	11,191	44,764	11%

AWARD PRESENTATION

AFFIDAVIT OF PUBLICATION
AND
NOTICE OF PUBLICATION RE

Local Law Filing

NEW YORK STATE DEPARTMENT OF STATE
41 STATE STREET, ALBANY, NY 12231

(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 built 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 District

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], the C5 Train Station Mixed Use District, and the C5T Downtown Mixed Use Transitional District, except that cabarets, catering and events establishments and theaters located in the C2 Main Street Business District [Central Business District], the C5 Train Station Mixed Use District, and the C5T Downtown Mixed Use Transitional 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, PMU Planned Mixed Use, and DW2 Downtown

Design Waterfront Districts (see Schedule of Regulations for Non-Residence Districts, Attachment 3B) by special exception only and is subject to approval by the Village Board of Trustees.

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

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

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

C. Bonus Floor Area Option.

In the C2 Main Street Business, C5 Train Station Mixed Use, C5T Downtown Mixed Use Transitional, PMU Planned Mixed Use, and DW2 Downtown Design Waterfront 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, Attachment 3B).

In the C2 Main Street Business, C5 Train Station Mixed Use, C5T Downtown Mixed Use Transitional, and DW2 Downtown Design Waterfront Districts, a reduction in Minimum Size of Lot: Area per dwelling unit (square feet) can also be achieved in accordance with both this section and the Schedule of Regulations for Nonresidence Districts, Attachment 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 C5 Train Station Mixed Use, 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.

In the C5 Train Station Mixed Use and C5T Downtown Mixed Use Transitional Districts, a reduction in Minimum Size of Lot: Area per dwelling unit (square feet) can also be achieved in accordance with both this section and the Schedule of Regulations for Nonresidence Districts, Attachment 3B.

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

See the Schedule of Regulations for Nonresidence Districts. (Attachments 3A and 3B)

Section 345-54.1. DW2 Downtown Design Waterfront

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.

A 0.2 floor area ratio bonus over the maximum floor area ratio permitted is allowable by special exception, pursuant to the requirements set forth in Section 345-16(C) and the Schedule of Regulations for Nonresidence Districts, Attachment 3B with approval by the Village Board of Trustees.

(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.

A minimum area per dwelling unit of 500 square feet is allowable by special exception, pursuant to the requirements set forth in Section 345-16(C) and the Schedule of Regulations for Nonresidence Districts, Attachment 3B with approval by the Village Board of Trustees.

(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:

Section 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:

Section 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:

Section 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:

Section 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:

Section 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 opportunity for appropriately scaled and context-sensitive redevelopment to replace the de-commissioned hospital located at 406 Boston Post Road (Section 141.052, Block 1, Lot 2 and Section 141.052, Block 1, Lot 2.4) and the adjacent 12-story residential apartment building located at 999 High Street (Section 141.052, Block 1, Lot 2.1), which together comprise approximately 15 acres, the largest remaining development site in the Village.

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.

F. Approvals.

The Village Board of Trustees is hereby authorized to grant site plan approval under Article V, "Administration and Enforcement" and special exception use approval under Article X, "Special Exception Use Regulations."

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 a 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, boate ¹	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 boater 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

Village of Port Chester
Schedule of Regulations for Zonance Districts
Part 1. Use Regulations

Type of Use	Districts														
	C1 Neighborhood Retail (345-47)	C2 Central Business (345-48)	C3 Main Street Business (345-49)	C4 General Commercial (345-50)	C5 Train Station Mixed Use (345-50.1)	C6 Downtown Mixed Use (345-50.2)	CD Design Shopping Center (345-51)	CDS Special Designated Commercial (345-52)	PD Design Professional Building (345-53)	DW Design Waterfront (345-54)	D07 Downtown District Waterfront (345-54.1)	M1 Light Industrial (345-55)	M2 General Industrial (345-56)	PRSP Planned Railroad Station Plaza Development (345-57)	PMU Planned Mixed Use (345-57)
Residential Uses															
1 Family Dwelling	X	[M]	X	X	X	X	X	X	X	X	X	X	X	X	X
2 Family Dwelling	X	[M]	X	X	X	X	X	X	X	X	X	X	X	X	X
Multi-family Dwelling	X	[M]	X	X	X	X	X	X	X	X	X	X	X	X	X
Multi-family Dwelling (floors above first floor)	X	[SE]	X	X	X	X	X	X	X	X	X	X	X	X	X
Residential Community Facilities															
Church or other Place of Worship, Parish House, Rectory, Sunday School, Convent, Seminary	[SE]	[M]	[SE]	[SE]	[SE]	[SE]	[SE]	[SE]	[SE]	[SE]	[SE]	[SE]	[SE]	[SE]	[SE]
General Community Facilities															
Assembly Hall	X	[M]	[SE]	[SE]	[SE]	[SE]	[SE]	[SE]	[SE]	[SE]	[SE]	[SE]	[SE]	[SE]	[SE]
Convalescent home or nursing home	X	[M]	[SE]	[SE]	[SE]	[SE]	[SE]	[SE]	[SE]	[SE]	[SE]	[SE]	[SE]	[SE]	[SE]
Hospital	X	[M]	[SE]	[SE]	[SE]	[SE]	[SE]	[SE]	[SE]	[SE]	[SE]	[SE]	[SE]	[SE]	[SE]
Medical and dental offices, not including operating room or community X-ray or therapy room	X	[M]	[SE]	[SE]	[SE]	[SE]	[SE]	[SE]	[SE]	[SE]	[SE]	[SE]	[SE]	[SE]	[SE]
Membership club, fraternal organization or similar social institution not operated for a profit	X	[M]	[SE]	[SE]	[SE]	[SE]	[SE]	[SE]	[SE]	[SE]	[SE]	[SE]	[SE]	[SE]	[SE]
Nursery school, day camp or day care center	[SE]	[M]	[SE]	[SE]	[SE]	[SE]	[SE]	[SE]	[SE]	[SE]	[SE]	[SE]	[SE]	[SE]	[SE]
Public utility facility	X	[SE]	[SE]	[SE]	[SE]	[SE]	[SE]	[SE]	[SE]	[SE]	[SE]	[SE]	[SE]	[SE]	[SE]
Planned railroad station plaza, as provided in 345-62.1	[M]	[M]	[M]	[M]	[M]	[M]	[M]	[M]	[M]	[M]	[M]	[M]	[M]	[M]	[M]
School, elementary or high, public, private, or parochial, having a curriculum equivalent to that ordinarily given in public schools.	X	[M]	[SE]	[SE]	[SE]	[SE]	[SE]	[SE]	[SE]	[SE]	[SE]	[SE]	[SE]	[SE]	[SE]
Medical and dental offices including X-ray and therapy room	X	[SE]	[SE]	[SE]	[SE]	[SE]	[SE]	[SE]	[SE]	[SE]	[SE]	[SE]	[SE]	[SE]	[SE]
Business Uses															
Automobile repair garage	X	[M]	[SE]	[SE]	[SE]	[SE]	[SE]	[SE]	[SE]	[SE]	[SE]	[SE]	[SE]	[SE]	[SE]
Bank, including drive-in	X	[M]	[SE]	[SE]	[SE]	[SE]	[SE]	[SE]	[SE]	[SE]	[SE]	[SE]	[SE]	[SE]	[SE]
Bar or Tavern	X	[M]	[SE]	[SE]	[SE]	[SE]	[SE]	[SE]	[SE]	[SE]	[SE]	[SE]	[SE]	[SE]	[SE]
Bowling Alley	X	[M]	[SE]	[SE]	[SE]	[SE]	[SE]	[SE]	[SE]	[SE]	[SE]	[SE]	[SE]	[SE]	[SE]
Cabaret	X	[M]	[SE]	[SE]	[SE]	[SE]	[SE]	[SE]	[SE]	[SE]	[SE]	[SE]	[SE]	[SE]	[SE]
Catering and Events Establishment	X	[M]	[SE]	[SE]	[SE]	[SE]	[SE]	[SE]	[SE]	[SE]	[SE]	[SE]	[SE]	[SE]	[SE]
Commercial Indoor Athletic Training Facility	X	[M]	[SE]	[SE]	[SE]	[SE]	[SE]	[SE]	[SE]	[SE]	[SE]	[SE]	[SE]	[SE]	[SE]
Drive-in establishments other than restaurant, or circus, carnival, or other outdoor amusements	X	[SE]	[SE]	[SE]	[SE]	[SE]	[SE]	[SE]	[SE]	[SE]	[SE]	[SE]	[SE]	[SE]	[SE]
Drive-in and fast-food restaurant	X	[M]	[SE]	[SE]	[SE]	[SE]	[SE]	[SE]	[SE]	[SE]	[SE]	[SE]	[SE]	[SE]	[SE]
Food processing shop	X	[M]	[SE]	[SE]	[SE]	[SE]	[SE]	[SE]	[SE]	[SE]	[SE]	[SE]	[SE]	[SE]	[SE]
Funeral Home	[SE]	[M]	[SE]	[SE]	[SE]	[SE]	[SE]	[SE]	[SE]	[SE]	[SE]	[SE]	[SE]	[SE]	[SE]
Gasoline Station	X	[M]	[SE]	[SE]	[SE]	[SE]	[SE]	[SE]	[SE]	[SE]	[SE]	[SE]	[SE]	[SE]	[SE]
Health Club, including racquetball facilities and indoor swimming pools	X	[SE]	[SE]	[SE]	[SE]	[SE]	[SE]	[SE]	[SE]	[SE]	[SE]	[SE]	[SE]	[SE]	[SE]
Heating, air conditioning, plumbing, electrical, and similar construction businesses, including open storage of materials	X	[M]	[SE]	[SE]	[SE]	[SE]	[SE]	[SE]	[SE]	[SE]	[SE]	[SE]	[SE]	[SE]	[SE]

Note:
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 use 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	C1 Neighborhood Retail § 345-47	C2 Central Business § 345-48	C3 Mall Street Retail § 345-49	C3 (Design) Office & Commercial § 345-50	C4 General Commercial § 345-51	C5 Train Station Mixed Use § 345-52	C6 Downtown Mixed Use § 345-53	CD Design Shopping Center § 345-54	CDS Special Designed Commercial § 345-55	[Special Exception Uses ¹]	PD Design Professional Building § 345-56	DW Design Waterfront § 345-57	DMSZ Downtown Station Mixed Use § 345-58	M1 Light Industrial § 345-59	M2 General Industrial § 345-60	[PSPF Phinood Railroad Station Plaza Development § 345-61]	PMA Planned Mixed Use § 345-62	
																		Maximum Floor Area Ratio For 1 Story
1.0	[1.2]	[NR]	3.2 ¹	3.0	[1.5]	4.0 ²	4.0 ²	1.0	1.0	[0.25(a)]	1.0	1.60	2.1 ¹⁰	1.0	2.0		0.8 ⁷	
0.35	[NR]	[NR]	[NR]	0.60	NR	NR	NR	0.35	NR	[0.25(c)]	NR	0.40	NR	0.50	0.70			
NR	[NR]	[NR]	NR	NR	[20,000]	NR	NR	21,780	65,340	NR	21,780	10,000	NR	NR	NR			
NR	[750]	[750]	250 ²	NR	[1750]	400 ²	525 ²	NR	NR	NR	NR	750	600 ¹¹	NR	NR			
40	[40]	[40]	50	40	[100]	50	50	40	NR	[1500]	40	40	50	40	40			
NR	[NR]	[NR]	NR	NR	[100]	NR	NR	NR	NR	NR	NR	NR	NR	NR	NR			
NR	[NR]	[NR]	NR	NR	[125]	NR	NR	30	60	[1500]	10	20	5	25	10			
NR(s)	[NR(s)]	[NR(s)]	NR(s)	NR(s)	[20]	NR(s)	NR(s)	30	50	[600]	20	10	5	20	10			
NR(e)	[NR(e)]	[NR(e)]	NR(e)	NR(e)	NR	NR(e)	NR(e)	60	100	[1200]	40	30	10	40	20			
30	[20]	[20]	20	20	[30]	20	20	30	50	[300]	30	30	20	20	20			
27	[18]	[18]	5	NR(s)	[17]	5	5	3	3	[210]	5	10	5	2	8			
35	[70]	[70]	60	[120]	[70]	80	80	45	45	[350]	60	70	50	40	70			
1,200	[100]	[100]	50 ³	NR(d)	[300]	50 ³	50 ³	NR	NR	NR	100(d)	50 ³	50 ³	NR	NR			

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) [d] 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 525 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 200 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 (20 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 0.2 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.

¹⁰ A Floor Area Bonus of 0.2 is available in accordance with § 345-16.

¹¹ A minimum of 500 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.

NR = none required

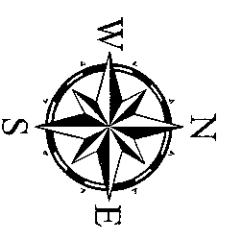
(See § 345-62)

See § 345-62

Draft Official Zoning Map

Village of Port Chester

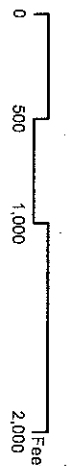
New York



MAD NOTE: This map was produced by C. Gomez, Village of Port Chester Director of Planning and Development - January 2013. Basic data and format provided by the Westchester County Department of Planning as part of a countywide initiative to map local zoning districts

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 Design Shopping Center
- CDS Special Designed Commercial
- OFFICE**
- PD Design Professional Building
- INDUSTRIAL**
- M1 Light Industrial
- M2 General Industrial
- WATERFRONT**
- MUR Marina Urban Redevelopment*
- DW Design Waterfront
- 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



*MUR Marina Urban Redevelopment Underway. Zone is C2 Main Street Business District

**RECOMMENDATION RESOLUTION
VILLAGE OF PORT CHESTER
WATERFRONT COMMISSION**

**Draft Zoning Text and Map Amendments,
DW2 Downtown Design Waterfront District**

February 27, 2013

WHEREAS, the Village of Port Chester Waterfront Commission has a vested interest in comprehensive, long-range planning techniques guided to protect, enhance, and preserve the Byram River waterfront and Local Waterfront Revitalization Program Area; and

WHEREAS, the Waterfront Commission is currently in the process of updating the Village's existing 1992 Local Waterfront Revitalization Program (LWRP) as prepared by BFJ Planning, the Waterfront Commission, and Village Staff to include appropriate land use opportunities to help shape the future of the Byram River waterfront by addressing concerns of development pressures and population growth raised in the adopted Comprehensive Plan; and

WHEREAS, the draft Local Waterfront Revitalization Program is an appropriate vehicle to implement waterfront goals and visions that are in concert with the Village's adopted Comprehensive Plan and the core intent of the draft Zoning Text and Map Amendments; and

WHEREAS, the Waterfront Commission is in particular support of the proposed DW2 Downtown Design Waterfront District on the east side of Abendroth Avenue to Mill Street as proposed to provide appropriately scaled, context-sensitive, and mixed-use redevelopment opportunities along the Byram River waterfront without compromising the environmental integrity of the area; and

WHEREAS, the proposed DW2 Downtown Design Waterfront District regulations will permit a variety of land uses, a floor area ratio of 2.4 (bonusable to 2.6), five foot front and side setbacks, and a maximum permitted height of four stories to accomplish the goals and objectives of the draft Local Waterfront Revitalization Program and adopted Comprehensive Plan; and now therefore let it be

RESOLVED, that the Waterfront Commission hereby forwards a positive recommendation to the Board of Trustees recommending the adoption of the draft Zoning Text and Map Amendments as prepared by BFJ Planning and Village Staff with particular respect to the proposed DW2 Downtown Design Waterfront District regulations reflected above; and be it further

RESOLVED, that this resolution shall have an effective date of February 27, 2013.

On the motion of Chairman Ceccarelli, seconded by Commissioner O'Connor, it was adopted by the following vote:

AYES: Hiensch, O'Connor, Payan

NAYES: Ceccarelli, Passarelli

ABSENT:


Gene Ceccarelli, Chairman

JOHN B. COLANGELO
ATTORNEY AT LAW

—
DAVID GREGORY GALLO
OF COUNSEL

Village of Port Chester

FEB 27 2013

Planning and Zoning

211 SOUTH RIDGE STREET
RYE BROOK, NEW YORK 10573
(914) 939-0002

—
FAX (914) 939-2665
e mail: jbcclaw100@aol.com

February 25, 2013

Building Department
Village of Port Chester
ATTN: Connie
222 Grace Church Street
Port Chester, NY 10573

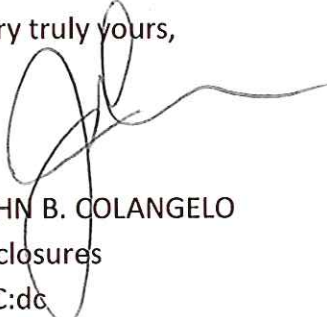
**Re: *Torosan Realty LLC Sign & Mailing Affidavits
& Davis Estate (96 Perry Avenue) Sign & Mailing Affidavits
(ALL for BOT Public Hearing at Meeting 3/4/2013)***

Dear Connie:

Enclosed herewith please find Affidavits with photographs of the referenced signs, and Affidavits of Mailing for the two matters listed above.

If you have additional questions in this regard, please feel free to contact me.

Very truly yours,


JOHN B. COLANGELO
Enclosures
JBC:dc

Village of Port Chester

FEB 27 2013

Planning and Zoning

PUBLIC NOTICE

PUBLIC NOTICE is hereby given that the Board of Trustees of the Village of Port Chester, New York, will hold a PUBLIC HEARING on Monday, March 4, at 7:00 P.M., in the Village Justice Courtroom, 350 North Main Street, Port Chester, New York, to consider a application for subdivision approval submitted by Torosan Realty and Gateway Plaza, for property located off South Main Street, known and designated as Section 142.38, Block 1, Lots 25, 26, 27, 28, 29 & 39, proposing to transfer a 306.91 square foot triangular parcel of land from Lot 28 to Section 142.38, Block 1, Lot 35 located within the C-4 General Commercial Zoning District.

Interested persons will be afforded the opportunity to be heard at this time. The application is available in the Village Clerk's office.

JANUSZ R. RICHARDS
Village Clerk

Dated: January 30, 2013

Village of Port Chester

FEB 27 2013

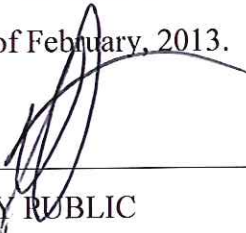
Planning and Zoning

STATE OF NEW YORK)
) ss.:
COUNTY OF WESTCHESTER)

DENISE L. COLANGELO, with an address at 60 Priscilla Lane, Port Chester, NY, being duly sworn, deposes and says:

1. That I am over the age of 18 years;
2. That on February 15, 2013, at Port Chester, New York, I deposited in a post office box regularly maintained by the government of the United States a copy of the annexed notice contained in a securely closed, postpaid wrapper containing a return address by regular mail, directed to all property owners within 200 feet of the property of Torosan Realty LLC, located at South Main Street, Port Chester, NY.

