

**VILLAGE OF PORT CHESTER  
BOARD OF TRUSTEES  
Meeting, Monday, March 18, 2013  
Special Meeting: 6:30-7:00 P.M.  
Regular Meeting: 7:00 P.M.  
VILLAGE JUSTICE COURTROOM  
350 North Main Street  
Port Chester, New York  
**AGENDA****

**TIME: 6:30 P.M. to 7:00 P.M.**

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

**TIME: 7:00 P.M.**

<b>I</b>	<b>PUBLIC COMMENTS</b>	<b>ACTION</b>
<b>II</b>	<b>AFFIDAVIT OF PUBLICATION AND NOTICE OF PUBLICATION RE:</b>	<b>ACTION</b>
1	Public Hearing to consider Zoning Text Amendments and Amendments to the Village Official Zoning Map Implementing the Comprehensive Plan.  <u>RESOLUTION</u>	
2	Public Hearing to consider the subdivision – Estate of Vera Davis, 96 Perry Avenue	
<b>III</b>	<b>PRESENTATION</b>	<b>ACTION</b>
	Presentation by PC Community Cares Coalition on Park signage.	
<b>IV</b>	<b>RESOLUTIONS</b>	<b>ACTION</b>
	<b>Legal</b>	
1	Authorize the Village Manager to execute a retainer agreement with Labor Counsel Bond, Shoeneck & King, PLLC, 1399 Franklin Avenue, Suite 200, Garden City, New York	
	<b>Planning</b>	
2	To approve the subdivision of Torosan Realty, South Main Street	
3	SEQR Negative Declaration for the subdivision of – Estate of Vera Davis, 96 Perry Avenue	

4	Resolution authorizing the subdivision – Estate of Vera Davis, 96 Perry Avenue	
5	Resolution to set a Public Hearing on Carver Center	
	<b>Administration</b>	
6	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	
7	Supporting an application being submitted by the City of Peekskill for a Local Government Efficiency Grant Supporting the shared redevelopment services program of the Mayors' Redevelopment Roundtable.	
8	Authorize the Village Manager to enter into an agreement with Nixle, LLC, with regard to Emergency Notification Services.	
9	Appoint Additional Election Inspectors for the March 19, 2013 Village election.	
	<b>Finance</b>	
10	Adoption of Local Adjustments for Homestead and Non-Homestead Base Proportions	
11	Authorize the transfer of \$3843.20 from the DEA Asset Forfeiture Account to Equipment Line.	
<b>V</b>	<b>DISCUSSIONS</b>	<b>ACTION</b>
1	Additional amendments to Amnesty Program for 1 and 2 family homes.	
2	Positive Recommendation from Planning Commission to Board of Trustees regarding Planning Commission Workshop 2013 Work Program	
<b>VI</b>	<b>CORRESPONDENCE</b>	<b>ACTION</b>
1	From the Churches of Our Lady of the Rosary and Corpus Christi request permission for a procession from Corpus Christi Church to Don Bosco Place on Good Friday, March 29 <sup>th</sup> .	
2	From the Port Chester-Rye Brook- Rye Town Independence Day Committee requesting permission to hold fireworks in the John Ryan Stadium at the Port Chester Senior High School on Thursday, July 4, 2013	
3	From Tav Passarelli written comments relating to Proposed zoning – Modified DW2 District	
4	From Eileen M. Geasor written comments relating to changes to Draft Official Zoning Map Regarding Property Now Known as 28 ½ Pilgrim Drive	

5	From Anthony B. Gioffre III written comments relating to Village of Port Chester Zoning Code and Map Amendments	
6	From Lou Del Bianco requesting permission to erect a memorial dedicated to his grandfather, Luigi Del Bianco, chief carver on Mount Rushmore	
<b>VII</b>	<b>MINUTES</b>	
1	Minutes from December 3, 2012	
2	Minutes from December 17, 2012	
3	Minutes from December 20, 2012	
4	Minutes from January 7, 2013	
5	Minutes from January 22, 2013	
6	Minutes from February 4, 2013	
7	Minutes from February 19, 2013	
8	Minutes from March 4, 2013	
<b>VIII</b>	<b>PUBLIC COMMENTS AND BOARD COMMENTS</b>	<b>ACTION</b>

**TIME:** \_\_\_\_\_

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

# **PUBLIC COMMENTS**

AFFIDAVIT OF PUBLICATION  
AND  
NOTICE OF PUBLICATION RE

# 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  
Anthony Cerreto, Village Attorney

Re: Final Draft Zoning Text and Map Amendments - Local Law #4 2013

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

Date: March 15, 2013

---

As requested, attached is the draft zoning text and map amendments local law with the changes agreed upon by the Board at the March 4, 2013 public hearing regarding the DW2 Downtown Design Waterfront District (5 foot front/side, 25 foot rear yard setbacks) and removal of parcels north of Mill Street to remain in the C2 Main Street Business District.

The first document is the local law in “final form” as required by law. The brackets and underlines represent all deletions and additions respectively to the Village’s existing zoning text as they currently exist in the Village Code, Chapter 345, Zoning. The second document is the local law with the particular changes from the public hearing highlighted in yellow.

Should the Board so desire, the “final form” local law is ready for adoption.

In addition, further clarification regarding the proposed PMU Planned Mixed Use Development District as developed by BFJ Planning is warranted in response to comments made during the public hearing. As previously noted, the proposed PMU District is fashioned to achieve the goals and objectives of the adopted comprehensive plan which is to “reactivate the United Hospital site as a mixed use development comprising some combination of a hotel/convention center, retail uses, restaurants, residential uses and community facilities”, where “overall, heights and densities would be of a scale and character in context with the surrounding area.”

To that end, the proposed maximum Floor Area Ratio (FAR) or development square footage divided by lot area permitted as of right in the PMU is .8, bonus-able to 1.0, with the following maximum FAR component apportioned by land use to facilitate mixed use development:

Hotel/Conference Center: .4

Commercial Uses: .2

Residential Uses: .2

Age Restricted (55+) and or Assisted Living: .3

Community Facilities: .1

It is important to note that under the proposed PMU regulations, .5 of the .8 as of right FAR can be apportioned to residential uses (.2 unrestricted and .3 age-restricted) with no restriction on minimum lot area per dwelling unit as in the existing R2F Two Family Residence zone (5,000 square feet) or lot area per dwelling unit as in other mixed-use and multi-family districts Village-wide. Further, the remaining .3 as of right FAR can be apportioned to commercial, community facility or hotel use.

By point of comparison, the existing R2F zoning permits a .8 FAR for residential development (proposed to be reduced to .7 FAR in the “final form” law), and requires 5,000 square foot minimum lot size (2,500 square feet per unit) that would yield a form and character of residential development inconsistent with the goals of the adopted comprehensive plan.

RESOLUTION  
RELATED ZONING TEXT AND MAP AMENDMENTS  
COMPREHENSIVE PLAN

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

**WHEREAS**, Local Law #4 of the year 2013 contains related text amendments to Section 345 Zoning of the Village Code and map amendments to the Official Village Zoning Map consistent with the goals and objectives of the adopted Comprehensive Plan. Now, therefore, be it

**RESOLVED**, that the Village of Port Chester Board of Trustees hereby adopts Local Law #4 of 2013.

Approved as to Form:

\_\_\_\_\_  
Village Attorney

ROLL CALL

AYES:

NOES:

ABSENT:

DATE: March 18, 2013

(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. 4 of the year 2013

A local law amending the CODE OF THE VILLAGE OF PORT CHESTER, CHAPTER 345, ARTICLE II, SECTION 345-2B, ARTICLE III, SECTION 345-3, ARTICLE IV, SECTIONS 345-7, 345-8, 345-13, 345-14, 345-15 and 345-16, ARTICLE VIII, SECTIONS 345-39, 345-40, 345-41, 345-42, 345-43, 345-44, 345-45 and 345-46, ARTICLE IX, SECTIONS 345-47, 345-48, 345-49, 345-50, 345-50.1, 345-50.2, 345-51, 345-52, 345-53, 345-54, 344-54.1, 345-55, 345-56, 345-57 AND 345-57.1, ARTICLE X, SECTIONS 345-60 and 345-61, ARTICLE XI, SECTION 345-62, AND the OFFICIAL ZONING MAP of the Village of Port Chester.

Be it enacted by the Board of Trustees of the  
(Name of Legislative Body)

County  
City of Port Chester, New York as follows:  
Town  
Village

A LOCAL LAW AMENDING THE CODE OF THE VILLAGE OF PORT CHESTER, CHAPTER 345, AND THE OFFICIAL ZONING MAP WITH REGARD TO IMPLEMENTING THE PROVISIONS OF THE COMPREHENSIVE PLAN.

SECTION 1: Purpose and Intent

*Background*

This local law amends the Village Code, Chapter 345, the Zoning Regulation, as well as the Official Zoning Map with regard to implementing the Village of Port Chester’s Comprehensive Plan. New York’s zoning enabling statutes – the statutes empowering cities, towns and villages to enact local zoning laws – require that zoning laws be adopted “in accordance with a comprehensive

plan.” The purpose of the Comprehensive Plan is to serve as the backbone for a local zoning code. The Zoning Regulation is adopted to provide a precise plan for residential, commercial, industrial, open space and other land uses in the Village, and is the principal device used to implement the Comprehensive Plan.

Originally adopted in 1975, and amended several times since then, the Village of Port Chester’s current Zoning Regulation has become, across several dimensions, outdated. The amendments included herein primarily deal with revisions to the dimensional requirements in the residential districts, and the use and dimensional requirements in the commercial districts. The secondary but no less significant purpose of this amendment process is the creation of new zoning districts to provide the opportunity for the creation of visually attractive, economically viable and environmentally sustainable development.

### *Overall Approach*

Amendments to the Zoning Regulation are prepared to address the changing needs and desires of the community with respect to the built environment. The vision and policy recommendations set forth in the Comprehensive Plan – the foundation of these proposed zoning amendments – aim to retain the qualities of Port Chester that its people have come to cherish, including a diverse population, low-density residential neighborhoods, quality homes at relatively affordable prices, and a vibrant downtown. At the same time, the vision addresses the challenges confronting the Village, including changing socio-economic conditions, unpredictable growth patterns, physical constraints limiting waterfront access, and underutilized properties. The Plan identifies goals, policies, and guidelines for the immediate and long-range protection, enhancement, growth and development of Port Chester, focusing on major elements of the build environment, including maintenance and enhancement of residential neighborhoods; strengthening and revitalization of the downtown and waterfront areas; strengthening of industrial areas; and identifying key areas of limited growth opportunities. To this end, the overall approach of this zoning amendment process is captured in the following five (5) key elements:

- Reducing potential future density increases throughout the Village;
- Preserving and protecting the existing character of residential neighborhoods;
- Identifying strategic areas for limited growth opportunities;
- Improving development predictability and coordinating private development with public; investments in transportation and infrastructure systems; and
- Eliminating floating zones.

SECTION 2: The Code of the Village of Port Chester, Chapter 345, Article II “Definitions”, is hereby amended as follows:

Section 345-2B. Word usage; terms defined.

....

[PLANNED TOWER DEVELOPMENT – An area of land or air right over such land controlled by a single proprietor to be developed as a single entity for one or a combination of the authorized uses as provided in Section 345-46. With respect to a planner tower development, a “single proprietor” shall be deemed to include a person or corporation having an enforceable proprietary interest in such land or the air rights over such land.]

...

SECTION 3: The Code of the Village of Port Chester, Chapter 345, Article III, “Districts, Boundaries and Application of regulations”, is hereby amended as follows:

Section 345-3. Districts classified.

For the purposes of this Regulation, the Village of Port Chester is hereby divided into [25] 27 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, C5T, DW 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.

<b>Type of Residence Building</b>	<b>Minimum Required Floor Area per Family (square feet)</b>
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

<b>Uses</b>	<b>Number of Spaces Required</b>
...	
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 DW2 Downtown Design Waterfront District 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. All uses permitted in the DW2 Downtown Design Waterfront District and provided herein are granted by special exception in accordance with §345-60 and §345-61.

- (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) Private 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, 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, 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): 25.

(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 DW Design Waterfront and DW2 Downtown Design Waterfront Districts shall meet the following additional general standards:

(1) All structures in the DW Design Waterfront District shall be set back at least 30 feet from the water’s edge at mean high water or from a bulkhead, where such bulkhead exists. All structures in the DW2 Downtown Design Waterfront District shall be set back at least 25 feet from the water’s edge at mean high water or from a bulkhead, where such bulkhead exists.

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 filing 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 curbside 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**

<b>Address</b>	<b>Section, Block and Lot</b>	<b>Existing Zoning</b>	<b>Proposed Zone</b>
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**

<b>Address</b>	<b>Section, Block and Lot</b>	<b>Existing Zoning</b>	<b>Proposed Zone</b>
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**

<b>Address</b>	<b>Section, Block and Lot</b>	<b>Existing Zoning</b>	<b>Proposed Zone</b>
[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**

<b>Address</b>	<b>Section, Block and Lot</b>	<b>Existing Zoning</b>	<b>Proposed Zone</b>
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**

<b>Address</b>	<b>Section, Block and Lot</b>	<b>Existing Zoning</b>	<b>Proposed Zone</b>
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**

<b>Address</b>	<b>Section, Block and Lot</b>	<b>Existing Zoning</b>	<b>Proposed Zone</b>
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**

<b>Address</b>	<b>Section, Block and Lot</b>	<b>Existing Zoning</b>	<b>Proposed Zone</b>
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**

<b>Address</b>	<b>Section, Block and Lot</b>	<b>Existing Zoning</b>	<b>Proposed Zone</b>
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**

<b>Address</b>	<b>Section, Block and Lot</b>	<b>Existing Zoning</b>	<b>Proposed Zone</b>
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**

<b>Address</b>	<b>Section, Block and Lot</b>	<b>Existing Zoning</b>	<b>Proposed Zone</b>
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**

<b>Address</b>	<b>Section, Block and Lot</b>	<b>Existing Zoning</b>	<b>Proposed Zone</b>
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**

<b>Address</b>	<b>Section, Block and Lot</b>	<b>Existing Zoning</b>	<b>Proposed Zone</b>
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]
<b>Residential Uses</b>								
One-family dwelling	P	P	P	P	P	P	P	[X]
Two-family dwelling, including covered one-family dwelling on adequate lot	X	X	X	P	P	P	P	[X]
Multifamily dwelling, excluding cooperative or condominium dwelling	X	X	X	X	P	P	P	[X]
Multifamily cooperative or condominium dwelling	X	X	X	X	P	P	P	[P]
<b>Residential Facilities</b>								
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]
<b>General Community Facilities</b>								
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]
<b>Business Uses</b>								
Funeral home	X	X	X	X	SE	SE	SE	[X]
Hotel, motel, boateel	X	X	X	X	X	X	X	[P]
Marina, private, or yacht club	X	X	X	X	X	X	X	[P]
Office or studio of a nonresident physician, dentist, town planner, architect, engineer or similar professional person	X	X	X	X	P	P	P	[P]
Office, office building, bank, excluding drive-in facility	X	X	X	X	X	X	X	[P]
Restaurant other than drive-in, open-front, or curb-service types	X	X	X	X	X	X	X	[P]
Nonresident physicians office on hospital grounds in accessory building [Added 2-9-1978 by L.L. No. 3, 1978]	X	X	X	SE	SE	SE	SE	[X]
<b>Accessory Uses</b>								
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.

<sup>1</sup> [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 <sup>1</sup>	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 ]
<b>Maximum Floor Area Ratio</b>								
(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) ]
<b>Minimum Size of Lot:</b>								
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]
<b>Minimum Yard Dimensions:</b>								
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]
<b>Maximum Height of Building:</b>								
In stories	2½	2½	2½	2½	3	[8] 6	[10] 7	[(e)]
In feet	35	35	35	35	40	[70] 60	[95] 70	[(e)]
<b>Minimum Usable Open Space</b>								
For each dwelling unit (sq. ft.)	5,000	3,500	2,000	800	400	400	400	[400 (f)]

**NOTES:**

[(a) The maximum floor area ratios set forth herein shall apply as indicated to all buildings and structures on the site:]

[(1) For the base structure or the first enclosed stories above ground level, a maximum floor area ratio of three and two-tenths (3.2) exclusive of the open deck which shall be set aside for usable open space and related pedestrian activities, provided that no one (1) story shall exceed zero and eight-tenths (0.8).]

[(2) For tower stories above the base structure or first enclosed stories above ground level, a maximum floor area ratio of five and three-tenths (5.3), provided that no one (1) story shall exceed zero and two-tenths (0.2).]

(a) Each twenty-five (25) feet or one-half (½) the height of the building, whichever shall be the greater, except that one-and two-family dwellings shall have yards of not less than eight (8) feet.

(b) Each twenty (20) feet or one-half (½) the height of the building, whichever shall be greater, except that one-and two-family dwellings shall have yards of not less than thirty (30) feet.

[(d) If provided, at least ten (10) feet per yard.]

[(e) Maximum height of building:]

[(1) In stories: none.]

[(2) In feet:]

[(a) For the base structure or first enclosed stories above ground level: fifty (50) feet.]

[(b) Overall height of base structure and tower structures: three hundred fifteen (315) feet.]

(c) Minimum usable open space on the open deck at the top of the base structure.

(1) One hundred (100) square feet for each dwelling unit and for each hotel, motel or boatel room designed for the overnight accommodation of guests.

(2) All structures shall be set back at least ten (10) feet from the water's edge along the Byram River and the Byram River Cove; provided, however, that

(d) Must be maintained from the minimum front yard depth to the rear lot line.

(e) Section 345-10I must be complied with.

NR = none required

# ZONING

## 345 Attachment [ 1] - 2

### Village of Port Chester Schedule of Regulations for Designed Industrial District Part 1, Use Regulations

Type of Use	M2D District §345-57[.1]
<b>General Community Facilities</b>	
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
<b>Business Uses</b>	
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
<b>Industrial Uses</b>	
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
<b>Accessory Uses</b>	
Private garage or private off-street parking area, in accordance with § 345-14	P
Sign, in accordance with § 345-15	P
Maintenance and service facilities relating solely to the authorized principal use or uses	P
Residence of superintendent, caretaker or watchman	P
Cafeterias, lunchrooms and similar facilities, provided that the use thereof is limited to employees and their guests	P

NOTE:

P = Permitted Use

SE = Special Exception Use

ZONING

345 Attachment [1] 3A

Village of Port Chester  
 Scheduling of Regulations for Nonresidence Districts  
 Part 1, Use Regulations

Type of Use	Districts															[PRSP Planned Railroad Station Plaza Development §345-57]	PMU Planned Mixed Use §345-57	
	C1 Neighborhood Retail §345-47	[C2 Central Business §345-48]	C2 Main Street Business §345-48	C3 [Design Office and Commercial] §345-49	C4 General Commercial §345-50	C5 Train Station Mixed Use §345-50.1	CST Downtown Mixed Use Transitional §345-50.2	CD Design Shopping Center §345-51	CDS Special Designed Commercial §345-52	PD Design Professional Building §345-53	DW Design Waterfront §345-54	DW2 Downtown Design Waterfront §345-54.1	M1 Light Industrial §345-55	M2 General Industrial §345-56 <sup>1</sup>				
<b>Residential Uses</b>																		
1 Family Dwelling	X	[X]	X	X	X	X	X	X	X	X	X	X	X	X	X	X		X
2 Family Dwelling	X	[X]	X	X	X	X	X	X	X	X	X	X	X	X	X	X		X
Multifamily Dwelling	X	[X]	SE	X	X	SE	SE	X	X	X	SE	SE	X	X			[See § 345-62]	P
Multifamily Dwelling (floors above first floor)	X	[SE]	SE	X	X	P	P	X	X	X	SE	SE	X	X				P
<b>Residential Community Facilities</b>																		
Church or other Place of Worship, Parish House, Rectory, Sunday School, Convent, Seminary	SE	[X]	SE	SE	SE	SE	SE	SE	X	X	SE	SE	SE	SE			[See § 345-62]	SE
<b>General Community Facilities</b>																		
Assembly Hall	X	[X]	SE	SE	SE	SE	SE	X	X	X	X	X	X	X	X			P
Convalescent home or nursing home	X	[X]	X	SE	X	X	X	X	X	X	SE	SE	X	X				P
Hospital	X	[X]	SE	SE	X	SE	SE	X	X	X	X	X	X	X				SE
Medical and dental offices, not including operating room or community X-ray or therapy room	X	[X]	SE	P	X	SE	SE	P	P	P	X	X	X	X				SE
Membership club, fraternal organization or similar social institution not operated for a profit	X	[X]	P	SE	SE	P	P	X	X	X	SE	SE	X	X				P
Nursery school, day camp or day care center	SE	[X]	SE	SE	X	SE	SE	X	X	X	X	X	X	X				SE
Public utility facility	X	[SE]	SE	SE	SE	SE	SE	X	X	X	SE	SE	P	P				SE
[Planned railroad station plaza, as provided in §345-62]	[X]	[X]	[X]	[X]	[X]	[X]	[X]	[X]	[X]	[X]	[X]	[X]	[X]	[X]				[X]
School, elementary or high, public, private, or parochial, having a curriculum equivalent to that ordinarily given in public schools.	X	[X]	SE	X	X	SE	SE	X	X	X	SE	SE	X	X				SE
Medical and dental offices including X-ray and therapy room	X	[SE]	SE	X	X	SE	SE	X	X	X	X	X	X	X				SE
<b>Business Uses</b>																		
Automobile repair garage	X	[X]	X	X	SE	X	X	X	X	X	X	X	X	X	X	X		X
Bank, excluding drive-in	P	[P]	P	P	P	P	P	P	P	P	SE	SE	P	P				P
Bar or Tavern	X	[P]	P	X	X	P	P	X	X	X	X	X	X	X				P
Bowling Alley	X	[X]	SE	SE	SE	SE	SE	P	P	X	X	X	X	X				P
Cabaret	X	[P]	P	X	X	P	P	X	X	X	X	X	X	X				P
Catering and Events Establishment	X	[P]	P	X	X	P	P	X	X	X	X	X	P	P				P
Commercial Indoor Athletic Training Facility	X	[X]	SE	X	X	SE	SE	X	X	X	X	X	X	P				P
Drive-in establishments other than restaurant, or circus, carnival, or other outdoor amusements	X	[SE]	X	SE	SE	X	X	SE	SE	X	X	X	X	X				X
Drive-in and fast-food restaurant	X	[X]	X	X	SE	X	X	X	X	X	X	X	X	X				X
Food processing shop	X	[X]	X	X	SE	X	X	X	X	X	X	X	X	X				X
Funeral Home	SE	[X]	SE	SE	SE	SE	SE	X	X	X	X	X	X	X				SE
Gasoline Station	X	[X]	X	X	SE	X	X	X	X	X	X	X	SE	SE				X
Health Club, including racquetball facilities and indoor swimming pools	X	[SE]	P	P	P	P	P	P	P	X	X	X	X	X				P
Heating, air conditioning, plumbing, electrical, and similar construction businesses, excluding open storage of materials	X	[X]	X	X	P	X	X	X	X	X	[X] SE	X	P	P				X

Notes:  
 P = permitted use  
 SE = special exception use  
 X = prohibited use

All unlisted uses are prohibited in all districts.  
<sup>1</sup>Editor's Note: See §345-56 for additional special exception uses in the M2 District.