Sworn to before me this
15th day of February, 2013.



NOTARY PUBLIC



DENISE L. COLANGELO

STEVEN D. FEINSTEIN
Notary Public, State of New York
No. 4864761
Qualified in Westchester County
Commission Expires 6-10-14

STATE OF NEW YORK)
) ss.:
COUNTY OF WESTCHESTER)

Village of Port Chester
FEB 27 2013
Planning and Zoning

JOHN B. COLANGELO, being duly sworn, deposes and says:

1. That I am the attorney for TOROSAN REALTY LLC in regard to a certain Public Hearing before the Port Chester Board of Trustees meeting on March 4, 2013, to consider subdivision approval for the premises;
2. That on February 23, 2013, the applicant posted a sign meeting the requirements in the Code of the Village of Port Chester, Section 345-110a(1) and (2);
3. That annexed hereto is a photograph of the posted sign.

Sworn to before me this
25th day of February, 2013.

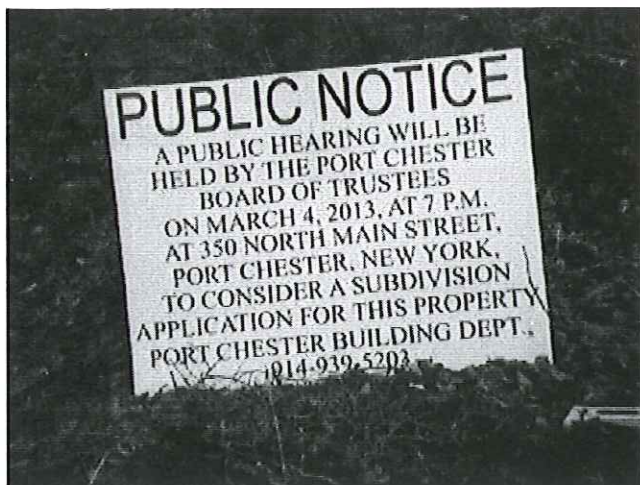


NOTARY PUBLIC

NORMAN B. NAISHTUT
NOTARY PUBLIC, State of New York
No.4968866
Qualified in Nassau County
Commission Expires July 2, 20 14



JOHN B. COLANGELO



Village of Port Chester
FEB 27 2013
Planning and Zoning

JOHN B. COLANGELO
ATTORNEY AT LAW

—
DAVID GREGORY GALLO
OF COUNSEL

Village of Port Chester

FEB 27 2013

Meeting of Planning

211 SOUTH RIDGE STREET
RYE BROOK, NEW YORK 10573
(914) 939-0002

—
FAX (914) 939-2665
e mail: jbclaw100@aol.com

February 25, 2013

Building Department
Village of Port Chester
ATTN: Connie
222 Grace Church Street
Port Chester, NY 10573

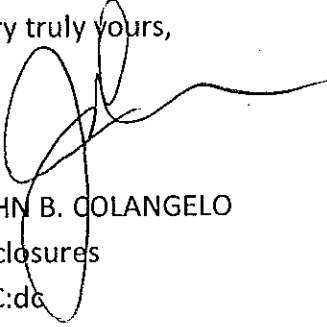
Re: *Torosan Realty LLC Sign & Mailing Affidavits*
& Davis Estate (96 Perry Avenue) Sign & Mailing Affidavits
(ALL for BOT Public Hearing at Meeting 3/4/2013)

Dear Connie:

Enclosed herewith please find Affidavits with photographs of the referenced signs, and Affidavits of Mailing for the two matters listed above.

If you have additional questions in this regard, please feel free to contact me.

Very truly yours,


JOHN B. COLANGELO
Enclosures
JBC:dc

Village of Port Chester

FEB 27 2013

Planning and Zoning

PUBLIC NOTICE

PUBLIC NOTICE is hereby given that the Board of Trustees of the Village of Port Chester, New York, will hold a PUBLIC HEARING on Monday, March 4, at 7:00 P.M., in the Village Justice Courtroom, 350 North Main Street, Port Chester, New York, to consider an application for subdivision approval submitted by Vera K. Davis, for property located at 96 Perry Avenue, known and designated as Section 135.76, Block 3, Lot 60, proposing to subdivide a 10,500 square foot parcel of land located into two lots within the R-5 One Family Residence Zoning District..

Interested persons will be afforded the opportunity to be heard at this time. The application is available in the Village Clerk's office.

JANUSZ R. RICHARDS
Village Clerk

Dated: January 30, 2013


Village of Port Chester
FEB 27 2013
Planning and Zoning

STATE OF NEW YORK)
) ss.:
COUNTY OF WESTCHESTER)

DENISE L. COLANGELO, with an address at 60 Priscilla Lane, Port Chester, NY, being duly sworn, deposes and says:

1. That I am over the age of 18 years;
2. That on February 15, 2013, at Port Chester, New York, I deposited in a post office box regularly maintained by the government of the United States a copy of the annexed notice contained in a securely closed, postpaid wrapper containing a return address by regular mail, directed to all property owners within 200 feet of the property of Vera Davis, located at 96 Perry Avenue, Port Chester, NY.

Sworn to before me this
15th day of February, 2013.


DENISE L. COLANGELO


NOTARY PUBLIC

STEVEN D. FEINSTEIN
Notary Public, State of New York
No. 4864761
Qualified in Westchester County
Commission Expires 01-10-14

FEB 27 2013

STATE OF NEW YORK)
) ss.:
COUNTY OF WESTCHESTER)

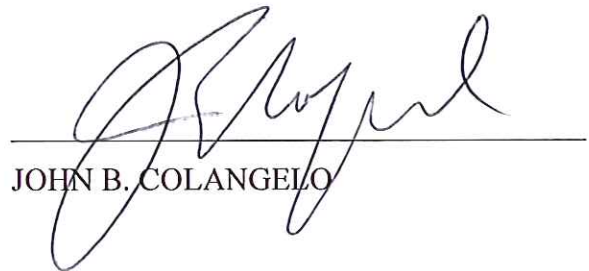
JOHN B. COLANGELO, being duly sworn, deposes and says:

1. That I am the attorney for the ESTATE OF VERA DAVIS in regard to a certain Public Hearing before the Port Chester Board of Trustees meeting on March 4, 2013, to consider subdivision approval for the premises;
2. That on February 23, 2013, the applicant posted a sign meeting the requirements in the Code of the Village of Port Chester, Section 345-110a(1) and (2);
3. That annexed hereto is a photograph of the posted sign.

Sworn to before me this
25th day of February, 2013.

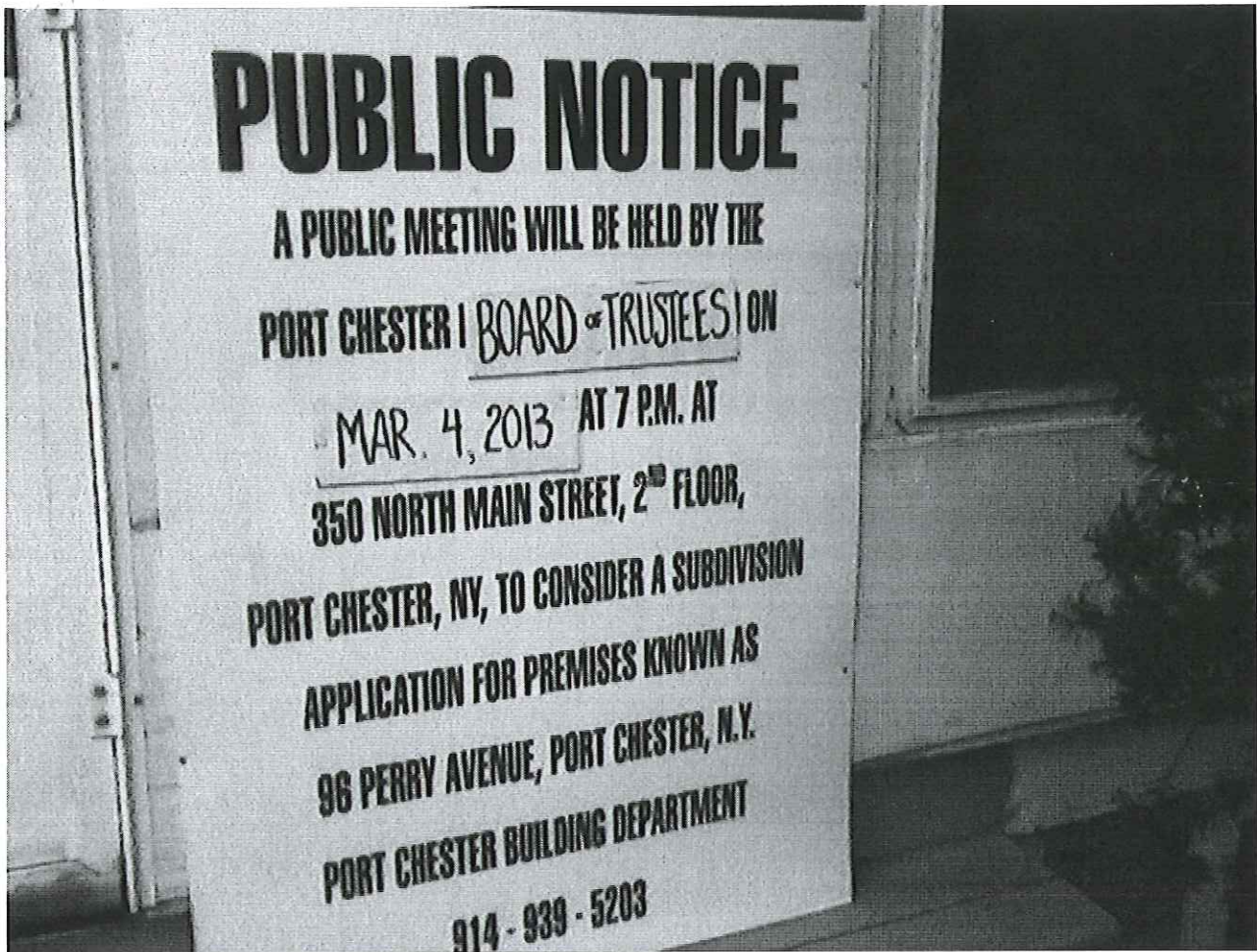


NOTARY PUBLIC



JOHN B. COLANGELO

NORMAN B. NAISHTUT
NOTARY PUBLIC, State of New York
No. 4968866
Qualified in Nassau County
Commission Expires July 2, 20 14



Village of Port Chester

FEB 27 2013

Planning and Zoning

PRESENTATION

P-1
C-2



VILLAGE OF
PORT CHESTER

222 Grace Church Street, Port Chester, NY 10573

February 21, 2013

Mayor Dennis Pilla & the Board of Trustees
Port Chester, New York

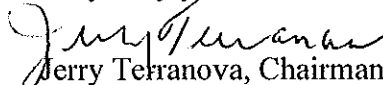
Dear Mayor Pilla & Board of Trustees:

At the last Park Commission meeting, held on February 6th, the Port Chester Cares Community Coalition presented their final changes to the proposed No Smoking signs.

The Park Commission recommends this final design and the placement of minimal signs within the Village Parks in designated areas where children congregate such as the playgrounds and ball fields. Commissioners will coordinate with the Coalition and Village DPW for actual placement of No Smoking signage should approval be granted.

The Park Commission recommends that the Mayor and Board consider eliminating smoking in these designated areas and that signs be posted to reflect this decision.

Very truly yours,


Jerry Terranova, Chairman
& Park Commissioners

**THIS IS A
SMOKE-FREE AREA**



**ÁREA DE NO
FUMAR**

**Provided by:
Port Chester Cares
Community Coalition**




VILLAGE OF PORT CHESTER

OFFICE OF THE VILLAGE MANAGER

MEMORANDUM

TO: Mayor and the Board of Trustees



FROM: Christopher D. Steers, Village Manager

DATE: March 4th, 2013

RE: NIXLE 360 Emergency Notification System

Village staff has been reviewing various emergency notification systems for the past year. The field varies widely with several systems ranging from the inexpensive to the very expensive. Upon research and review we found that NIXLE provides a comprehensive emergency notification system at a very reasonable cost.

NIXLE 360 is a comprehensive all-in one messaging platform that allows public safety agencies to connect and engage their residents through all communication channels including voice. NIXLE 360 is a completely web-based application that leverages comprehensive databases of geographically-located phone numbers that do not require citizen opt-in for emergency usage. Several other local municipalities also utilize NIXLE however NIXLE 360 is the next evolution of the prior NIXLE Connect Premium. The Key difference being the now seamless integrated Mass Dialing Application.

The purchase cost for the software and initial set up and installation is \$8,685.00. The Annual License thereafter is \$7,685.00. This is a budgeted item that was anticipated within the current year. Mr. Tommy Herbst from NIXLE will be available for a call in and web demo as needed.

Attachments.

CC: Tony Cerreto, Village Attorney
Christopher Ameigh, Administrative Aide
Maryanne Veltri, Office Assistant
File

January 31, 2013

Village of Port Chester, NY:

Thank you for providing Nixle with the opportunity to submit a proposal for our comprehensive notification platform to your agency. We look forward to partnering with you to build a safer community, and we are excited about the opportunity to deliver the best-in-class Mass Notification System to you and your constituents.

Nixle is utilized by over 6000 agencies in the United States and supports delivering millions of messages of all types weekly. With our world-class facilities, robust network capabilities and cutting-edge software services, Nixle is on the forefront of providing interactive, easy to use notification platforms that allow agencies to engage the public and build safer communities through communication.

With our commitment focused on research and development, Nixle provides a unique and innovative platform that is both robust and feature-rich, while still delivering an interface that is easy to use and cost-effective.

Nixle is prepared to partner with you to bring outstanding services to both your agency and the public it serves. If you have any questions regarding this proposal, please feel free to contact me directly. Thank you for your time, and I look forward to working with you in the near future.

Sincerely,

Travis Scott
Vice President, Agency Relations
Nixle LLC
Office: 877-649-5362 x 215
Travis.scott@nixle.com
www.Nixle.com



Building Safer Communities Together

Mission

Nixle has one mission – to build safer communities together. Our mission is shared with public safety agencies and the citizens they serve and protect. We strive to work together to be more effective in solving crime, responding to emergencies, and building safer communities that thrive.

The Nixle Platform is optimized to engage communities so citizens are empowered to turn information into proactive solutions.

Company Background

Nixle was organized in January of 2007 to design and develop innovative technologies for the public safety sector, the government sector, and the commercial sector. These unique communications solutions are in the area of public and internal real-time messaging. Our management and technical experience, along with the team's analytical capabilities allow us to meet and exceed client requirements in the arena of public alerting and private SMS and application-based mobile communications.

Between January 2007 and February 2009, the Company worked on formalizing its strategic partnership with NLETS (The International Justice & Public Safety Network). Nixle became the first public networking Company to partner with NLETS. Because of this relationship, Nixle technology is integrated into the Nlets closed-network public safety system. Additionally, Nixle has the ability to house its servers in the NLETS secure facility, resulting in an enhanced level of security and reliability for public safety and government agencies.

From the date the Municipal Wire Service was publically released in March of 2009, over 6,000 public safety and other government agencies have been certified to use the service and are currently communicating with their residents more effectively.

Today, Nixle offers several means of communication through easy-to-navigate citizen and administrative portals. Nixle is trusted to provide an interactive and robust notification platform that simplifies and streamlines two-way communication in order to ensure emergency communications for internal coordination and external community notifications alike.

Product Overview

Nixle allows public-safety agencies to communicate in a secure way and exchange multimedia content over a trusted mobile platform. Our product line supports secure, enterprise-grade communications for both public and private messaging.

Through our unique and robust platform, Nixle provides interoperable communication platforms that allow government and public-safety agencies to engage and interact with their constituents in real-time. Nixle leverages innovative systems and numerous information sources in order to simplify the communication process for emergency personnel.

Nixle Deployment Models

Nixle Connect:

Civilian communications are critical to an effective emergency response, and over 85% of civilians can be reached instantly on their mobile phones by text message. In crisis situations, timely information saves lives, and there is no more effective channel to quickly reach large populations than mobile text messaging. Nixle Connect provides your agency with a base-line platform to reach civilians quickly through mobile devices and email using Nixle's high performance messaging network.

Nixle Engage:

Nixle Engage is a Premium version of Nixle's award-winning, secure communication service that allows you to connect and interact with the public, in real-time. Along with the features provided through the Nixle Basic System, Nixle Engage has numerous benefits that allow government entities to optimize the Nixle platform by leveraging its citizen reach, creating a two-way hub for streamlined communications between Government and Citizens.

Engage Core Benefits:

- **ANONYMOUS TIPPING**

Anonymous Tipping allows residents to proactively connect with your agency by submitting anonymous tips via web form and text message. Additionally, your agency can initiate a two-way, anonymous connection with tipsters to help gather more information.

- **REMOTE PUBLISHING**

Have an alert that needs to go out and don't have time to log into the system? Simply send your message or press release to our Support team and we'll publish the alert on your agency's behalf.

- **PRIVATE GROUP MESSAGING**

Nixle's private group messaging allows you to create a hierarchical communications structure that mirrors your operational structure so that you can easily target relevant recipients. No radios or specialized networks are required, so Nixle's private group messaging is interoperable, cost-effective, and easy-to-deploy.

- **LIVE 24 HOUR PHONE SUPPORT**

The Nixle Support Team is dedicated to helping agencies with everything from assistance with account activation & secure login access to customizing your agency profile, distribution groups and social media interfaces. Support can be reached by phone 24 hours a day, 7 days a week.

- **ENHANCED GEOGRAPHIC TARGETING**

In addition to point and radius targeting, Nixle Engage allows you to filter recipients by zip code, as well as a town or city name, ensuring that you deliver targeted, relevant information.

- **SCHEDULED MESSAGING**

Scheduled Messaging allows you to manage an internal message queue. After composing a new message, simply assign a future delivery date and time — we'll make sure your message is delivered.

- **ADVANCED PUBLICATION OPTIONS**

Nixle Engage adds the ability to fully customize the format of email and web messages with our HTML publication editor. Also, in addition to standard web file formats, PDFs & DOCs can be attached to your publications.