ZONING

345 Attachment [1] 3A

Village of Port Chester  
 Scheduling of Regulations for Nonresidence Districts  
 Part 1, Use Regulations

Type of Use	Districts															[PRSP Planned Railroad Station Plaza Development §345-57]	PMU Planned Mixed Use §345-57
	C1 Neighborhood Retail §345-47	[C2 Central Business §345-48]	C2 Main Street Business §345-48	C3 [Design] Office and Commercial §345-49	C4 General Commercial §345-50	C5 Train Station Mixed Use §345-50.1	C5T Downtown Mixed Use Transitional §345-50.2	CD Design Shopping Center §345-51	CDS Special Designed Commercial §345-52	PD Design Professional Building §345-53	DW Design Waterfront §345-54	DW2 Downtown Design Waterfront §345-54.1	M1 Light Industrial §345-55	M2 General Industrial §345-56 <sup>1</sup>			
Hotel or Motel	X	[X]	P	P	X	P	P	P	X	X	[X] SE	SE	X	X		P	
Hotel, Motel (floors above first floor)	X	[SE]	P	P	X	P	P	P	X	X	[X] SE	SE	X	X		P	
Hotel, limited service	X	[SE]	P	SE	X	P	P	SE	X	X	[X] SE	SE	X	X		P	
Marina or yacht club	X	[X]	X	X	X	X	X	X	X	X	SE	SE	X	X		X	
Theater	X	[P]	P	[X] P	X	P	P	X	X	X	[X] SE	SE	P	P		P	
Motor Vehicle Sales lot, motor vehicle salesroom and accessory repair shop	X	[X]	X	X	SE	X	X	X	X	X	X	X	X	X		X	
Office, Office Building	P	[X]	SE	P	P	SE	SE	P	P	P	SE	SE	P	P		P	
Office, Office Building (floors above first floor)	P	[P]	P	P	P	P	P	P	P	P	SE	SE	P	P		P	
Off-street parking lot or garage for motor vehicles, but not including storage of used or new motor vehicles for sale or hire; minimum requirements shall be in accordance with § 345-14.	X	[P]	P	P	P	P	P	X	X	X	[X] SE	SE	X	X		P	
Pawnshops	X	[X]	X	X	X	X	X	X	X	X	X	X	SE	SE		X	
Radio or television station studio, excluding transmission tower	X	[X]	SE	P	P	SE	SE	X	X	X	SE	SE	P	P		SE	
Radio or television station studio excluding transmission tower (floors above first floor)	X	[P]	P	P	P	P	P	X	X	X	SE	SE	P	P		SE	
Shooting ranges with accessory sales of guns and equipment	X	[X]	X	X	X	X	X	X	X	X	X	X	X	P		X	
Table-service restaurant, no drive-in, open front, fast food, or curb-service types	P	[P]	P	P	P	P	P	P	P	X	SE	SE	X	X		P	
Tax Preparation Office	X	[P]	P	X	X	P	P	X	X	X	[X] SE	SE	X	X		P	
Retail store or personal service shop, services clearly incidental to retail sales on the premises or to personal services	P	[P]	P	P	X	P	P	P	SE	X	[X] SE	SE	X	X		P	
Veterinary hospital or board and care of small animals	X	[X]	SE	X	SE	SE	SE	X	X	X	[X] SE	SE	X	X		SE	
Wholesale business, storage building or warehouse	P	[X]	X	X	P	X	X	X	X	X	SE	SE	P	P		X	
<b>Industrial uses</b>																	
Cold storage plant, ice plant, bottling central distribution station, light or power plant, or garbage or sewage disposal facility	X	[X]	X	X	X	X	X	X	X	X	X	X	X	P		X	
Creamery, ice cream plant or bakery plant	X	[X]	X	X	P	X	X	X	X	X	SE	SE	P	P		X	
Laundry or dry-cleaning plant	X	[X]	X	X	X	X	X	X	X	X	SE	SE	P	P		X	
Nonnuisance industry, provided that in nonindustrial districts equipment is used that has a rating of no more than 5 horsepower	X	[X]	X	X	P	X	X	X	X	X	SE	SE	P	P		X	
Open storage of equipment or materials	X	[X]	X	X	X	X	X	X	X	X	X	X	X	SE		X	
Printing plant	X	[X]	X	P	P	X	X	X	X	X	SE	SE	P	P		X	
Research laboratory, provided that is shall not be obnoxious by reason of dissemination of smoke, dust, fumes, noise or vibration, or hazardous from fire waste materials or the creation of excessive demands upon municipal services	X	[X]	X	SE	SE	X	X	X	X	X	SE	SE	P	P		X	
<b>Accessory Uses</b>																	
CD Accessory garden center	X	[X]	X	X	X	X	X	P	X	X	X	X	X	X		X	
Customary accessory structure or use, including cultural, recreational, or athletic facility, meeting room or similar accessory structure or use related to a school, church, or other place of worship	P	[P]	P	P	P	P	P	P	P	P	SE	SE	P	P		SE	
Ethical Pharmacy	X	[X]	SE	X	X	SE	SE	P	X	P	X	X	X	X		SE	
Ground-floor office as accessory use to multifamily development	X	[SE]	SE	X	X	SE	SE	X	X	X	[X] SE	SE	X	X		P	
Private garage or private off-street parking area, in accordance with § 345-14	P	[P]	P	P	P	P	P	P	SE	P	SE	SE	P	P		P	
Sign, in accordance with § 345-15	P	[P]	P	P	P	P	P	P	P	P	SE	SE	P	P		P	

Notes:  
 P = permitted use  
 SE = special exception use  
 X = prohibited use

All unlisted uses are prohibited in all districts  
<sup>1</sup>Editor's Note: See §345-56 for additional special exception uses in the M2 District.

ZONING

345 Attachment 3B

Village of Port Chester  
Schedule of Regulations for Nonresidence Districts  
Part 2, Dimensional Regulations

Type of Use	Districts																	
	C1 Neighborhood Retail § 345-47	[C2 Central Business § 345-48]	C2 Main Street Business § 345-48	C3 [Design] Office & Commercial § 345-49	[C4 <sup>2</sup> General Commercial § 345-50]	[C4* General Commercial (Multifamily Dwellings) § 345-50]	C5 Train Station Mixed Use § 345-50.1	CST Downtown Mixed Use Transitional District § 345-50.2	CD Design Shopping Center § 345-51	CDS Special Designed Commercial § 345-52	[Special Exception Uses <sup>41</sup> ]	PD Design Professional Building § 345-53	DW Design Waterfront § 345-54	DW2 Downtown Design Waterfront § 345-54.1	M1 Light Industrial § 345-55	M2 General Industrial § 345-56	[PRSP Planned Railroad Station Plaza Development § 345-57]	PMU Planned Mixed Use § 345-57
Maximum Floor Area Ratio (See definition, § 345-2)	1.0	[3.2]	3.2 <sup>1</sup>	3.0	2.0	[1.5]	4.0 <sup>3</sup>	4.0 <sup>3</sup>	1.0	1.0	[0.25(e)]	1.0	1.60	2.4 <sup>10</sup>	1.0	2.0		0.8 <sup>9</sup>
Maximum Floor Area Ratio For 1 Story	0.35	[NR]	NR	0.60	NR	--	NR	NR	0.35	NR	[0.25(e)]	NR	0.40	NR	0.50	0.70		
<b>Minimum Size of Lot:</b>																		
Area, nonresidential (square feet)	NR	[NR]	NR	NR	NR	[20,000]	NR	NR	21,780	65,340	=	21,780	10,000	NR	NR	NR		
Area per dwelling unit (square feet)	NR	[750]	750 <sup>2</sup>	NR	NR	[750]	400 <sup>4</sup>	575 <sup>5</sup>	NR	NR	=	NR	750	600 <sup>11</sup>	NR	NR		
Width (feet) [(j)] (e)	40	[40]	40	40	40	[100]	40	40	40	NR	[150(f)]	40	40	40	40	40		
Depth (feet)	NR	[NR]	NR	NR	NR	[100]	NR	NR	NR	NR	=	NR	NR	NR	NR	NR		
<b>Minimum Yard Dimensions:</b>																		
Front (feet)	NR	[NR]	NR	10	10	[25]	NR	NR	30	60	[150(h) <sup>2</sup> ]	10	20	5	25	10		
Side																		
One (feet)	NR(a)	[NR(a)]	NR(a)	(b)	NR(a)	[20]	NR(a)	NR(a)	30	50	[6(h) <sup>2</sup> ]	20	(c)	5	20	10		
Total of 2 on interior lot (feet)	NR(a)	[NR(a)]	NR(a)	(b)	NR(a)	--	NR(a)	NR(a)	60	100	[12(h) <sup>2</sup> ]	40	(c)	10	40	20		
Rear (feet)	30	[20]	20	20	20	[30]	20	20	30	50	[30(h) <sup>2</sup> ]	30	30	25	20	20		
<b>Maximum Height of Building:</b>																		
In stories	2½	[8]	5	[NR] 5	3	[7]	8 <sup>6</sup>	5 <sup>7</sup>	3	3	[2(g)]	5	[8] 4	4	2	8		
In feet	35	[70]	60	[120] 60	45	[70]	90 <sup>6</sup>	60 <sup>7</sup>	45	45	[35(g)]	60	[70] 50	50	40	70		
<b>Minimum Usable Open Space on Lot:</b>																		
For each dwelling unit (square feet)	1,200	[100]	50 <sup>8</sup>	NR(d)	NR	[300(j)]	50 <sup>8</sup>	50 <sup>8</sup>	NR	NR	=	100(d)	50 <sup>8</sup>	50 <sup>8</sup>	NR	NR		100

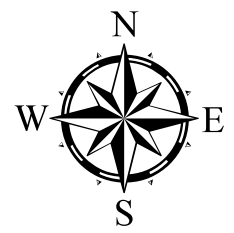
NOTES:

- (a) If provided at least ten (10) feet per yard.
  - (b) One-half (½) the height of the building to which the yard is related, but not greater than twenty (20) feet.
  - (c) Each twenty-five (25) feet or one-half (½) the height of the building, whichever is greater.
  - (d) Twenty (20) square feet for each patient bed in a sanatorium, convalescent home or nursing home.
  - [(e) In the event that the site of a special exception use is partially within the Village of Port Chester and partially within the Town of Rye, the maximum floor area ratio may be increased to up to fifty hundredths (0.50) within the Village of Port Chester, provided that the average floor area ratio for the entire site, both within the Village of Port Chester and within the Town of Rye, does not exceed thirty hundredths (0.30).
  - [(f) On a state or county road or highway or shall be contiguous to and in common ownership with a site which shall have said minimum frontage.]
  - [(g) Other than office buildings.]
  - [(h) Applicable only in the event that the site of a special exception use is partially within the Town of Rye and partially within the Village of Port Chester.]
  - [(i) Improved exterior space, e.g., recreation areas and gardens, may be included in the open space calculation. In addition, those portions of rooftop space that have been developed for recreational use and are made available for such use to occupants of the building as courts, swimming pools, deck areas or the like may, upon approval by the Planning Commission, be included in the open space calculation.]
  - [(j)] (e) Must be maintained from the minimum front yard depth to the rear lot line.
- <sup>1</sup> A floor area ratio (FAR) bonus of 0.8 is available in accordance with §345-16.
- <sup>2</sup> A minimum of 575 sq. ft. of lot area per dwelling unit can be achieved through a Building Height and Floor Area Bonus Program in accordance with §345-16.
- <sup>3</sup> A Floor Area Bonus of 0.5 is available in accordance with §345-16.
- <sup>4</sup> A minimum of 250 sq. ft. of lot area per dwelling unit can be achieved through a Building Height and Floor Area Bonus Program in accordance with §345-16.
- <sup>5</sup> 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.
- <sup>6</sup> A building height bonus of 2 stories (30 feet) is available in accordance with §345-16. [In C4 Districts where multifamily dwellings are permitted, they shall conform to the regulations shown in the C4\* column.]
- <sup>7</sup> A building height bonus of 1 story (10 feet) is available in accordance with §345-16.
- <sup>8</sup> See §345-7.E.
- <sup>9</sup> 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.
- <sup>10</sup> A Floor Area Bonus of 0.2 is available in accordance with §345-16.
- <sup>11</sup> 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

# Draft Official Zoning Map

## Village of Port Chester New York



MAP NOTE: This map was produced by C. Gomez, Village of Port Chester Director of Planning and Development - March 2013.

### 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

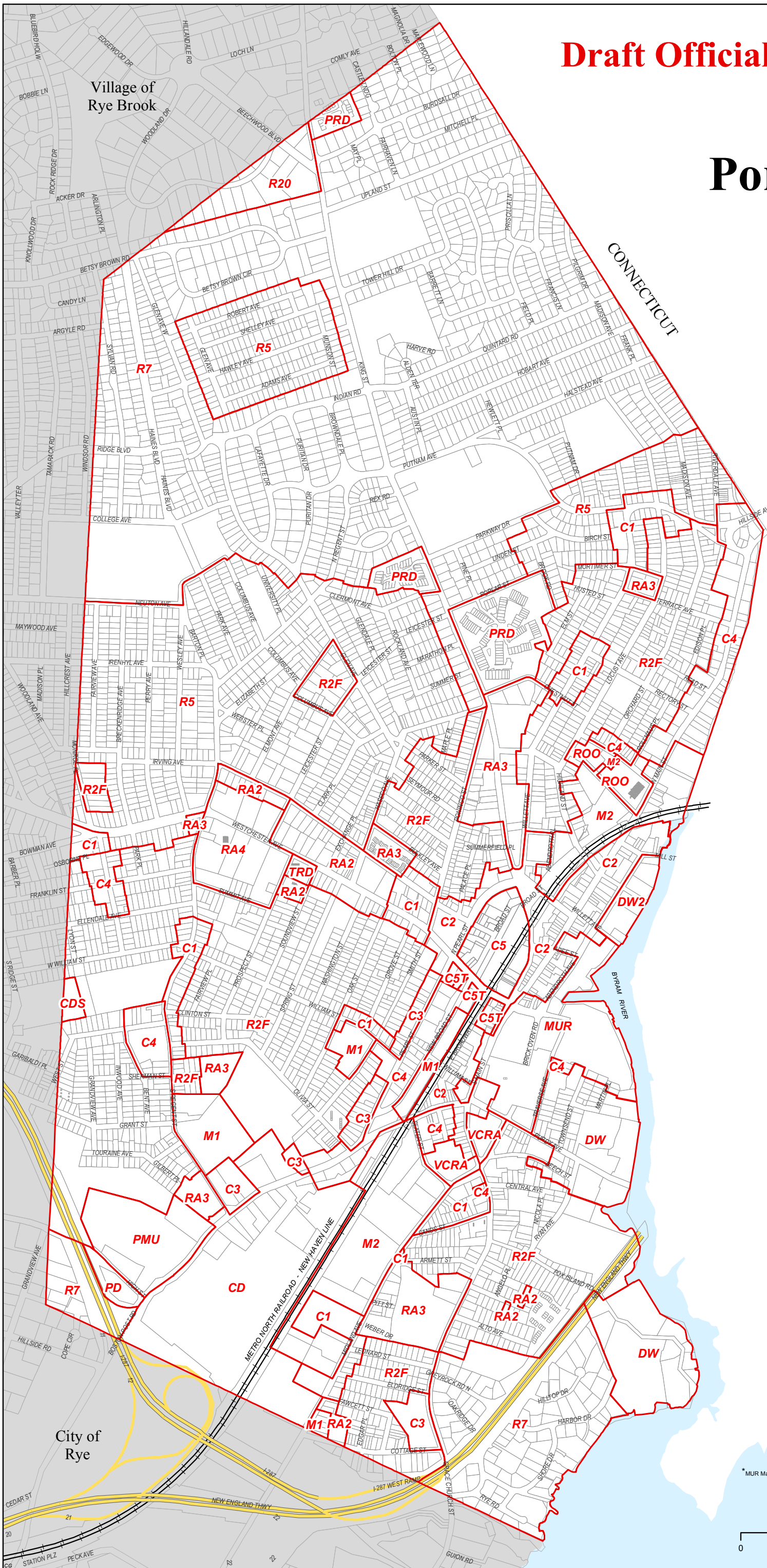
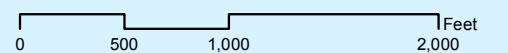
#### WATERFRONT

- 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 Underlay Zone is C2 Main Street Business District



(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. 4 of the year 2013

A local law amending the CODE OF THE VILLAGE OF PORT CHESTER, CHAPTER 345, ARTICLE II, SECTION 345-2B, ARTICLE III, SECTION 345-3, ARTICLE IV, SECTIONS 345-7, 345-8, 345-13, 345-14, 345-15 and 345-16, ARTICLE VIII, SECTIONS 345-39, 345-40, 345-41, 345-42, 345-43, 345-44, 345-45 and 345-46, ARTICLE IX, SECTIONS 345-47, 345-48, 345-49, 345-50, 345-50.1, 345-50.2, 345-51, 345-52, 345-53, 345-54, 344-54.1, 345-55, 345-56, 345-57 AND 345-57.1, ARTICLE X, SECTIONS 345-60 and 345-61, ARTICLE XI, SECTION 345-62, AND the OFFICIAL ZONING MAP of the Village of Port Chester.

Be it enacted by the Board of Trustees of the  
(Name of Legislative Body)

County  
City of Port Chester, New York as follows:  
Town  
Village

A LOCAL LAW AMENDING THE CODE OF THE VILLAGE OF PORT CHESTER, CHAPTER 345, AND THE OFFICIAL ZONING MAP WITH REGARD TO IMPLEMENTING THE PROVISIONS OF THE COMPREHENSIVE PLAN.

SECTION 1: Purpose and Intent

*Background*

This local law amends the Village Code, Chapter 345, the Zoning Regulation, as well as the Official Zoning Map with regard to implementing the Village of Port Chester’s Comprehensive Plan. New York’s zoning enabling statutes – the statutes empowering cities, towns and villages to enact local zoning laws – require that zoning laws be adopted “in accordance with a comprehensive

plan.” The purpose of the Comprehensive Plan is to serve as the backbone for a local zoning code. The Zoning Regulation is adopted to provide a precise plan for residential, commercial, industrial, open space and other land uses in the Village, and is the principal device used to implement the Comprehensive Plan.

Originally adopted in 1975, and amended several times since then, the Village of Port Chester’s current Zoning Regulation has become, across several dimensions, outdated. The amendments included herein primarily deal with revisions to the dimensional requirements in the residential districts, and the use and dimensional requirements in the commercial districts. The secondary but no less significant purpose of this amendment process is the creation of new zoning districts to provide the opportunity for the creation of visually attractive, economically viable and environmentally sustainable development.

### *Overall Approach*

Amendments to the Zoning Regulation are prepared to address the changing needs and desires of the community with respect to the built environment. The vision and policy recommendations set forth in the Comprehensive Plan – the foundation of these proposed zoning amendments – aim to retain the qualities of Port Chester that its people have come to cherish, including a diverse population, low-density residential neighborhoods, quality homes at relatively affordable prices, and a vibrant downtown. At the same time, the vision addresses the challenges confronting the Village, including changing socio-economic conditions, unpredictable growth patterns, physical constraints limiting waterfront access, and underutilized properties. The Plan identifies goals, policies, and guidelines for the immediate and long-range protection, enhancement, growth and development of Port Chester, focusing on major elements of the build environment, including maintenance and enhancement of residential neighborhoods; strengthening and revitalization of the downtown and waterfront areas; strengthening of industrial areas; and identifying key areas of limited growth opportunities. To this end, the overall approach of this zoning amendment process is captured in the following five (5) key elements:

- Reducing potential future density increases throughout the Village;
- Preserving and protecting the existing character of residential neighborhoods;
- Identifying strategic areas for limited growth opportunities;
- Improving development predictability and coordinating private development with public; investments in transportation and infrastructure systems; and
- Eliminating floating zones.

SECTION 2: The Code of the Village of Port Chester, Chapter 345, Article II “Definitions”, is hereby amended as follows:

Section 345-2B. Word usage; terms defined.

....

[PLANNED TOWER DEVELOPMENT – An area of land or air right over such land controlled by a single proprietor to be developed as a single entity for one or a combination of the authorized uses as provided in Section 345-46. With respect to a planner tower development, a “single proprietor” shall be deemed to include a person or corporation having an enforceable proprietary interest in such land or the air rights over such land.]

...

SECTION 3: The Code of the Village of Port Chester, Chapter 345, Article III, “Districts, Boundaries and Application of regulations”, is hereby amended as follows:

Section 345-3. Districts classified.

For the purposes of this Regulation, the Village of Port Chester is hereby divided into [25] 27 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, C5T, DW 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.

<b>Type of Residence Building</b>	<b>Minimum Required Floor Area per Family (square feet)</b>
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

<b>Uses</b>	<b>Number of Spaces Required</b>
...	
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 DW2 Downtown Design Waterfront District 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. All uses permitted in the DW2 Downtown Design Waterfront District and provided herein are granted by special exception in accordance with §345-60 and §345-61.

- (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) Private 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, 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, 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): 25.

(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 DW Design Waterfront and DW2 Downtown Design Waterfront Districts shall meet the following additional general standards:

(1) All structures in the DW Design Waterfront District shall be set back at least 30 feet from the water’s edge at mean high water or from a bulkhead, where such bulkhead exists. All structures in the DW2 Downtown Design Waterfront District shall be set back at least 25 feet from the water’s edge at mean high water or from a bulkhead, where such bulkhead exists.

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 filing 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**

<b>Address</b>	<b>Section, Block and Lot</b>	<b>Existing Zoning</b>	<b>Proposed Zone</b>
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**

<b>Address</b>	<b>Section, Block and Lot</b>	<b>Existing Zoning</b>	<b>Proposed Zone</b>
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**

<b>Address</b>	<b>Section, Block and Lot</b>	<b>Existing Zoning</b>	<b>Proposed Zone</b>
[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**

<b>Address</b>	<b>Section, Block and Lot</b>	<b>Existing Zoning</b>	<b>Proposed Zone</b>
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**

<b>Address</b>	<b>Section, Block and Lot</b>	<b>Existing Zoning</b>	<b>Proposed Zone</b>
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**

<b>Address</b>	<b>Section, Block and Lot</b>	<b>Existing Zoning</b>	<b>Proposed Zone</b>
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**

<b>Address</b>	<b>Section, Block and Lot</b>	<b>Existing Zoning</b>	<b>Proposed Zone</b>
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**

<b>Address</b>	<b>Section, Block and Lot</b>	<b>Existing Zoning</b>	<b>Proposed Zone</b>
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**

<b>Address</b>	<b>Section, Block and Lot</b>	<b>Existing Zoning</b>	<b>Proposed Zone</b>
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**

<b>Address</b>	<b>Section, Block and Lot</b>	<b>Existing Zoning</b>	<b>Proposed Zone</b>
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**

<b>Address</b>	<b>Section, Block and Lot</b>	<b>Existing Zoning</b>	<b>Proposed Zone</b>
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**

<b>Address</b>	<b>Section, Block and Lot</b>	<b>Existing Zoning</b>	<b>Proposed Zone</b>
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]
<b>Residential Uses</b>								
One-family dwelling	P	P	P	P	P	P	P	[X]
Two-family dwelling, including covered one-family dwelling on adequate lot	X	X	X	P	P	P	P	[X]
Multifamily dwelling, excluding cooperative or condominium dwelling	X	X	X	X	P	P	P	[X]
Multifamily cooperative or condominium dwelling	X	X	X	X	P	P	P	[P]
<b>Residential Facilities</b>								
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]
<b>General Community Facilities</b>								
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]
<b>Business Uses</b>								
Funeral home	X	X	X	X	SE	SE	SE	[X]
Hotel, motel, boateel	X	X	X	X	X	X	X	[P]
Marina, private, or yacht club	X	X	X	X	X	X	X	[P]
Office or studio of a nonresident physician, dentist, town planner, architect, engineer or similar professional person	X	X	X	X	P	P	P	[P]
Office, office building, bank, excluding drive-in facility	X	X	X	X	X	X	X	[P]
Restaurant other than drive-in, open-front, or curb-service types	X	X	X	X	X	X	X	[P]
Nonresident physicians office on hospital grounds in accessory building [Added 2-9-1978 by L.L. No. 3, 1978]	X	X	X	SE	SE	SE	SE	[X]
<b>Accessory Uses</b>								
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.

<sup>1</sup> [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 <sup>1</sup>	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 ]
<b>Maximum Floor Area Ratio</b>								
(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) ]
<b>Minimum Size of Lot:</b>								
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]
<b>Minimum Yard Dimensions:</b>								
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]
<b>Maximum Height of Building:</b>								
In stories	2½	2½	2½	2½	3	[8] 6	[10] 7	[(e)]
In feet	35	35	35	35	40	[70] 60	[95] 70	[(e)]
<b>Minimum Usable Open Space</b>								
For each dwelling unit (sq. ft.)	5,000	3,500	2,000	800	400	400	400	[400 (f)]

**NOTES:**

[(a) The maximum floor area ratios set forth herein shall apply as indicated to all buildings and structures on the site:]

[(1) For the base structure or the first enclosed stories above ground level, a maximum floor area ratio of three and two-tenths (3.2) exclusive of the open deck which shall be set aside for usable open space and related pedestrian activities, provided that no one (1) story shall exceed zero and eight-tenths (0.8).]

[(2) For tower stories above the base structure or first enclosed stories above ground level, a maximum floor area ratio of five and three-tenths (5.3), provided that no one (1) story shall exceed zero and two-tenths (0.2).]

(a) Each twenty-five (25) feet or one-half (½) the height of the building, whichever shall be the greater, except that one-and two-family dwellings shall have yards of not less than eight (8) feet.

(b) Each twenty (20) feet or one-half (½) the height of the building, whichever shall be greater, except that one-and two-family dwellings shall have yards of not less than thirty (30) feet.

[(d) If provided, at least ten (10) feet per yard.]

[(e) Maximum height of building:]

[(1) In stories: none.]

[(2) In feet:]

[(a) For the base structure or first enclosed stories above ground level: fifty (50) feet.]

[(b) Overall height of base structure and tower structures: three hundred fifteen (315) feet.]

(c) Minimum usable open space on the open deck at the top of the base structure.

(1) One hundred (100) square feet for each dwelling unit and for each hotel, motel or boatel room designed for the overnight accommodation of guests.

(2) All structures shall be set back at least ten (10) feet from the water's edge along the Byram River and the Byram River Cove; provided, however, that

(d) Must be maintained from the minimum front yard depth to the rear lot line.

(e) Section 345-10I must be complied with.