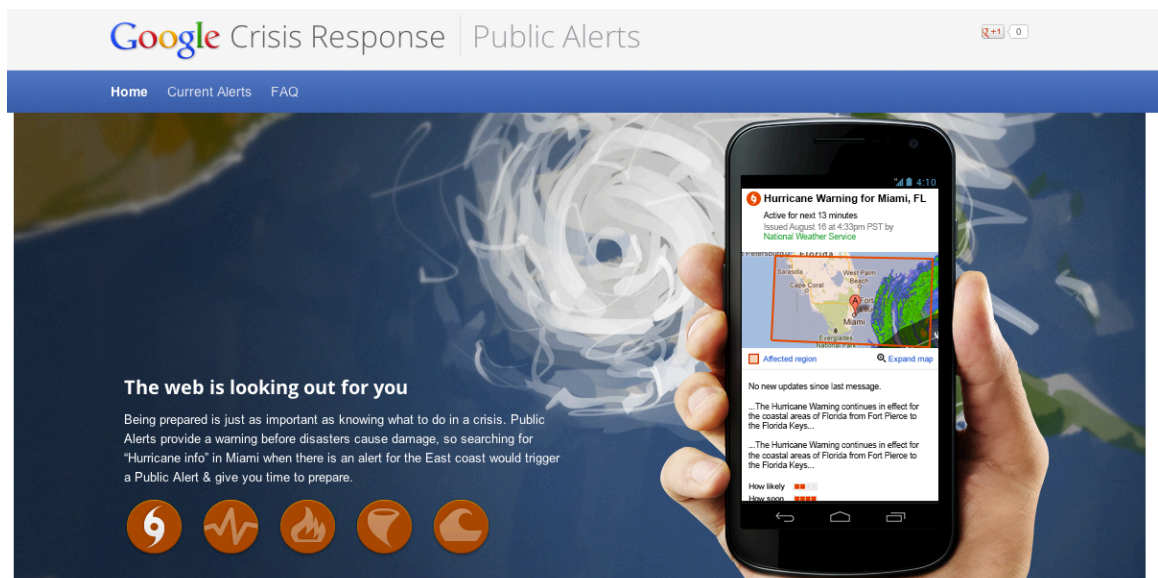
- **PREMIUM REAL-TIME ANALYTICS**

Nixle Engage provides the ability to see alerts as they are in progress. This feature provides the benefit of viewing system performance during emergency situations, while also allowing for aftermath auditing services through specific reporting tools.

- **IPAWS PUBLISHING**

Qualifying agencies can use Nixle Engage to author and send geographically targeted emergency messages via FEMA’s Integrated Public Alert & Warning System (IPAWS). IPAWS encompasses multiple alert networks including the Commercial Mobile Alert System (CMAS) and the Emergency Alert System (EAS) to provide rapid, multi-channel distribution of your most critical messages.

- **GOOGLE CRISIS RESPONSE INTEGRATION**



Nixle Alert:

Nixle 360 combines the benefits of the Nixle Engage Platform with its integrated Mass Dialing Application. Nixle 360 provides the user-friendly interface that Nixle Users have come to expect with the additional functionality of utilizing its integrated Voice Component. In addition to the features provided by Engage, Nixle 360 enhances and supplements Mass Notifications by utilizing all communication avenues.

Alert Core Benefits:

- Geographic targeting with pinpoint household accuracy Ability to throttle message delivery to mirror regional capacity Robust and customizable reporting and analytics
- Seamless integration with E911 database
- Automatic retry for unconnected calls to maximize delivery rates State-of-the-art answering machine detection technology Dedicated local telephone number with customizable Caller ID Streamline message creation with custom alert templates
- Call back number allows recipients to listen to the message again Send calls immediately or schedule them for future delivery Advanced text-to-speech technology



Voice Dialing

Record, generate or select a message to deliver

Upload a voice recording

Record my message

Use Text-to-Speech (TTS)

Which caller id number would you like to use? ?

9733209137

How many times should we retry numbers? ?

0

Interval between retries ?

--- mins

Voicemail preference ?

Leave Voicemail

Translate Voice Prompts ?

English (US)

Real-World Operational Case Studies

- On October 17, 2010, an intoxicated father exited his vehicle, leaving his 3 year-old son asleep and strapped into his car seat. While away from his car, the man was arrested by the Pasadena Police Department for public intoxication. When the mother hadn't heard from either of them for hours, she began calling police stations to try to locate them. After learning of the missing toddler, the Pasadena Police Department issued an alert, and a resident who received the message on his mobile phone used this information to locate the toddler.
- When anarchists at the 2009 G-20 Summit gained an edge over officers by intercepting radio communications, Commander Brackney of the Pittsburgh Police Department turned to Nixle to connect officers from 50 independent law enforcement agencies onto a secure mobile communications platform. Nixle Inter-Connect is supported on all types of mobile phones, which enabled any authorized user with a mobile phone to receive group communications from G-20 command staff.

Public Safety Focus:

Nixle is trusted and relied upon by more Public Safety Agencies than any other mass notification system. The below diagram outlines the Nixle systems currently in place:



Commitment:

Nixle is committed to providing a secure, robust and trusted messaging platform so agencies can keep residents safe and informed. Nixle takes an integrated approach to information sharing. Residents will receive emergency notifications and community updates from each local agency and school campus that is utilizing the Nixle platform.



Only Nixle has the technology to deliver comprehensive citizen-to- government and government-to-citizen communication capabilities that streamline emergency notification services, foster community awareness and allow its users to personalize their experience through the Nixle platform.

During these challenging economic times, governments and organizations everywhere are looking for ways to do more with less by streamlining work practices in order to deliver and expand citizen services while utilizing fewer government resources and taxpayer dollars.

Nixle is committed to helping governments save money both immediately and long-term by effectively consolidating all notification services into one robust location. With services that outperform the competition and prices that yield greater value at lower costs, Nixle maximizes its return on investment.



Building Safer Communities Together

NIXLE PRICING INFORMATION

Quote Valid for 60 Days

PREPARED FOR:	Christopher Steers	Quote Number:	215-009
	Village of Port Chester, NY	Quote Date:	31-Jan-13
		Expiration Date:	1-Mar-13
		Contract Period:	1 Year
		Payment Terms:	Net 30
Nixle Contact Information:			Travis Scott
			1.877.649.5362 Ext. 215
			travis.scott@nixle.com

Setup and Implementation			
Product	Qty	Sales Price	Total Price
Nixle Alert 1-time Setup Fee	1	\$1,000.00	\$1,000.00

Annual Subscription			
Product	Qty	Sales Price	Total Price
Nixle Alert Annual License	1	\$7,685.00	\$7,685.00
• Unlimited Text & Email Messaging			
• Unlimited Voice Messaging			

Grand Total:	\$8,685.00
---------------------	-------------------



- Building Safer Communities Together

nixle is the first **identity-certified** and **secure** communication service that allows local, county, & state agencies to connect with the public, in real-time, via text message, email, voice, and over the web.



Recent Publications

-  **Advisory** 2:09 PM EST December 01, 2011
Sent by: [Lansing Fire](#)
M L King between Grand River and... [More »](#)
-  **Advisory** 11:06 AM PST December 01, 2011
Sent by: [Arcadia Police Department](#)
Huntington Dr & Santa Clara St h... [More »](#)
-  **Alert** 11:05 AM PST December 01, 2011
Sent by: [Pasadena Police Department - C/](#)
City of Pasadena declares a loca... [More »](#)



What's happening where you live?

Enter your address, town name or zip code [Go!](#)

 Text message your
ZIP CODE or **KEYWORD** to **888777**



More than just a text message




Registered Users Already Using Nixle by Phone?

Username Password

Remember me [Forgot your password?](#)

[« Back](#) | **Full Notification**

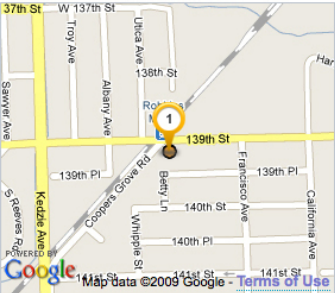



Entered By: Nicotown Police Department

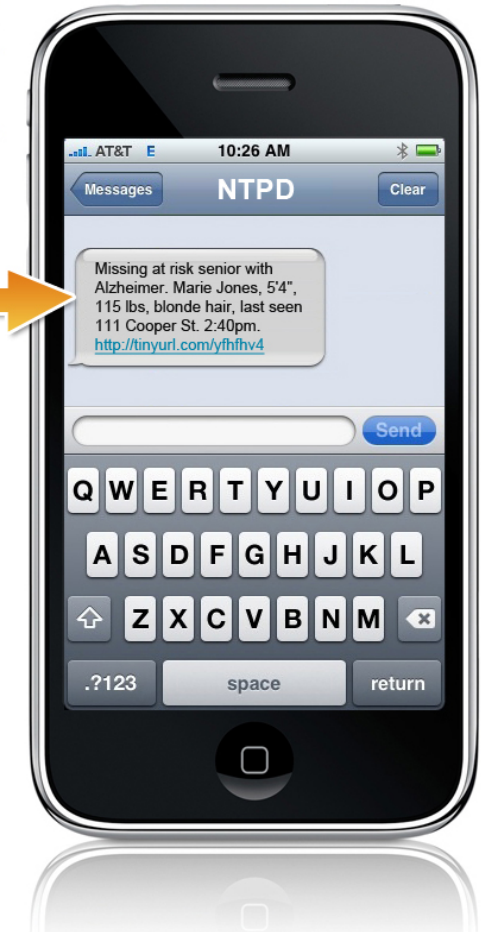
Entered On: **Thursday December 10th, 2009 :: 11:55 a.m. EST** · Expires In: **2 days, 16 hours**

Missing at risk senior with Alzheimer. Marie Jones, 5'4", 115 lbs, blonde hair, last seen 111 Cooper St. 2:40pm.

Today at 2:40pm Marie Jones, age 68, was last seen wandering from her home located at 111 Cooper St. Marie has Alzheimer's. We need your help in locating her. She has short blonde hair and was last seen wearing blue jeans and a red sweater. There are reports that she was headed towards the intersection of Cooper St. and Wyoming Ave. Anyone with information should contact 9-1-1 immediately. Marie is non-violent and has a friendly disposition.



111 Cooper Street
Nicetown, IL 08052



Over 6,300 Agencies in all 50 states use Nixle

Major Police Departments

- Los Angeles, CA
- Chicago, IL
- Dallas, TX
- Honolulu, HI
- Newark, NJ
- Albany, NY
- Amarillo, TX
- Marietta, GA
- Beverly Hills, CA
- Green Bay, WI
- Cincinnati, OH
- Kansas City, MO

County Sheriff Departments

- Ventura County, CA
- Los Angeles County, CA
- Paulding County, GA
- Oklahoma County, OK
- Wicomico County, MD
- Jacksonville County, FL
- San Diego County, CA

State Agencies

- New Jersey State Police
- Louisiana State Police
- California Highway Patrol
- SC Highway Patrol
- Kansas Highway Patrol
- OK State Bureau of Investigation
- Alaska Dept. of Public Safety

Missing girl found in Lusby after alert sent out

**Valdese police, Burke deputies
collar Forest City bank robber**

**Public helps find lost child
with Down syndrome**

Hit-and-run reported on Nixle has been solved

SF Police Use Technology To Find Missing Children

Nixle Alerts Help Identify Suspects

Police credit alert system in aiding in arrests

NIXLE AN ASSET TO THE COMMUNITY

**Police alert results in missing
elderly man being located**

Technology Finds Missing Girls

**Social media clicks with officials, residents
during Hurricane Sandy and after**



Building Safer Communities Together

Thank you for your time! Please feel free to contact me if you'd like to learn how Nixle can help keep *your* community safer.

Tommy Herbst

877.649.5362 x303
tommy.herbst@nixle.com



nixle 360

Nixle 360 delivers maximum community impact by enabling public safety agencies to connect and engage their residents through all communication channels including voice.

Nixle 360 is a completely web-based application that leverages comprehensive databases of geographically-located phone numbers that do not require citizen opt-in for emergency usage.

→ *Did you know that the Nixle 360 Platform has built in technologies and processes to identify and circumvent the local mass dialing bottlenecks in your community?*

PRODUCT HIGHLIGHTS

- ✔ Create fail-proof messages using on-demand voice recordings or text-to-speech functionality
- ✔ Target messages with custom-drawn geographical mapping technology or customized lists
- ✔ Industry-leading technology ensures reliable and timely delivery
- ✔ 24/7 phone support with highly-trained Nixle experts

I'm excited! How do I move forward?

Talk with one of our representatives or contact us, and we can show you a demo and provide a **lowest-price guaranteed** quote for your organization.

Learn more at www.nixle.com/360

or contact us: **1-855-649-5399**



PERFORMANCE AND RELIABILITY

- ✓ Uplinks to multiple voice carriers ensure industry-leading performance and reliability
- ✓ Geo-redundant system architecture with state-of-the-art fail-over technology
- ✓ High call capacity that exceeds the industry standards
- ✓ Built on a Tier 1 network infrastructure



With automated geo-coding and seamless integration with official phone number databases, Nixle 360 provides the ability to call all listed and unlisted numbers in your community for every business and resident.

FEATURES

- ✓ Geographic targeting with pinpoint household accuracy
- ✓ Ability to throttle message delivery to mirror regional capacity
- ✓ Robust and customizable reporting and analytics
- ✓ Seamless integration with phone company number databases

ADDITIONAL FEATURES

- + Automatic retry for unconnected calls to maximize delivery rates
- + State-of-the-art answering machine detection technology
- + Dedicated local telephone number with customizable Caller ID
- + Streamline message creation with custom alert templates
- + Call back number allows recipients to listen to the message again
- + Send calls immediately or schedule them for future delivery
- + Advanced text-to-speech technology

I'm excited! How do I move forward?

Talk with one of our representatives or contact us, and we can show you a demo and provide a **lowest-price guaranteed** quote for your organization.

Learn more at www.nixle.com/360

or contact us: **1-855-649-5399**

From: [Steers, Christopher](#)
To: [Krzeminski, Joseph](#)
Cc: [Telesca, John](#)
Subject: Re: CodeRed, Nixle, and Evergreen
Date: Wednesday, January 30, 2013 3:26:25 PM

Ok.

Sent from my iPhone

On Jan 30, 2013, at 10:20 AM, "Chief Krzeminski, Joseph" <JKrzeminski@vpcpd.com> wrote:

I think Rocky, John Telesca and I were all on Board with Nixle as the choice even though John and I felt Code Red was a superior product, they were substantially more money.

From: Steers, Christopher [<mailto:CSteers@PortChesterNY.com>]
Sent: Wednesday, January 30, 2013 9:57 AM
To: Captain Telesca, John
Cc: Chief Krzeminski, Joseph
Subject: RE: CodeRed, Nixle, and Evergreen

Ok. Do you want another demo?

Christopher D. Steers, MPA, CFM
Village Manager
222 Grace Church Street
Port Chester, NY 10573
Phone (914) 939-2200
Fax (914) 937-3169
CSteers@PortChesterNY.com

From: Captain Telesca, John [<mailto:JTelesca@vpcpd.com>]
Sent: Wednesday, January 30, 2013 9:50 AM
To: Steers, Christopher
Subject: RE: CodeRed, Nixle, and Evergreen

My first choice as far as what is offered was Code Red. However, they were very expensive and probably well beyond our means with respect to annual cost. NIXLE is affordable and offers the basics of what we need and would serve our purposes well.

From: Steers, Christopher [<mailto:CSteers@PortChesterNY.com>]
Sent: Tuesday, January 29, 2013 7:26 PM
To: Chief Krzeminski, Joseph; Captain Telesca, John
Subject: CodeRed, Nixle, and Evergreen
Importance: High

Where did we end up with choosing an emergency notification system (CodeRed, Nixle,

or Evergreen)?

I have taken a close look at Nixle and it seems like a good product most commonly used in Westchester.

Do you have any specific concerns and or comments on selecting them?

Christopher D. Steers, MPA, CFM

Village Manager

222 Grace Church Street

Port Chester, NY 10573

Phone (914) 939-2200

Fax (914) 937-3169

CSteers@PortChesterNY.com

IMPORTANT WARNING: This message is intended for the use of the person or entity to which it is addressed and may contain information that is privileged and confidential, the disclosure of which is governed by applicable law. If the reader of this message is not the intended recipient, or the employee or agent responsible to deliver it to the intended recipient, you are hereby notified that any dissemination, distribution or copying of this information is STRICTLY PROHIBITED. If you have received this message in error, please notify the sender immediately and arrange for the return or destruction of these documents.

IMPORTANT WARNING: This message is intended for the use of the person or entity to which it is addressed and may contain information that is privileged and confidential, the disclosure of which is governed by applicable law. If the reader of this message is not the intended recipient, or the employee or agent responsible to deliver it to the intended recipient, you are hereby notified that any dissemination, distribution or copying of this information is STRICTLY PROHIBITED. If you have received this message in error, please notify the sender immediately and arrange for the return or destruction of these documents.

PUBLIC COMMENTS

RESOLUTIONS

WAIVER AND REJECTION OF OFFER OF DEDICATION TO MINETTA PLACE

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, Torosan Realty LLC (hereafter "Petitioner") has filed a Verified Petition with the Board of Trustees dated September 28, 2012; and

WHEREAS, Petitioner owns premises located at 138, 140, 126 and 194 South Main Street, Port Chester, also designated as Section 142.38, Block 1, Lots 25, 26, 27, 28, 29 and 39 on the Tax Map of the Town of Rye that abuts Minetta Place shown on a certain map of lots filed in the Westchester County Land Records on October 31, 1894; and

WHEREAS, based on correspondence from the Village, Minetta Place is an undedicated paper street that does not meet Village standards because it is too narrow for a public roadway; and

WHEREAS, Petitioner seeks to convey the premises and has requested that the Board of Trustees waive and reject any outstanding offer of dedication with regard to the street so that it may close title without any issue of title; and

WHEREAS, the Petition has been supplemented by a title report and consents from all property owners also abutting Minetta Place. Now, therefore, be it

RESOLVED, that the Board of Trustees hereby waives and rejects any outstanding offer of dedication to Minetta Place.

APPROVED AS TO FORM:

Village Attorney

File

BOARD OF TRUSTEES, VILLAGE OF PORT CHESTER
COUNTY OF WESTCHESTER, STATE OF NEW YORK
-----X

In the Matter of the Application of

TOROSAN REALTY LLC

**VERIFIED
PETITION**

For a Resolution Rejecting and Waiving an Offer of Dedication
Of the paper street known as

MINETTA PLACE.

-----X

To THE BOARD OF TRUSTEES OF THE VILLAGE OF PORT CHESTER:

The Petitioner, TOROSAN REALTY LLC, by its Attorney, JOHN B. COLANGELO, ESQ., 211 S. Ridge Street, Rye Brook, NY 10573, as and for its Verified Petition, states as follows:

1. Petitioner is the owner of that certain real property located in the Village of Port Chester, New York, known as 138, 140, 126 and 194 South Main Street - Section 142.38, Block 1, Lots 25, 26, 27, 28, 29 and 39 on the Tax Map of the Town of Rye, New York (hereinafter "the Premises"). Said premises abuts the paper street known as Minetta Place, as shown on a certain map of lots filed in the Westchester County Registrar's Office on October 31, 1894. Same is also shown on a certain survey map made by Ahneman, Kirby LLC dated August 1, 2011 (see Exhibit A annexed hereto).

Said Minetta Place is also abutted by other property owners (see Exhibit B annexed hereto).

2. It appears, from prior correspondence with the Village of Port Chester, that said Minetta Place is an undedicated paper street (SEE EXHIBIT C ANNEXED HERETO).

3. Petitioner has placed the Premises for sale on the open market and the title company of a potential purchaser has refused to insure title in said Minetta Place unless and until the Village of Port Chester expressly waives and rejects the offer of dedication made to the Village when the Premises was subdivided.


4. Village Law Section 6-612 provides that "The Board of Trustees may, by resolution, provide for laying out, altering, widening, narrowing, discontinuing, or accepting the dedication of a street in the Village."

5. A recent case, *Underhill Avenue Corp. v. Village of Croton-on-Hudson* (March 15, 2011), N.Y. Slip Op. 1998, illustrates that an open offer of dedication remains enforceable against subsequent purchasers, unless and until actually rejected by the municipality. As stated in the opinion, "...a lapse of time does not extinguish an offer of dedication, which may be accepted at any time prior to a valid revocation...". Furthermore, a failure to accept an offer of dedication is not a rejection of that offer (see *Foreal Homes v. Incorporated Vil. of Muttontown*, 128AD2d 585, 1987, as cited in the *Underhill Avenue* case.

6. Therefore, even though the Village does not claim any ownership in said paper street, it must expressly waive and reject the offer of dedication, or else there remain a cloud on the title, uninsurable by a title insurance company.
7. As can be seen from the annexed survey, the paper street is not owned by the Village and does not meet Village standards because it is too narrow for a public roadway (see memo of former Village Attorney George O'Hanlon dated April 6, 1988 annexed hereto as Exhibit C).
8. Therefore, Petitioner seeks a resolution from this Board with the finding that the street has become useless a right of way to the general public (see Village Law Section 6-612) and waiving and rejecting any offer of dedication that said Minetta Place be accepted as a public street in the Village of Port Chester.
9. Petitioner further requests that a Public Hearing be noticed and scheduled for the determination of this issue pursuant to Village Law Section 6-612 and Section 6-14.

TOROSAN REALTY LLC

Dated: September 28, 2012
Rye Brook, New York



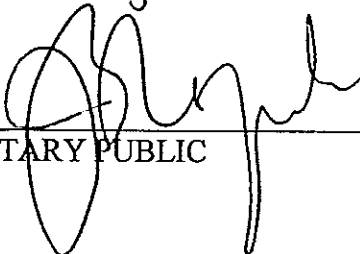
JOSEPH SANTORO
11 Quintard Drive
Port Chester, NY 10573

STATE OF NEW YORK)
 ss.:
COUNTY OF WESTCHESTER)

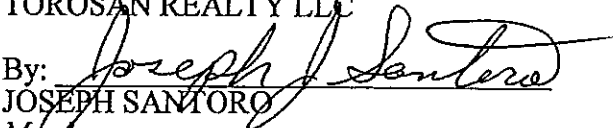
JOSEPH SANTORO, being duly sworn, says:

1. I am a Member of TOROSAN REALTY LLC, Petitioner in the within action;
2. I have read the foregoing Verified Answer and know the contents thereof. It is true to my own knowledge, except as to those matters therein stated to be alleged upon information and belief, and, as to those matters, I believe them to be true.

Sworn to before me this
28 day of September 2012

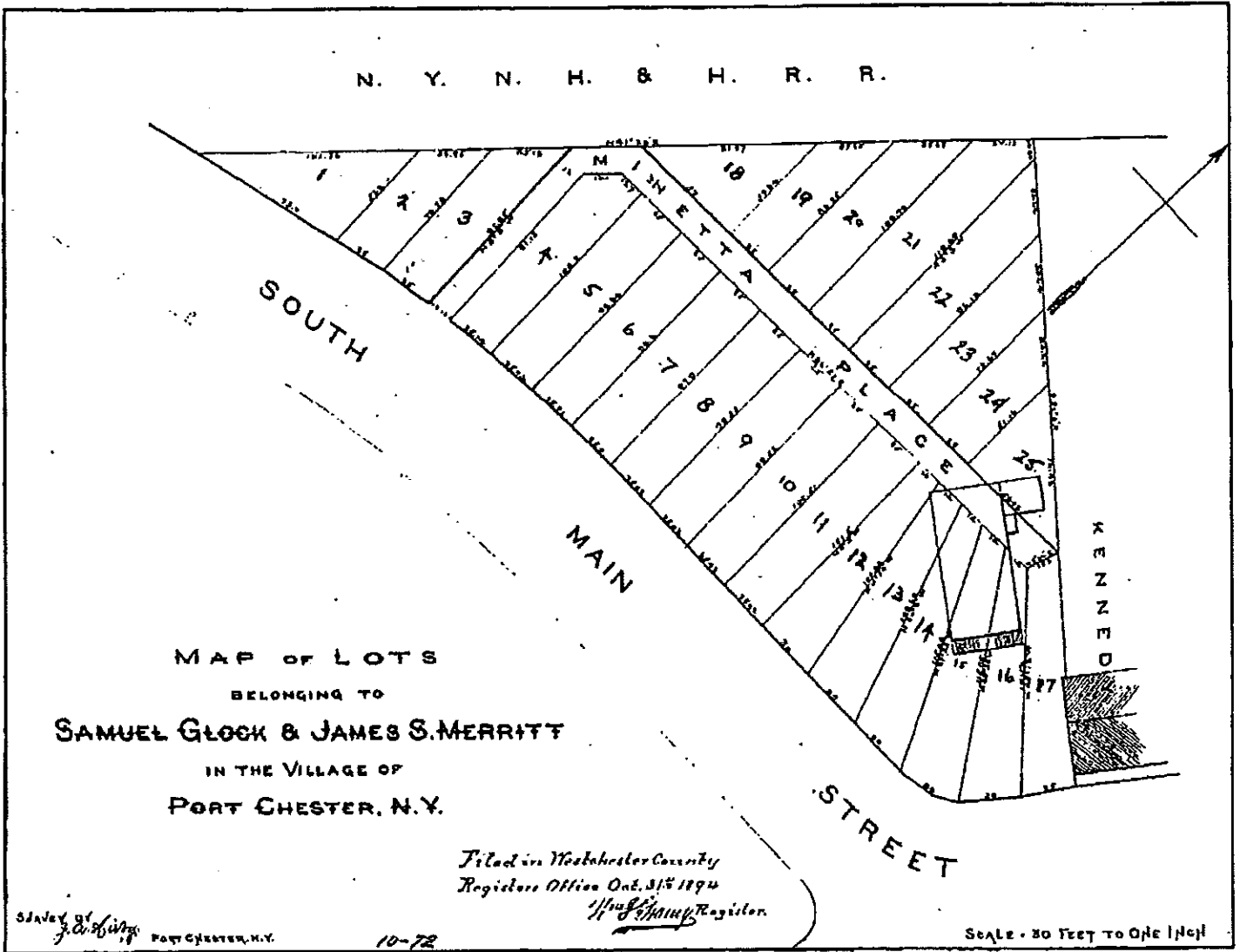


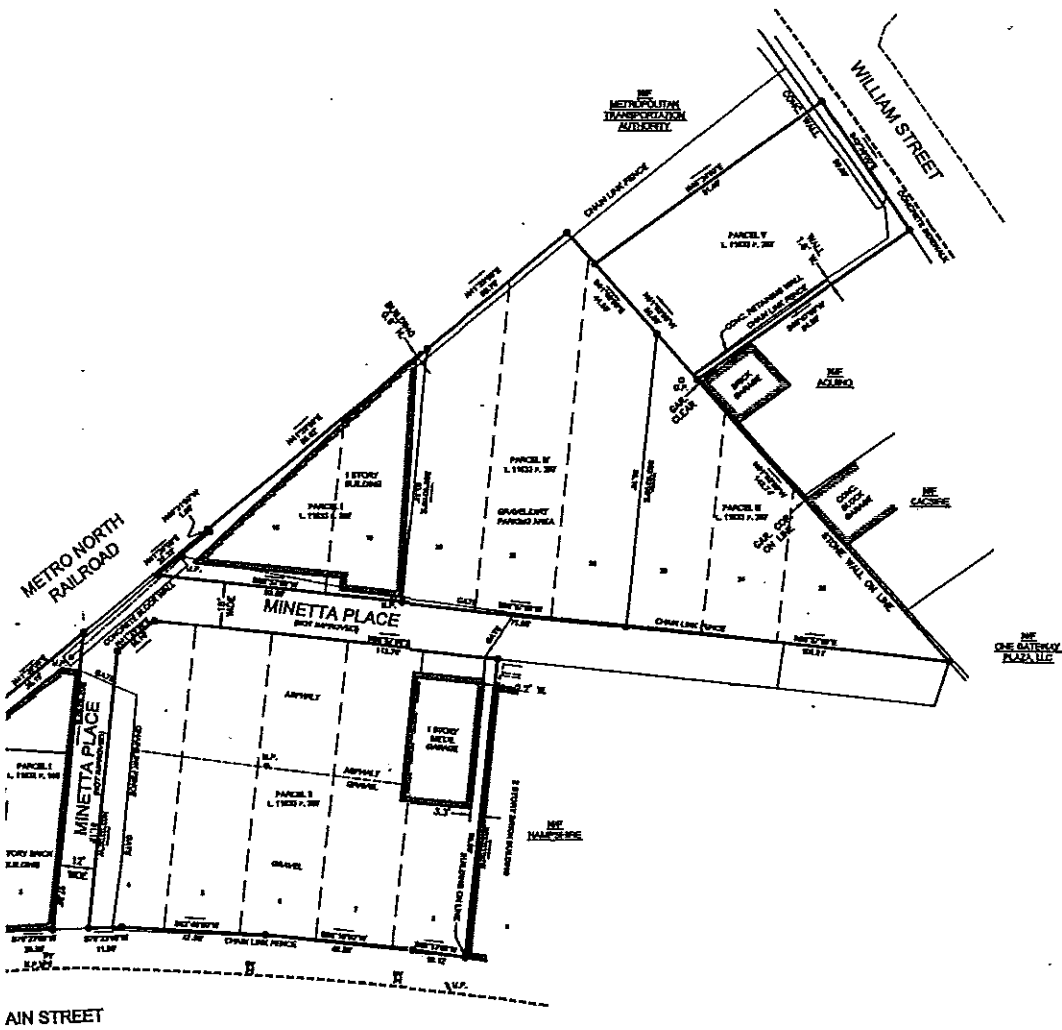
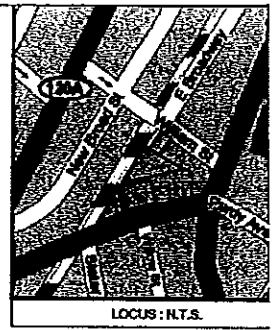
NOTARY PUBLIC

TOROSAN REALTY LLC
By: 

JOSEPH SANTORO
Member

JOHN B. COLANGELO Notary Public, State of New York No. 4706504 Qualified in Westchester County Commission Expires July 31, 2012





ABBREVIATIONS

- CONC. CONCRETE
- GAR. GARAGE
- COR. CORNER
- N. NORTH
- W. WEST
- S. SOUTH
- NF. NOW OR FORMERLY
- GV. GAS VALVE
- WV. WATER VALVE
- U.P. UTILITY POLE

SYMBOLS

- CHAIN LINK FENCE
- EXISTING BUILDING

REVISION: AUGUST 14, 2011

Date:	AUGUST 1, 2011
Scale:	1" = 30'
Drawn/Checked By:	ESG/BJG
Book #:	
Job #:	118-041
Address:	

Make restrictive of record, if any.

Set witnesses or fast would affect the own finished s

city lines are not fences, structures or

of Overstack and

vey map bearing a of Section 7200, Law.

SCHEDULE OF AREAS

Liber 11453 page 195
Parcel I, II & III = 5,828 sq. ft. (0.13 acres)

Liber 11453 page 207
Parcel IV = 12,214 sq. ft. (0.28 acres)

Parcel I, III & IV = 18,042 sq. ft. (0.41 acres)

Parcel V = 4,441 sq. ft. (0.10 acres)

Total area = 30,478 sq. ft. (0.70 acres)



PRINT IN/ALD WITHOUT EMBOSSED SEAL

AHNEMAN KIRBY, LLC
 CIVIL ENGINEERING & LAND SURVEYING
 1171 East Putnam Avenue, Riverside, CT 06878
 Tel: 203.869.7707 • Fax: 203.869.4608
 www.ahnemankirby.com

8-18-11



First American Title

First American Title Insurance Company
633 Third Avenue, 16th Floor
New York, New York 10017
Phone: (212)922-9700
Fax: (212)922-0881
Email:

CERTIFICATIONS OF PARCELS ABUTTING MINETTA PLACE:

As to Tax lot 30 (map lot 9) (building, no identification):

IGLESIA PENTECOSTAL EL OLIVAR (A/K/A EL OLIVAR PENTECOSTAL CHURCH)

Who acquired title by deed from Backdac South Realty, LLC dated 7/2/2004 recorded 10/2/2004 in Document Control #442430047. (we insured. Title #3004-35942), as corrected by correction deed dated 8/26/2005 and recorded 12/14/2005 in Document Control #453320210.

As to Tax lot 31 and 32 (map lots 10 and 11) Valencambo Superior Seafood Corp (per sign):

MFA REALTY, LTD.

Who acquired title by deed from SMART REALTY, INC. dated 10/15/1987 recorded 10/28/1987 in Liber 9009 Cp 122.

As to Tax lot 33 (map lot 12) (vacant)

IGLESIA PENTECOSTAL EL OLIVAR, INC. A/K/A IGLESIA PENTECOSTAL EL OLIVAR

Who acquired title by deed from Village of Port Chester dated 6/12/2002 recorded 8/20/2002 in Document Control #422210232

As to Tax lot 34 (map lot 13) (church building):

IGLESIA PENTECOSTAL EL OLIVAR, INC.

Who acquired title by deed from Jose A. Cruz Batiz dated 2/24/1975 recorded 2/8/1979 in Liber 7540 Cp 692.

As to Tax lot 35 (map lots 14 to 17) (Parking lot):

ONE GATEWAY PLAZA, LLC, AS SUCCESSOR IN INTEREST TO DEDONA BOSTON REALTY CO.

Who acquired title by deed from Village of Port Chester Industrial Development Agency dated 7/11/2005 recorded 3/6/2009 in Document Control #490580281.

All chains contain usual 1/2 streets clauses or together with streets clauses.

Lots 33 and 35 were owned by the village (tax lien foreclosures). The others were not.

Notations as to the buildings from Google Earth.

Est 19

Exhibit C



GEOR E O'HANLON

VILLAGE ATTORNEY

10 Pearl Street
Port Chester, New York 10573

(914) 939-5208

December 1, 1987

Mr. Joseph Santoro
Willow Motors
146 South Main Street
Port Chester, New York 10573


Dear Mr. Santoro:

The Board of Trustees of the Village of Port Chester has received your request to purchase Minetta Place. An examination of our records indicates that that parcel was never conveyed to the Village. It also appears that the Village never opened Minetta Place as a Village street. It is, therefore, the conclusion of the Village at this time that it does not own the property. ✓

If you have evidence to the contrary based on a title report or otherwise, then I will be glad to review the matter further.

Since it is my understanding that you have occupied this parcel for some time, you may wish to contact your own attorney to see if an action to quiet title might not solve your problem.

Sincerely yours,


George A. O'Hanlon
Village Attorney

AOG:bb

RECEIVED
MAR 11 1988

V I L L A G E M A N A G E R
V I L L A G E A T T O R N E Y

Village of Port Chester

MEMO TO: Assessor
Town of Rye and Village of Port Chester

FROM: George A. O'Hanlon *G.A.O.*

DATE: April 6, 1988

RE: MINETTA PLACE, VOLUME 10 OF MAPS, PAGE 12

APR 8 1988

RECEIVED
BUILDING DEPT.

At the request of the Village Manager and Marino, Chambers and Lou, P.C., I have investigated the status of the paper street known as Minetta Place. Based on that investigation and the report from First American Title Insurance Company of New York, I have verified that the paper street in question was never acquired and, so far as can be determined, was never opened or maintained by the Village. At this time also the Village could not take title to it as a street because it is too narrow under Village policy. Normal width set out in 6-610 Village Law.

Based on the foregoing and the opinion of the title company I suggest that you put it on the roll in the names of the adjacent owners.

The case of Lardon V. Binghamton 79 AD 2d 810, while not directly in point, does appear to give adjacent owners using the same a right to object. But since the place goes nowhere and serves no one, I do not feel it is a matter of serious concern in the circumstances. The supporting documents are annexed.

GADH:tr
Attachmrt
cc: Marino, Chambers & Lou, P.C.

The undersigned adjoining property owner to Minetta Place, Port Chester, New York, hereby consents to the Petition of TOROSAN REALTY LLC for resolution from the Village of Port Chester, New York, rejecting and waiving an offer of dedication of the paper street known as Minetta Place. It is not intended by the execution of this consent that the undersigned property owner waives any other rights, including but not limited to prescriptive rights and rights and easements to access the undersigned owners premises in and over Minetta Place.

Dated:

MFA REALTY LTD.

By: Michael Jozella

The undersigned adjoining property owner to Minetta Place, Port Chester, New York, hereby consent to the Petition of TOROSAN REALTY LLC for resolution from the Village of Port Chester, New York, rejecting and waiving an offer of dedication of the paper street known as Minetta Place.

IGLESIA PENTACOSTAL EL OLIVAR

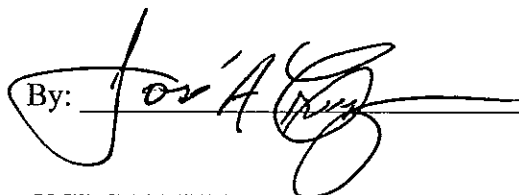
By: _____

ONE GATEWAY PLAZA, LLC

By:  _____

The undersigned adjoining property owner to Minetta Place, Port Chester, New York, hereby consent to the Petition of TOROSAN REALTY LLC for resolution from the Village of Port Chester, New York, rejecting and waiving an offer of dedication of the paper street known as Minetta Place.