NR = none required

# ZONING

## 345 Attachment [ 1] - 2

### Village of Port Chester Schedule of Regulations for Designed Industrial District Part 1, Use Regulations

Type of Use	M2D District §345-57[.1]
<b>General Community Facilities</b>	
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
<b>Business Uses</b>	
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
<b>Industrial Uses</b>	
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
<b>Accessory Uses</b>	
Private garage or private off-street parking area, in accordance with § 345-14	P
Sign, in accordance with § 345-15	P
Maintenance and service facilities relating solely to the authorized principal use or uses	P
Residence of superintendent, caretaker or watchman	P
Cafeterias, lunchrooms and similar facilities, provided that the use thereof is limited to employees and their guests	P

NOTE:

P = Permitted Use

SE = Special Exception Use

ZONING

345 Attachment [1] 3A

Village of Port Chester  
 Scheduling of Regulations for Nonresidence Districts  
 Part 1, Use Regulations

Type of Use	Districts															[PRSP Planned Railroad Station Plaza Development §345-57]	PMU Planned Mixed Use §345-57	
	C1 Neighborhood Retail §345-47	[C2 Central Business §345-48]	C2 Main Street Business §345-48	C3 [Design Office and Commercial] §345-49	C4 General Commercial §345-50	C5 Train Station Mixed Use §345-50.1	CST Downtown Mixed Use Transitional §345-50.2	CD Design Shopping Center §345-51	CDS Special Designed Commercial §345-52	PD Design Professional Building §345-53	DW Design Waterfront §345-54	DW2 Downtown Design Waterfront §345-54.1	M1 Light Industrial §345-55	M2 General Industrial §345-56 <sup>1</sup>				
<b>Residential Uses</b>																		
1 Family Dwelling	X	[X]	X	X	X	X	X	X	X	X	X	X	X	X	X	X		X
2 Family Dwelling	X	[X]	X	X	X	X	X	X	X	X	X	X	X	X	X	X		X
Multifamily Dwelling	X	[X]	SE	X	X	SE	SE	X	X	X	SE	SE	X	X				P
Multifamily Dwelling (floors above first floor)	X	[SE]	SE	X	X	P	P	X	X	X	SE	SE	X	X				P
<b>Residential Community Facilities</b>																		
Church or other Place of Worship, Parish House, Rectory, Sunday School, Convent, Seminary	SE	[X]	SE	SE	SE	SE	SE	SE	X	X	SE	SE	SE	SE				[See § 345-62] SE
<b>General Community Facilities</b>																		
Assembly Hall	X	[X]	SE	SE	SE	SE	SE	X	X	X	X	X	X	X	X			P
Convalescent home or nursing home	X	[X]	X	SE	X	X	X	X	X	X	SE	SE	X	X				P
Hospital	X	[X]	SE	SE	X	SE	SE	X	X	X	X	X	X	X				SE
Medical and dental offices, not including operating room or community X-ray or therapy room	X	[X]	SE	P	X	SE	SE	P	P	P	X	X	X	X				SE
Membership club, fraternal organization or similar social institution not operated for a profit	X	[X]	P	SE	SE	P	P	X	X	X	SE	SE	X	X				P
Nursery school, day camp or day care center	SE	[X]	SE	SE	X	SE	SE	X	X	X	X	X	X	X				SE
Public utility facility	X	[SE]	SE	SE	SE	SE	SE	X	X	X	SE	SE	P	P				SE
[Planned railroad station plaza, as provided in §345-62]	[X]	[X]	[X]	[X]	[X]	[X]	[X]	[X]	[X]	[X]	[X]	[X]	[X]	[X]				[X]
School, elementary or high, public, private, or parochial, having a curriculum equivalent to that ordinarily given in public schools.	X	[X]	SE	X	X	SE	SE	X	X	X	SE	SE	X	X				SE
Medical and dental offices including X-ray and therapy room	X	[SE]	SE	X	X	SE	SE	X	X	X	X	X	X	X				SE
<b>Business Uses</b>																		
Automobile repair garage	X	[X]	X	X	SE	X	X	X	X	X	X	X	X	X	X	X		X
Bank, excluding drive-in	P	[P]	P	P	P	P	P	P	P	P	SE	SE	P	P				P
Bar or Tavern	X	[P]	P	X	X	P	P	X	X	X	X	X	X	X				P
Bowling Alley	X	[X]	SE	SE	SE	SE	SE	P	P	X	X	X	X	X				P
Cabaret	X	[P]	P	X	X	P	P	X	X	X	X	X	X	X				P
Catering and Events Establishment	X	[P]	P	X	X	P	P	X	X	X	X	X	P	P				P
Commercial Indoor Athletic Training Facility	X	[X]	SE	X	X	SE	SE	X	X	X	X	X	X	P				P
Drive-in establishments other than restaurant, or circus, carnival, or other outdoor amusements	X	[SE]	X	SE	SE	X	X	SE	SE	X	X	X	X	X				X
Drive-in and fast-food restaurant	X	[X]	X	X	SE	X	X	X	X	X	X	X	X	X				X
Food processing shop	X	[X]	X	X	SE	X	X	X	X	X	X	X	X	X				X
Funeral Home	SE	[X]	SE	SE	SE	SE	SE	X	X	X	X	X	X	X				SE
Gasoline Station	X	[X]	X	X	SE	X	X	X	X	X	X	X	SE	SE				X
Health Club, including racquetball facilities and indoor swimming pools	X	[SE]	P	P	P	P	P	P	P	X	X	X	X	X				P
Heating, air conditioning, plumbing, electrical, and similar construction businesses, excluding open storage of materials	X	[X]	X	X	P	X	X	X	X	X	[X] SE	X	P	P				X

Notes:  
 P = permitted use  
 SE = special exception use  
 X = prohibited use

All unlisted uses are prohibited in all districts  
<sup>1</sup>Editor's Note: See §345-56 for additional special exception uses in the M2 District.

ZONING

345 Attachment [1] 3A

Village of Port Chester  
 Scheduling of Regulations for Nonresidence Districts  
 Part 1, Use Regulations

Type of Use	Districts															[PRSP Planned Railroad Station Plaza Development §345-57]	PMU Planned Mixed Use §345-57
	C1 Neighborhood Retail §345-47	[C2 Central Business §345-48]	C2 Main Street Business §345-48	C3 [Design] Office and Commercial §345-49	C4 General Commercial §345-50	C5 Train Station Mixed Use §345-50.1	C5T Downtown Mixed Use Transitional §345-50.2	CD Design Shopping Center §345-51	CDS Special Designed Commercial §345-52	PD Design Professional Building §345-53	DW Design Waterfront §345-54	DW2 Downtown Design Waterfront §345-54.1	M1 Light Industrial §345-55	M2 General Industrial §345-56 <sup>1</sup>			
Hotel or Motel	X	[X]	P	P	X	P	P	P	X	X	[X] SE	SE	X	X		P	
Hotel, Motel (floors above first floor)	X	[SE]	P	P	X	P	P	P	X	X	[X] SE	SE	X	X		P	
Hotel, limited service	X	[SE]	P	SE	X	P	P	SE	X	X	[X] SE	SE	X	X		P	
Marina or yacht club	X	[X]	X	X	X	X	X	X	X	X	SE	SE	X	X		X	
Theater	X	[P]	P	[X] P	X	P	P	X	X	X	[X] SE	SE	P	P		P	
Motor Vehicle Sales lot, motor vehicle salesroom and accessory repair shop	X	[X]	X	X	SE	X	X	X	X	X	X	X	X	X		X	
Office, Office Building	P	[X]	SE	P	P	SE	SE	P	P	P	SE	SE	P	P		P	
Office, Office Building (floors above first floor)	P	[P]	P	P	P	P	P	P	P	P	SE	SE	P	P		P	
Off-street parking lot or garage for motor vehicles, but not including storage of used or new motor vehicles for sale or hire; minimum requirements shall be in accordance with § 345-14.	X	[P]	P	P	P	P	P	X	X	X	[X] SE	SE	X	X		P	
Pawnshops	X	[X]	X	X	X	X	X	X	X	X	X	X	SE	SE		X	
Radio or television station studio, excluding transmission tower	X	[X]	SE	P	P	SE	SE	X	X	X	SE	SE	P	P		SE	
Radio or television station studio excluding transmission tower (floors above first floor)	X	[P]	P	P	P	P	P	X	X	X	SE	SE	P	P		SE	
Shooting ranges with accessory sales of guns and equipment	X	[X]	X	X	X	X	X	X	X	X	X	X	X	P		X	
Table-service restaurant, no drive-in, open front, fast food, or curb-service types	P	[P]	P	P	P	P	P	P	P	X	SE	SE	X	X		P	
Tax Preparation Office	X	[P]	P	X	X	P	P	X	X	X	[X] SE	SE	X	X		P	
Retail store or personal service shop, services clearly incidental to retail sales on the premises or to personal services	P	[P]	P	P	X	P	P	P	SE	X	[X] SE	SE	X	X		P	
Veterinary hospital or board and care of small animals	X	[X]	SE	X	SE	SE	SE	X	X	X	[X] SE	SE	X	X		SE	
Wholesale business, storage building or warehouse	P	[X]	X	X	P	X	X	X	X	X	SE	SE	P	P		X	
<b>Industrial uses</b>																	
Cold storage plant, ice plant, bottling central distribution station, light or power plant, or garbage or sewage disposal facility	X	[X]	X	X	X	X	X	X	X	X	X	X	X	P		X	
Creamery, ice cream plant or bakery plant	X	[X]	X	X	P	X	X	X	X	X	SE	SE	P	P		X	
Laundry or dry-cleaning plant	X	[X]	X	X	X	X	X	X	X	X	SE	SE	P	P		X	
Nonnuisance industry, provided that in nonindustrial districts equipment is used that has a rating of no more than 5 horsepower	X	[X]	X	X	P	X	X	X	X	X	SE	SE	P	P		X	
Open storage of equipment or materials	X	[X]	X	X	X	X	X	X	X	X	X	X	X	SE		X	
Printing plant	X	[X]	X	P	P	X	X	X	X	X	SE	SE	P	P		X	
Research laboratory, provided that is shall not be obnoxious by reason of dissemination of smoke, dust, fumes, noise or vibration, or hazardous from fire waste materials or the creation of excessive demands upon municipal services	X	[X]	X	SE	SE	X	X	X	X	X	SE	SE	P	P		X	
<b>Accessory Uses</b>																	
CD Accessory garden center	X	[X]	X	X	X	X	X	P	X	X	X	X	X	X		X	
Customary accessory structure or use, including cultural, recreational, or athletic facility, meeting room or similar accessory structure or use related to a school, church, or other place of worship	P	[P]	P	P	P	P	P	P	P	P	SE	SE	P	P		SE	
Ethical Pharmacy	X	[X]	SE	X	X	SE	SE	P	X	P	X	X	X	X		SE	
Ground-floor office as accessory use to multifamily development	X	[SE]	SE	X	X	SE	SE	X	X	X	[X] SE	SE	X	X		P	
Private garage or private off-street parking area, in accordance with § 345-14	P	[P]	P	P	P	P	P	P	SE	P	SE	SE	P	P		P	
Sign, in accordance with § 345-15	P	[P]	P	P	P	P	P	P	P	P	SE	SE	P	P		P	

Notes:  
 P = permitted use  
 SE = special exception use  
 X = prohibited use

All unlisted uses are prohibited in all districts  
<sup>1</sup>Editor's Note: See §345-56 for additional special exception uses in the M2 District.

ZONING

345 Attachment 3B

Village of Port Chester  
Schedule of Regulations for Nonresidence Districts  
Part 2, Dimensional Regulations

Type of Use	Districts																	
	C1 Neighborhood Retail § 345-47	[C2 Central Business § 345-48]	C2 Main Street Business § 345-48	C3 [Design] Office & Commercial § 345-49	[C4 <sup>2</sup> General Commercial § 345-50]	[C4* General Commercial (Multifamily Dwellings) § 345-50]	C5 Train Station Mixed Use § 345-50.1	CST Downtown Mixed Use Transitional District § 345-50.2	CD Design Shopping Center § 345-51	CDS Special Designed Commercial § 345-52	[Special Exception Uses <sup>e1</sup> ]	PD Design Professional Building § 345-53	DW Design Waterfront § 345-54	DW2 Downtown Design Waterfront § 345-54.1	M1 Light Industrial § 345-55	M2 General Industrial § 345-56	[PRSP Planned Railroad Station Plaza Development § 345-57]	PMU Planned Mixed Use § 345-57
Maximum Floor Area Ratio (See definition, § 345-2)	1.0	[3.2]	3.2 <sup>1</sup>	3.0	2.0	[1.5]	4.0 <sup>3</sup>	4.0 <sup>3</sup>	1.0	1.0	[0.25(e)]	1.0	1.60	2.4 <sup>10</sup>	1.0	2.0		0.8 <sup>9</sup>
Maximum Floor Area Ratio For 1 Story	0.35	[NR]	NR	0.60	NR	--	NR	NR	0.35	NR	[0.25(e)]	NR	0.40	NR	0.50	0.70		
<b>Minimum Size of Lot:</b>																		
Area, nonresidential (square feet)	NR	[NR]	NR	NR	NR	[20,000]	NR	NR	21,780	65,340	=	21,780	10,000	NR	NR	NR		
Area per dwelling unit (square feet)	NR	[750]	750 <sup>2</sup>	NR	NR	[750]	400 <sup>4</sup>	575 <sup>5</sup>	NR	NR	=	NR	750	600 <sup>11</sup>	NR	NR		
Width (feet) [(j)] (e)	40	[40]	40	40	40	[100]	40	40	40	NR	[150(f)]	40	40	40	40	40		
Depth (feet)	NR	[NR]	NR	NR	NR	[100]	NR	NR	NR	NR	=	NR	NR	NR	NR	NR		
<b>Minimum Yard Dimensions:</b>																		
Front (feet)	NR	[NR]	NR	10	10	[25]	NR	NR	30	60	[150(h) <sup>2</sup> ]	10	20	5	25	10		
Side																		
One (feet)	NR(a)	[NR(a)]	NR(a)	(b)	NR(a)	[20]	NR(a)	NR(a)	30	50	[6(h) <sup>2</sup> ]	20	(c)	5	20	10		
Total of 2 on interior lot (feet)	NR(a)	[NR(a)]	NR(a)	(b)	NR(a)	--	NR(a)	NR(a)	60	100	[12(h) <sup>2</sup> ]	40	(c)	10	40	20		
Rear (feet)	30	[20]	20	20	20	[30]	20	20	30	50	[30(h) <sup>2</sup> ]	30	30	25	20	20		
<b>Maximum Height of Building:</b>																		
In stories	2½	[8]	5	[NR] 5	3	[7]	8 <sup>6</sup>	5 <sup>7</sup>	3	3	[2(g)]	5	[8] 4	4	2	8		
In feet	35	[70]	60	[120] 60	45	[70]	90 <sup>6</sup>	60 <sup>7</sup>	45	45	[35(g)]	60	[70] 50	50	40	70		
<b>Minimum Usable Open Space on Lot:</b>																		
For each dwelling unit (square feet)	1,200	[100]	50 <sup>8</sup>	NR(d)	NR	[300(j)]	50 <sup>8</sup>	50 <sup>8</sup>	NR	NR	=	100(d)	50 <sup>8</sup>	50 <sup>8</sup>	NR	NR		100

NOTES:

(a) If provided at least ten (10) feet per yard.

(b) One-half (½) the height of the building to which the yard is related, but not greater than twenty (20) feet.

(c) Each twenty-five (25) feet or one-half (½) the height of the building, whichever is greater.

(d) Twenty (20) square feet for each patient bed in a sanatorium, convalescent home or nursing home.

(e) In the event that the site of a special exception use is partially within the Village of Port Chester and partially within the Town of Rye, the maximum floor area ratio may be increased to up to fifty hundredths (0.50) within the Village of Port Chester, provided that the average floor area ratio for the entire site, both within the Village of Port Chester and within the Town of Rye, does not exceed thirty hundredths (0.30).

(f) On a state or county road or highway or shall be contiguous to and in common ownership with a site which shall have said minimum frontage.]

(g) Other than office buildings.]

(h) Applicable only in the event that the site of a special exception use is partially within the Town of Rye and partially within the Village of Port Chester.]

(i) Improved exterior space, e.g., recreation areas and gardens, may be included in the open space calculation. In addition, those portions of rooftop space that have been developed for recreational use and are made available for such use to occupants of the building as courts, swimming pools, deck areas or the like may, upon approval by the Planning Commission, be included in the open space calculation.]

(j) (e) Must be maintained from the minimum front yard depth to the rear lot line.

<sup>1</sup> A floor area ratio (FAR) bonus of 0.8 is available in accordance with §345-16.

<sup>2</sup> A minimum of 575 sq. ft. of lot area per dwelling unit can be achieved through a Building Height and Floor Area Bonus Program in accordance with §345-16.

<sup>3</sup> A Floor Area Bonus of 0.5 is available in accordance with §345-16.

<sup>4</sup> A minimum of 250 sq. ft. of lot area per dwelling unit can be achieved through a Building Height and Floor Area Bonus Program in accordance with §345-16.

<sup>5</sup> 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.

<sup>6</sup> A building height bonus of 2 stories (30 feet) is available in accordance with §345-16. [In C4 Districts where multifamily dwellings are permitted, they shall conform to the regulations shown in the C4\* column.]

<sup>7</sup> A building height bonus of 1 story (10 feet) is available in accordance with §345-16.

<sup>8</sup> See §345-7.E.

<sup>9</sup> 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.

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

<sup>11</sup> 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

Robert P. Astorino  
County Executive

County Planning Board

**Referral File No. PCH 13-001 – Zoning Text and Map Amendments  
Implementation of the Village Comprehensive Plan**

**Date:** March 4, 2013

**Contact:** Christopher Gomez, Director of Planning  
Village of Port Chester  
222 Grace Church Street  
Port Chester, New York 10573

**Materials received:**

- Draft Zoning Text and Map Amendments, dated February 1, 2013

**PROPOSAL DESCRIPTION**

*Our understanding of the proposal, based on these materials, is as follows:*

The Village has scheduled a public hearing on proposed zoning text and map amendments related to the recently adopted Village of Port Chester Comprehensive Plan, supported by a generic environmental impact statement (GEIS) for the Comprehensive Plan and Zoning Code Amendments and Map. In a letter dated June 18, 2012 the County Planning Board commented on the Draft Comprehensive Plan and Zoning Code Amendments and Map. In a letter dated November 7, 2012 the County Planning Board commented on the draft GEIS analyzing the potential impacts affected by the Comprehensive Plan and the proposed rezoning of several areas of the Village. The draft GEIS also included a Zoning Build-Out Analysis of these areas to be rezoned. These analyses were compared to the Zoning Build-Out Analysis performed by the Westchester County Department of Planning as part of the *Westchester 2025* initiative. The comparisons of these two analyses identify reductions in potential density and, as a result, a reduction in potential impacts on the Village's infrastructure, services and schools.

The proposed zoning text and map amendments are largely the same as those analyzed in the draft GEIS. One change is for those areas proposed for the new DW2 Downtown Design Waterfront zone. The geographic extent of the DW2 zone is reduced from the previously proposed DW Downtown Waterfront zone, while the allowable density in DW2 district is higher than analyzed for the DW district in the draft GEIS, though still lower than current zoning. Another change is the addition of a new Building Height and Floor Area Bonus Program in several higher-density districts to encourage flexibility in determining density while raising funds to be used for open space, housing rehabilitation and public parking in the Village.

**COMMENTS AND RECOMMENDATIONS**

1. **Consistency with County Planning Board policies.** The proposed zoning text and map amendments are consistent with the County Planning Board's long-range planning policies set forth in

*Westchester 2025—Context for County and Municipal Planning and Policies to Guide County Planning*, adopted by the County Planning Board on May 6, 2008 and amended January 5, 2010, and its recommended strategies set forth in *Patterns for Westchester: The Land and the People*, adopted December 5, 1995. The zoning regulations will direct future mixed-use development to be concentrated in several areas in and around the Village’s train station, downtown business district, waterfront and several developed areas having redevelopment potential. This approach will capitalize on the Village’s strengths and add desirable density at suitable locations served by transit. Impacts on less dense and less commercial neighborhoods will be minimized.

2. **Zoning, density and amendments.** One area proposed to be rezoned, along the Village’s central waterfront, is to be designated as the new DW2 Downtown Design Waterfront district. The draft GEIS analyzed a larger area proposed for rezoning to a DW Downtown Waterfront district. The submitted material indicates that the change to a smaller area is based on further analysis performed by the Village. The new DW2 zone will have a higher allowable density than the previously proposed DW zone, though still lower than the existing C2 zone. The modifications are intended to allow for waterfront-oriented uses at a density and locations more appropriate to the downtown’s character.

The proposed Building Height and Floor Area Bonus Program can serve as a tool to encourage development, and raise funds for much needed amenities and improvements, while providing flexibility for the Village in reviewing individual project proposals.

In light of the current proposal for the redevelopment of the former United Hospital site, we also continue to support the new PMU Planned Mixed Use zone at this site. The new zoning district’s limits on height and flexibility to permit a mix of uses on this key site helps limit the visual impacts of potential high rise development on a very visible site outside of the downtown and near low-rise residential neighborhoods. We continue to encourage the Village to consider the potential for bus rapid transit through or adjacent to this site as part of long-term transit development along the I-287 corridor.

Thank you for the opportunity to comment on this matter.

Respectfully,  
WESTCHESTER COUNTY PLANNING BOARD

By: 

Edward Burroughs, AICP  
Commissioner

# 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 the Board of Trustees

From: Christopher Gomez, Director of Planning and Development

Re: 96 Perry Avenue Subdivision Continued Public Hearing

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

Date: March 14, 2013

The proposed action involves the subdivision of 10,500 square foot parcel of land fronting on Perry Avenue that currently supports an existing 2 ½ story dwelling and detached garage. The applicant appeared before the Planning Commission on September 24, 2012 and November 26, 2012 and received a positive recommendation from the Commission to the Board of Trustees (dated January 3, 2012). The Board held a public hearing on the matter at the March 4, 2013 meeting and adjourned the hearing until March 18. As requested by the Board, clarification of the zoning compliance of the proposed subdivision has been provided via the attached memo from the Village Building Inspector. A SEQRA negative declaration and resolution has been prepared for the March 18 meeting and can be acted upon pending close of the public hearing.

While one of the general goals of the adopted comprehensive plan is to “channel future residential development pressures away from the Village’s neighborhoods and into more appropriate areas of the Village, particularly in the downtown and around the train station,” none of the proposed zoning amendments to the Official Zoning Map currently contemplated call for the specific reduction of density for any of the zoning districts (R2F, R5) in the vicinity of subject parcel. 96 Perry Avenue is indeed one of the few remaining oversized residential lots in the area and as such, approval of subdivision would not alter the existing streetscape and character of the existing neighborhood.

Any specific drainage improvements required as a result of future construction of a residence on the newly created lot would need to be approved by the Village Engineer during the building permit process.

As for value of the existing lot as a single two-family residence versus subdivision to an additional single-family lot, the current full assessment of the property at 96 Perry Avenue is \$423,000 (\$193,900 land + \$229,100 improvements). Assuming a similar improvement on the newly created lot, approximately \$229,100 of additional taxable assessed value would be

created. The additional tax revenue generated from the new single-family home should be weighed against the potential generation of additional school-aged children and/or loss of open space, albeit privately owned and limited in scale.

**From:** [Gomez, Chris](#)  
**To:** [Richards, Janusz R](#)  
**Subject:** 96 Perry Subdivision Timeframe Extension  
**Date:** Wednesday, March 13, 2013 5:29:30 PM

---

**From:** [jbclaw100@aol.com](mailto:jbclaw100@aol.com)  
**Date:** March 13, 2013 3:16:39 PM EDT  
**To:** [gomez.christopher@gmail.com](mailto:gomez.christopher@gmail.com)  
**Subject:** Re: 96 Perry

This e-mail shall confirm applicant's grant of extension for the subdivision approval time requirements.

J. Colangelo

-----Original Message-----

From: Chris Gomez <[gomez.christopher@gmail.com](mailto:gomez.christopher@gmail.com)>

To: jbclaw100 <[jbclaw100@aol.com](mailto:jbclaw100@aol.com)>

Sent: Wed, Mar 13, 2013 11:42 am

Subject: 96 Perry

John,

Please send an email granting extension for subdivision approval timeframes.


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 18, 2013, to consider subdivision approval for the premises;
2. That on March 8, 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  
11<sup>th</sup> day of March, 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, 2014

# PUBLIC NOTICE

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

MAR. 19, 2013 AT 7 P.M. AT

350 NORTH MAIN STREET, 2<sup>ND</sup> FLOOR,

PORT CHESTER, NY, TO CONSIDER A SUBDIVISION

APPLICATION FOR PREMISES KNOWN AS

98 PERRY AVENUE, PORT CHESTER, N.Y.

PORT CHESTER BUILDING DEPARTMENT

914-939-5203

MAP AVAILABLE  
AT  
VILLAGE CLERK'S OFFICE

# RESOLUTIONS

RESOLUTION  
RETAINING LABOR COUNSEL

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 has the need for specialized legal services in the area of labor and employment law; and

WHEREAS, the law firm of Bond, Schoeneck & King, PLLC. has been on retainer for the past several years; and

WHEREAS, the last retainer agreement with the firm expired on December 31, 2012; and

WHEREAS, in view of current and future issues confronting the Village, the Village Manager has indicated the need to continue this relationship on a sustained basis. Now, therefore, be it

RESOLVED, that the Village Manager be authorized to enter into a retainer agreement with the law firm Bond, Shoeneck & King, Garden City, New York, to perform legal services as Labor Counsel, for the term January 1, 2013 to December 31, 2015, compensation to be \$40,000 flat fee for work involving collective bargaining agreements, and \$300/hour in the first year, \$305/hour in the second year and \$315/hour in the third year, \$275-285/hour for other partners; \$205-215 associates for all other work, all in accordance with the proposal letter dated January 18, 2013 from Terry O'Neil, Esq. to the Manager.

APPROVED:

\_\_\_\_\_  
Village Attorney

TERRY O'NEIL, ESQ.  
toneil@bsk.com  
P: 516.267.6310  
F: 516.267.6301  
C: 516.857.1710

VILLAGE OF PORT CHESTER

JAN 22 2013

VA RECEIVED

January 18, 2013

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

Re: *Revised Retainer*

Dear Chris:

As a follow-up to our conversation on Wednesday, January 16<sup>th</sup>, enclosed please find a proposed revised successor retainer to our current retainer, which expired on December 31, 2012. Please note the following:

1. We have reduced the annual amount from \$45,000 to \$40,000; and
2. My hourly rates have been reduced by \$10 per hour in the first year; \$5 in the second year; and increased only \$5 from the current rate in the third year.

I truly believe this kind of retainer is in the Village's best interest, given the fact it will cover the following:

UFFA negotiations, mediation and Interest Arbitration, if necessary;  
PBA negotiations, mediation and Interest Arbitration, if necessary; and  
CSEA mediation, fact finding and legislative determination, if necessary.

In addition, it covers all consultation on or questions about all the contracts over the next three (3) years.

I understand the fiscal concerns of the Village, and I hope these revisions help.