IGLESIA PENTACOSTAL EL OLIVAR

By:  _____

ONE GATEWAY PLAZA, LLC

By: _____



First American Title

Proposed Insured
Purchaser: Red's Garage Ltd.
Mortgagee: Will Advise

Title No.: 3008-348071
Effective Date: 03/01/2011
Redated:

Amount of Insurance:
Fee: \$1,800,000.00
Mortgage: \$0.00

THIS COMPANY CERTIFIES that a good and marketable title to the premises described in Schedule "A", subject to the liens, encumbrances and other matters, if any, set forth in this certificate may be conveyed and or mortgaged by:

TOROSAN REALTY LLC, a New York limited liability company

Which acquired by the following:

- 1) From Joseph A. Santoro and Laura F. Santoro by deed dated 8/30/1997 and recorded 10/9/1997 in Liber 11833 Cp 207, and
- 2) From Joseph A. Santoro and Laura F. Santoro by deed dated 8/30/1997 and recorded 10/9/1997 in Liber 11833 Cp 195.

Premises described in Schedule "A" are known as:

Address: 136-138 South Main Street,
Port Chester, New York 10573
140 South Main Street,
Port Chester, New York 10573

County: Westchester Town: Rye

Section: 142.38 Village: Port Chester

Block: 1

Lot: 27, 26, 25, 29, 28 & 39

**For any Title Clearance Questions
on this Report please call
VINCENT L. PLAIA
COUNSEL
(212)850-0603**



SCHEDULE "B-1"
(REQUIREMENTS)

THE FOLLOWING ARE REQUIREMENTS TO BE COMPLIED WITH FOR A TITLE POLICY TO ISSUE:

1. As to the bed of Myneta (or Minetta) Place, in order to insure title, the following must be done:
 - A. Omitted 11/09/2011 (zb) A full examination of title from 10/31/1894 to date must be done on all lots shown on the "Map of Lots belonging to Samuel Glock and James S. Merritt in the Village of Port Chester New York" filed 10/31/1894 in the Westchester County Clerk's office to determine if the current owners acquired title to the bed of said street, either by recital or by description.
 - B. A petition for abandonment of the street as a public road must be made by all the owners determined in the examination to the Village of Port Chester to abandon Myneta (or Minetta) Place as a public street. The Village of Port Chester must abandon same. this will clear any question of rights of the general public to use said street. If all owners on the map join in the petition, the question of private rights of owners on the filed map to use said street will also be cleared. Otherwise, policy will except the rights of the general public and of adjacent owners to use said street.

FOR MORTGAGEE ONLY: Policy insures that said rights cannot cut off the lien of the mortgage.
 - C. The easements recited herein indicate the possible existence of rights of utility companies and/or local municipalities to maintain fixtures and/or equipment which may exist in the bed of said Myneta (or Minetta) Place. Unless this is fully resolved, it will continue as an exception to title.

FOR MORTGAGEE ONLY: Policy insures that said rights cannot cut off the lien of the mortgage.
 - D. Myneta (or Minetta) Place is not taxed. An exception will be raised as to the possible retroactive imposition of real estate taxes on said parcel.
2. Closing mortgage/deed must contain the following recital: Being the same premises conveyed to the party of the first part herein by deed recorded on 10/9/1997 in(as) Liber 11833 Cp 207, and recorded 10/9/1997 in Liber 11833 Cp 195.
3. Searches, including judgments, federal tax liens and bankruptcies have been run against Torosan Realty LLC, the certified owner(s) herein and the following must be disposed of:

Bankruptcy:

Debtor: Torosan Realty LLC
Filed: 5/27/2009
Chapter No.: 11
Case No.: 09-22879-rdd (See Post)
District: Southern-New York

Company must be notified well in advance of closing whether this bankruptcy affects the certified owner herein. If it does, it must be reviewed and additional exceptions will be raised.



SCHEDULE B-I Continued
(REQUIREMENTS)

4. Re: Torosan Realty LLC

- (a) Proof is required of its formation and that it has not been dissolved. Proof is also required that there has been no change in the composition of the Limited Liability Company.
- (b) A copy of its Articles of Organization and any amendments thereto, must be delivered to the Company for review in advance of closing.
- (c) A copy of its Operating Agreement and any amendments thereto, must be delivered to the Company for review in advance of closing.
- (d) Proof is required that the transaction to be insured has been duly authorized.
- (e) The name(s) of the managing member(s) must be furnished to this Company in advance of the closing so that federal tax lien and bankruptcy searches can be run. If the limited liability company does not have managing members, please contact Company Counsel to identify the names of the members as to whom said searches are to be run.

NOTE: At least two-thirds in interest of the members at a duly called and noticed meeting are required to vote for or consent in writing to a sale, lease or mortgage, pursuant to Sections 402, 403, 405 and 407 of the Limited Liability Company Law. Counsel must be advised in advance of the closing if less than two-thirds have voted for or consented in writing to the proposed transaction (or that such a vote or consent is anticipated) to determine if there is or will be due authority to convey.

Conveyances by a Limited Liability Company formed on and after August 31, 1999, and a previously formed Limited Liability Company having amended its Operating Agreement to so provide, may proceed on the vote of a majority in interest of its members.

- 5. FOR INFORMATION ONLY: Searches for federal tax liens, bankruptcies and judgments have been run against Red's Garage Ltd., the proposed purchaser(s)/mortgagor(s) and such searches disclose the following: NO RETURNS (Note - If the mortgage to be insured is not a purchase money mortgage these items must be disposed of)
- 6. If the present transaction consists in whole or in part of the making of a mortgage there must be compliance with Section 911 of the Business Corporation Law. We will require a certified copy of the resolution of the Board of Directors of any corporate mortgagor authorizing the making of said mortgage.

Proof must also be shown that the consent of the stockholders of the mortgagor corporation for the making of said mortgage is not required by its Certificate of Incorporation, as amended.

The mortgage should contain a recital stating that it was made and executed pursuant to the resolution of the Board of Directors of the mortgagor.

- 7. NOTE: Westchester County has imposed a mortgage recording tax of .0025 (1/4%) of the principal amount of the mortgage, in addition to the New York State portion of the tax, for an aggregate mortgage recording tax in Westchester County (outside of the City of Yonkers) of 1.30 %.



SCHEDULE B-I Continued
(REQUIREMENTS)

8. Note: Commencing January 1st, 2010, the Westchester County Clerk will require that the following forms submitted in connection with the transfer of real property in Westchester County be completed on the Internet using the Property Records Electronic Portal (PREP) System: i) The New York State Real Estate Transfer Tax Return ("TP-584") and the New York State Real Property Transfer Report ("RP-5217"). These forms must be printed from PREP and submitted to the recording office with the closing instruments. A Cover Page created on the PREP System must be prepared by the submitting title company. This cannot be accomplished unless any required tax forms, if prepared by other than the title company, are assigned in PREP to the title company in advance of closing. Please contact the underwriter assigned to the transaction prior to closing.
9. To verify at closing the identity of the persons who are executing closing documents, two forms of identification, at least one of which is to contain a photograph, is required to be presented.
10. Note: Payment at closing of any amount exceeding \$5,000.00 must be made by a bank or certified check, by a check issued from an attorney's escrow account, or by wired funds.
11. FOR INFORMATION ONLY:

RE: Real Property Tax Payments

NOTE: The recording of documents has been significantly delayed by many county recording offices in New York State. When real estate tax payments become due prior to the recording of a deed, the local tax assessor may not have sufficient information as to where tax bills are to be sent. Where this is an issue, it may be advisable to contact the office of your local tax assessor with a copy of the closing deed. First American is not responsible for the failure to receive real estate tax bills or for any additional charges that may result from the failure to timely pay such amounts. The prompt payment of real estate taxes is the responsibility of the property owner and its mortgage lender.
12. Note: Contact Counsel for the Company in advance of closing if a document is to be executed pursuant to a power of attorney.



First American Title

**Title No. 3008-348071
AMENDED 08/04/2011 (rjw)**

**SCHEDULE "B-II"
(EXCEPTIONS)**

THE POLICY WILL INCLUDE AS EXCEPTIONS TO TITLE THE FOLLOWING MATTERS UNLESS THEY ARE DISPOSED OF TO THE SATISFACTION OF THE COMPANY:

1. Rights of tenants or persons in possession, if any.
2. Taxes, tax liens, tax sales, water rates, sewer rents and assessments set forth herein.
3. **AMENDED 08/04/2011 (rjw)** See Survey Reading annexed hereto.
4. There (is) are no open mortgage(s) of record. (See Mortgage Schedule herein)
5. Covenants and Restrictions in deed recorded 8/12/1952 in Liber 5125 Cp 382 (See Post). Policy will insure that the covenants and restrictions herein do not contain a right of re-entry nor any provision for forfeiture of reversion of title.
6. Sewer and Water Main Easements as recited in Agreement recorded 5/11/1926 in Liber 2666 Cp 69 (See Post).
7. As to premises in Schedule A lying in the bed of Minetta Place:
 - a. Policy excepts the rights of others to use Minetta Place. AS TO LOAN POLICY ONLY: Policy insures that said rights cannot cut off the lien of the mortgage.
 - b. The rights of utility companies and/or local municipalities to maintain fixtures and/or equipment which may exist in the bed of Minetta Place. AS TO LOAN POLICY ONLY: Policy insures that said rights cannot cut off the lien of the mortgage.



First American Title

**Title No. 3008-348071
AMENDED 08/04/2011 (rjw)**

SURVEY READING

Survey made by Ahneman Kirby, LLC dated 8/1/2011 shows the following variations with lot lines:

As to Parcel 1:

- A. Building up to 0.9 feet North of northerly line.
- B. Fence North of southerly line.

As to Parcel 2:

- A. Fence varies with southerly line.

As to Parcel 3:

- A. Fence varies with southerly line.
- B. Stone wall varies with northeasterly line
- C. Corner of garage on premises to northeast on northeasterly line.

As to Parcel 4:

- A. Fences vary with southerly and northwesterly lines.

As to Parcel 5:

- A. Concrete wall varies with northeasterly line.
- B. Concrete retaining wall and fence vary with southeasterly line.

As to Parcel 6:

- A. Building walls vary with easterly, southerly and westerly lines.

As to Parcel 7:

- A. Building walls vary with all lines.

As to Parcel 8:

- A. Building walls vary with easterly and northwesterly lines.
- B. Concrete wall varies with northwesterly line.
- C. Sidewalk North and South of southerly line. Rights of others than the insure to use and maintain said sidewalk are excepted.



First American Title

Title No. 3008-348071

MORTGAGE SCHEDULE

NONE OF RECORD

This title report does not show all the terms and provisions of the mortgage(s) set forth herein. Interested parties should contact the holder(s) thereof to ascertain the terms, covenants and conditions contained therein, and to determine if there are any unrecorded amendments or modifications thereto.



Privacy Information

We Are Committed to Safeguarding Customer Information

In order to better serve your needs now and in the future, we may ask you to provide us with certain information. We understand that you may be concerned about what we will do with such information - particularly any personal or financial information. We agree that you have a right to know how we will utilize the personal information you provide to us. Therefore, together with our subsidiaries we have adopted this Privacy Policy to govern the use and handling of your personal information.

Applicability

This Privacy Policy governs our use of the information that you provide to us. It does not govern the manner in which we may use information we have obtained from any other source, such as information obtained from a public record or from another person or entity. First American has also adopted broader guidelines that govern our use of personal information regardless of its source. First American calls these guidelines its Fair Information Values.

Types of Information

Depending upon which of our services you are utilizing, the types of nonpublic personal information that we may collect include:

- Information we receive from you on applications, forms and in other communications to us, whether in writing, in person, by telephone or any other means;
- Information about your transactions with us, our affiliated companies, or others; and
- Information we receive from a consumer reporting agency.

Use of Information

We request information from you for our own legitimate business purposes and not for the benefit of any nonaffiliated party. Therefore, we will not release your information to nonaffiliated parties except: (1) as necessary for us to provide the product or service you have requested of us; or (2) as permitted by law. We may, however, store such information indefinitely, including the period after which any customer relationship has ceased. Such information may be used for any internal purpose, such as quality control efforts or customer analysis. We may also provide all of the types of nonpublic personal information listed above to one or more of our affiliated companies. Such affiliated companies include financial service providers, such as title insurers, property and casualty insurers, and trust and investment advisory companies, or companies involved in real estate services, such as appraisal companies, home warranty companies and escrow companies. Furthermore, we may also provide all the information we collect, as described above, to companies that perform marketing services on our behalf, on behalf of our affiliated companies or to other financial institutions with whom we or our affiliated companies have joint marketing agreements.

Former Customers

Even if you are no longer our customer, our Privacy Policy will continue to apply to you.

Confidentiality and Security

We will use our best efforts to ensure that no unauthorized parties have access to any of your information. We restrict access to nonpublic personal information about you to those individuals and entities who need to know that information to provide products or services to you. We will use our best efforts to train and oversee our employees and agents to ensure that your information will be handled responsibly and in accordance with this Privacy Policy and First American's Fair Information Values. We currently maintain physical, electronic, and procedural safeguards that comply with federal regulations to guard your nonpublic personal information.

Information Obtained Through Our Web Site

First American Financial Corporation is sensitive to privacy issues on the Internet. We believe it is important you know how we treat the information about you we receive on the Internet.

In general, you can visit First American or its affiliates' Web sites on the World Wide Web without telling us who you are or revealing any information about yourself. Our Web servers collect the domain names, not the e-mail addresses, of visitors. This information is aggregated to measure the number of visits, average time spent on the site, pages viewed and similar information. First American uses this information to measure the use of our site and to develop ideas to improve the content of our site.

There are times, however, when we may need information from you, such as your name and email address. When information is needed, we will use our best efforts to let you know at the time of collection how we will use the personal information. Usually, the personal information we collect is used only by us to respond to your inquiry, process an order or allow you to access specific account/profile information. If you choose to share any personal information with us, we will only use it in accordance with the policies outlined above.

Business Relationships

First American Financial Corporation's site and its affiliates' sites may contain links to other Web sites. While we try to link only to sites that share our high standards and respect for privacy, we are not responsible for the content or the privacy practices employed by other sites.

Cookies

Some of First American's Web sites may make use of "cookie" technology to measure site activity and to customize information to your personal tastes. A cookie is an element of data that a Web site can send to your browser, which may then store the cookie on your hard drive.

FirstAm.com uses stored cookies. The goal of this technology is to better serve you when visiting our site, save you time when you are here and to provide you with a more meaningful and productive Web site experience.

Fair Information Values

Fairness We consider consumer expectations about their privacy in all our businesses. We only offer products and services that assure a favorable balance between consumer benefits and consumer privacy.

Public Record We believe that an open public record creates significant value for society, enhances consumer choice and creates consumer opportunity. We actively support an open public record and emphasize its importance and contribution to our economy.

Use We believe we should behave responsibly when we use information about a consumer in our business. We will obey the laws governing the collection, use and dissemination of data.

Accuracy We will take reasonable steps to help assure the accuracy of the data we collect, use and disseminate. Where possible, we will take reasonable steps to correct inaccurate information. When, as with the public record, we cannot correct inaccurate information, we will take all reasonable steps to assist consumers in identifying the source of the erroneous data so that the consumer can secure the required corrections.

Education We endeavor to educate the users of our products and services, our employees and others in our industry about the importance of consumer privacy. We will instruct our employees on our fair information values and on the responsible collection and use of data. We will encourage others in our industry to collect and use information in a responsible manner.

Security We will maintain appropriate facilities and systems to protect against unauthorized access to and corruption of the data we maintain.

MAINTENANCE SERVICES FOR COLUMBUS PARK SOCCER FACILITY

On motion of TRUSTEE _____, seconded by TRUSTEE _____

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

WHEREAS, the Village of Port Chester entered into an intermunicipal agreement with the County of Westchester obtaining funding under the Legacy Program for a state-of-art synthetic turf soccer field to be installed at Columbus Park; and

WHEREAS, a well-planned and executed maintenance program is essential to provide a safe, playable surface for field users and protect the investment made by the County; and

WHEREAS, since 2008, the Village has engaged the services of LandTek on an annual basis to implement such program which includes cleanup, deep grooming, Gmax testing and any necessary repairs; and

WHEREAS, the vendor is authorized by the manufacturer of the turf field to provide all such maintenance services. Now, therefore be it

RESOLVED, that the Village Manager be and is hereby authorized to enter into an agreement with Landtek, 235 County Line Road, Amityville, New York for annual maintenance services to the soccer field at Columbus Park, compensation to be \$7,500.

APPROVED AS TO FORM:

Village Attorney



Received
FEB 20 2013
Village Clerk
VILLAGE OF PORT CHESTER

Contract for Synthetic Turf Maintenance

By And Between:

The LandTek Group, Inc a corporation having a principal place of business at 235 County Line Road, Amityville, NY 11701 (*contractor*)

and

Port Chester Recreation a municipality having a place of business at 222 Grace Church Street, Port Chester, NY 10573 (*owner*)

NOW THEREFORE the parties agree to the following:

Description of Project: Columbus Park Synthetic Turf Maintenance

Site Location: Columbus Park
Ryan Ave
Port Chester, NY 10573

Details: Synthetic Turf Maintenance

Summary of Work: Maintaining the synthetic turf field at Columbus Park. Work is to be performed four (4) times per year and includes one (1) G-Max test.


Contract Value: \$7,500.00 – Seven Thousand Five Hundred Dollars

Duration: 2013 Season

If you would like LandTek to service your synthetic turf field, please sign and date below and return with a purchase order (if necessary). Thank you.

Village Manager
Village of Port Chester

Date



Chris Walsh
Manager-Synthetic Turf Maint.

2/20/13

Date

RESOLUTION

2013 AGREEMENT
SOUTH EAST CONSORTIUM FOR SPECIAL SERVICES, INC.

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

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

New York:

WHEREAS, the South-East Consortium for Special Services, Inc. provides a special recreation program for citizens with developmental disabilities and special needs through a long-standing agreement with several municipalities in Westchester County; and

WHEREAS, the Village of Port Chester has been a party to this agreement which is up for renewal for calendar year 2013 at the same rate as the 2012 calendar year; and

WHEREAS, the program has successfully provided opportunities to our disadvantaged citizens. Now, therefore, be it

RESOLVED, that the Village Manager be authorized to sign an Inter Agency Agreement with the South East Consortium for Special Services, Inc., with the City of Rye, the Towns of Eastchester, Mamaroneck, Pelham, the Village of Scarsdale, the Town-Village of Harrison, the Villages of Port Chester, Rye Brook and Mamaroneck, to provide a collective program or special recreation services for citizens with developmental disabilities and special needs for the calendar year of 2013; and be it further

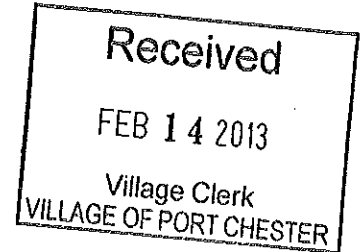
RESOLVED, that the contribution in the amount of \$21,829.00 has been appropriated in General Fund line item #001-7310-0455.