If you wish to discuss this further, please let me know.

Very truly yours,

BOND, SCHOENECK & KING, PLLC

  
Terry O'Neil, Deputy Managing Member  
Enclosures

cc: Tony Ceretto, Esq. ✓

TERRY O'NEIL, ESQ.  
toneil@bsk.com  
P: 516.267.6310  
F: 516.267.6301  
C: 516.857.1710

January 18, 2013

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

Re: *Retention of Bond, Schoeneck & King, PLLC*

Dear Mr. Steers:

This will confirm the Village of Port Chester's ("the Village") retention of the law firm of Bond, Schoeneck & King, PLLC, for professional services for a period of three (3) years from January 1, 2013 through December 31, 2015 at a fee of \$40,000 per year, payable in equal monthly payments. You agree that these fees are reasonable.

In addition to fees for legal services, the Village will also be responsible for reasonable costs and expenses incurred. Such costs and expenses will include charges for messenger services, air couriers, emergency secretarial overtime, photocopying, court fees, travel expenses, postage, faxes, long distance telephone (not 914 area code), computerized legal research, investigative searches and other charges customarily invoiced by law firms. Extraordinary or significant out-of-pocket expenses (e.g., for transcripts, arbitrators, experts, or consultants) will be billed to you directly by the provider of those services.

The retainer shall cover negotiations with the PBA, UFFA and CSEA units. This agreement shall include our professional services as negotiator, exclusive of administrative hearings, grievance arbitrations and other litigation. Included within the retainer are consultation in preparation for negotiations and representation at negotiations, mediation, and interest arbitration on behalf of the Village with representatives of the above-mentioned units. Such services shall also include the drafting of collective bargaining agreements with said units, attendance at board meetings on a scheduled basis to discuss such contracts when necessary and consultation on the administration of the collective bargaining agreements during their terms.

It is understood and agreed that if requested to represent the Village in any improper practices, arbitrations, or other litigation, or to perform other services outside the scope of the services described above, it shall be at the special rate of \$300 per hour for my time and other senior partners' time in the first year; \$305 per hour in the second year, and \$315 per hour in the third year; between \$275-285 per hour for other partners' time;

Mr. Christopher Steers  
January 18, 2013  
Page 2

between \$205-215 per hour for associates' time; and paralegal and law graduate's time will be billed at \$150 per hour, for professional time actually expended.

Time will be billed in units of one-tenth of an hour. Time records will be submitted and payments will be due on a monthly basis. Printouts of how the actual time was expended will also be provided with the bills. The Village shall advise Bond, Schoeneck & King, PLLC, in writing of any difference it may have with any invoices within 30 days of receipt of the invoice. The Village shall pay the undisputed portion of any invoice within 30 days of receipt of such invoice.

The Village is responsible for regular communication with us and provision of complete and accurate information throughout the engagement. We will rely on that information in performing our services.

The Village may discharge us at any time. We may withdraw on written notification at any time with the Village's consent, or for good cause without the Village's consent. Good cause includes the Village's breach of this agreement (including the Village's failure to pay any statement when due), refusal or failure to cooperate with us, or any fact or circumstance that would render our continuing representation unlawful or unethical. Such termination shall be subject to the ethical standards in the Rules of Professional Conduct.

In the event the Village terminates our services prior to December 31, 2015, Bond, Schoeneck & King, PLLC, shall be entitled to be paid for all time expended by members of the firm on behalf of the Village in all matters covered by this retainer, from January 1, 2013 through and including the date services terminate, at the applicable attorney's regular hourly rate at the time the services were performed. Credit will be given for amounts already paid under the retainer. Presently, my regular hourly rate for non-retainer clients is \$375 per hour; other partners' rates range from \$275 to \$375 per hour, associates' time is billed at \$225 per hour, and paralegal and law graduate time is billed at \$150 per hour.. Adjustments in our hourly rates are made in October of each year.

We will represent you by using lawyers who are best suited to handle issues as they arise. We will do everything we can to staff your matters efficiently so that the charges you incur are reasonable and consistent with your requirements. I will be the attorney from Bond, Schoeneck & King, PLLC, who will be primarily responsible for providing legal services to the Village. Chris Kurtz, Rich Finkel, Jessica Satriano, Emily Harper and other partners and associates will also provide assistance when necessary.

While we seek to avoid and rarely have any fee disputes with our clients, in the event such a dispute does arise, you are advised that you have the right to seek arbitration pursuant to Rule 137 of the Rules of the Chief Administrator of the New York Courts to

Mr. Christopher Steers  
January 18, 2013  
Page 3

resolve it. In such event, we shall advise you in writing by certified mail that you have thirty (30) days from receipt of such notice in which to elect to resolve the dispute by arbitration, and we shall enclose a copy of the arbitration rules and a form for requesting arbitration.

You acknowledge that you have read this agreement in its entirety, have had full opportunity to consider its terms, have had full and satisfactory explanation of same, and fully understand its terms and agree to such terms. You fully understand and acknowledge that there are no additional or different terms or agreements other than those expressly set forth in this written agreement.

The agreement cannot be modified except by further written agreement signed by each party. You acknowledge that you have read the attached Statement of Client's Rights and Responsibilities.

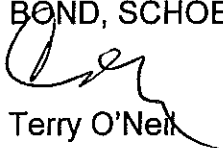
I encourage my clients to be fully informed about the status of their matters, and the state of their accounts with me. To that end, I welcome your questions at any time about the progress of your matters, your bills, or anything else that you may feel appropriate.

If you are in agreement with the foregoing and it accurately represents your understanding of the Village's retainer with us, please execute the enclosed copy of this letter along with a copy of the Board resolution authorizing its execution and return them to me. Please retain a signed copy for your records. If not, kindly contact me immediately.

We look forward to continuing to work with you.

Very truly yours,

BOND, SCHOENECK & KING, PLLC

  
Terry O'Neil  
Encs.

AGREED AND ACCEPTED:

VILLAGE OF PORT CHESTER

By \_\_\_\_\_  
(Date)

**Statement of Client's Rights**  
**Section 1210.1 of the Joint Rules of the Appellate Division**  
**(22NYCRR§1210.1)**

1. You are entitled to be treated with courtesy and consideration at all times by your lawyer and the other lawyers and personnel in your lawyer's office.
2. You are entitled to an attorney capable of handling your legal matter competently and diligently, in accordance with the highest standards of the profession. If you are not satisfied with how your matter is being handled, you have the right to withdraw from the attorney-client relationship at any time (court approval may be required in some matters and your attorney may have a claim against you for the value of services rendered to you up to the point of discharge).
3. You are entitled to your lawyer's independent professional judgment and undivided loyalty uncompromised by conflicts of interest.
4. You are entitled to be charged a reasonable fee and to have your lawyer explain at the outset how the fee will be computed and the manner and frequency of billing. You are entitled to request and receive a written itemized bill from your attorney at reasonable intervals. You may refuse to enter into any fee arrangement that you find unsatisfactory. In the event of a fee dispute, you may have the right to seek arbitration; your attorney will provide you with the necessary information regarding arbitration in the event of a fee dispute, or upon your request.
5. You are entitled to have your questions and concerns addressed in a prompt manner and to have your telephone calls returned promptly.
6. You are entitled to be kept informed as to the status of your matter and to request and receive copies of papers. You are entitled to sufficient information to allow you to participate meaningfully in the development of your matter.
7. You are entitled to have your legitimate objectives respected by your attorney, including whether or not to settle your matter (court approval of a settlement is required in some matters).
8. You have the right to privacy in your dealings with your lawyer and to have your secrets and confidences preserved to the extent permitted by law.
9. You are entitled to have your attorney conduct himself or herself ethically in accordance with the Code of Professional Responsibility.
10. You may not be refused representation on the basis of race, creed, color, religion, sex, sexual orientation, age, national origin or disability.

RESOLUTION  
TOROSAN REALTY/GATEWAY PLAZA SUBDIVISION

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, a land subdivision application was 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; and

WHEREAS, the action merely involves a minor a parcel line adjustment to accomplish the transfer of a 306 square foot portion of lot 28 to the adjacent lot 35; and

WHEREAS, the Board held a public hearing on the matter on March 4, 2013 at which time no one spoke for or against the application. Now therefore be it

RESOLVED, that the Village of Port Chester Board of Trustees hereby approves the subdivision application submitted by Torosan Realty and Gateway Plaza for minor lot line adjustment.

Approved as to Form:

---

Village Attorney

ROLL CALL

AYES:

NOES:

ABSENT:

DATE: March 18, 2013



RESOLUTION  
SEQR DETERMINATION OF SIGNIFICANCE  
NEGATIVE DECLARATION

96 PERRY AVENUE  
LAND SUBDIVISION  
Section 135.76 Block 3, Lot 60

WHEREAS, the Village of Port Chester Board of Trustees is in receipt of a Land Subdivision application submitted by the Estate of Vera Davis (herein referred to as the Applicant), property owner of 96 Perry Avenue, more specifically known and designated as Section 135.76 Block 3, Lot 60 on the Tax Map of the Town of Rye; and

WHEREAS, the application involves the subdivision of the 10,500 square foot parcel of land in the R5 Single Family Residence District fronting on Perry Avenue that currently supports an existing 2 ½ story dwelling and detached garage; and

WHEREAS, the proposed land subdivision of 96 Perry Avenue, Section 135.76, Block 3, Lot 60, would create two legally conforming building lots consistent with zoning regulations described in Section 345 Zoning of the Village Code; and

WHEREAS, the proposed land subdivision is an Unlisted Action, pursuant to Article 8 of the State Environmental Quality Review Act; and

WHEREAS, the proposed subdivision will result in no adverse air, noise, traffic, or aesthetic impacts to the surrounding environment and will conform to the character of the neighborhood. Now, therefore, be it

RESOLVED, that pursuant to Part 617 of the implementing regulations pertaining to Article 8 (State Environmental Quality Review Act) of the Environmental Conservation Law, the proposed land subdivision of 96 Perry Avenue, Section 135.76, Block 3, Lot 60, is determined an Unlisted Action and will not have a significant, adverse impact on the environment for the reasons enumerated in the attached Negative Declaration Form.

Approved as to Form:

---

Village Attorney

State Environmental Quality Review  
**NEGATIVE DECLARATION**  
Notice of Determination of Non-Significance

Project Number

Date: March 18, 2013

This notice is issued pursuant to Part 617 of the implementing regulations pertaining to Article 8 (State Environmental Quality Review Act) of the Environmental Conservation Law.

The Village of Port Chester Board of Trustees as lead agency, has determined that the proposed action described below will not have a significant adverse environmental impact and a Draft Impact Statement will not be prepared.

**Name of Action:**

96 Perry Avenue, Land Subdivision

**SEQR Status:**      Type 1        
                                 Unlisted     

**Conditioned Negative Declaration:**       Yes  
    No

**Description of Action:**

The application involves the subdivision of 96 Perry Avenue, specifically known and designated as Section 135.76, Block 3, Lot 60, which comprises 10,500 square feet of land in the R5 Single Family Residential District, fronting Perry Avenue. Existing conditions on the site include a two and one-half story dwelling with detached garage. The proposed land subdivision would create two legally conforming lots consistent with zoning regulations described in Section 345 Zoning of the Village Code of Port Chester.

**Location:**      (Include street address and the name of the municipality/county. A location map of appropriate scale is also recommended.)

96 Perry Avenue, Port Chester, Westchester County (Tax Map # 135.76, Block 3, Lot 60)

**Reasons Supporting This Determination:**

(See 617.7(a)-(c) for requirements of this determination ; see 617.7(d) for Conditioned Negative Declaration)

See attached.

**If Conditioned Negative Declaration**, provide on attachment the specific mitigation measures imposed, and identify comment period (not less than 30 days from date of publication In the ENB)

**For Further Information:**

Contact Person: Christopher Steers, Village Manager

Address: 222 Grace Church Street, Port Chester, NY 10573

Telephone Number: 914-939-2200

**For Type 1 Actions and Conditioned Negative Declarations, a Copy of this Notice is sent to:**

Chief Executive Officer , Town / City / Village of

Other involved agencies (If any)

Applicant (If any)

Environmental Notice Bulletin, 625 Broadway, Albany NY, 12233-1750 (Type One Actions only)

LOCATION MAP – 96 PERRY AVENUE, PORT CHESTER, WESTCHESTER COUNTY, NEW YORK



## REASONS SUPPORTING THIS DETERMINATION

The proposed action involves the subdivision of 96 Perry Avenue, specifically known and designated as Section 135.76, Block 3, Lot 60, which comprises 10,500 square feet of land in the R5 Single Family Residential District fronting Perry Avenue. Existing conditions on the site include a two and one-half story dwelling with detached garage. The proposed land subdivision would create two legally conforming lots consistent with zoning regulations described in Section 345 Zoning of the Village Code of Port Chester.

Potential impacts relating to the proposed land subdivision include the following:

1. The site lies within the R5 Single Family Residential District, which requires a minimum lot size of 5,000 square feet. The site of the proposed action is 10,500 square feet. The Action would create two legally conforming lots in accordance with Section 345 Zoning of the Village Code and would not result in any adverse zoning impacts.
2. The nature of partitioning land into two legally conforming lots will bear no impact to the quality of ambient air. The proposed action will result in no negative air quality impacts.
3. The proposed action will not disrupt surface water features. No negative impacts to surface water features will result from the proposed action.
4. The proposed action is not located within a FEMA designated flood hazard zone. As such, no negative impacts are anticipated.
5. The proposed action will not disrupt ground and/or soil surfaces. No negative impacts to the environment with specific regard to soil erosion and sedimentation will result from the proposed action.
6. The proposed action will not include the introduction of hazardous materials. As a result, no adverse impacts caused by hazardous materials will result from the proposed action.
7. The proposed action will impart no increase in decibel levels to the environment. As a result, no adverse noise impacts will affect the environment from the proposed action.
8. The proposed action will impart no bearing upon waste generation. As a result, no adverse impacts are anticipated in regards to solid waste generation from the proposed action.
9. The proposed action would create one additional single-family lot in the R5 Single Family Residential District, which is not anticipated to adversely impact the Village's existing infrastructure network.
10. No wetlands are located in the vicinity of the site. As such, the proposed action will not result in any negative impacts on wetland resources.
11. The proposed action will not result in the removal of any significant existing vegetation or trees. No adverse impacts to existing vegetation and trees are anticipated.
12. No threatened or endangered species of animals or the habitat of such species have been identified on the site according to the New York State Natural Heritage Inventory. There will be no impact on the significant habitat area as a result of this project.
13. The proposed action will not alter traffic circulation patterns or add vehicular congestion. As a result, no adverse traffic impacts will result from the proposed action.
14. The proposed action does not create a material conflict with the community's current development plans or goals. The proposed action involves the subdivision of land into two conforming lots in a residential district. This type of land development is consistent with the surrounding residential character of the R5 Single Family Residential District. As a result, no significant adverse impacts to the area's character are anticipated.

15. No important historical, archaeological, or architectural resources are located on or in the immediate vicinity of the proposed action according to the State Historic Preservation Office and the Westchester County Department of Planning. As a result, the proposed action will not impair such cultural resources.
16. It is not anticipated that the proposed action will overburden existing utility resources, and no adverse impacts are anticipated. The proposed action will not result in a change in the way energy is currently used on the site.
17. The proposed subdivision of land will provide for additional aesthetic, neighborhood conformance. No negative aesthetic impacts are anticipated from the proposed action.
18. The proposed action will not present any opportunity to adversely affect public safety or create a hazard to human health.
19. The proposed action will not result in changes in two or more elements of the environment, which alone would not have a significant effect on the environment; and, when considered together, would not result in a substantial adverse impact on the environment.
20. The proposed action is not related to another action which would be funded or approved by an agency which, when considered cumulatively, would meet one or any of the aforementioned criteria.

RESOLUTION  
96 PERRY AVENUE LAND SUBDIVISION

On motion of TRUSTEE \_\_\_\_\_, seconded by TRUSTEE \_\_\_\_\_ the

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

WHEREAS, the Board of Trustees is in receipt of a Land Subdivision application submitted by the Estate of Vera Davis (herein referred to as the Applicant), property owner of 96 Perry Avenue, more specifically known and designated as Section 135.76 Block 3, Lot 60 on the Tax Map of the Town of Rye; and

WHEREAS, the application involves the subdivision of the 10,500 square foot parcel of land in the R5 Single Family Residence District fronting on Perry Avenue that currently supports an existing 2 ½ story dwelling and detached garage; and

WHEREAS, the proposed land subdivision of 96 Perry Avenue, Section 135.76, Block 3, Lot 60, would create two legally conforming building lots consistent with zoning regulations described in Section 345 Zoning of the Village Code; and

WHEREAS, the Applicant appeared before the Planning Commission on September 24, 2012 and November 26, 2012 and received a positive recommendation from the Planning Commission, dated January 3, 2013, to the Board of Trustees; and

WHEREAS, the Board of Trustees held a public hearing on March 4, 2013 and March 18, 2013; and

WHEREAS, any specific drainage improvements required as a result of future construction of a residence on the newly created lot must comply with all necessary regulations of the Village Code and must also be approved by the Village Engineer during the building permit process; and

WHEREAS, pursuant to Part 617 of the implementing regulations pertaining to Article 8 (State Environmental Quality Review Act) of the Environmental Conservation Law, the above is classified as an Unlisted Action; and on March 18, 2013 the Village of Port Chester Board of Trustees adopted a Negative Declaration determining no significant adverse impacts would result from the above action for the reasons enumerated in the attached Negative Declaration Form; and, now therefore be it

RESOLVED, that the Village of Port Chester Board of Trustees hereby \_\_\_\_\_ the subdivision of 96 Perry Avenue, Section 135.76, Block 3, Lot 60, subject to the payment of the fee in lieu of parkland as provided for A-403 Land Subdivision Regulations.

Approved as to Form:

---

Village Attorney

R-5-B



March 7, 2013

ARCHITECTURE · FACILITY PLANNING · INTERIORS

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

Re: Port Chester Carver Center  
400 Westchester Avenue

Dear Mayor Pilla and Board of Trustees:

We are the architects and planners representing the Port Chester Carver Center which proposes to construct a rear handicap-accessible entrance to its facility. The building was constructed in 1955 as a YMCA, primarily for the purposes of athletics and swimming with single room occupancies (SROs) for males. The facility was purchased by Port Chester Carver Center in 1998, moving from its longtime location on Traverse Avenue so that Carver Center could better serve the community's growing population in need. The Carver Center assists many, many residents of Port Chester annually from its new centrally-located facility with programs such as: Head Start Day Care, Teen Center, after school programs, athletics, swimming, food bank, and summer camp to name a few.

Since purchasing the old YMCA, Carver has extensively renovated the facility to better serve Port Chester's growing population in need. In 2007 Carver Center installed an elevator making all floors of the entire building accessible; however, there was no formal handicap-accessible entrance to the facility. Handicap access prior to this project is only through the doors of the rear lower level activity spaces following a circuitous route to the building's lobby where the elevator is located.

The proposed entrance project, in addition to providing handicapped access to the facility, will also provide a covered accessway to the building's lobby from the facility's only off-street parking available at the rear of the building. This rear accessway project will also eliminate the current hazardous practice by clients of parking in the rear parking lot and walking down the active driveway and exit to get to the front steps and facility entrance doors. The new covered accessway will be visible from the parking lot and served with a dedicated drop off/pick up area designated by pavement striping as well as creating a protected small plaza for those awaiting pick up. The proposed plaza area constructed in

545.5 WESTCHESTER AVENUE  
RYE BROOK, NY 10573  
914-937-5596  
914-939-1255 FAX  
INFO@ARCONICS.NET

an area currently comprised of impervious surface shall include low garden walls and plantings to prevent children from darting out into the exit driveway. The underside of the new canopy shall be lit and the plaza will be provided with incidental site lighting. A new fence is proposed to enclose the existing rear playground, whose old equipment is to be replaced.

This proposed project by Carver Center will require site plan approval by the Planning Commission and Special Exception approval by the Board of Trustees. This proposed alteration of an existing Special Exception Use is in conformance with the General Standards enumerated in Section 345-60 as follows:

- (1) *Such use will be in harmony with and promote the general purposes and intent of this Regulation, as stated in Section 345-1.*

For many of the reasons noted within this cover letter, this existing Special Exception Use will function more efficiently, with greater safety for users, and with enhanced aesthetics for users and adjacent neighbors.

- (2) *The plot area is sufficient, appropriate and adequate for the use and the reasonably anticipated operation and expansion thereof.*

The project proposes no expansion of operation. The lot area exceeds the Zoning requirements and the facility, which is centrally located in the community, has opened as a community facility since originally constructed in 1959.

- (3) *The proposed use will not prevent the orderly and reasonable use of adjacent properties in adjacent use districts.*

The rear alteration to the existing use, which is self-contained on the site, will not have any effect on adjacent properties.

- (4) *The site is particularly suitable for the location is such use in the community; and*

- (5) *The characteristics of the proposed use are not such that its proposed location would be unsuitably near to a church, school, theater, recreational area or other place of public assembly.*

The site, centrally located in the Village, is most suitable to serve those in need in the community. The characteristics of the current use in its current location is not unsuitably near any use noted above.

- (6) *The proposed use, particularly in the case of a nonnuisance industry, conforms with the Regulation definition of the special exception use where such definition exists, or with the generally accepted definition of such use where it does not exist in the Regulation.*

The current use, with the proposed alteration, is in conformance with the Regulation's definition of said not-for-profit use.

- (7) *Access facilities are adequate for the estimated traffic from public streets and sidewalks, so as to assure the public safety and to avoid 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.*

The dedicated one-way-in access facilities to the use are adequate and the site has functioned safely and without incident since developed for this use in 1955.

- (8) *All proposed curb cuts have been approved by the street or highway agency which has jurisdiction.*

All curb cuts are existing and will be unaltered by the proposed project at the rear of the site.

- (9) *There are off-street parking and truck loading spaces at least in the number required by the provisions of Section 345-14, but in any case an adequate number 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.*

Off-street parking exceeds the minimum Zoning requirements. The proposed new rear entry will make the on-site parking more convenient while also making for a safer operation for users.

- (10) *Adequate buffer yards, walls, fences and screening are provided where necessary to protect adjacent properties and land uses.*

The proposed entrance plaza with plantings and garden walls creates a buffer and screening where none currently exists.

- (11) *Adequate provisions will be made for the collection and disposal of stormwater runoff from the site, and of sanitary discharge, refuse or other waste, whether liquid, solid, gaseous or of other character.*

Since the site is approximately 90% impervious surface and the area proposed to be improved is also impervious, there should be no change in runoff and/or disposal of stormwater.

- (12) *The proposed use recognizes and provides for the further special conditions and safeguards required for particular uses in Section 345-60, if any.*

The existing Special Exception Use with the proposed improvements is in conformance with the specific special conditions and safeguards for a membership club, fraternal organization and similar social institutions not operated for profit as listed in Section 345-60K as follows:

*(1) The organization shall be a membership corporation as defined in Section 102 of the Not-For-Profit Corporation Law of the State of New York. Its facilities shall be solely for the use of its members and their personal guests.*

Carver Center is a Not-For-Profit Corporation in the State of New York. Its use is for its members, clients and residents of Port Chester in need.

*(2) No such membership corporation facility shall be used for any purpose not similar to an otherwise listed permitted or special exception use in the district in which it is located. Where*

*it is similar to such an otherwise-listed special exception use, it shall conform to any special conditions and safeguards required of such listed use which are more stringent than those required in this section.*

The Carver Center use is consistent with its use listed in the Zoning Code definition.

*(3) The site shall have an area of at least ½ acre, with a frontage of at least 100 feet on a public street having at least a sixty foot right-of-way and a forty-foot paved roadway.*

The site area, at approximately 1.4 acres with frontage of 150'-0" on Westchester Avenue exceeds all Special Exception Use site requirements for this use.

*(4) All buildings and structures shall be set back from all property lines a depth equal to that of the required front yard in the district in which it is located.*

The building setbacks from all property lines will remain unchanged from where the facility was originally constructed in 1955, save the rear canopy setback which is proposed to be 242'-8" from the rear property line where a 25'-0" setback is required.

We look forward to presenting this proposed project in greater detail at the March 18, 2013, Board of Trustee meeting, at which time we can answer any questions you may have.

Sincerely,



Gary Gianfrancesco, AIA, AICP, LEED AP

encl.

cc: Carver Center



**SITE IDENTIFICATION INFORMATION**

Application Name: Port Chester Carver Center	Application #	Date Submitted:
Site Address: No. 400 Street: Westchester Av Hamlet:		
Property Location: (Identify landmarks, distance from intersections, etc.) s. side of Westchester Ave., 200' east of Regent St		
Village of Port Chester Tax Map Designation: Section 142.21 Block 1 Lot(s) 34	Zoning Designation of Site: RA4	

**APPLICANT/OWNER INFORMATION**

Property Owner: Port Chester Carver Center	Phone #: 939-4464 Fax#:	Email:
Owners Address: No. 400 Street: Westchester Ave	Town: Port Chester	State: NY Zip: 10573
Applicant (if different than owner): Gary Gianfrancesco	Phone #: 937-5596 Fax#: 939-1255	Email: gary@arconics.net
Applicant Address (if different than owner): No. 545 1/2 Street: Westchester Ave	Town: Rye Brook	State: NY Zip: 10573
Individual/ Firm Responsible for Preparing Site Plan: Arconics Architecture PC	Phone #: 937-5596 Fax#: 939-1255	Email:
Address: No. 545 1/2 Street: Westchester Ave	Town: Rye Brook	State: NY Zip: 10573
Other Representatives:	Phone #: Fax#:	Email:
Owners Address: No. Street:	Town:	State: Zip:

**SPECIAL EXCEPTION USE INFORMATION**

Proposed Special Exception Use:  
Carver Center - not for profit

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

**APPLICANTS ACKNOWLEDGEMENT**

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

Gary Gianfrancesco  
Applicants Name

Gary Gianfrancesco  
Applicants Signature

Sworn before me this 4<sup>th</sup> day of February 2013

Odette Stanger  
Notary Public

2014

400 Westchester Avenue - 200' radius mailing list

OWNER NAME	ADDRESS	CITY	ZIPCODE	SBL
Pierre Sinis	46 Summit Ave	Port Chester	10573	142.21-1-13
Gordon Glavan	40 Summit Ave	Port Chester	10573	142.21-1-12
Deepinder Sahni	410 Westchester Ave	Port Chester	10573	142.21-1-35.209
Matthew Lungariello	410 Westchester Ave	Port Chester	10573	142.21-1-35.303
Town & Country Developers Inc	410 Westchester Ave	Port Chester	10573	142.21-1-35.315 +
Silverbridge Capital LLC as Designee of SPCP Group IV LLC	50 Main Street, Suite 1000	White Plains	10606	
Maria Dolores Domino	410 Westchester Ave	Port Chester	10573	142.21-1-35.111
Richard Martin	410 Westchester Ave	Port Chester	10573	142.21-1-35.109
Eugenie Francois	410 Westchester Ave	Port Chester	10573	142.21-1-35.213
James & Clara Jones	410 Westchester Ave	Port Chester	10573	142.21-1-35.216
Joan Di Buono	25 Summit Ave	Port Chester	10573	142.21-1-27
Frank Caputo	36 Summit Ave	Port Chester	10573	142.21-1-11
Danilo Sanchez	34 Summit Ave	Port Chester	10573	142.21-1-10
Port Chester Carver Center	400 Westchester Ave	Port Chester	10573	142.21-1-34
Robert Jerome Larson	410 Westchester Ave	Port Chester	10573	142.21-1-35.112
Theresa Mahon	410 Westchester Ave	Port Chester	10573	142.21-1-35.314
Michael DeLucia	410 Westchester Ave	Port Chester	10573	142.21-1-35.110
Gregory & Brenda Gajowski	410 Westchester Ave	Port Chester	10573	142.21-1-35.202
Summit Apt Corp / Carlos Fumero	360 Westchester Ave #523	Port Chester	10573	142.21-1-32
Sawpit Realty LLC	25 S Regent St	Port Chester	10573	142.21-1-24
Sawpit Realty LLC / Virginia Drago	619 Purchase Street	Rye	10580	
Joseph Kenner	410 Westchester Ave	Port Chester	10573	142.21-1-35.114
Elpis Frantzeskarou	410 Westchester Ave	Port Chester	10573	142.21-1-35.205
Juan Carlos Ruiz	410 Westchester Ave	Port Chester	10573	142.21-1-35.409
Brian Aichele	410 Westchester Ave	Port Chester	10573	142.21-1-35.201
Richard Futia	410 Westchester Ave	Port Chester	10573	142.21-1-35.215
Farley Mawyer	410 Westchester Ave	Port Chester	10573	142.21-1-35.310
Joseph J Caspi Inc	403-417 Westchester Ave	Port Chester	10573	136.77-1-51
370 Westchester Ave Corp	370-388 Westchester Ave	Port Chester	10573	142.21-1-33
Gramatan Management	2 Hamilton Avenue	New Rochelle	10801	

Yigang Jin	410 Westchester Ave	Port Chester	10573	142.21-1-35.101
Edward & Alison Provencher	410 Westchester Ave	Port Chester	10573	142.21-1-35.207
William Evans	410 Westchester Ave	Port Chester	10573	142.21-1-35.410
Raymond Sturino	410 Westchester Ave	Port Chester	10573	142.21-1-35.211
Ryan Coxen	410 Westchester Ave	Port Chester	10573	142.21-1-35.105
Sanela Ramovic	410 Westchester Ave	Port Chester	10573	142.21-1-35.417
P. C. Coletti	19 Summit Ave	Port Chester	10573	142.21-1-29
Michael R. & Leslie Miller	410 Westchester Ave	Port Chester	10573	142.21-1-35.206
Charlotte Bellantoni	410 Westchester Ave	Port Chester	10573	142.21-1-35.414
Dianne Sager-Colla	410 Westchester Ave	Port Chester	10573	142.21-1-35.307
PRB Real Estate Holdings LLC	363 Westchester Ave	Port Chester	10573	142.21-1-35
Miguel Acevedo	38 Summit Ave	Port Chester	10573	136.77-2-52
Orazio Scivillo	31 Summit Ave	Port Chester	10573	142.21-1-12.1
Andre Marozsan	410 Westchester Ave	Port Chester	10573	142.21-1-26
Peter Tucci	410 Westchester Ave	Port Chester	10573	142.21-1-35.113
Robert K & Mary L Reilly	410 Westchester Ave	Port Chester	10573	142.21-1-35.210
Khihorn Mach	410 Westchester Ave	Port Chester	10573	142.21-1-35.204
35 Summit Ave. Owners Lt	37 Summit Ave	Port Chester	10573	142.21-1-35.312
Patriot	7-11 Holland Avenue	White Plains	10603	142.21-1-25
Port Chester Realty LLC	15 S Regent St	Port Chester	10573	142.21-1-23
Port Chester Realty LLC	282 Ridgeway	White Plains	10605	
United Water Westchester	26 Summit Ave	Port Chester	10573	142.21-1-9
Stanley M & Ruth Q Sheppard	410 Westchester Ave	Port Chester	10573	142.21-1-35.301
Robert T & Lauren N Johnson	410 Westchester Ave	Port Chester	10573	142.21-1-35.212
Brian Schellati	410 Westchester Ave	Port Chester	10573	142.21-1-35.217
Sheila Greene	410 Westchester Ave	Port Chester	10573	142.21-1-35.117
Philip Foglia	410 Westchester Ave	Port Chester	10573	142.21-1-35.203
Imperial Owners Corp	377 Westchester Ave	Port Chester	10573	136.77-1-53
Garthchester Realty	209 Garth Road	Scarsdale	10583	
Pamela Paroff	410 Westchester Ave	Port Chester	10573	142.21-1-35.102
Matilda Morey	410 Westchester Ave	Port Chester	10573	142.21-1-35.302
Jocelyn Horton	410 Westchester Ave	Port Chester	10573	142.21-1-35.108
Lourduh Vasanth Soosai	410 Westchester Ave	Port Chester	10573	142.21-1-35.107

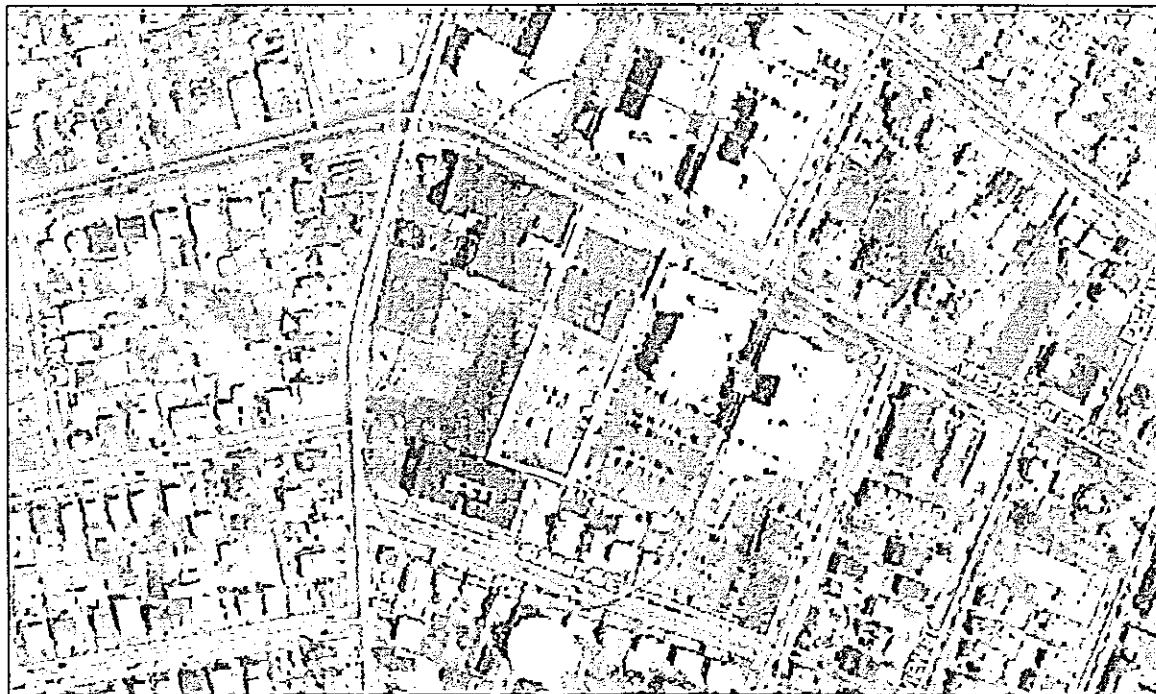
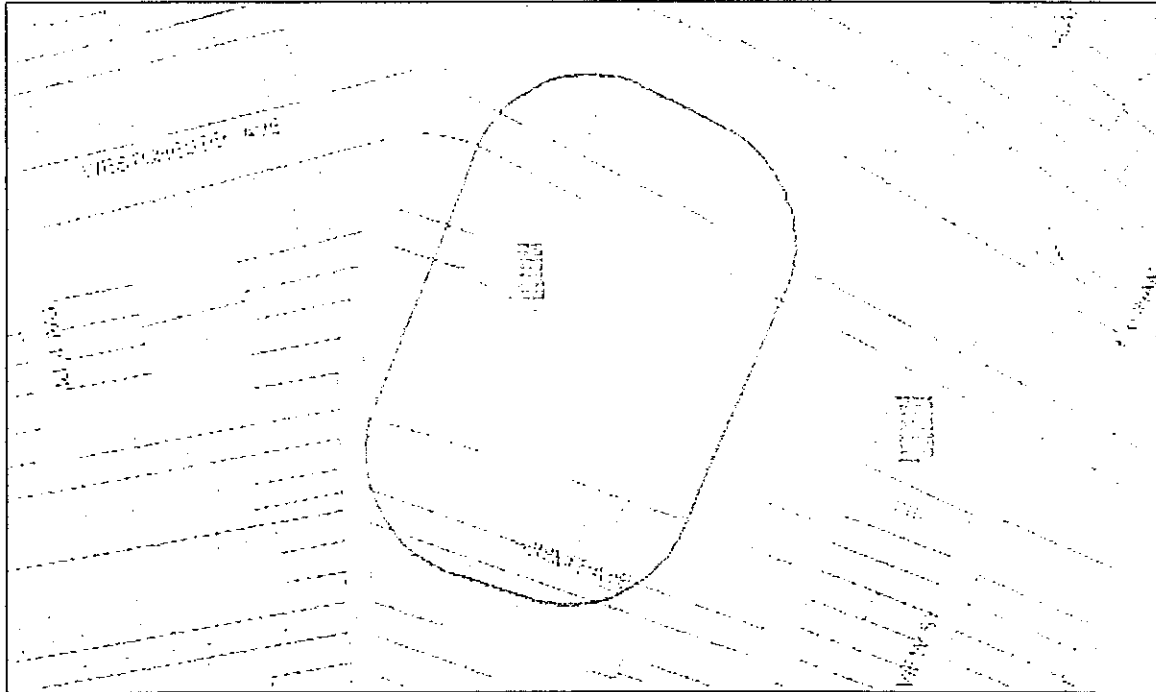
Stephen & Marit Reis	410 Westchester Ave	Port Chester	10573	142.21-1-35.214
Marie Bailey	23 Summit Ave	Port Chester	10573	142.21-1-28
Chester Hill Apartments	393-395 Westchester Ave	Port Chester	10573	136.77-1-52
Garthchester Realty	209 Garth Road	Scarsdale	10583	

# Tax Parcel Maps

Address: 400 Westchester Ave

Print Key: 142.21-1-34

SBL: 14202100010340000000



**Disclaimer:**

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

**MAP AVAILABLE  
AT  
VILLAGE CLERK'S OFFICE**

RESOLUTION  
SET PUBLIC HEARING FOR THE CARVER CENTER,  
SPECIAL EXCEPTION USE

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, application has been made by the Carver Center, 400 Westchester Avenue, to install a handicap-accessible entrance and new playground equipment; and

WHEREAS, this work requires site plan approval from the Planning Commission; and

WHEREAS, it also requires a special exception use from the Board of Trustees as a membership organization, fraternal organization or not-operated-for-profit; and

WHEREAS, the Planning Commission has favorably recommended to the Board such special exception use as it will better enable the Carver Center to perform its significant mission to the community and has deferred further action pending the Board's hearing and determination. Now, therefore be it

RESOLVED, that a public hearing is to be held on Monday, April 15, 2013 at 7:00 p.m. or shortly thereafter at the Village Justice Courtroom, 350 North Main Street, Port Chester, New York 10573, to consider the application of the Carver Center, 400 Westchester Avenue, Port Chester, for a special exception use.

Approved as to Form:

\_\_\_\_\_  
Village Attorney

ROLL CALL

AYES:

NOES:

ABSENT:

DATE: March 18, 2013

R-5-B



March 7, 2013

ARCHITECTURE · FACILITY PLANNING · INTERIORS

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

Re: Port Chester Carver Center  
400 Westchester Avenue

Dear Mayor Pilla and Board of Trustees:

We are the architects and planners representing the Port Chester Carver Center which proposes to construct a rear handicap-accessible entrance to its facility. The building was constructed in 1955 as a YMCA, primarily for the purposes of athletics and swimming with single room occupancies (SROs) for males. The facility was purchased by Port Chester Carver Center in 1998, moving from its longtime location on Traverse Avenue so that Carver Center could better serve the community's growing population in need. The Carver Center assists many, many residents of Port Chester annually from its new centrally-located facility with programs such as: Head Start Day Care, Teen Center, after school programs, athletics, swimming, food bank, and summer camp to name a few.

Since purchasing the old YMCA, Carver has extensively renovated the facility to better serve Port Chester's growing population in need. In 2007 Carver Center installed an elevator making all floors of the entire building accessible; however, there was no formal handicap-accessible entrance to the facility. Handicap access prior to this project is only through the doors of the rear lower level activity spaces following a circuitous route to the building's lobby where the elevator is located.

The proposed entrance project, in addition to providing handicapped access to the facility, will also provide a covered accessway to the building's lobby from the facility's only off-street parking available at the rear of the building. This rear accessway project will also eliminate the current hazardous practice by clients of parking in the rear parking lot and walking down the active driveway and exit to get to the front steps and facility entrance doors. The new covered accessway will be visible from the parking lot and served with a dedicated drop off/pick up area designated by pavement striping as well as creating a protected small plaza for those awaiting pick up. The proposed plaza area constructed in

545.5 WESTCHESTER AVENUE  
RYE BROOK, NY 10573  
914-937-5596  
914-939-1255 FAX  
INFO@ARCONICS.NET

an area currently comprised of impervious surface shall include low garden walls and plantings to prevent children from darting out into the exit driveway. The underside of the new canopy shall be lit and the plaza will be provided with incidental site lighting. A new fence is proposed to enclose the existing rear playground, whose old equipment is to be replaced.

This proposed project by Carver Center will require site plan approval by the Planning Commission and Special Exception approval by the Board of Trustees. This proposed alteration of an existing Special Exception Use is in conformance with the General Standards enumerated in Section 345-60 as follows:

- (1) *Such use will be in harmony with and promote the general purposes and intent of this Regulation, as stated in Section 345-1.*

For many of the reasons noted within this cover letter, this existing Special Exception Use will function more efficiently, with greater safety for users, and with enhanced aesthetics for users and adjacent neighbors.

- (2) *The plot area is sufficient, appropriate and adequate for the use and the reasonably anticipated operation and expansion thereof.*

The project proposes no expansion of operation. The lot area exceeds the Zoning requirements and the facility, which is centrally located in the community, has opened as a community facility since originally constructed in 1959.

- (3) *The proposed use will not prevent the orderly and reasonable use of adjacent properties in adjacent use districts.*

The rear alteration to the existing use, which is self-contained on the site, will not have any effect on adjacent properties.

- (4) *The site is particularly suitable for the location is such use in the community; and*

- (5) *The characteristics of the proposed use are not such that its proposed location would be unsuitably near to a church, school, theater, recreational area or other place of public assembly.*

The site, centrally located in the Village, is most suitable to serve those in need in the community. The characteristics of the current use in its current location is not unsuitably near any use noted above.

- (6) *The proposed use, particularly in the case of a nonnuisance industry, conforms with the Regulation definition of the special exception use where such definition exists, or with the generally accepted definition of such use where it does not exist in the Regulation.*

The current use, with the proposed alteration, is in conformance with the Regulation's definition of said not-for-profit use.

- (7) *Access facilities are adequate for the estimated traffic from public streets and sidewalks, so as to assure the public safety and to avoid 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.*

The dedicated one-way-in access facilities to the use are adequate and the site has functioned safely and without incident since developed for this use in 1955.

- (8) *All proposed curb cuts have been approved by the street or highway agency which has jurisdiction.*

All curb cuts are existing and will be unaltered by the proposed project at the rear of the site.

- (9) *There are off-street parking and truck loading spaces at least in the number required by the provisions of Section 345-14, but in any case an adequate number 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.*

Off-street parking exceeds the minimum Zoning requirements. The proposed new rear entry will make the on-site parking more convenient while also making for a safer operation for users.

- (10) *Adequate buffer yards, walls, fences and screening are provided where necessary to protect adjacent properties and land uses.*

The proposed entrance plaza with plantings and garden walls creates a buffer and screening where none currently exists.

- (11) *Adequate provisions will be made for the collection and disposal of stormwater runoff from the site, and of sanitary discharge, refuse or other waste, whether liquid, solid, gaseous or of other character.*

Since the site is approximately 90% impervious surface and the area proposed to be improved is also impervious, there should be no change in runoff and/or disposal of stormwater.

- (12) *The proposed use recognizes and provides for the further special conditions and safeguards required for particular uses in Section 345-60, if any.*

The existing Special Exception Use with the proposed improvements is in conformance with the specific special conditions and safeguards for a membership club, fraternal organization and similar social institutions not operated for profit as listed in Section 345-60K as follows:

*(1) The organization shall be a membership corporation as defined in Section 102 of the Not-For-Profit Corporation Law of the State of New York. Its facilities shall be solely for the use of its members and their personal guests.*

Carver Center is a Not-For-Profit Corporation in the State of New York. Its use is for its members, clients and residents of Port Chester in need.

*(2) No such membership corporation facility shall be used for any purpose not similar to an otherwise listed permitted or special exception use in the district in which it is located. Where*

*it is similar to such an otherwise-listed special exception use, it shall conform to any special conditions and safeguards required of such listed use which are more stringent than those required in this section.*

The Carver Center use is consistent with its use listed in the Zoning Code definition.

*(3) The site shall have an area of at least ½ acre, with a frontage of at least 100 feet on a public street having at least a sixty foot right-of-way and a forty-foot paved roadway.*

The site area, at approximately 1.4 acres with frontage of 150'-0" on Westchester Avenue exceeds all Special Exception Use site requirements for this use.

*(4) All buildings and structures shall be set back from all property lines a depth equal to that of the required front yard in the district in which it is located.*

The building setbacks from all property lines will remain unchanged from where the facility was originally constructed in 1955, save the rear canopy setback which is proposed to be 242'-8" from the rear property line where a 25'-0" setback is required.

We look forward to presenting this proposed project in greater detail at the March 18, 2013, Board of Trustee meeting, at which time we can answer any questions you may have.

Sincerely,



Gary Gianfrancesco, AIA, AICP, LEED AP

encl.

cc: Carver Center



**SITE IDENTIFICATION INFORMATION**

Application Name: Port Chester Carver Center	Application #	Date Submitted:
Site Address: No. 400 Street: Westchester Av Hamlet:		
Property Location: (Identify landmarks, distance from intersections, etc.) s. side of Westchester Ave., 200' east of Regent St		
Village of Port Chester Tax Map Designation: Section 142.21 Block 1 Lot(s) 34	Zoning Designation of Site: RA4	

**APPLICANT/OWNER INFORMATION**

Property Owner: Port Chester Carver Center	Phone #: 939-4464 Fax#:	Email:
Owners Address: No. 400 Street: Westchester Ave	Town: Port Chester	State: NY Zip: 10573
Applicant (if different than owner): Gary Gianfrancesco	Phone #: 937-5596 Fax#: 939-1255	Email: gary@arconics.net
Applicant Address (if different than owner): No. 545 1/2 Street: Westchester Ave	Town: Rye Brook	State: NY Zip: 10573
Individual/ Firm Responsible for Preparing Site Plan: Arconics Architecture PC	Phone #: 937-5596 Fax#: 939-1255	Email:
Address: No. 545 1/2 Street: Westchester Ave	Town: Rye Brook	State: NY Zip: 10573
Other Representatives:	Phone #: Fax#:	Email:
Owners Address: No. Street:	Town:	State: Zip:

**SPECIAL EXCEPTION USE INFORMATION**

Proposed Special Exception Use:  
Carver Center - not for profit

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

**APPLICANTS ACKNOWLEDGEMENT**

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

Gary Gianfrancesco  
Applicants Name

Gary Gianfrancesco  
Applicants Signature

Sworn before me this 4<sup>th</sup> day of February 2013

Odette Stanger  
Notary Public

2014

400 Westchester Avenue - 200' radius mailing list

OWNER NAME	ADDRESS	CITY	ZIPCODE	SBL
Pierre Sinis	46 Summit Ave	Port Chester	10573	142.21-1-13
Gordon Glavan	40 Summit Ave	Port Chester	10573	142.21-1-12
Deepinder Sahni	410 Westchester Ave	Port Chester	10573	142.21-1-35.209
Matthew Lungariello	410 Westchester Ave	Port Chester	10573	142.21-1-35.303
Town & Country Developers Inc	410 Westchester Ave	Port Chester	10573	142.21-1-35.315 +
Silverbridge Capital LLC as Designee of SPCP Group IV LLC	50 Main Street, Suite 1000	White Plains	10606	
Maria Dolores Domino	410 Westchester Ave	Port Chester	10573	142.21-1-35.111
Richard Martin	410 Westchester Ave	Port Chester	10573	142.21-1-35.109
Eugenie Francois	410 Westchester Ave	Port Chester	10573	142.21-1-35.213
James & Clara Jones	410 Westchester Ave	Port Chester	10573	142.21-1-35.216
Joan Di Buono	25 Summit Ave	Port Chester	10573	142.21-1-27
Frank Caputo	36 Summit Ave	Port Chester	10573	142.21-1-11
Danilo Sanchez	34 Summit Ave	Port Chester	10573	142.21-1-10
Port Chester Carver Center	400 Westchester Ave	Port Chester	10573	142.21-1-34
Robert Jerome Larson	410 Westchester Ave	Port Chester	10573	142.21-1-35.112
Theresa Mahon	410 Westchester Ave	Port Chester	10573	142.21-1-35.314
Michael DeLucia	410 Westchester Ave	Port Chester	10573	142.21-1-35.110
Gregory & Brenda Gajowski	410 Westchester Ave	Port Chester	10573	142.21-1-35.202
Summit Apt Corp / Carlos Fumero	360 Westchester Ave #523	Port Chester	10573	142.21-1-32
Sawpit Realty LLC	25 S Regent St	Port Chester	10573	142.21-1-24
Sawpit Realty LLC / Virginia Drago	619 Purchase Street	Rye	10580	
Joseph Kenner	410 Westchester Ave	Port Chester	10573	142.21-1-35.114
Elpis Frantzeskarou	410 Westchester Ave	Port Chester	10573	142.21-1-35.205
Juan Carlos Ruiz	410 Westchester Ave	Port Chester	10573	142.21-1-35.409
Brian Aichele	410 Westchester Ave	Port Chester	10573	142.21-1-35.201
Richard Futia	410 Westchester Ave	Port Chester	10573	142.21-1-35.215
Farley Mawyer	410 Westchester Ave	Port Chester	10573	142.21-1-35.310
Joseph J Caspi Inc	403-417 Westchester Ave	Port Chester	10573	136.77-1-51
370 Westchester Ave Corp	370-388 Westchester Ave	Port Chester	10573	142.21-1-33
Gramatan Management	2 Hamilton Avenue	New Rochelle	10801	