APPROVED AS TO FORM:

Village Attorney



740 WEST BOSTON POST ROAD, SUITE 301 • MAMARONECK, NEW YORK • 10543-3357
TEL: (914) 698-5232 FAX: (914) 698-7125
www.secrec.org



February 1, 2013

Ms. Heather Krakowski
Department of Recreation
Village of Port Chester
222 Grace Church St., 1st Floor
Port Chester, NY 10573

STATEMENT FOR SERVICES AS FOLLOWS:

2013 Municipal Contributions as per Agreement between the South East Consortium for Special Services, Inc. and the Village of Port Chester. Please remit at your earliest convenience. Please note this amount reflects zero increase from 2012.

AMOUNT DUE: \$21,829.00

Please sign both agreements and return one with your remittance.

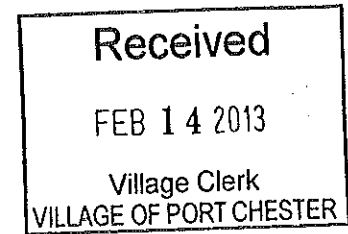
Thank you.

Jerry Peters
Executive Director



Proudly Serving

Town and Village of Mamaroneck • Town of Pelham • Village of Rye Brook • Village of Port Chester • Village of Larchmont • City of Rye
Town and Village of Scarsdale • Town of Eastchester • Village of Bronxville • Village of Tuckahoe • Town and Village of Harrison



South East Consortium for Special Services, Inc.
Inter-Agency Agreement for 2013

This agreement made on the 1st of January 2013 by and between the South East Consortium for Special Services, Inc., a not-for-profit corporation of the State of New York; Town/Village of Harrison, a municipal corporation of the State of New York; Town of Mamaroneck, a municipal corporation of the State of New York; Town of Pelham, a municipal corporation of the State of New York; Town of Eastchester, a municipal corporation of the State of New York; City of Rye, a municipal corporation of the State of New York; Village of Rye Brook, a municipal corporation of the State of New York; Village of Scarsdale, a municipal corporation of the State of New York; Village of Port Chester, a municipal corporation of the State of New York; and the Village of Mamaroneck, a municipal corporation of the State of New York shall enable said component municipalities the opportunity to provide collective programs of special recreation services and respite opportunities for citizens with various developmental disabilities and special needs through participation in the South East Consortium for Special Services, Inc. as appropriate and available.

Now, therefore, the parties hereto agree as follows:

FIRST: The parties shall jointly operate a special recreation program for citizens with various developmental disabilities and special needs residing or domiciled within the corporate limits of their respective municipalities to the best of its capabilities and available resources.

SECOND: The program shall be funded through each municipality in accordance with schedule of attached hereto and made part hereto establishing respective local shares which shall be in addition to any third party sources of funding. Said local shares shall be paid to South East Consortium at the municipalities' earliest convenience in the current calendar year unless otherwise mutually agreed upon.

THIRD: The substantive program policy shall be the joint responsibility of all the parties, but shall be carried out administratively by the South East Consortium in the same manner as any other programs for which said council would otherwise individually be responsible.

Administrative services include, but not limited to accounting, payroll, legal, personnel, insurance and risk management. In addition, the South East Consortium, on behalf of the program, may apply and receive grants and other third party sources of revenue, and may further enter into agreements on behalf of the program with other governmental agencies and not-for-profit organizations providing partial or full support of any program or activity to be provided hereunder.

FOURTH: The Board of Directors consisting, in part, of a designee from each component municipality shall have policy-making power for the program, and which shall further have the power to adopt rules, regulations, and procedures for the governing of the program affairs in a manner consistent herewith.

FIFTH: The South East Consortium shall procure and maintain liability insurance at its own cost and expense relating to all activities sponsored by and performed by the program, which insurance shall protect the interests of the parties hereto as named insured's. Said insurance limits and amounts will be determined by resolution by the Board of Directors.

SIXTH: The Chief Fiscal Officer of the South East Consortium shall be the Treasurer.

SEVENTH: Programs shall be held throughout the component municipalities, utilizing existing and available municipal/community facilities and resources.

EIGHTH: The South East Consortium shall provide special recreation and respite programs for component municipalities and will accommodate participants from non-component municipalities in accordance with agency guidelines currently enforced.

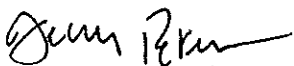
NINTH: This agreement shall be effective for the calendar year 2013 and upon further agreement of the parties, may be amended and/or extended from year to year thereafter.

TENTH: The South East Consortium shall deliver to each component municipality a current Certificate of Insurance verifying the existence of such insurance and naming said municipality as Additional Insured. The South East Consortium shall hold harmless, indemnify, and defend the Village of Port Chester, its employees, officials and agents from any and all claims, suits and actions arising out of the activities of the special recreation and respite programs provided by the South East Consortium.

The South East Consortium shall provide the Village of Port Chester a copy of the Certificate of Insurance naming the Village of Port Chester as Additional Insured.

IN WITNESS WHEREOF the parties hereto have executed this agreement as of the day and year above written.

SOUTH EAST CONSORTIUM FOR SPECIAL SERVICES, INC.

By: 
Jerry Peters, Executive Director

VILLAGE OF PORT CHESTER

By: _____
Printed Name/Title

Signature



New York State Insurance Fund

Workers' Compensation & Disability Benefits Specialists Since 1914

105 CORPORATE PARK DRIVE SUITE 200, WHITE PLAINS, NEW YORK 10604-3814
Phone: (914) 253-4861

CERTIFICATE OF WORKERS' COMPENSATION INSURANCE

***** 133076622
SOUTH EAST CONSORTIUM FOR
SPECIAL SERVICES INC
740 WEST BOSTON POST ROAD
MAMARONECK NY 10543

POLICYHOLDER
SOUTH EAST CONSORTIUM FOR
SPECIAL SERVICES INC
740 WEST BOSTON POST ROAD
MAMARONECK NY 10543

CERTIFICATE HOLDER
VILLAGE OF PORT CHESTER
222 GRACE CHURCH STREET
PORT CHESTER NY 10573

POLICY NUMBER W 785 498-7	CERTIFICATE NUMBER 873190	PERIOD COVERED BY THIS CERTIFICATE 06/01/2011 TO 06/01/2013	DATE 1/25/2012
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THIS IS TO CERTIFY THAT THE POLICYHOLDER NAMED ABOVE IS INSURED WITH THE NEW YORK STATE INSURANCE FUND UNDER POLICY NO. 785 498-7 UNTIL 06/01/2013, COVERING THE ENTIRE OBLIGATION OF THIS POLICYHOLDER FOR WORKERS' COMPENSATION UNDER THE NEW YORK WORKERS' COMPENSATION LAW WITH RESPECT TO ALL OPERATIONS IN THE STATE OF NEW YORK, EXCEPT AS INDICATED BELOW.

IF SAID POLICY IS CANCELLED, OR CHANGED PRIOR TO 06/01/2013 IN SUCH MANNER AS TO AFFECT THIS CERTIFICATE, 10 DAYS WRITTEN NOTICE OF SUCH CANCELLATION WILL BE GIVEN TO THE CERTIFICATE HOLDER ABOVE. NOTICE BY REGULAR MAIL SO ADDRESSED SHALL BE SUFFICIENT COMPLIANCE WITH THIS PROVISION.

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS NOR INSURANCE COVERAGE UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICY.

NEW YORK STATE INSURANCE FUND

DIRECTOR, INSURANCE FUND UNDERWRITING

This certificate can be validated on our web site at <https://www.nysif.com/cert/certval.asp> or by calling (888) 875-5790
VALIDATION NUMBER: 382793415



CERTIFICATE OF LIABILITY INSURANCE

OP ID JM

DATE (MM/DD/YYYY)

06/15/12

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER NFP Property & Casualty Services, Inc. 707 Westchester Ave., Ste 201 White Plains NY 10604 Phone: 914-683-3990 Fax: 914-948-9560	CONTACT NAME: PHONE (A/C, No, Ext): _____ FAX (A/C, No): _____ E-MAIL ADDRESS: _____		
	PRODUCER CUSTOMER ID#: SOUTH-8		
INSURED South East Consortium for Special Services Inc. 740 West Boston Post Road #301 Mamaroneck NY 10543	INSURER(S) AFFORDING COVERAGE		NAIC #
	INSURER A: Philadelphia Insurance Cos.		
	INSURER B:		
	INSURER C:		
	INSURER D:		
	INSURER E:		

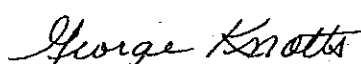
COVERAGES**CERTIFICATE NUMBER:****REVISION NUMBER:**

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL INSR	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS	
A	GENERAL LIABILITY			PHPK880563	06/20/12	06/20/13	EACH OCCURRENCE	\$ 1000000
	<input checked="" type="checkbox"/>	COMMERCIAL GENERAL LIABILITY					DAMAGE TO RENTED PREMISES (Ea occurrence)	\$ 100000
		CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR			MED EXP (Any one person)	\$ 5000		
	<input checked="" type="checkbox"/>	Professional Liab		PHPK880563	06/20/12	06/20/13	PERSONAL & ADV INJURY	\$ 1000000
	GEN'L AGGREGATE LIMIT APPLIES PER:						GENERAL AGGREGATE	\$ 3000000
	<input checked="" type="checkbox"/> POLICY <input type="checkbox"/> PRO-JECT <input type="checkbox"/> LOC						PRODUCTS - COMP/OP AGG	\$ 3000000
	AUTOMOBILE LIABILITY			PHPK880563	06/20/12	06/20/13	Prof/Liab	\$ \$1/3mil
A	<input checked="" type="checkbox"/>	ANY AUTO					COMBINED SINGLE LIMIT (Ea accident)	\$ 1000000
		ALL OWNED AUTOS					BODILY INJURY (Per person)	\$
		SCHEDULED AUTOS					BODILY INJURY (Per accident)	\$
	<input checked="" type="checkbox"/>	HIRED AUTOS		PROPERTY DAMAGE (Per accident)	\$			
<input checked="" type="checkbox"/>	NON-OWNED AUTOS				\$			
A	UMBRELLA LIAB			PHUB311428	06/20/12	06/20/13	EACH OCCURRENCE	\$ 1000000
	<input checked="" type="checkbox"/>	OCCUR					AGGREGATE	\$ 1000000
		CLAIMS-MADE						\$
	DEDUCTIBLE							\$
	<input checked="" type="checkbox"/>	RETENTION \$ 10000						\$
	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY						WC STATUTORY LIMITS	OTHER
	ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) <input type="checkbox"/> Y <input checked="" type="checkbox"/> N <input type="checkbox"/> N/A						E.L. EACH ACCIDENT	\$
	If yes, describe under DESCRIPTION OF OPERATIONS below						E.L. DISEASE - EA EMPLOYEE	\$
							E.L. DISEASE - POLICY LIMIT	\$
A	D&O/EPLI			PHSD634731	06/20/12	06/20/13	D&O&EPL	1000000
A	Abuse & Mole			PHPK880563	06/20/12	06/20/13	Abuse&Mol	1000000

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (Attach ACORD 101, Additional Remarks Schedule, if more space is required)

CERTIFICATE HOLDER**CANCELLATION**

PORTC04 Village of Port Chester 222 Grace Church Street Port Chester NY 10573	SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS. AUTHORIZED REPRESENTATIVE 
--	---

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AGREEMENT TO PROVIDE SHELTER AND VETERINARY SERVICES FOR DOGS
SEIZED IN THE VILLAGE OF PORT CHESTER

On motion of TRUSTEE _____, seconded TRUSTEE _____, the

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

WHEREAS, the Village desires a shelter and veterinary services for dogs seized by the Police Department in accordance with the requirements of the New York Agriculture and Markets Law; and

WHEREAS, Village staff has identified an animal hospital/veterinarian qualified to provide such services;

WHEREAS, this matter is provided for in the 2012-2013 Budget.. Now, therefore, be it

RESOLVED, that the Village Manager be and is hereby authorized to enter into an agreement with Stamen Animal Hospital and Violi Veterinary Care PPC, 61 Quaker Ridge Road, New Rochelle, New York 10804 to provide an maintain a pound or shelter for dogs seized in the Village and necessary veterinary care, compensation and other terms as provided for in the said agreement annexed hereto, payable out of Account Code 3510-400 "Animal Control".

APPROVED AS TO FORM:

Village Attorney

AGREEMENT

This Agreement, made this ____ day of _____, 2013, by and between the Village of Port Chester, a municipal corporation organized under the laws of the state of New York, with offices at 222 Grace Church Street, Port Chester, New York 10573 (hereinafter the "Village"), and Violi Veterinary Care, PLLC a corporation duly organized and existing under the laws of the State of New York d/b/a Stamen Animal Hospital (hereinafter the "Hospital") and having its office and principal place of business at 61 Quaker Ridge Road, New Rochelle, New York 10804 (hereinafter the "Hospital")

WITNESSETH:

WHEREAS, the Hospital owns and operates a shelter and provides for veterinary services for the care of dogs; and

WHEREAS, the Village desires to utilize the services of the Hospital and access to said shelter on an "as-needed" basis.

NOW, THEREFORE, in consideration of the mutual covenants, promises and agreements contained herein, the Hospital and the Village do hereby agree as follows:

1. Scope of Services. The Hospital shall provide the following services (hereinafter the "Services"):
 - a. Provide and maintain a pound or shelter for dogs seized by the Village. The shelter shall be under the care and charge of a competent employee and shall be open to receive dogs from the Village, and to the public by appointment for redemption and adoption at the following days and times:

Monday through Friday 7:30 a.m-6:30 p.m.
Saturday 8:00 a.m. to 2:00 p.m.
 - b. Properly shelter, care and water all seized dogs in the shelter.
 - c. Provide necessary veterinary services for any dogs that are sick or injured at the time the Village delivers said dogs to the Hospital for impoundment and only on the condition that the Village agrees to reimburse the Hospital for all veterinary and other services provided to said dogs due to said sickness or injury, except in instances where the owner is the responsible party for the payment of such fees to the Hospital. In the event that the owner refuses to reimburse the Hospital, the Village agrees to be the responsible party for the payment of such costs and seek recovery thereafter against the owner. The Village shall be provided in advance the estimated cost of such services.

- d. To make seized dogs available for redemption by their owners for a period of time no less than the applicable statutory minimum redemption periods.
- e. To make such dogs available for adoption or, in the Hospital's judgment after consulting with the Village, to humanely euthanize a dog if, at the end of the appropriate redemption period, the dog has not been redeemed and title has therefore been forfeited to the Village.
- f. Nothing herein obligates the Village to deliver to the Hospital any minimum number of dogs or all of the dogs seized in the Village by the Village's Dog Control Officer(s) (DCO).

2. Procedures. The Hospital shall follow these procedures in the performance of the services:

- a. The Hospital shall accept from the DCO any homeless, stray, abandoned, neglected, abused or any other dogs which are otherwise picked up by the DCO.
- b. The Hospital shall not accept for impoundment any dog that is not accompanied by the appropriate DCO seizure report.
- c. The Hospital shall notify the owner of a dog, if known, of the facts of such seizure and the procedure for redemption in accordance with Section 118 of the State Agriculture and Markets Law.
- d. The Hospital shall contact the DCO prior to releasing a dog to its owner, adopting out a dog or euthanizing a dog, so that the Village can collect from such owner any fees, charges or outstanding fines or penalties owed by such owner to the Village.
- e. Notwithstanding the applicable statutory retention periods, at the request of the DCO or other authorized member of the Police Department, a dog may be kept at the Hospital for an additional, specified period so that the dog may be claimed, provided that the Village assumes the additional cost and expense for same in the first instance.
- f. Prepare, retain, and make available to the Village complete and accurate records concerning the care and disposition of all dogs cared for by the shelter hereunder as well as any expenses incurred and any fees collected.

- g. Provide a fee schedule for veterinary services. Said schedule may be adjusted on notice to the Village.
3. Payment. No payments shall be made by the Village to the Hospital hereunder until the Hospital has presented to the Village a properly detailed and signed voucher and until the voucher has been audited and approved for payment by the Village Treasurer.
4. No Limitation of Rights. Nothing contained herein shall limit the Hospital's rights under section 183 of the Lien Law, or pursuant to section 373 of the Agriculture and Markets Law, or as derived from any other general or special law, or by means of any civil action or proceeding, to recover from the owner thereof any necessary or reasonable costs and expenses incurred by the Hospital in providing pound and shelter for any Village dogs.

Nothing contained herein shall limit the Village rights under applicable provisions of the law, or by means of any civil action or proceeding, to recover from the owner of any dog delivered by the Village to the Hospital's shelter any fees, charges or outstanding fines or penalties owed by such owner to the Village.

5. Term. The term of this Agreement is from the date of execution to and through May 31, 2015, unless earlier terminated as provided herein.
6. Insurance. The Hospital shall not commence services under this contract until it has obtained all insurance required under this paragraph and such insurance has been approved by the Village.
- a. Workers' Compensation Insurance. The Hospital shall take out and maintain during the life of this contract Workers' Compensation Insurance for its employees to be assigned to the work hereunder.
- b. Comprehensive General Liability and Property Damage Insurance. The Hospital shall take out and maintain during the life of this contract such general liability and property damage insurance as shall protect it from claims for damages for personal injury, as well as from claims for property damage which may arise from operations under this contract. The amounts of such insurance shall be as follows:

General Liability Insurance - an amount not less than \$1,000,000.00 for injuries, including wrongful death to any one person and subject to the same limit for each occurrence and an amount not less than \$2,000,000.00 in the aggregate.

Property damage insurance in an amount not less than \$100,000.

The Hospital shall furnish the above insurances to the Village and shall also name the Village as an additional named insured in said policies. The Hospital shall also provide the Village with all such policies. The insurance company shall be licensed to do business in the State of New York and be rated by A.M. Best no less than A-.

7. Indemnification. To the fullest extent authorized by law, the Hospital shall defend, indemnify and hold harmless the Village for any and all acts or omissions arising out of the Hospital's performance of the services herein and protect the Village from any claims, actions, suits, judgments, expenses, attorneys' fees, costs or expenses of any kind, except to the extent such claims arise out of the negligent acts or omissions of the Village, its officers, employees or agents.
8. Termination for Convenience. Either party may terminate this agreement for convenience on ninety (90) days notice to the other party. The Hospital shall be entitled to be paid for any services satisfactorily performed up to and through the date of such termination.
9. Termination by the Village. The Village shall have the right to terminate the contract for cause if any of the following may occur:
 - a) The Hospital is adjudged bankrupt or makes an assignment for the benefit of creditors.
 - b) A receiver or liquidator is appointed for the Hospital or for any of its property and is not dismissed within twenty (20) days after such appointment or the proceedings in connection therewith are not stayed on appeal within the said twenty (20) days.
 - c) The Hospital fails or refuses to comply with all applicable laws or ordinances.
 - d) The Hospital has been cited for violations by New York State following an inspection and such violations have not been cured.
 - e) The Hospital is in material breach of this contract:

In such event the Village, and without prejudice to any other rights or remedy it may have, may upon seven (7) days' written notice to the Hospital, terminate this Agreement.
10. Termination by the Hospital. The Hospital shall have the right to terminate the contract if the Village is in material breach of this Contract. In such event, and without prejudice to any other rights or remedy it may have,

may upon seven (7) days written notice to the Village, terminate this Agreement.

11. Independent Contractor. It is hereby mutually covenanted and agreed that the relation of the Hospital to the services to be performed by it under this Contract shall be that of an independent contractor. As an independent contractor, it will be responsible for all damage, loss or injury to persons or property that may arise in or be incurred during the conduct and progress of said services, whether or not the Hospital, its agents, or employees have been negligent.
12. Compliance. The Hospital shall comply with the applicable provisions of Article 7 of the New York Agriculture and Markets Law and regulations promulgated thereunder, as well as any order or directive of the Commissioner or designated representative.
13. No Assignment. This Agreement or any part thereof may not be assigned, transferred, conveyed, and otherwise disposed of by the Hospital to any other person or corporation without the previous written consent in writing of the Village.
14. Notices. Any and all notices and payments required hereunder shall be addressed as follows or to such other address as may hereafter be designated in writing by either party hereto:

To the Village: Village Manager
 Village of Port Chester
 222 Grace Church Street
 Port Chester, New York 10573

To the Hospital: Stamen Animal Hospital
 61 Quaker Ridge Road
 New Rochelle, New York 10804
15. No Waiver. No waiver of any breach of any condition of this Agreement shall be binding unless in writing and signed by the party waiving said breach. No such waiver shall in any way affect any other term or condition of this Agreement or constitute a cause or excuse for a repetition of such or any other breach unless the waiver shall include the same.
16. Complete Agreement. This Agreement constitutes the complete understanding of the parties. Any prior understandings or agreements, whether verbal or in writing, are void and without effect. No modification of any provisions or any amendment of this Agreement shall be valid unless in writing and signed by both parties.

RESOLUTION

APPOINTMENT OF ADDITIONAL ELECTION INSPECTORS

On a 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 Clerk has advised of the need for the Board of Trustees to appoint additional election inspectors for the 2013 Village Election; and

WHEREAS, the Clerk has proposed a number of candidates who have been qualified to serve in this capacity. Now, therefore, be it

RESOLVED, that the following named persons are qualified Election Inspectors and are hereby appointed to act as Election Inspectors for the Village of Port Chester with regard to the 2013 Village Election:

Carlos Alvarez

David Beck

Leonela Mosquera

Ingrid Perez

George Sican

APPROVED AS TO FORM:

Village Attorney, Anthony Cerreto

ROLL CALL

AYES:

NOES:

ABSENT:

DATE:

REPORT
OF
THE VILLAGE MANAGER



VILLAGE OF PORT CHESTER

OFFICE OF THE VILLAGE MANAGER

MEMORANDUM

TO: Mayor and the Board of Trustees


FROM: Christopher D. Steers, Village Manager

DATE: March 4th, 2013

RE: Updates

ACTIONS:

- **Budget:** Preliminary budget meetings with department heads have been completed. The Village Treasurer is compiling the requests and adjustments for further review and analysis. Again the focus remains on:
 - Cost cutting and controls (taking a close look at workers compensation, our insurance coverage's, risk, etc...)
 - Revenue enhancements (reviews of all fees, receivables, meter rates, other recurring collections)
 - Maintaining service delivery
 - In-kind-services
- **Library Budget Adoption:** As a follow up to the Library subcommittee meeting on February 28th, 2013; staff will be meeting with Robin Lettieri to further discuss and plan the transition to their own NYSHIP coverage. Discussions were had relating to the contractual requirement to review the potential of a Library District. BOT Budget work session with Library TBD for April.

INITIATIVES

- **Brining:** The interim agreement for the Village of Rye Brook to brine several streets for the Village on an interim as needed basis has been executed (attached). The cost of the recent brining was only about \$141.39 (for 2 hours labor and approximately 365- gallons of brine for the following streets: N & S Main Street, Westchester Avenue, King Street, Putnam Avenue, N & S Regent Street, and Irving Avenue).

Staff followed up with White Plains about their use of Brining. Per Rick Hope, Deputy Commissioner for DPW operations; brining has some positive effect particularly with the type of snow in the last weather event. They utilize the ribbon methodology rather than the spray. He

says they only brined main roads and hills. It is very convenient for them as the County facility to pick up the brine is the Lake Street Garage located in White Plains. He said we might want to consider storage of some here during the season given our distance. They manufacture their own spray bars.

Initial estimates for system implementation range from \$4,000.00 to \$10,000.00 plus depending upon community need. We have received interest from a local vendor that sells similar specialized de-icing equipment. DPW and I will be meeting with them sometime this week or so to see pricing, specs, and delivery timeline (see attached alternate equipment).

PROJECTS:

- **NIXLE 360:** Village staff has been reviewing various emergency notification systems for the past year. The field varies widely with several systems ranging from the inexpensive to the very expensive. Upon research and review we found that NIXLE provides a comprehensive emergency notification system at a very reasonable cost.

NIXLE 360 is a comprehensive all-in one messaging platform that allows public safety agencies to connect and engage their residents through all communication channels including voice. NIXLE 360 is a completely web-based application that leverages comprehensive databases of geographically-located phone numbers that do not require citizen opt-in for emergency usage. Several other local municipalities also utilize NIXLE however NIXLE 360 is the next evolution of the prior NIXLE Connect Premium. The Key difference being the now seamless integrated Mass Dialing Application.

The purchase cost for the software and initial set up and installation is \$8,685.00. The Annual License thereafter is \$7,685.00. This is a budgeted item that was anticipated in the current year.

- **350 North Main Street:** the assessment of the current conditions at the Police and Court building includes the need for exterior drainage work, interior drainage work, painting, possible lead abatement, pointing of the brick around key sites of the building, and repairs to the cell blocks. To date we are aware of at least two union complaints on the condition of the building, one to OSHA and One to PESH.
 - The exterior drainage work is underway with expected completion by Friday.
 - DPW has received some quotes for the brick pointing. They are on the high side and break the cap for necessitating a bid. Bid specs are to be drawn up.
 - I am working with the Village Engineer to conduct a lead assessment based on a concern of potential lead impacts in the Basement area. We will be meeting with a Cornerstone Environmental on Tuesday morning to work out an assessment and remediation plan if needed.
 - I am still reviewing the JCJ report and assessing any plausible low cost fixes for the current conditions in the cell blocks. DPW has been instructed to clean and paint the cells in the interim. I will be meeting with JCJ within the next two weeks to prepare for their follow up meeting with COC regarding their inspection report. The project should be approached as a maintenance and repair program based on existing conditions and not an architectural alteration or improvement effort.

- **Promenade Cameras:** Promenade cameras have been installed and are operational. Staff is working with the installer to further improve the field of view(s) for each camera. This will necessitate the replacement of three lenses in here of the cameras.

PRIORITY LIST

- **Sewer Rent Project:** As a follow up to our latest meeting with United Water on February 20th and the firming up of their bottom line, I am reviewing the core principles and metrics of the billing methodology, as well as the cost / benefit. My intent is to re-present the methodology in a more coherent fashion in order to facilitate a better informed discussion. After that presentation is forwarded to the BOT I suggest a workshop with staff, United Water and the BOT in order to hash out the contract language and final direction.
- **Marina Bulkhead District:** As you may recall, the special assessment district for the bulkhead cannot be established until there is a "plan" which requires the design to be developed in some level of detail sufficient to satisfy legal requirements.

At the last meeting when the bulkhead was discussed, there was a consensus that the outstanding design Halcrow contract be funded so that it can be executed. Responsive to trustee comment, the Village Attorney has indentified the means to minimize contractual expense pre-District, while at the same time assuring the Village will have the work-product necessary to move forward and set a public hearing on the district. We have asked Justin Miller to prepare language that can be inserted into the Halcrow contract and are awaiting his draft.

Attachments.

CC: Tony Cerreto, Village Attorney
Christopher Ameigh, Administrative Aide
Maryanne Veltri, Office Assistant
File



VILLAGE OF RYE BROOK

MAYOR
Joan L. Feinstein

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

ADMINISTRATOR
Christopher J. Bradbury

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

INVOICE

Billable to: Village of Port Chester
Attn. Christopher Steers, Village Manager
222 Grace Church Street
Port Chester, New York 10573

Payable to: Village of Rye Brook
Attn. Diane DiSanto, Treasurer
938 King Street
Rye Brook, New York 10573

Services: Salt Brine Services on February 15, 2013 on the Following Streets:

Main Street
King Street
Putnam Ave.
North & South Regent Street
Westchester Ave
Irving Ave.

Billable:	1 Motor Equipment Operator (2 hours at \$54.96/hr at 1.5x)	\$109.92
	½ Ton salt for approx. 365 gallons of brine (\$56.00/ton)	\$ 28.00
	1 Gallon diesel fuel for approx. 14 lane miles	<u>\$ 3.47</u>
	Total Due	\$141.39

03/01/2013
/CJB

VSS-3000 In-Bed Sprayer



With a capacity of 300 gallons, the VSS-3000 is SnowEx's largest de-icing sprayer. It accommodates the most demanding needs and can spray any brine solution on the market. The VSS-3000 features 3-position nozzles, a spray wand and multi-zone controls. The polyethylene tank also contains baffles for minimizing liquid surges.



*Shown with optional HRK-020 Hose Reel Kit

- Patented polyethylene tank — eliminates corrosion
- Available in three sizes (100, 200 and 300 gallon)
- Completely electric powered – no engines
- Exclusive zone spraying system — activate spray for any combination of nozzles (boom, left curb, right curb and spray wand)
- 3-position spray nozzles in boom (select triple-stream, single-stream or wide-fan)
- Commercial-strength spray wand attaches to 100 feet of hose on a heavy-duty 100-foot capacity retractable reel (optional)
- 50-foot hose and manual reel standard on VSS-1000
- Models for use with utility vehicles, pickup trucks and larger flatbed and dump trucks
- Cab-mounted controller
- 2-year warranty

SnowEx VSS-3000 De-icing Sprayer (#BSSVSS-3000)

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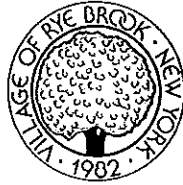
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Attn. Diane DiSanto, Treasurer
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03/01/2013
/CJB

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REPORT FROM
THE VILLAGE CLERK

DISCUSSION

Additional Amnesty for One and Two Family Residences as defined under the NYS Residential Code and Local Zoning Code

The NYS Fire prevention and building code treats one and two family residences a little differently than multi-family and commercial properties. In fact one and two family residences are the only occupancy types relegated to the NYS Residential Code. As such, it stands to reason that locally we can treat them differently as well. For instance we can amend the amnesty program to allow the following:

PART I

- Allow for self certification (no **interim** inspections by the building department are required, only inspections as needed by the licensed design professional hired by the home owner)
- **Only the final inspection for the CO shall be required.**
- Allow for minor improvements to be documented through a reasonable floor plan (not full construction documents) from a licensed professional
- Other similar documentation as required

Self certification does several things for us;

1. Removes all liability from us and puts it on the design professional and home owner
2. Eliminates the need for a building inspection
3. Removes our bureaucracy from the majority of the process which can ultimately save time for the property owner

A reasonable floor plan;

1. Lowers costs on the homeowner while still documenting the improvement in an adequate way.

A definition will be needed for the term “Minor improvement” i.e. “Less than 10,000 in cost and/or less than 500 square feet”?

All this should save significant time and expense and give relief to the target properties. We will however require a design professionals sign off prior to their application for CO and reserve the right to inspect the property as warranted. At that point CO issuance is ministerial.

Additional Amnesty for One and Two Family Residences as defined under the NYS Residential Code and Local Zoning Code

PART II

- As a companion to Section 4 of the current program add additional relief for one and two family residences for pre-existing structures / additions built prior to 1975 with a proper building permit having been issued.

SECTION 4: Zoning (Existing law)

For those applications under the Permit Amnesty Program regarding open expired permits issued prior to the effective date of the 1975 Zoning Regulation that may involve the need for some dimensional variance from the requirements under the applicable zoning regulation, the Building Inspector is authorized to accept deviance from certain of the requirements as “de minimis”. To qualify as eligible for this determination, the following standards must be strictly satisfied:

1. The building or structure must be pre-existing and have been issued a building permit prior to the effective date of the 1975 Zoning Regulation.
2. The subject building or structure must otherwise comply with the applicable building code at the time of construction or alteration.
3. The area or dimensional requirement involves front, rear, and/or side yard setback(s).
4. The set-back encroachment is ten (10) inches or less.
5. The building or structure complies with all other aspects of the Village of Port Chester planning and zoning regulations.

Such deviances may be deemed “de minimis” as prescribed above and shall not require waiver or variance from the Zoning Board of Appeals.

(Proposed Amendment)

Those applications under the Permit Amnesty Program regarding open expired permits issued prior to the effective date of the 1955 Zoning Regulation, relating to structures that were preexisting the code change, that may involve the need for some dimensional and or use variance from the requirements under the applicable zoning regulation; are hereby deemed to be lawfully non-conforming. To qualify as eligible for this determination, the following standards must be strictly satisfied:

1. The building or structure must be pre-existing and have been issued a lawful building permit prior to the effective date of the 1955 Zoning Regulation.
2. The building or structure complies with all other aspects of the Village of Port Chester planning and zoning regulations and the Building Code in effect at the time of construction.

Such structures are deemed “Lawfully non-conforming” as prescribed above and shall not require waiver or variance from the Zoning Board of Appeals.

Additional Amnesty for One and Two Family Residences as defined under the NYS Residential Code and Local Zoning Code

NOTE I:

Section 345-13 speaks to additional regulations relating to lawful non-conforming. There are specific regulations as to how when and if these uses can continue, be expanded, and/or abandoned

Section 345-13 F; speaks further as to the Boards authority to order the compulsory termination of any non-conforming use or non-conforming structure.

F. Compulsory termination of nonconforming structure or use.

- 1) A nonconforming building or structure or nonconforming use may be subject to compulsory termination by the Village Board of Trustees when it is found to be detrimental to the conservation of the value of the surrounding land and improvements or to future development of surrounding lands and, therefore, is tending to deteriorate or blight the neighborhood.**
- 2) In ordering the compulsory termination of a nonconforming structure or nonconforming use, the Village Board of Trustees shall establish a definite and reasonable amortization period during which the nonconforming use may continue while the investment value remaining after the date of the termination order is amortized. Determination of the amount to be amortized shall be based on the value and condition of the land and improvements for the nonconforming use less their value and condition for a conforming use, and such other reasonable costs as the termination may cause. The rate of amortization shall be in accordance with reasonable economic practice.**

NOTE II:

Expedited searches continue to be provided within the 10 business day guideline. However, regular searches continue to take in excess of 8 weeks to complete which quite frankly is an unacceptable level of service delivery.

A typical and pragmatic response to this, from a project management perspective, is to “Crash the Project”. Meaning throwing more resources at the project to hasten its completion. In essence the labor required is what it is; we just need more boots on the ground to keep up with the demand. I recommend at least two additional staff members if only on a temporary basis to help us overcome the backlog and allow us to deliver better service to the community. The question is, where will the funding come from?

Village of Port Chester, NY
Wednesday, February 27, 2013

§ 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 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.
- B. Nonconforming use of land. No such nonconforming use of land shall be enlarged or increased, nor shall it be extended to occupy a greater area of land than that occupied by such use at the time of the adoption of this Regulation, nor shall any such nonconforming use be moved in whole or in part to any other portion of the lot or parcel of land occupied by such nonconforming use at the time of the adoption of this Regulation, provided, further, that if such nonconforming use of land, or any portion thereof, ceases for any reason for any continuous period of more than 90 days or is changed to a conforming use, any future use of the land shall conform with the provisions of this Regulation.
- C. Nonconforming use of buildings or structures.
 - (1) If any building or structure used for a nonconforming use shall be destroyed by any means to an extent of more than 50% of the full value of such building or structure, exclusive of foundations, in the year during which such destruction occurred, no reconstruction or repairs shall be made unless the use of every portion of such building or structure is made to conform with the provisions of this Regulation for the district in which it is located. Where the destruction is less than 50% of the full value of such building or structure, exclusive of the foundations, it may be reconstructed or repaired and the nonconforming use continued, provided that the reconstruction or repair is started within one year and is diligently prosecuted to completion. For the purposes of this Regulation, the full value shall be determined by applying the current state equalization rate to the current assessed value of the building or structure and subtracting the value of the foundations as estimated by the Village Engineer.

- (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.
 - (3) If no structural alterations are made, a nonconforming use of a building may be changed to another nonconforming use which, in the opinion of the Board of Appeals, either by general rule adopted on a request by the Building Inspector or on a specific finding on appeal of a particular case, is of the same or of a more restricted nature.
 - (4) If any nonconforming use of a building or structure ceases for any reason for a continuous period of one year or more or is changed to a conforming use, or if the building or structure in or on which such use is conducted or maintained is moved for any distance whatever, for any reason, then any future use of such building or structure shall conform to the regulations specified by this Regulation for the district in which such building or structure is located.
 - (5) If any building or structure in or on which any nonconforming use is conducted or maintained is hereafter removed, the subsequent use of the land on which such building or structure was located and the subsequent use of any building or structure thereon shall conform with the regulations specified by this Regulation for the district in which such land or building or structure is located.
- D. Nonconforming building or structure used for a conforming use.
- (1) A nonconforming building or structure that is not devoted to a nonconforming use may be reconstructed or altered, enlarged or extended, and the provisions of Subsection C, above, shall not apply, except that the degree of nonconformity shall not be increased.
- E. Nonconforming lots. A permit may be issued for the erection of a building or structure on a lot or parcel for which a valid conveyance or contract of sale has been executed or delivered prior to the date of the adoption of this Regulation, notwithstanding the fact that the area or dimensions of such lot or parcel are less than that required for the district in which such parcel or lot lies, provided that all yard setbacks and other requirements are complied with, and further provided that the owner of such lot or parcel does not also own or have under contract to purchase at the time of passage of this Regulation other lots or parcels contiguous thereto. In the latter case, such other lots or parcels, or as much thereof as may be necessary, shall be combined with the original lot or parcel to make a single property, whereupon a permit for the erection of a building or structure may be

issued if all yard setbacks and other requirements of this Regulation are complied with.