Yigang Jin	410 Westchester Ave	Port Chester	10573	142.21-1-35.101
Edward & Alison Provencher	410 Westchester Ave	Port Chester	10573	142.21-1-35.207
William Evans	410 Westchester Ave	Port Chester	10573	142.21-1-35.410
Raymond Sturino	410 Westchester Ave	Port Chester	10573	142.21-1-35.211
Ryan Coxen	410 Westchester Ave	Port Chester	10573	142.21-1-35.105
Sanela Ramovic	410 Westchester Ave	Port Chester	10573	142.21-1-35.417
P. C. Coletti	19 Summit Ave	Port Chester	10573	142.21-1-29
Michael R. & Leslie Miller	410 Westchester Ave	Port Chester	10573	142.21-1-35.206
Charlotte Bellantoni	410 Westchester Ave	Port Chester	10573	142.21-1-35.414
Dianne Sager-Colla	410 Westchester Ave	Port Chester	10573	142.21-1-35.307
PRB Real Estate Holdings LLC	363 Westchester Ave	Port Chester	10573	142.21-1-35
Miguel Acevedo	38 Summit Ave	Port Chester	10573	136.77-2-52
Orazio Scivillo	31 Summit Ave	Port Chester	10573	142.21-1-12.1
Andre Marozsan	410 Westchester Ave	Port Chester	10573	142.21-1-26
Peter Tucci	410 Westchester Ave	Port Chester	10573	142.21-1-35.113
Robert K & Mary L Reilly	410 Westchester Ave	Port Chester	10573	142.21-1-35.210
Khihorn Mach	410 Westchester Ave	Port Chester	10573	142.21-1-35.204
35 Summit Ave. Owners Lt	37 Summit Ave	Port Chester	10573	142.21-1-35.312
Patriot	7-11 Holland Avenue	White Plains	10603	142.21-1-25
Port Chester Realty LLC	15 S Regent St	Port Chester	10573	142.21-1-23
Port Chester Realty LLC	282 Ridgeway	White Plains	10605	
United Water Westchester	26 Summit Ave	Port Chester	10573	142.21-1-9
Stanley M & Ruth Q Sheppard	410 Westchester Ave	Port Chester	10573	142.21-1-35.301
Robert T & Lauren N Johnson	410 Westchester Ave	Port Chester	10573	142.21-1-35.212
Brian Schellati	410 Westchester Ave	Port Chester	10573	142.21-1-35.217
Sheila Greene	410 Westchester Ave	Port Chester	10573	142.21-1-35.117
Philip Foglia	410 Westchester Ave	Port Chester	10573	142.21-1-35.203
Imperial Owners Corp	377 Westchester Ave	Port Chester	10573	136.77-1-53
Garthchester Realty	209 Garth Road	Scarsdale	10583	
Pamela Paroff	410 Westchester Ave	Port Chester	10573	142.21-1-35.102
Matilda Morey	410 Westchester Ave	Port Chester	10573	142.21-1-35.302
Jocelyn Horton	410 Westchester Ave	Port Chester	10573	142.21-1-35.108
Lourduh Vasanth Soosai	410 Westchester Ave	Port Chester	10573	142.21-1-35.107

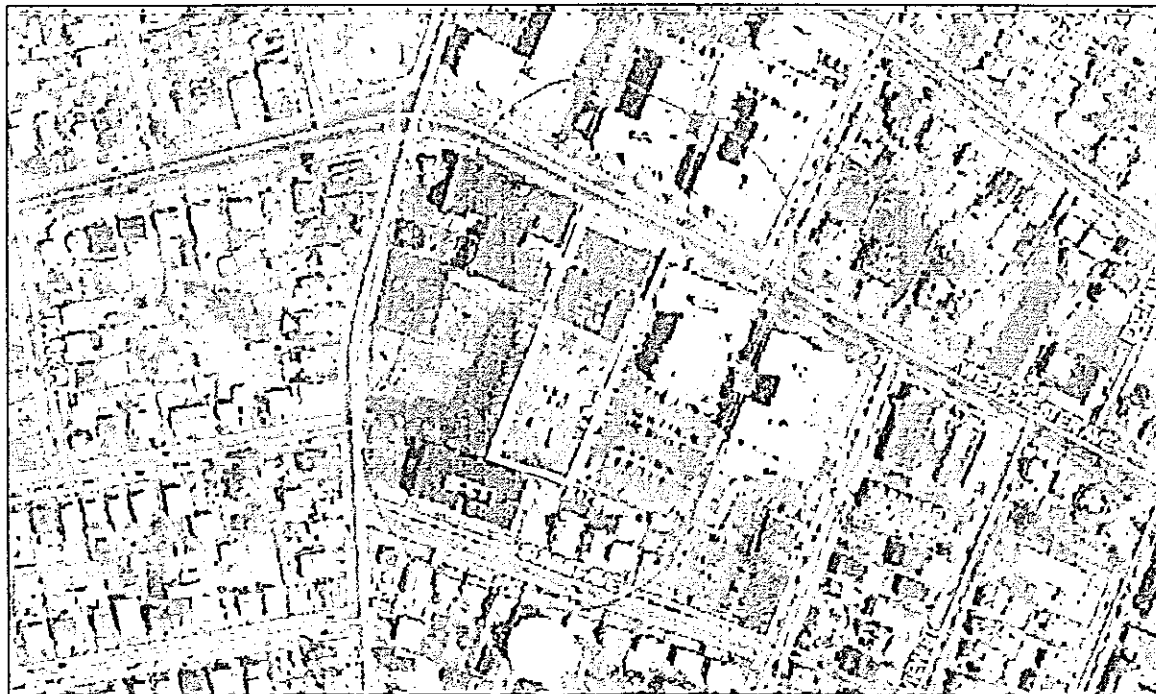
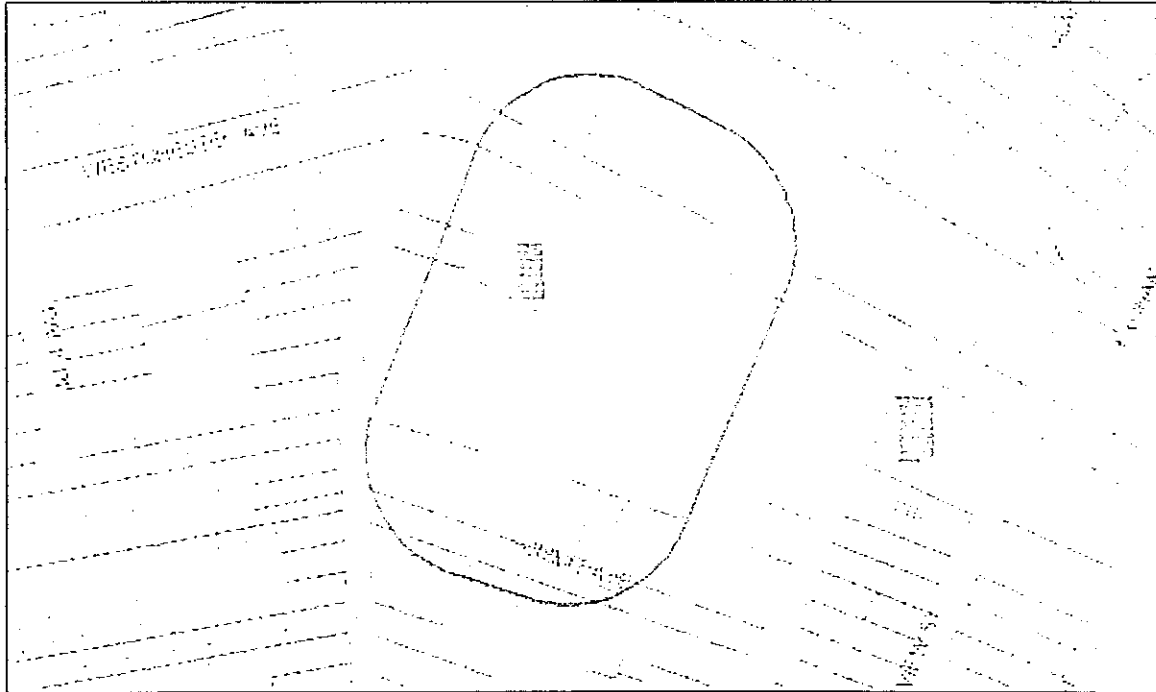
Stephen & Marit Reis	410 Westchester Ave	Port Chester	10573	142.21-1-35.214
Marie Bailey	23 Summit Ave	Port Chester	10573	142.21-1-28
Chester Hill Apartments	393-395 Westchester Ave	Port Chester	10573	136.77-1-52
Garthchester Realty	209 Garth Road	Scarsdale	10583	

# Tax Parcel Maps

Address: 400 Westchester Ave

Print Key: 142.21-1-34

SBL: 14202100010340000000



**Disclaimer:**

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

**MAP AVAILABLE  
AT  
VILLAGE CLERK'S OFFICE**

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

ROLL CALL

AYES:

NOES:

ABSENT:

DATE:

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.



Stamen Animal Hospital  
61 Quaker Ridge Road  
New Rochelle, NY 10804  
(914)632-1269

March 14, 2013

To whom it may concern,

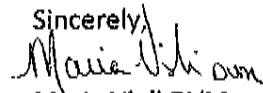
Stamen Animal Hospitals protocol, in the event a dog or cat is brought to our hospital by animal control and/or a police officer, is as follows:

- 1) The animal is examined upon arrival and scanned for a microchip to determine ownership;
- 2) If ownership is determined the owners are immediately contacted and asked to bring in proof of rabies immunization and proof of town/village or city dog license before animal is released to owner;
- 3) If ownership is not determined, the animal will receive 3 required vaccines(rabies, distemper/parvo and bordatella) to be boarded with us.
- 4) If animal is found to be ill and in need of medical or surgical treatment an estimate of services and fees will be provided in writing to the Village of Port Chester prior to any treatments;
- 5) If animal is not claimed and adoptable we will try to find a good home for it;
- 6) If animal is not claimed and not adoptable the Village of Port Chester will be contacted for further action.

In addition the following is a price list for fees requested:

Examination \$75.00  
Rabies vaccine \$26.00  
Distemper/Parvo vaccine \$26.00  
Bordatella vaccine \$25.00  
Boarding up to 30lbs \$27.00 per night  
Boarding 31-50lbs \$30.00 per night  
Boarding 51-80lbs \$32.00 per night  
Boarding 81 and over \$35.00 per night

Should you have any additional questions please contact me at (914)632-1269.

Sincerely,  
  
Maria Violi DVM

## RESOLUTION

### SUPPORTING AN APPLICATION BEING SUBMITTED BY THE CITY OF PEEKSKILL FOR A LOCAL GOVERNMENT EFFICIENCY GRANT SUPPORTING THE SHARED REDEVELOPMENT SERVICES PROGRAM OF THE MAYORS REDEVELOPMENT ROUNDTABLE

WHEREAS, the Village of Port Chester and its staff have been participating in the Mayors' Redevelopment Roundtable (Roundtable) whose mission is developing strategies for making the participating municipalities redevelopment-ready to increase their tax base and stimulate sustainable economic development; and

WHEREAS, the Mayors' Redevelopment Roundtable creates a vehicle for and implements a program for sharing expert development staff and professional services among the municipalities participating, the staff of the Land Use Law Center, and experts on the strategies being developed;

WHEREAS, this shared services approach to developing redevelopment strategies has realized significant cost benefits through the essential services provided and the addition of development attracted by the strategies to the tax base;

WHEREAS, the Roundtable has been effective in working with the Mid-Hudson Regional Economic Development Council to create an urban redevelopment policy in its five year strategy so that projects for state funding from Roundtable communities are as competitive as possible;

WHEREAS, the Village of Port Chester benefits from the redevelopment strategies developed through the Roundtable by demonstrating its ability to engage in intermunicipal cooperation efforts in a regional redevelopment strategy in furtherance of several state policies;

WHEREAS, the cooperation of the nine communities in the Roundtable is memorialized by a Memorandum of Agreement signed by each of the mayors of the cooperating communities, constituting an intermunicipal agreement to cooperate in developing redevelopment strategies that respond to the critical issues faced by Roundtable communities;

WHEREAS, the City of Peekskill has agreed to submit a grant to the State of New York under the Local Government Efficiency Grant Program for a two-year \$200,000 grant to continue the shared services initiative of the Roundtable and to act as the fiscal agent for the Roundtable in administering the grant on behalf of the participating municipalities which include Yonkers, Mount Vernon, New Rochelle, White Plains, Port Chester, Beacon, Poughkeepsie, and Newburgh;

WHEREAS, the Grant requires a 10 percent local share, which can be contributed by any of the cooperating communities in the Roundtable through any projects that it funds that are part

of the Shared Redevelopment Services Program: representing an average yearly local commitment of approximately \$1,000 per Roundtable community; Now, therefore, be it

RESOLVED, that the City of Peekskill, through Mayor, Mary Foster is authorized on behalf of the Village of Port Chester to submit an application for \$180,000, two year grant for the \$200,000 Shared Redevelopment Services Program of the Mayors' Redevelopment Council and to execute all financial and administrative processes related to the implementation of the program; and be it

FURTHER RESOLVED that the Port Chester Board of Trustees supports this Shared Development Services initiative and pledges, if needed, to provide its share of the required \$20,000 local share required, an average of \$1,115 per year, in conjunction with the other co-applicants: the cities of Mount Vernon, Beacon, Peekskill, New Rochelle, Poughkeepsie, Yonkers, White Plains, and Newburgh.

APPROVED AS TO FORM:

---

Village Attorney

AUTHORIZING AGREEMENT FOR NIXLE, LLC WITH REGARD TO  
EMERGENCY NOTIFICATION SERVICES

On motion on TRUSTEE \_\_\_\_\_, seconded by TRUSTEE \_\_\_\_\_

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

WHEREFORE, it is increasingly important for local governments to communicate with their residents; and

WHEREAS, Nixle, LLC, provides services free and paid emergency notification services for residents by cell phone, text, e-mail or the Internet, through participating local governments across the United States;

WHEREFORE, a presentation was recently made by Nixle to the Board of Trustees. Now, therefore, be it

RESOLVED, the Village Manager is hereby authorized to enter into an agreement with Nixle, LLC, 594 Howard Street, Suite 04, San Francisco, California 94105, to provide emergency notification services with a term of three years, compensation to be \$7,685.00.

APPROVED:

\_\_\_\_\_  
Village Attorney



**Nixle, LLC**  
**Service Agreement**

This Service Agreement ("Agreement") is entered into by and between Nixle, LLC ("Nixle"), and the Village of Port Chester ("Customer"), on March \_\_\_\_ 2013 (the "Effective Date"). Nixle and Customer are each hereinafter sometimes referred to as a "Party" and collectively, the "Parties."

THE PARTIES AGREE TO THE FOLLOWING TERMS AND CONDITIONS GOVERNING THE USE OF NIXLE'S SERVICE:

**1. SERVICE.** Nixle shall provide Customer access to its proprietary interactive communication services (the "Service") subject to the terms and conditions set forth in this Agreement, the Additional Business Terms applicable to such Services in Exhibit A, and the description of Services and pricing attached hereto as Exhibit B (the "Quote"). If applicable, Nixle shall provide training and professional services in accordance with the Pricing (as defined below) set forth in the Quote. Nixle shall provide Customer with login and password information for each User (as defined below) and will configure the Service to contact the maximum number of persons or communication devices (each a "Contact") purchased by Customer as set forth in the Quote. Nixle may from time to time offer Customer new features, enhancements or services which, if accepted by Customer in writing, and subject to Customer's payment of any applicable additional fees, shall become part of the Services and subject to the provisions of this Agreement.

**3. CUSTOMER RESPONSIBILITIES.**

**3.1 Users.** Customer shall in its discretion authorize certain of its employees and contractors to access the Service ("User(s)"). Each User must be bound in writing to confidentiality obligations that are no less restrictive than those set forth herein, and that are sufficient to permit Customer to fully perform its obligations under this Agreement. Customer shall cause Users to undergo initial setup and training in accordance with the Quote. Customer shall be responsible for (i) ensuring that Users maintain the confidentiality of all User login and password information; (ii) ensuring that Users use the Service in accordance with all applicable laws and regulations, including those relating to use of personal information; (iii) any breach of the terms of this Agreement by any User; and (iv) all communications by Users using the Service. Customer shall immediately notify Nixle if it becomes aware of any User action or omission that would constitute a breach or violation of any term of this Agreement.

**3.2 Customer Data.** All electronic data Customer provides to Nixle in connection with the use of the Service ("Customer Data") shall be true, accurate, current and complete, and shall be in a form and format specified by Nixle. Customer shall have sole responsibility for the accuracy, quality, integrity, legality, reliability, and appropriateness of all Customer Data. By purchasing the Service, Customer authorizes Nixle to collect, store and process Customer Data subject to the terms of this Agreement. Customer shall maintain a copy of all Customer Data it provides to Nixle. If Customer or any User provides any Customer Data that is untrue, inaccurate, outdated or incomplete, Customer acknowledges and agrees that any communications sent utilizing the Service may not reach the intended Contact. Customer shall prevent unauthorized access to, or use of, the Service, and shall notify Nixle promptly of any such unauthorized use. Nixle shall have no liability for any losses, damages, claims,

suits or other actions arising out of or in connection with the unauthorized or improper use of the Service on Customer's hardware or networks. Customer acknowledges that Nixle is not responsible for monitoring Customer or Users' use of the Service to examine the content passing through it, and Nixle shall have no liability for such content.

**4. TERM.** This Agreement will commence on the Effective Date and will continue in force for three (3) years, subject to annual payment of services within thirty (30) days of the effective date anniversary.

**5. TERMINATION; SUSPENSION.**

**5.1 Termination by Either Party. Termination by Either Party.** Either Party may terminate this Agreement upon the other Party's material breach of this Agreement, provided that (i) the non-breaching Party sends written notice to the breaching Party describing the breach in reasonable detail; (ii) the breaching Party does not cure the breach within thirty (30) days following its receipt of such notice (the "Notice Period"); and (iii) following the expiration of the Notice Period, the non-breaching Party sends a second written notice to the breaching Party indicating its election to terminate this Agreement.

**5.2 Termination for convenience.** Customer may terminate this Agreement with written notice ninety (90) days prior to the effective date anniversary.

**6.1 Grant of License.** Nixle hereby grants to Customer, during the term of this Agreement, a non-exclusive, non-transferable, non-sub licensable right to use the Service subject to the terms and conditions of this Agreement. Upon suspension of the Service or termination of this Agreement for any reason, the foregoing license shall terminate automatically and Customer shall promptly discontinue all further use of the Service.

**6.2 Restrictions.** Customer shall use the Service solely for its internal business purposes and shall not make the Service available to, or use the Service for the benefit of, any third party except as expressly contemplated by this Agreement. Customer shall not: (i) copy, modify, reverse engineer, de-compile, disassemble or otherwise attempt to discover or replicate the computer source code and object code provided or used by Nixle in connection with delivery of the Service (the "Software") or create derivative works based on the Software, the Service or any portion thereof; (ii) merge any of the foregoing with any third party software or services; (iii) use any Nixle Confidential Information to create a product that competes with the Software; (iv) remove, obscure or alter any proprietary notices or labels on the Software or any portion of the Service; (v) create internet "links" to or from the Service, or "frame" or "mirror" any content forming part of the Service, other than on Customer's own intranets for its own internal business purposes; (vi) use, post, transmit or introduce any device, software or routine which interferes or attempts to interfere with the operation of the Service; or (vi) use the Service in violation of any applicable law or regulation.

**6.3 Reservation of Rights.** Other than as expressly set forth in this Agreement, Nixle grants to Customer no license or other rights in or to the Service, the Software or any other proprietary technology, material or information made available to Customer through the

Service or otherwise in connection with this Agreement (collectively, the “**Nixle Technology**”), and all such rights are hereby expressly reserved. Nixle (or its licensors where applicable) owns all rights, title and interest in and to the Service, the Software and any Nixle Technology, and all patent, copyright, trade secret and other intellectual property rights (“**IP Rights**”) therein, as well as (i) all feedback and other information (except for the Customer Data) provided to Nixle by Users, Customer and Contacts, (ii) all transactional, performance and derivative data and metadata generated in connection with the Services, and (iii) any De-Identified Data (as defined below).

**6.4 Customer Data.** As between the Parties, Customer retains sole right, title and interest in the Customer Data. Without limiting the foregoing, Nixle shall be permitted to de-identify Customer Data and aggregate it, including with other customers’ data (the “**De-Identified Data**”), for use in its legitimate marketing and research activities.

## **7. CONFIDENTIAL INFORMATION.**

**7.1 Definition; Protection.** As used herein, “**Confidential Information**” means all information of a Party (“**Disclosing Party**”) disclosed to the other Party (“**Receiving Party**”), whether orally or in writing, that is designated as confidential or that reasonably should be understood to be confidential given the nature of the information and the circumstances of disclosure. Confidential Information includes without limitation, any personally identifiable Customer Data, all Nixle Technology, and either Party’s business and marketing plans, technology and technical information, product designs, reports and business processes. Confidential Information (except for Customer Data) shall not include any information that: (i) is or becomes generally known to the public without breach of any obligation owed to the Disclosing Party; (ii) was known to the Receiving Party prior to its disclosure by the Disclosing Party without breach of any obligation owed to the Disclosing Party; (iii) was independently developed by the Receiving Party without breach of any obligation owed to the Disclosing Party; or (iv) is received from a third party without breach of any obligation owed to the Disclosing Party. The Receiving Party shall not disclose or use any Confidential Information of the Disclosing Party for any purpose other than performance or enforcement of this Agreement without the Disclosing Party’s prior written consent, unless (but only to the extent) otherwise required by a governmental authority. Each Party agrees to protect the Confidential Information of the other Party with the same level of care that it uses to protect its own confidential information, but in no event less than a reasonable level of care. Without limiting the foregoing, this Agreement and all terms hereof shall be Confidential Information of Nixle, and the Customer Data shall be Confidential Information of Customer.

## **8. WARRANTIES; DISCLAIMER.**

**8.1 Nixle Warranty.** Nixle shall use commercially reasonable efforts to provide the Services herein contemplated. To the extent the Quote provides for any professional services, Nixle shall perform them in a professional manner consistent with industry standards. THE FOREGOING REPRESENT THE ONLY WARRANTIES MADE BY NIXLE HEREUNDER AND NIXLE EXPRESSLY DISCLAIMS ALL OTHER WARRANTIES OF ANY KIND, WHETHER EXPRESS, IMPLIED, STATUTORY, OR OTHERWISE, WARRANTIES OF MERCHANTABILITY OR FITNESS FOR A PARTICULAR PURPOSE, TO THE MAXIMUM EXTENT PERMITTED BY APPLICABLE LAW.

**8.2 Disclaimer.** THE SERVICE IS PROVIDED “AS IS” AND ON AN “AS AVAILABLE” BASIS. NEITHER NIXLE NOR ITS LICENSORS WARRANT THAT THE SERVICE WILL OPERATE ERROR FREE OR WITHOUT INTERRUPTION. WITHOUT

LIMITING THE FOREGOING, IN NO EVENT SHALL NIXLE HAVE ANY LIABILITY TO CUSTOMER, USERS, CONTACTS OR ANY THIRD PARTY FOR PERSONAL INJURY (INCLUDING DEATH) OR PROPERTY DAMAGE ARISING FROM FAILURE OF THE SERVICE TO DELIVER AN ELECTRONIC COMMUNICATION, HOWEVER CAUSED AND UNDER ANY THEORY OF LIABILITY, EVEN IF NIXLE HAS BEEN ADVISED OF THE POSSIBILITY OF SUCH DAMAGE.

**8.3 Customer Representations and Warranties.** Customer represents and warrants that during use of the Service, Customer shall have (i) a privacy policy that clearly and conspicuously notifies Users of the way in which Customer Data shall be used, and (ii) primary safety and emergency response procedures including, without limitation, notifying 911 or equivalent fire, police, emergency medical and public health officials (collectively, “**First Responders**”). Customer acknowledges and agrees that Nixle is not a First Responder, and that the Service does not serve as a substitute for Customer’s own emergency response plan, which in the event of an actual or potential threat to person or property, shall include contacting a First Responder. Customer represents and warrants that all communications utilizing the Service shall be sent by authorized Users, and that the collection, storage and processing of Customer Data, and the use of the Service, as provided in this Agreement, will at all times comply with (x) Customer’s own policies regarding privacy and protection of personal information; and (y) all applicable laws and regulations, including those related to processing, storage, use, disclosure, security, protection and handling of Customer Data.

## **9. INDEMNIFICATION.**

**9.1 By Customer.** Customer shall defend, indemnify and hold Nixle harmless against any loss or damage (including reasonable attorneys’ fees) incurred in connection with any claims, suits or proceedings (“**Claims**”) arising as a result of a breach of this Agreement.

**9.2 By Nixle.** Nixle shall defend, indemnify and hold Customer harmless from and against any Claim against Customer, but only to the extent it is based on a Claim that the Service directly infringes an issued patent or other IP Right in a country in which the Service is actually provided to Customer. If the Service is held to infringe and the use enjoined, Nixle shall have the option, at its own expense, to: (i) to procure for Customer the right to continue using the Service; (ii) replace same with a non-infringing service; (iii) modify such Service so that it becomes non-infringing; or (iv) refund any fees paid to Nixle and terminate this Agreement without further liability. Nixle shall have no liability for any Claim arising out of (w) Customer Data or other Customer supplied content, (x) use of the Service or Software in combination with other products, equipment, software or data not supplied by Nixle, (y) any use, reproduction, or distribution of any release of the Service or Software other than the most current release made available to Customer, or (z) any modification of the Service or Software by any person other than Nixle.

**10. LIMITATION OF LIABILITY.** In no event shall either Party have any liability to the other Party for any loss of use, interruption of business, lost profits, costs of substitute services, or for any other indirect, special, incidental, punitive, or consequential damages, however caused, under any theory of liability, and whether or not the Party has been advised of the possibility of such damage.

**11. PRICING.** As consideration for the Service and subject to the other terms of this Agreement, Customer shall pay the fees set forth in the Quote (“**Pricing**”). If Customer exceeds the usage as specified in the Quote, then Nixle reserves the right to annually review the usage and invoice Customer as necessary at the current rates and Customer shall pay within 30 days of invoice. Fees for professional services, if applicable, shall be set forth in a SOW.

**12. PROFESSIONAL SERVICES.** Nixle may provide professional services to Customer from time to time. Such professional services shall, unless otherwise expressly therein set forth, be provided in accordance with, and subject to, the provisions hereof and any additional terms related thereto which are set forth in a Statement of Work ("SOW").

**13. PAYMENT TERMS; TAXES.**

**13.1 Payment.** Unless otherwise set forth in Exhibit A, Nixle shall invoice Customer in advance for the Initial Term and annually in advance for any Renewal Term. All payments, including, without limitation, fees for professional services, shall be made within thirty 30 days from the date of invoice.