F. Compulsory termination of nonconforming structure or use.

- (1) A nonconforming building or structure or nonconforming use may be subject to compulsory termination by the Village Board of Trustees when it is found to be detrimental to the conservation of the value of the surrounding land and improvements or to future development of surrounding lands and, therefore, is tending to deteriorate or blight the neighborhood.
- (2) In ordering the compulsory termination of a nonconforming structure or nonconforming use, the Village Board of Trustees shall establish a definite and reasonable amortization period during which the nonconforming use may continue while the investment value remaining after the date of the termination order is amortized. Determination of the amount to be amortized shall be based on the value and condition of the land and improvements for the nonconforming use less their value and condition for a conforming use, and such other reasonable costs as the termination may cause. The rate of amortization shall be in accordance with reasonable economic practice.
- (3) Anything to the contrary in this Regulation notwithstanding, any nonconforming billboard or any flashing or moving sign, wherever located, shall become an unlawful structure six months from the date of the adoption of this amended Regulation and shall thereupon be removed.

[Amended 10-3-1978 by L.L. No. 9-1978; 3-5-1979 by L.L. No. 5-1979]

- (4) Any owner of any such nonconforming billboard or flashing or moving sign, who alleges that the period herein provided for amortization of such sign is unreasonable as to a particular sign, may apply to the Village Board of Trustees for an extension of time for amortization of such sign. If the Village Board of Trustees finds that the construction cost of a particular sign would not be reasonably amortized by the aforesaid date, then the Village Board of Trustees shall extend the amortization period to a date which it finds would provide the shortest reasonable amortization period.
- G. Completion of buildings under construction. Any building for which a permit has been duly granted, and the construction of which has been started before the effective date of this Regulation, may be completed in accordance with plans on file with the Building Inspector, provided that such construction is diligently prosecuted and such building is completed within one year of the date of this Regulation.

- H. Existing special permit uses, buildings or structures deemed conforming. Any use, building or structure lawfully existing at the time of the adoption of this Regulation in the district in which such use is classified as a special exception use shall, without further action, be deemed to be a conforming use in such district; provided, however, that any further reconstruction, alteration or extension of such use, building or structure shall be subject to the provisions of Article X.



Village of

PORT CHESTER, NEW YORK

Permit Amnesty Policy Discussion March 2013

March 4th, 2013

By: Christopher D. Steers, Village Manager





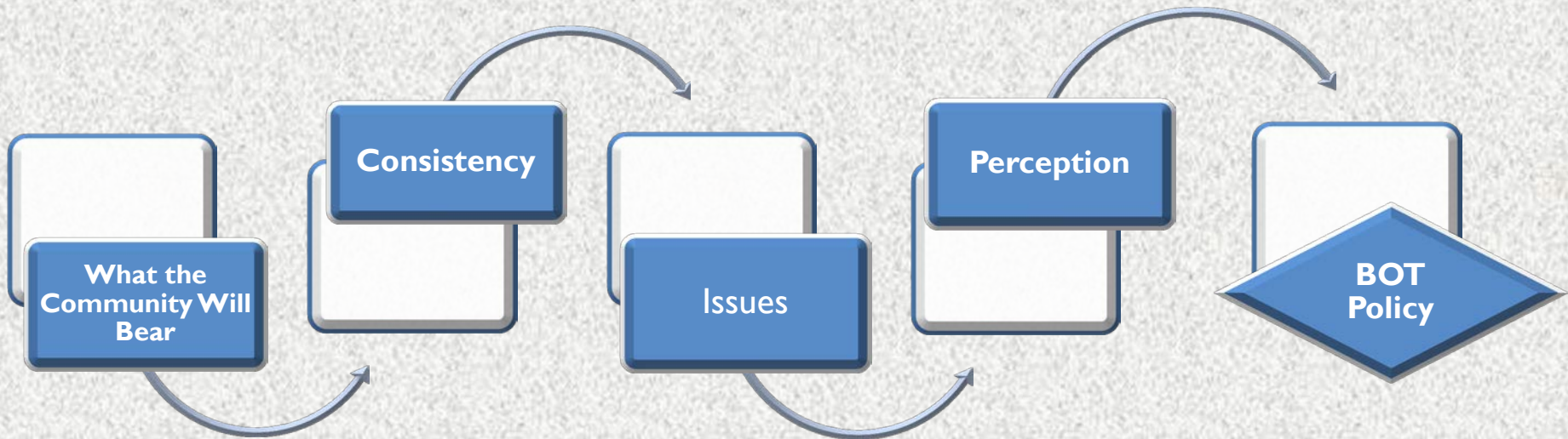
Permit Amnesty Policy Discussion Report Contents

- ▶ Progress and Issues
- ▶ Solutions / Strategies
- ▶ Q & A



Permit Amnesty Policy Discussion Issues

Areas of Opportunity



All of our joint efforts are strategic in nature and are focused on the practice of preventative law; aimed at minimizing and mitigating the risk of litigation while maintaining a fair and nondiscriminatory approach. Our current amnesty program is one more tool in the approach. The permit amnesty program again reveals that the vast majority of instances continue to involve open permits and/or the lack of Certificates of Occupancy. The frequency of Planning and Zoning violations remains nominal and are still the exception.



Permit Amnesty Policy Discussion Issues

ISSUES SURROUNDING THE ACTUAL APPLICATION AND ENFORCEMENT OF THE VILLAGES LOCAL ZONING CODE
AND THE NYS UNIFORM FIRE PREVENTION AND BUILDING CODE.

PERCEPTION

Vs.

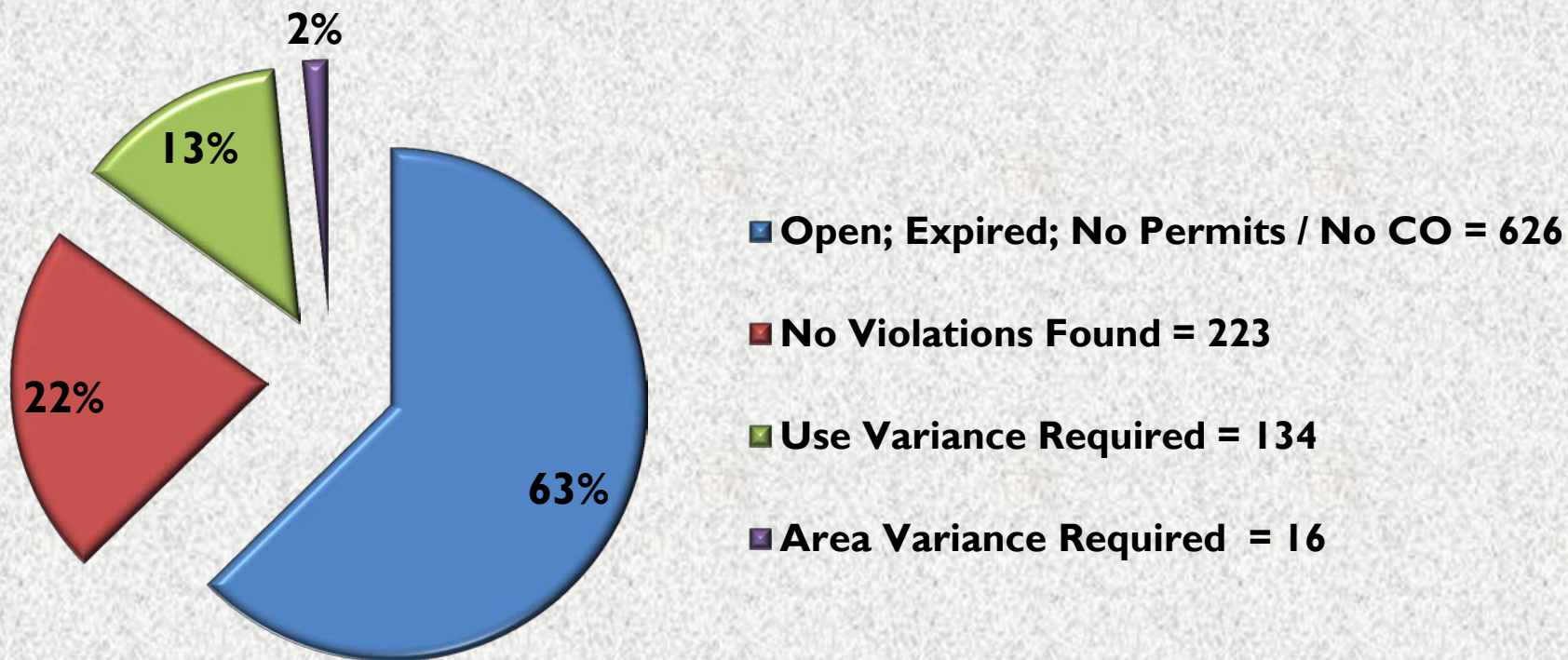
REALITY



Permit Amnesty Policy Discussion

Facts

Facts: The Vast Majority of Searches with Violations Found Continue to Involve Open Permits, No Permits, and/or the Lack of Certificates of Occupancy. The Frequency of Planning and / or Zoning Violations is Nominal and These Violations are Really the Exception.

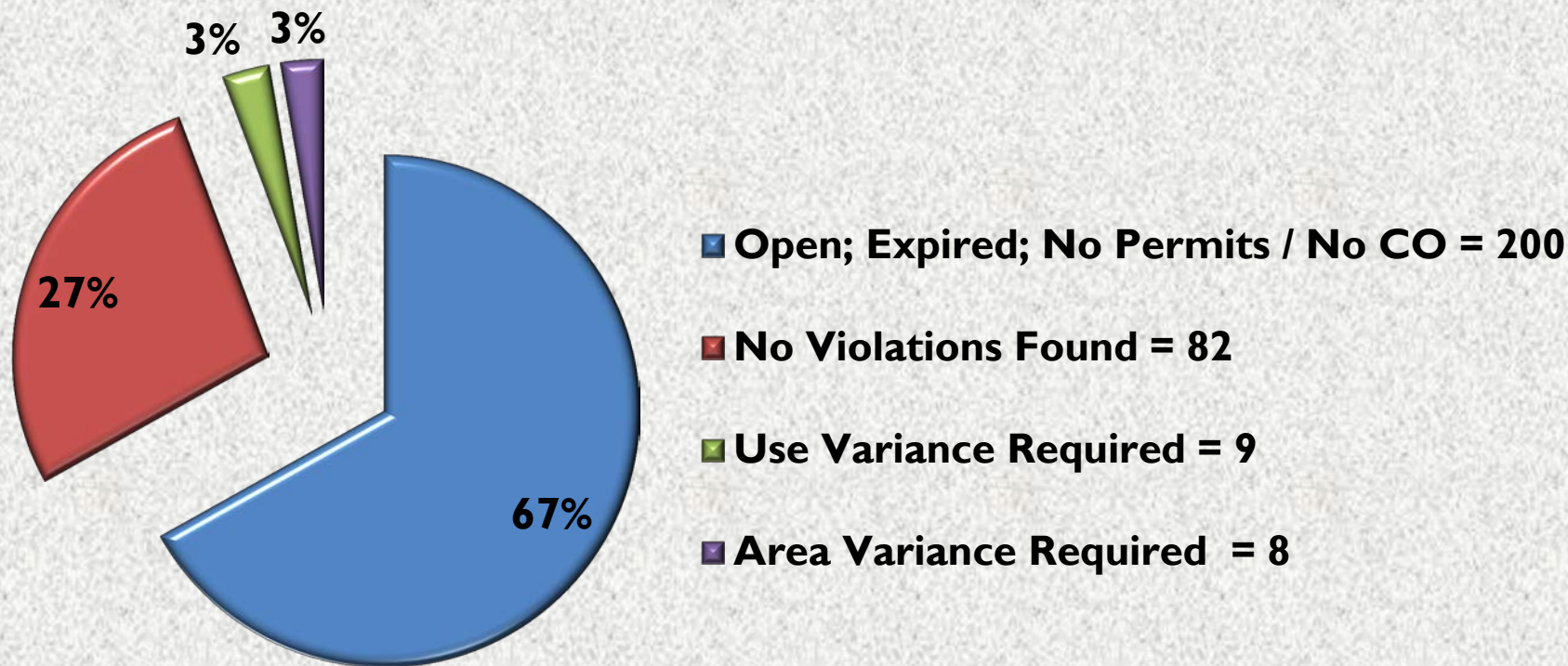


Total Searches in a 20 Month Period (April 11' Thru Jan 13') = 999



Permit Amnesty Policy Discussion Facts

Facts: Searches with Violations Found 1-2 Family's (July 12' thru Dec 12')



Total Searches 1-2 Family's in a 6 Month Period = 299



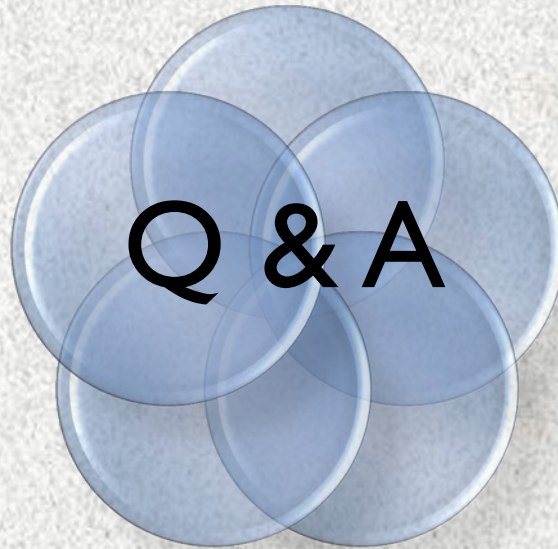
Permit Amnesty Policy Discussion Additional Solutions / Strategies

See Attachment





Permit Amnesty Policy Discussion



CORRESPONDENCE

Received
FEB 21 2013
Village Clerk
VILLAGE OF PORT CHESTER



PORT CHESTER YOUTH BASEBALL LEAGUE

PO Box 1351
Port Chester, NY 10573
914-939-8619

PCYBL is a 501(c)(3) Not-for-Profit Organization

February 19, 2013

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

Dear Mr. Steers:

The Port Chester Youth Baseball League is holding our annual Fun Run through the streets of Port Chester on Saturday, April 13, 2013. As you know, the annual Fun Run kicks off the PCYBL season and is attended by hundreds of village residents, both children and adults. It's a great community event, and an important fund raiser for the league. We also use this opportunity to distribute uniforms, schedules and other important items to all teams, parents and league participants.

The course is the same as in previous years. We will begin at the Lyon Park Gazebo. There is a 1-mile and a 3-mile race. The 1-mile race will kick off first at 10 am. The racers will start on the road in front of the gazebo, proceed north on Putnam Drive around the perimeter of the Park, make a right on Parkway Drive, a right on King Street, right on Putnam, back into the Park to finish in front of the gazebo.

The 3-mile race will begin at 10:30am. The race will also start on Putnam Drive in front of the gazebo. Participants will go south on Putnam Avenue, across King Street, right on Browndale Place, left on Indian Road, right on West Glen Avenue, right onto Betsy Brown Road, left onto King Street, right on Upland Street, right on Francis Lane, right on Quintard Drive, left on Austin Place and back into the Park at the gazebo.

We will work with Sgt. Vaccaro of the Port Chester Police Department to ensure public safety and proper police presence at the event. As in past years, we are writing to you to request formal approval from the village, which we will, in turn, provide to Sgt Vaccaro and the PCPD. Accordingly please respond with your approval so that we can forward to Sgt. Vaccaro in a timely manner.

Please confirm village approval for this annual event as soon as possible, and please feel free to call Marc Hewlitt, Bob Vyskocil or John Sorbella if you have any questions. As always, we thank you for your support of the PCYBL!

Sincerely,

John Sorbella
PCYBL President
914-447-5063 (C)

Bob Vyskocil
PCYBL Vice President
914-671-9114 (C)

Marc Hewlitt
PCYBL Board and Fun Run Coordinator
203-223-7557 (C)

P-1
C-2



VILLAGE OF
PORT CHESTER

222 Grace Church Street, Port Chester, NY 10573

February 21, 2013

Mayor Dennis Pilla & the Board of Trustees
Port Chester, New York

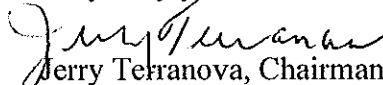
Dear Mayor Pilla & Board of Trustees:

At the last Park Commission meeting, held on February 6th, the Port Chester Cares Community Coalition presented their final changes to the proposed No Smoking signs.

The Park Commission recommends this final design and the placement of minimal signs within the Village Parks in designated areas where children congregate such as the playgrounds and ball fields. Commissioners will coordinate with the Coalition and Village DPW for actual placement of No Smoking signage should approval be granted.

The Park Commission recommends that the Mayor and Board consider eliminating smoking in these designated areas and that signs be posted to reflect this decision.

Very truly yours,


Jerry Terranova, Chairman
& Park Commissioners

**THIS IS A
SMOKE-FREE AREA**



**ÁREA DE NO
FUMAR**

**Provided by:
Port Chester Cares
Community Coalition**



VILLAGE OF
PORT CHESTER

222 Grace Church Street, Port Chester, New York 10573

Friday, February 15, 2013

Dear Mayor and Board of Trustees,

Following our letter to the Mayor and Board of Trustees, dated 25th July 2012, we set out the current difficulties being experienced due to the lack of available gym space in Port Chester. We detailed in the letter how this was seriously affecting the ability of the Recreation Department to provide after-school programs for the youth in our community. We also explained the efforts of the Recreation Commission to seek State funding through George Latimer's good office to renovate the Horton school gym space as a permanent solution to this problem. Alas, on this occasion, the application for State funding was declined due to severe budgetary conditions.

The Recreation Commission wishes to continue pursuing opportunities for funding this renovation of the old Horton school gym space. As stated in the letter,

"This gym would be a tremendous asset to the Village community and would provide usable space for various sporting programs (such as basketball, soccer, badminton, gymnastics, karate to name but a few), club meetings, and other Village events. It especially offers the Recreation Dept. the ability to develop programs that they can fully manage and that can best engage the young people of Port Chester in playing sports."

The Recreation Commission would like to take the lead in attempting to seek funding for this project and believe it is essential to have the recorded support from the Board of Trustees for a number of reasons. Primarily, in any attempt to approach possible donors, it will be critical to show that the Village's policy is clearly in support of this project. Secondly, in order to produce supporting documentation and plans, we need the active endorsement of the Board to produce same.

We would remind the Board that it is our intention to seek funding that would minimize, and if possible totally remove, any need for funding from Village resources. We fully understand the current financial pressure on the Village and do not intend to burden the Village taxpayer in pursuit of this project.

We directly request the support of the Board of Trustees in this endeavor and would ask for this to be recorded as a policy position in seeking to garner outside financial support to complete this project for the wider community. We thank you for this consideration and would be happy to attend a Trustee Meeting to answer any questions that may arise from this request.

Kindest regards,

Port Chester
Recreation Commission

**PUBLIC COMMENTS
AND
BOARD COMMENTS**