**13.2 Taxes.** If appropriate, Customer shall provide Nixle with a valid tax exemption certificate authorized by the appropriate taxing authority. Otherwise, be advised that Nixle's Pricing and fees for professional services do not include any local, state, federal or foreign taxes, levies, or duties of any nature ("Taxes"). In the event Customer is not tax exempt, Customer shall be responsible for paying all Taxes, excluding only taxes based on Nixle's income. If Nixle has the legal obligation to pay or collect Taxes for which Customer is responsible under this section, the appropriate amount shall be invoiced to and paid by Customer.

**14. MISCELLANEOUS.**

**14.1 Non-Solicitation.** As additional protection for Nixle's proprietary information, for so long as this Agreement remains in effect, and for one year thereafter, Customer agrees that it shall not, directly or indirectly, solicit, hire or attempt to solicit any employees of Nixle; provided, that a general solicitation to the public for employment is not prohibited under this section. In the event that Customer hires any such employee (whether as an employee or consultant or otherwise engages the services of such employee) in violation of this section, Customer shall pay to Nixle an amount equal to 100% of the total first-year compensation which Customer pays such individual as a fee, salary, or other compensation.

**14.2 Force Majeure; Limitations.** Nixle shall not be responsible for performance under this Agreement to the extent precluded by circumstances beyond Nixle's reasonable control, including without limitation acts of God, acts of government, flood, fire, earthquakes, civil unrest, acts of terror, labor problems, computer, telecommunications, Internet service provider or hosting facility

failures, or delays involving hardware, software or power systems, and network intrusions or denial of service attacks. The Service delivers information for supported Contact paths to public and private networks and carriers, but cannot guarantee delivery of the information to the recipients. Final delivery of information to recipients is dependent on and is the responsibility of the designated public and private networks or carriers.

**14.3 Waiver; Severability.** The failure of either Party hereto to enforce at any time any of the provisions or terms of this Agreement shall in no way be considered to be a waiver of such provisions. If any provision of this Agreement is found by any court or other authority of competent jurisdiction to be invalid, illegal or unenforceable, that provision shall, to the extent required, be deemed deleted and the remaining provisions shall continue in full force and effect.

**14.4 Assignment.** Neither this Agreement nor any rights granted hereunder may be sold, leased, assigned (including an assignment by operation of law), or otherwise transferred, in whole or in part, by either party, without written consent of other party.

**14.5 Governing Law; Attorney's Fees.** This Agreement shall be governed and construed in accordance with the laws of the State of New York, without regard to its conflicts of laws rules.

**14.6 Marketing.** Customer consents to Nixle referencing Customer's name and logo as a Nixle customer in Nixle publications, its website and in other marketing materials, unless Customer notifies Nixle in writing of its desire to be removed from said publications.

**14.7 Survival.** Sections 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14 and applicable provisions of Exhibit A shall survive the expiration or earlier termination of this Agreement.

**14.8 Counterparts.** This Agreement may be executed in one or more counterparts, all of which together shall constitute one original document. A facsimile transmission or copy of the original shall be as effective and enforceable as the original.

**14.9 Export Compliant.** Neither Party shall export, directly or indirectly, any technical data acquired from the other pursuant to this Agreement or any product utilizing any such data to any country for which the U.S. Government or any agency thereof at the time of export requires an export license or other governmental approval without first obtaining such license or approval.

IN WITNESS WHEREOF, the Parties have caused this Agreement to be duly executed as of the date set forth below.

**NIXLE, LLC**

**[CUSTOMER]:** \_\_\_\_\_

By: \_\_\_\_\_

By: \_\_\_\_\_

Print Name: \_\_\_\_\_

Print Name: \_\_\_\_\_

Title: \_\_\_\_\_

Title: \_\_\_\_\_

Date: \_\_\_\_\_

Date: \_\_\_\_\_

Address:

**[CUSTOMER]'s address for legal notices:**

594 Howard St, Suite 204

\_\_\_\_\_

San Francisco, CA 94105

\_\_\_\_\_

\_\_\_\_\_

Attn: \_\_\_\_\_

**[CUSTOMER]'s address for billing:**

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Attn: \_\_\_\_\_

Email for billing: \_\_\_\_\_

Telephone number: \_\_\_\_\_



594 Howard St, Suite 204, San Francisco, CA 94105 \* call: 877.649.5362 \* fax: 856.802.0245 \* www.nixle.com

## EXHIBIT A SERVICE LEVEL AGREEMENT

### Section I – Availability

Nixle provides a high performance, scalable and reliable Software as a Service solution (the “Service”). The Service will have a monthly broadcast availability<sup>1</sup> of 99.99% or greater, allowing for real-time call prioritization which provides optimal service to customers at all subscribed service levels<sup>2</sup>.

<sup>1</sup>Broadcast Availability – is defined as the ability to access the Service in conjunction with the ability to send a notification to one or more contact paths per member.

<sup>2</sup>Subscribed Service Levels – Nixle uses a proprietary Intelligent Message Service Prioritization (IMSP) algorithm to ensure optimal delivery of emergency messages for all customers at all subscribed service levels.

### Section II – Performance

Minimum Notification Attempts: For any given 60 minute period, Nixle will make a minimum number of notification attempts to the 1st contact path for customer broadcasts using the standard configuration (30 second call or 500 character message) per the table below:

*Minimum* number of notification attempts in 60 minutes

Notification Type	Notification Attempts
Voice	100,000
Text	100,000

Minimum number above does not apply when client uses the broadcast delivery throttling feature.

### Section III – Maintenance

The Service utilizes a geographically redundant architecture to provide the highest levels of reliability while requiring the lowest number of maintenance activities per year compared with other notification solutions on the market. Scheduled maintenance is designed to be non service impacting. Nixle may periodically conduct routine maintenance or implement upgrades to the Service as needed to maintain availability and performance within our agreed upon SLA’s.

### Section IV – Support

Nixle has a dedicated team of experienced, patient, and capable support professionals to assist customers with answering questions about the services, customer usage, and to address specific issues. Nixle Support is available 24 hours a day, 7 days a week, 365 days a year.

Support should be contacted for all technical inquiries associated with the Nixle Solutions. The best method for submitting an inquiry is the Nixle Client Portal. To best serve our clients’ needs, the following methods are available to obtain technical assistance. Urgent inquiries must be reported by phone or the Nixle Client Portal to ensure the quickest response.

- Online Support: Client Portal  
Nixle’s Client Portal provides you with convenient, secure access to a growing number of useful resources, including Know on the Go’s, knowledgebase content, FAQs, case management, and other product support information. The Client Portal can be accessed at: <http://clientportal.Nixle.com>.
- Email Support  
Email support is available at [securedesk@Nixle.com](mailto:securedesk@Nixle.com). E-mails are responded to within one business day in the order received.
- Phone Support  
Nixle Support can be reached via phone by dialing toll-free (888) 366-3969 in the US/Canada.

Nixle also provides an emergency hotline for assisting customers in sending notifications.

- Live Operator Access  
Customers may access the Nixle Live Operator to send notifications 24 hours a day, 7 days a week, 365 days a year.



Building Safer Communities Together

**NIXLE PRICING INFORMATION**

**Quote Valid for 60 Days**

<b>PREPARED FOR:</b>	Christopher Steers	Quote Number:	215-009
	Vilage of Port Chester NY	Quote Date:	4-Mar-13
		Expiration Date:	31-Mar-13
		Contract Period:	3 Year Fixed
		Payment Terms:	Payable Annually- Net 30
Nixle Contact Information:			Tommy Herbst
			877-649-5362 x303
			<a href="mailto:tommy.herbst@nixle.com">tommy.herbst@nixle.com</a>

<b>Setup and Implementation</b>			
Product	Qty	Sales Price	Total Price
Nixle Alert Setup Fee	1	\$0.00	\$0.00

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

<b>Grand Total:</b>	<b>\$7,685.00</b>
---------------------	-------------------

**By:**

**Print Name:**

**Title:**

**Date:**

Headquarters:  
 594 Howard St., #204  
 San Francisco, CA 94105  
 877-649-5362  
 www.Nixle.com

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:

Leonor Correa	Lilian C Ochoa
Annie Federighi	Yocely Ochoa
Joseph W. Federighi	Mercedes Ortega
Rosa J Hernandez	Onilvia L. Naar
Sara Martinez	Charisse J Palma
Yolanda Maya	Jeanette Palma
Lesly Moreno	Awilda Santiago

APPROVED AS TO FORM:

\_\_\_\_\_  
Village Attorney, Anthony Cerreto

ROLL CALL

AYES:

NOES:

ABSENT:

DATE:

RESOLUTION

ADOPTION OF LOCAL ADJUSTMENTS FOR HOMESTEAD AND  
NON-HOMESTEAD BASE PROPORTIONS

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, on February 2, 2005, the Board of Trustees adopted Local Law #2-2005 relating to the adoption of the provisions of Section 1903 of the Real Property Tax Law regarding Homestead Base Proportions; and

WHEREAS, the Town of Rye Assessor has prepared Homestead and Non-Homestead base proportions for the Village of Port Chester; and

WHEREAS, the Board of Trustees of the Village of Port Chester wishes to adopt local adjustments to these base proportions that will be used to establish a Homestead tax rate and a Non-Homestead tax rate for the 2013-2014 Village Budget and tax rates.

NOW THEREFORE BE IT RESOLVED, that the Board of Trustees of the Village of Port Chester hereby adopts for the 2013-2014 Village tax, Homestead Base Proportions of 58.911412%, and Non-Homestead base proportions of 41.088588%; and be it

FURTHER RESOLVED, that the Village Manager is authorized to sign all necessary documents to implement the purposes of this resolution; and be it

FURTHER RESOLVED, that the Town Assessor and Tax Collector are authorized and directed to make any filings on behalf of Port Chester, and to take any additional actions necessary to implement the purposes of this resolution.

APPROVED AS TO FORM:

\_\_\_\_\_  
Village Attorney

RESOLUTION  
BUDGET AMENDMENT – DEA FUNDS  
PATROL RIFLE UPGRADE

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 Police Chief recommends the use of DEA Funds to purchase two (2) Stag Arms 11 ½ inch upper receivers, two (2) sound suppressors, and two (2) muzzle brake adaptors from vendor Applied Tactical Technology, Inc., P.O. Box 268, Babylon, NY 11702-0268, to upgrade their Patrol Rifle (AR-15). Now, therefore be it

RESOLVED, that the Board of Trustees of the Village of Port Chester, New York hereby authorizes the Village Treasurer to modify the 2012-13 General Fund Budget as follows:

GENERAL FUND

Balance Sheet:

001-001-0695	Deferred Revenue DEA	(\$3,843.20)
--------------	----------------------	--------------

Revenues:

001-0001-2613	Use of Deferred DEA Funds	\$3,843.20
---------------	---------------------------	------------

Appropriations:

001-3120-0200	Police Equipment	\$3,843.20
---------------	------------------	------------

## 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 4<sup>th</sup>, 2013

By: Christopher D. Steers, Village Manager





# Permit Amnesty Policy Discussion Report Contents

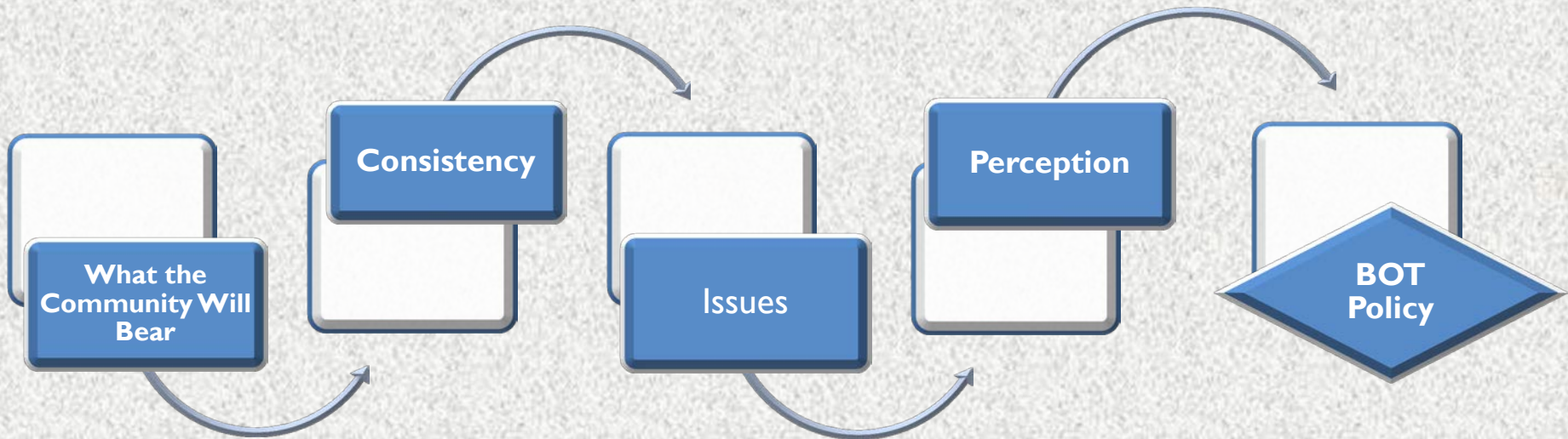
---

- ▶ **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.

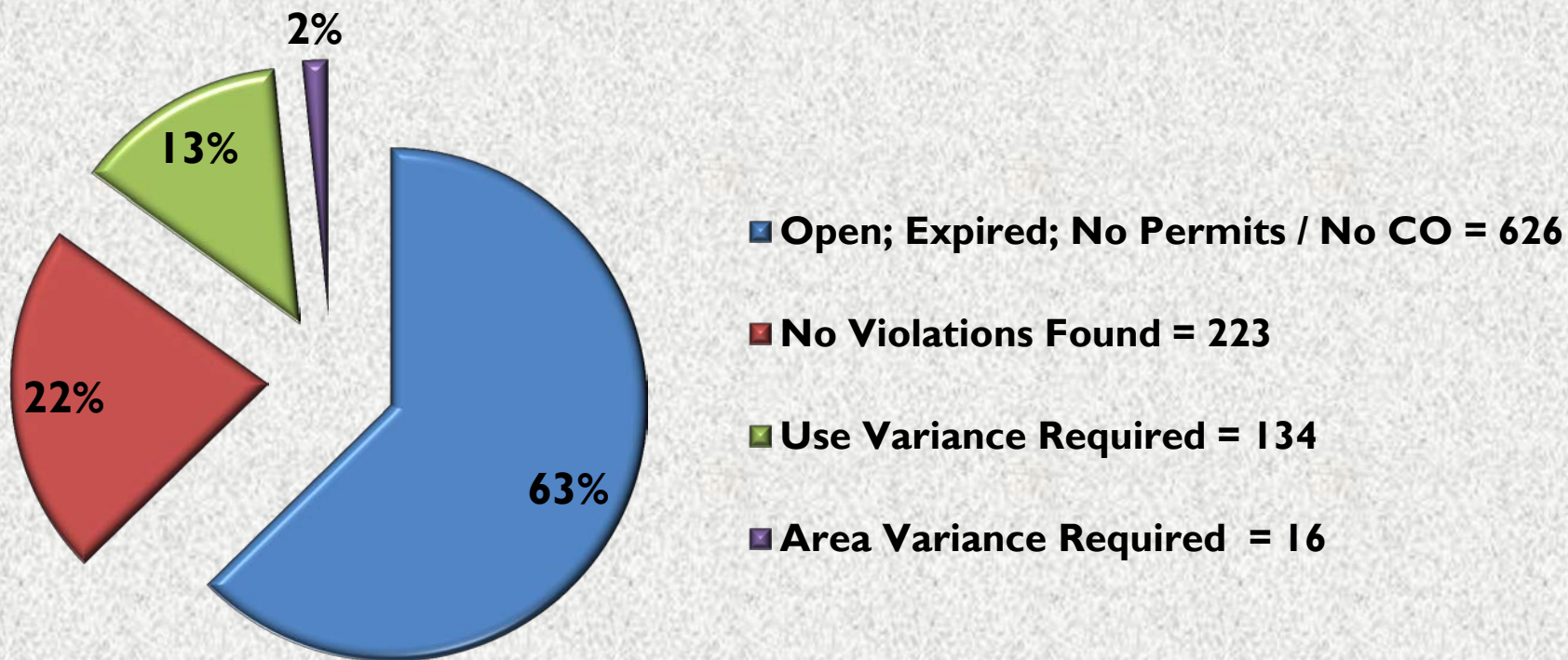
**REALITY**



# 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.

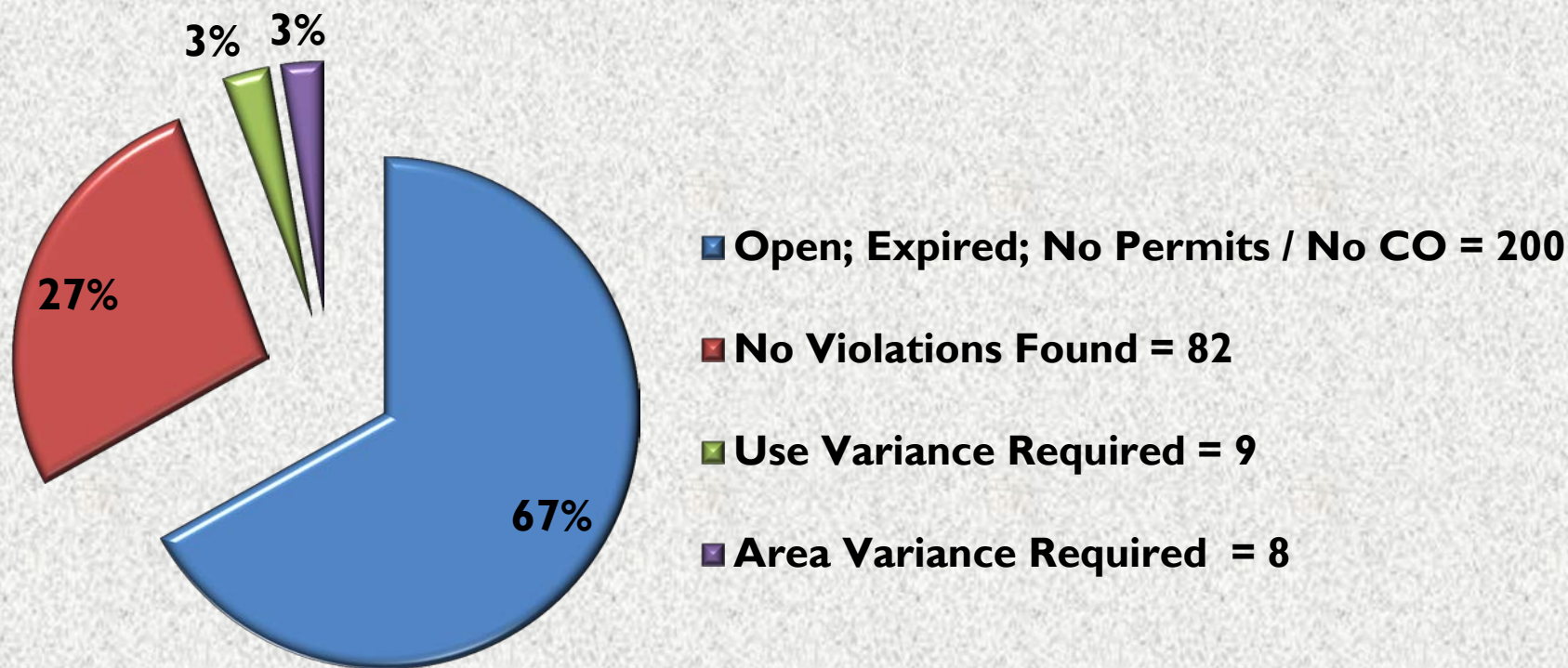


**Total Searches in a 20 Month Period (April 11' Thru Jan 13') = 999**



# 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

---

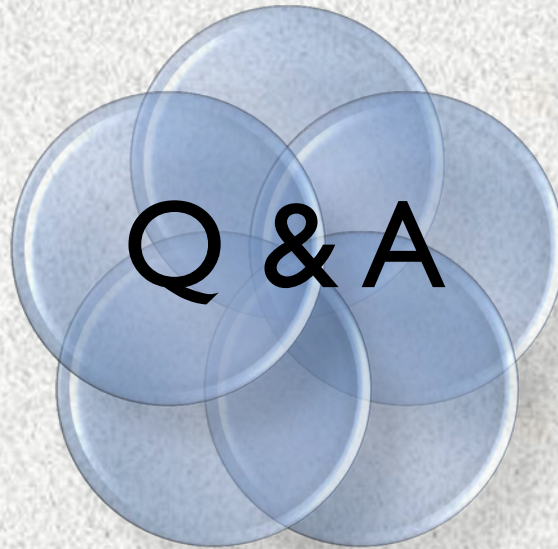
**See Attachment**





# Permit Amnesty Policy Discussion

---



# CORRESPONDENCE

VILLAGE OF PORT CHESTER

**Parish Family of**  
**CHURCH OF OUR LADY OF THE ROSARY**  
22 DON BOSCO PLACE  
PORT CHESTER, NEW YORK 10573

MAR 07 2013

RECEIVED  
VM

March 01, 2013

Honorable Dennis Pilla, Mayor  
Honorable Members of the Village Board of Trustees  
Village of Port Chester  
222 Grace Church Street  
Port Chester, New York 10573

Honorable Mayor Pilla and Trustees,

On Good Friday, March 29, Holy Rosary Church will sponsor the Living Way of the Cross, which draws many participants, not only from Holy Rosary, Corpus Christi, Our Lady of Mercy and Sacred Heart parishes but also many other villagers. All join together in a public re-enactment of Jesus' Passion and Death, the Via Crucis. The participants will gather in the parking lot of Corpus Christi Church at 6:00PM.

We respectfully request permission to follow the same route as in years past. The procession will leave Corpus Christi Church, turn left onto South Regent Street, right onto William Street to Pearl Street, left onto Pearl Street, right onto William Street to South Main Street, left onto Purdy Avenue and right onto Don Bosco Place where the procession will terminate.

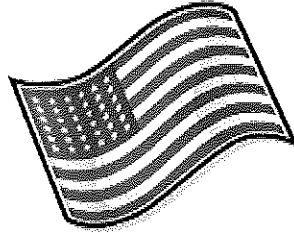
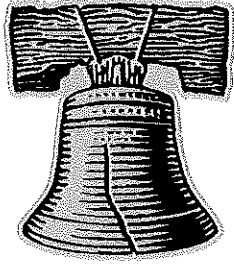
This event has been drawing over two thousand people and we expect an equal or greater number to participate this year. We would request that Don Bosco Place be closed from Purdy Avenue to Beech Street for the closing service which weather permitting will be held outdoors since there isn't enough room in Don Bosco Center to hold all those participating. We request the use of the Village Show-mobile for the final Stations in front of the church as was done last year.

We also respectfully request a police escort for this procession and a police presence at the closing service.

Thank you for your support in this matter and all the support the Board has extended to Holy Rosary Parish in the past.

Sincerely,  
  
Rev. Thomas Provenzano, SDB  
Parish administrator

TP: me  
cc: Christopher Steers, Village Manager  
Charles Vaccaro, Traffic Sargeant  
Rocco Morabito, Highway Foreman



VILLAGE OF PORT CHESTER

MAR 18 2013

RECEIVED



Rye Port Chester-Rye Brook-Town of Independence Day Committee

P.O.B. 1134

Port Chester, New York 10573

**Chairman & Treasurer**

**Gerald Logan**

**Secretary**

**Nancy Logan**

**Security**

**George Colaluca**

**Amanda Buritica**

**Vice Chairman**

**Steve Giamundo**

**Public Relations**

**Toni Ganim**

**Fabriola Montoya**

**Antonio Moran**

February 15, 2013

**Port Chester Village**

**Mayor Dennis Pilla & Board of Trustees**

**222 Grace Church Street**

**Port Chester, New York 10573**

**Dear Mayor Pilla and Board:**

**Thank you for your cooperation in the past regarding the 4<sup>th</sup> of July Festivities. We are once again asking for permission to hold our fireworks in The John Ryan Stadium at the Port Chester Senior High School in Port Chester.**

**Also for several years, the Village of Port Chesrer voted on helping us finance this spectacular evening of fireworks, awards presentation to the school children and awards to outstanding individuals and organizations in the community. We appreciate your generous donation of \$5000. 00 and hope that you can continue your generosity again this year.**

**Thursday, July 4<sup>th</sup> 2013 will be the 66<sup>th</sup> year of this celebration which is scheduled to take place in the Port Chester Senior High School's Ryan Stadium at 7:30PM.**

**Accept this letter as your personal invitation to this wonderful event.**

**We thank you for your kind consideration and cooperatio im this matter and look forward to having you join us on the dais the night of July 4<sup>th</sup>. 2013**

**If you have any questions, please call me at 914-939-8291, or email me at nancyglogan@gmail.com**

**Sincerely,**

***Gerald Logan, Chairman***

Tav Passarelli  
117 Neuton Avenue  
Port Chester, NY 10573



March 12, 2013

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

Re: Proposed zoning - Modified DW2 District

Dear Mayor Pilla and Members of the Village Board:

As a resident, a commercial property owner and a Waterfront Commission member, I would like to state for the record, my concerns with respect to the rezoning of waterfront properties along Willett Avenue to the Mill Street Bridge along Abendroth Avenue.

I would respectfully request my property, 1- 11 Willett Avenue, remain classified as a C2 zone, like the 1 Mill Street property, known as Sam's Bar and Grill. In 2000, I too established my property as an operating restaurant along the Port Chester waterfront. Currently my property is now being operated as Bartaco, and will continue to do so for many more years.

My chief concern is that, if this property is to be converted to C2 to DW2, I fear I will receive a letter from Port Chester's Zoning Board, that I will have to modify the deck and provide a promenade along the waterfront. This would be unfeasible for me financially, and to continue my obligation with Bartaco. A public access promenade has already been provided by connecting the Village's promenade to the Mariner's promenade via the exterior front and rear of my building. In regards to the deck in front of the waterfront, it was strongly recommended, and permission was granted by the Village of Port Chester to construct the deck along with the building in 1999 as part of my relocation settlement with G&S. Hence, Ebb Tide Seafood was established. Furthermore, Trustee Bart Didden acknowledged at the March 4, 2013 Village Board meeting, that this in fact was the case. The Mariner's required public access promenade exists around the rear of my

building and that in fact I have provided dully all requirements to the Village. Trustee Didden further stated if the building's current use were to change, the deck would perhaps have to then be modified.

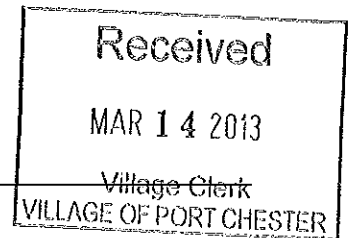
As a member of the Waterfront Commission, I would like to make the following recommendations. Develop an alternative plan to provide a public access promenade from the Mariner to Mill Street bridge that would include the use of a cantilever boardwalk in front of the waterfront properties. According to my deed of records, it is my understanding, and perhaps for the Mariner as well, that we own the land beneath the water, approximately 10' distance from the bulkhead to the pier line. This was established a century ago by authorizing agencies of New York State and the Federal government.

This alternative plan would allow the Village to bequest from the property owner or developer to build a cantilever promenade as part of their application process. This would allow an opportunity for the property owner and/or developer to retain as much as their floor space, and perhaps lessening the impact of the required parking spaces. By use of this alternative plan, will give the Village an extension of their promenade with a more nautical theme, rather than just pavers and grass. Furthermore, this alternative plan not only will enhance downtown Port Chester, but it will also not devalue the property owner's land.

Sincerely yours,



Tav Passarelli



WRITTEN COMMENTS

To: Honorable Members of the Board of Trustees  
From: Eileen M. Geasor, 30 Pilgrim Drive, Port Chester, NY 10573  
Date: March 14, 2013  
Re: Changes to Draft Official Zoning Map Regarding Property Now Known as 28½ Pilgrim Drive

The vacant land currently known as 28½ Pilgrim Drive is a paper street on the Official Zoning Map of the Village of Port Chester (Exhibit A). The Draft Official Zoning Map of the Village of Port Chester changes the paper street to a lot (Exhibit B).

The Board of Trustees (BOT) should *not* change the paper street to a lot on the Draft Official Zoning Map for the following reasons.

- 1. The Board of Trustees has a stated policy that it will “not doing anything” while litigation is pending.**

This property is currently the subject of litigation in Westchester County Supreme Court.<sup>1</sup> The Mayor stated at the last meeting the Board cannot do anything while there is litigation pending; this property is “off limits”. But, in fact, the Board *is* doing something—you are changing this property from a paper street to a lot on the Draft Official Zoning Map. To be fair to all parties, the BOT should abide by its stated policy and not change the paper street to a lot on the Draft Official Zoning Map while this matter is being adjudicated in the Supreme Court.

- 2. Other Village Boards reviewing this property are not taking any action until the litigation is resolved.**

This property is currently before the Port Chester Zoning Board of Appeals (ZBA). The ZBA application was first submitted in March 2012. After eight months of evidence and testimony, the ZBA determined it would be improper for them to make a decision now that the Supreme Court case appears to be ripe for substantive action. At the very least, the BOT should postpone changing the paper street to a lot on the Draft Official Zoning Map until there is a judicial determination regarding this property.

- 3. The lot on the Draft Official Zoning Map was not validly created.**

Mr. Steers stated in a memo to the Zoning Board of Appeals the paper street became a lot when the Zoning Map was revised “based on the Town of Rye assessor’s parcel data”. This is a violation of Chapter 79 of the Village Code. According to §79-3, only the Board of Trustees can grant subdivision approval for a lot to appear on the Official Zoning Map; neither the Building Inspector nor the Town of Rye Assessor has the authority to create a lot on the Official Zoning Map.

<sup>1</sup> *Eileen Geasor, Tina Telesco & Tim Telesco v. William Gerety and Drayton Gerety, Brian Salerno, The Town of Rye, The Village of Port Chester and Village of Port Chester Zoning Board of Appeals*, Supreme Court of the State of New York, County of Westchester, Index No. 55745/12.

**4. The Westchester County Clerk has no record of this lot being created.**

The Official Zoning Map is created from the subdivision maps filed with the Westchester County Clerk. According to Chapter 79 of the Village Code, the only way to create a lot is through the subdivision approval process.<sup>2</sup> The final step of this process requires filing the new subdivision map with the Westchester County Clerk. As you can see from the attached record of subdivision maps filed with the Westchester County Clerk (Exhibit C), there is *no* record of any newly filed subdivision map for Pilgrim Drive after 1947. The most recently filed subdivision maps are for the property 15 Quintard Drive which was originally subdivided in 2001 and re-subdivided in 2008. Notably, the subdivision approvals for 15 Quintard Drive went before the BOT as required by the Zoning Code.

**5. The Board of Trustees will be setting a dangerous precedent.**

Condoning Mr. Steers' unilateral creation of a lot on the Draft Official Zoning Map, in direct violation of the Zoning Code, is tantamount to allowing a Building Inspector to usurp the legislative determination of the Board of Trustees as expressed in the Zoning Code. Establishing this dangerous precedent destroys the very foundation of zoning itself.

For the above-stated reasons I respectfully request you *not* change the paper street to a lot on the Draft Official Zoning Map.

---

<sup>2</sup> As per Chapter 79—Official Map and Chapter A402—Land Subdivision Regulations of the Village Code, the subdivision approval process requires a subdivision application be submitted to the Planning Commission which reviews the application and holds a public hearing. If Planning supports the application, it recommends it to the BOT for final approval. The BOT holds a public hearing on the application. If the application is approved by the BOT, a resolution is passed and the new subdivision map is filed with the Westchester County Clerk allowing the property to become a lot on the Official Zoning Map.

# **EXHIBIT A**

**Pertinent Portion of  
Official Zoning Map**



# **EXHIBIT B**

## **Pertinent Portion of Draft Official Zoning Map**



# **EXHIBIT C**

**All Subdivision Maps for  
Pilgrim Drive Filed with  
The Westchester County Clerk**

## Map Search results

Map #	Block #	Town	Map Title	Map Date	Details
10698	0006428	Rye Town	Section 1 Subdivision Map Of Tower Hill	1956/08/08	Details
10907	0006428	Rye Town	Section 2 Subdivision Map Of Tower Hill Village...	1957/01/16	Details
11100	0006428	Rye Town	Section 3 Subdivision Map Of Tower Hill Village...	1957/02/01	Details
11101	0006428	Rye Town	Section Four Subdivision Map Of Tower Hill Vill...	1957/03/01	Details
12224	0006428	Rye Town	Subdivision Map Of Sky Meadow Section One Villa...	1958/01/28	Details
14867	0006428	Rye Town	Subdivision Map Of Skymeadow Section 2 Village...	1966/03/31	Details
21448	0006428	Rye Town	Lori Arnold - Subdivision Plan Property Of - Su...	1983/11/28	Details
2436	0006428	Rye Town	Laura A. Palmer - Subdivision Of A Portion Of P...	1922/08/29	Details
26883	0006428	Rye Town	Rouse Property Subdivision Plan	2001/06/27	Details
28108	0006428	Rye Town	Resubdivision Prepared For Andrew & Kathleen Za...	2008/02/04	Details
3812	0006428	Rye Town	Alden Subdivision Section 1	1931/08/21	Details
4571	0006428	Rye Town	Map Of Alden Estates	1937/10/08	Details
4606	0006428	Rye Town	Revised Map Of Block F Alden Estates	1937/12/21	Details
4607	0006428	Rye Town	Revised Map Of Block C Alden Estates	1937/11/20	Details
4658	0006428	Rye Town	Map Of Alden Estates	1938/03/10	Details
4728	0006428	Rye Town	Amended Map Of Alden Estates	1938/06/11	Details
4872	0006428	Rye Town	Map Of Modification Agreement Betwwen Migones S...	1939/01/21	Details
4892	0006428	Rye Town	Alden Estates Town Of Rye Revised Map Of Lots 1...	1939/01/21	Details
4957	0006428	Rye Town	Revised Map Block 2 Quintard & Francis Lane At...	1939/04/12	Details
5143	0006428	Rye Town	Portions Of Lots 10r & 11r Revised Map Of Block...	1938/04/12	Details
5201	0006428	Rye Town	Amended Revised Map Of Block D - Alden Estates	1940/05/31	Details
6505	0006428	Rye Town	Alden Estates - Pilgrim Drive Section	1947/10/14	Details
6561	0006428	Rye Town	Alden Estates - Upland Plots	1947/12/18	Details
6819	0006428	Rye Town	Kings Ridge - Map Of	1949/02/11	Details
8398	0006428	Rye Town	Burdsall Estates Village Of Portchester Subdivi...	1953/06/27	Details
8452	0006428	Rye Town	Portchester - Map Of Portion Of Property Belong...	1953/05/04	Details
VOL79 PG70-2	0006428	Rye Town	Proposed Road Abutting Palmer Properties [hous...	1933/07/22	Details
VOL79 PG7-1	0006428	Rye Town	Proposed Road Bordering Property Of Isobel F. P...	1933/07/22	Details

**BY ELECTRONIC MAIL  
and FIRST CLASS MAIL**

March 14, 2013

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

Re: Village of Port Chester Zoning Code and Map Amendments

Dear Mayor Pilla and Members of the Board of Trustees:

Reference is made to the Village of Port Chester proposed Zoning Code and Map Amendments. We are land use counsel for affiliates of Starwood Capital Group (hereinafter "Starwood"), the owner of certain property located at 406 Boston Post Road, more commonly referred to as the former "United Hospital Site." As the owner of the former Hospital Site, Starwood has a significant interest in the growth and development of the Village of Port Chester, and has a large stake in how the Board ultimately amends the Village's Zoning Code and Map. As this Board is well aware, since the release of the draft Comprehensive Plan in January 2012, we appeared at every public hearing, at work sessions with the Board and at meetings with Village Staff in connection with this matter.

On December 17, 2012, this Board adopted a final Comprehensive Plan, together with its SEQRA Findings Statement. With respect to the rezoning of the Hospital Site, the Findings Statement states (among other things) that "...as with each alternative scenario, the precise impacts could vary based on specific development proposals."<sup>1</sup> The Findings Statement further notes that, "...the owner submitted information regarding asserted comparables by which to gauge the number of school children from its proposal. That information is part of the GEIS; however, a detailed analysis of such a submission best awaits a site-specific review of a particular proposal."<sup>2</sup>

Notwithstanding the foregoing to the contrary, the Village is now proposing to rezone the United Hospital Site from a Two-Family Residential ("R2F") Zoning District to its proposed, new Planned Mixed Use ("PMU") District without completing the contemplated site specific analysis for the former United Hospital Site. At this point, it is well recognized by all parties that the future development of the Hospital Site is a critical factor in the overall implementation of the Comprehensive Plan, as the FGEIS specifically mentions this Site on approximately 55 pages – significantly more than any other property in the Village. With that in mind, we respectfully

---

<sup>1</sup> Lead Agency's Findings Statement With Respect To Adoption Of The Village Of Port Chester Comprehensive Plan And Zoning Text And Map Amendments, adopted December 17, 2012, ("SEQRA Findings Statement") at p. 10.

<sup>2</sup> SEQRA Findings Statement, at p. 10, FN4.

Mayor Dennis Pilla  
And Members of the Board of Trustees  
March 14, 2013  
Page -2-

submit this letter as Starwood's comments on the proposed Zoning Code and Map Amendments, specifically as it relates to the draft PMU District which applies only to the United Hospital Site.

*The PMU Zoning Text and Map Amendments*

Reference is made to proposed Section 345-62, the proposed PMU Zoning District Text Amendment, and our comments previously presented to the Board of Trustees and Village Staff. The successful redevelopment of the United Hospital Site will be dependent on, among other things, the economic feasibility and factors such as market conditions, demand drivers, and financing conditions, which further support the importance of completing the site specific analysis for this Site. Nonetheless, with the current draft Zoning Text Amendments, the Village is proposing to rezone the Hospital Site from a R2F District to the proposed, new PMU District. Accordingly, we respectfully reiterate our prior suggestions that the Board revise the proposed PMU Text as follows, to afford the flexibility necessary to maximize the redevelopment potential of this property in a way that is both economically viable and beneficial to the community:

- The proposed bulk regulations for the PMU District must be revised to allow for the opportunity to increase the Floor Area Ratio ("FAR") to 1.60 in order to meet current and anticipated market conditions. This increase would of course have to be evaluated as part of the recently initiated SEQRA process for the site-specific redevelopment of the United Hospital Site.
- In the alternative, should the Board decide not to increase the FAR to an as-of-right 1.60, it can maintain the presently proposed FAR of 0.80, but must eliminate the PMU FAR bonus cap of 0.20.<sup>3</sup> This alternative would provide a sensible way to encourage mixed-use development on the United Hospital Site starting with the existing residential 'as-of-right' 0.80 FAR and the ability to layer appropriate bonuses on top of that for other uses. The PMU Text should be revised to stipulate a maximum FAR of 1.60 consisting of one or more uses "where any new development would be properly controlled so as to not result in potential adverse impacts on public schools, traffic and infrastructure" (the same concept that is applied to the Fox Island Subarea). As stated herein, the successful redevelopment of the United Hospital Site will be dependent on economic feasibility. Thus, capping the FAR at 0.80 now without any market studies or data is arbitrary, capricious, and shortsighted for a Village that is looking for innovative ways to grow its ratables.

A revision reflected in either of these bullet points would be consistent with the approved Comprehensive Plan and still leave the Board of Trustees with control and complete discretion

---

<sup>3</sup> See, Footnote 5 in Section 345 Attachment 3B, Schedule of Regulations for Nonresidential Districts Part 2, Dimensional Regulations. The FGEIS fails to provide any grounds whatsoever as to how the 0.20 FAR cap was arrived at, other than a conclusory explanation that this amount constitutes a 25% increase over the as of right FAR.

Mayor Dennis Pilla  
And Members of the Board of Trustees  
March 14, 2013  
Page -3-

over any proposed density increases that would be available under the proposed Floor Area Bonus Program.<sup>4</sup> Either requested revision above would permit the Board to evaluate Starwood's proposal and concept on its merits and not in a vacuum, and further make a determination based on the proposed design, mitigation of potential impacts, a review of market conditions and good planning principles. Indeed, the site specific evaluation, which is fully contemplated by the Board's SEQRA Findings Statement, would afford the Board the necessary opportunity to develop appropriate zoning standards in accordance economic realities and the Comprehensive Plan.

In addition to the above mentioned essential modifications relative to the PMU density requirements, we also reiterate the importance of making the following changes to the proposed Zoning Text in order to achieve the foregoing goals, as well as those set forth in the Comprehensive Plan:

- The PMU FAR should not be dissected (as proposed) based on individual uses as factors of a total FAR, but rather propose a single maximum FAR for the entire parcel consistent with the existing zoning of the Hospital Site, as well as every other zoning district in the Village, regardless of which FAR scenario the Board adopts.<sup>5</sup> The Board along with Village Staff agreed to revise the Draft Comprehensive Plan to remove the chart that imposed rigid allocations of FAR for specific planner approved uses – i.e., hotel/conference center, commercial, residential, age restricted, and community facility. However, the Board has not yet amended the draft PMU Text to conform with that change. The FGEIS does not provide any evidence justifying the inclusion of these unprecedented development limitations. Striking the rigid FAR matrix allocations will make the proposed PMU Text consistent with the Comprehensive Plan revisions that the Board has already approved. Such changes to the PMU text will not curb the Board's control over the review and approval of Starwood's project plans. Further, any density or height bonuses sought by Starwood will be completely discretionary and thus subject to transparent review and approval by the Board. Put another way, if the Board incorporates Starwood's proposed PMU revisions, the Village will have zoning in place that is consistent with the Comprehensive Plan, and the flexibility to review Starwood's proposal on the actual merits of the application, while preserving complete control over any bonus increases.<sup>6</sup>
- Similarly, a single maximum PMU building height of 8 stories/85 feet should be adopted, rather than the dissected approach of maximum permitted heights based on individual uses.

---

<sup>4</sup> See, Floor Area Bonus Program available pursuant to proposed Zoning Code Section 345-16.

<sup>5</sup> Indeed, the only property in the entire Village that this apportioned FAR and building height approach will be applicable to is the United Hospital Site.

<sup>6</sup> See, Cuddy & Feder submission, dated December 3, 2012, for Starwood's Revisions to Zoning Amendment Text.

Mayor Dennis Pilla  
And Members of the Board of Trustees  
March 14, 2013  
Page -4-

In accordance with the Comprehensive Plan, this revision to the proposed zoning text would foster innovative building design consistent with “Village” character.

- The Board should consider a broader density program that permits the acceptance of a “community facility” and/or land in lieu of, or in addition to, a monetary contribution in exchange for such floor area or height bonus that is now contemplated to maintain the maximum flexibility in the future.
- “Ground floor office as accessory to multi-family development” should be a Permitted Principal Use in the PMU District as opposed to a Special Exception Use. The PMU text proposes to permit “office, office building...” as a Principally Permitted Use. We do not see the distinction between these two uses, particularly given the lack of Code definitions distinguishing between them. Nor can we find any justification for such distinction in the FGEIS. This lack of distinction could lead to an ambiguous and arbitrary interpretation of these two effectively equivalent uses and the imposition of an additional layer of processing that might not be warranted. Accordingly, the “ground floor office as accessory to multi-family development” must be eliminated as a specially permitted use.

*Response to Director of Planning and Development’s  
March 1, 2013 Memorandum (the “Memorandum”)*

Despite the Memorandum’s position to the contrary, the fact remains that the United Hospital site is the only major residential/mixed-use site in the Comprehensive Plan that had specific FAR requirements. In the noted section of the Comprehensive Plan, the language read “the existing FAR of the United Hospital Site is 0.80; it is recommended that this FAR be *maintained* under the proposed rezoning.” (Emphasis added.)<sup>7</sup> The Plan however, failed to provide any legitimate or supported basis as to why this Site is now being treated differently than the Purdy Avenue or Fox Island Subareas. For these areas, the Plan simply suggested a “de-emphasis on future residential uses,” and that “...any new residential development would be properly controlled so as to not result in potential adverse impacts on public schools, traffic and infrastructure.”<sup>8</sup>

Further, the Memorandum disagrees with our position that the proposed downsize in residential FAR constitutes an arbitrary and capricious reduction that equates to a 75% diminution of the current ‘as-of right’ zoning. As this Board may recall, we previously noted that while the Comprehensive Plan suggests the FAR be maintained, the proposed PMU Text for the Hospital Site would actually downsize residential development from 0.80 FAR to 0.20 FAR, and encourages buildings with more than one use. The proposed PMU Text would destroy the greater part of the value of the Site because it permanently precludes the use for which it is most readily

<sup>7</sup> See, Proposed Port Chester Comprehensive Plan, dated March 21, 2012, p. 154.

<sup>8</sup> See, Proposed Port Chester Comprehensive Plan, dated March 21, 2012, p. 153.

Mayor Dennis Pilla  
And Members of the Board of Trustees  
March 14, 2013  
Page -5-

adapted. New York's highest court has held such actions to be an unconstitutional *de facto* taking.<sup>9</sup>

We request that the Board of Trustees consider our foregoing points in a collective manner, and in conjunction with the Memorandum's responses, so that the Board may truly understand the misplaced objectives stemming from adopting the proposed draft PMU Text. The Memorandum simply justifies the disparate treatment of the United Hospital Site by stating that this property is "...the largest undeveloped parcel(s) left in [the] Village..."<sup>10</sup> The Memorandum however, fails to explain why this justifies the imposition of additional regulations on the United Hospital Site that are not being proposed for any other property in the Village.

Nonetheless, despite the lack of explanation, it remains clear from the Memorandum and from prior comments made by Board members, that the Village is seeking to cure various purported Village wide problems (i.e., burden on schools, traffic, etc.), to the extent that they have been speculatively trumpeted by project opponents, by proposing overly restrictive and oppressive PMU regulations on the United Hospital Site. This Board must recognize however, that the theoretical solution to these currently unsupported issues "does not lie in placing an undue and uncompensated burden on the individual owner of a single parcel of land in the guise of regulation, even for a public purpose."<sup>11</sup> Thus, any action taken by the Board of Trustees in this manner would result in the improper use of its authority.<sup>12</sup>

For instance, even ignoring the fact that the Board's SEQRA record actually demonstrates that the Village's proposed PMU Text will actually increase the likelihood of certain adverse impacts on the Village (i.e., the proposed PMU District will have a greater impact on traffic than the Starwood "Increased Overall Density Scenario")<sup>13</sup>, the Memorandum's response to our claim that a *de facto* taking would result from the adoption of the proposed PMU Text is flawed. Indeed, the Memorandum attempts to demonstrate that there is no *de facto* taking simply because the proposed PMU District would permit more residential units under a straight residential unit analysis. What this analysis fails to consider however, is that Starwood's comparison is based on the ability to utilize a 0.8 FAR for only a residential use under the new PMU zoning and yielding a 0.8 FAR density. Put another way, Starwood's analysis was not, and should not be conducted on a per unit basis, but rather a comparison 0.8 FAR to a 0.2 FAR based on square footage. As we have noted several times before, and maintain herein, the proposed PMU Text would effectively

---

<sup>9</sup> See, Vernon Park Realty, Inc. v. City of Mount Vernon, 307 N.Y. 493 (1954).

<sup>10</sup> SEQRA Findings Statement, at p. 10, FN4.

<sup>11</sup> See, Vernon Park Realty, Inc., 307 N.Y. 493 (1954).

<sup>12</sup> See, Vernon Park Realty, Inc., at 498-499 (legislative zoning "power is subject to the constitutional limitation that it may not be exerted arbitrarily or unreasonably.")

<sup>13</sup> See, Port Chester Comprehensive Plan and Zoning Map and Text Amendments Final Generic Impact Statement, dated November 2012, Table 24, Planned Mixed Used ("PMU") Zone Trip Generation Summary, at p. 110.

Mayor Dennis Pilla  
And Members of the Board of Trustees  
March 14, 2013  
Page -6-

preclude the use of the Site for the purpose for which it is most readily adapted, and currently zoned for (i.e., residential development).

*The Board Should Delay Adopting a PMU District  
Until a Site Specific Review is Completed*

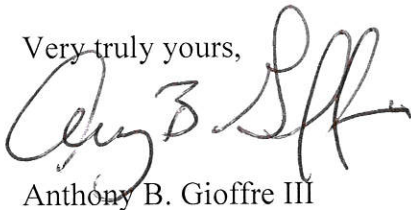
If the Board of Trustees is still not inclined to make Starwood's proposed changes to the PMU text now, the Board should "do no harm" by not adopting any PMU zoning map or text amendments for the United Hospital Site. State Law does not mandate the simultaneous adoption of zoning amendments with a Comprehensive Plan, but rather encourages their adoption after careful consideration, and in accordance with the Plan. Indeed, the Findings Statement the Board adopted in connection with the Comprehensive Plan specifically contemplates a site specific review. Further that some variant of a PMU District could be found to be as or even more consistent with the Comprehensive Plan than the Village's proposed PMU District.

The "do no harm" alternative, which has been vetted by the Village Attorney and Staff, would leave the existing R2F zoning intact. While the "do no harm" approach is not ideal for the Village or for Starwood, it is certainly preferable to a situation that pits both parties against each other at a time when we should be working together. Moreover, this option would at least prevent the Board from adopting a zoning text amendment that is in conflict with the changes made to the approved Comprehensive Plan.

Conclusion

We strongly encourage the Board to amend the proposed text of the 2012 Port Chester Planned Mixed Use ("PMU") Zoning District to address the above mentioned revisions, or alternatively to incorporate the R2F alternative. Thank you for your continued consideration.

Very truly yours,



Anthony B. Gioffre III

cc: Christopher D. Steers, Village Manager  
Anthony M. Cerreto, Esq., Attorney for Village of Port Chester  
Christopher Gomez, Village Planner  
Mark A. Chertok, Esq., Sive Paget & Riesel P.C.  
Vince Ferrandino, AICP, Ferrandino & Associates, Inc.  
Frank S. Fish, BFJ Planning  
James E. Raved, Esq.  
Jonathan Ginsburg

Mayor Dennis Pilla  
And Members of the Board of Trustees  
March 14, 2013  
Page -7-

David B. Smith, VHB  
Joseph P. Carlucci, Esq.  
Anthony F. Morando, Esq.

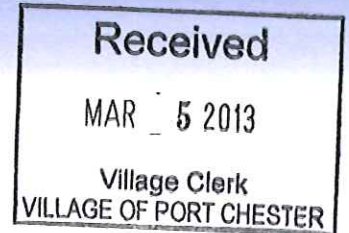


## Lou Del Bianco

16 Village Green  
Port Chester, NY 10573

PHONE: (914) 937-0897 FAX: (914) 937-0227

E-MAIL: [LOU@FindLou.com](mailto:LOU@FindLou.com)  
[www.FindLou.com](http://www.FindLou.com)



March 4, 2013

Village Of Port Chester  
222 Grace Church  
Port Chester, NY 10573

Dear Mayor and Village Board,

My name is Lou Del Bianco. I am writing to you about being put on the agenda for your Monday March 18 Board meeting.

As you may already know, I met with the Parks Commission several times about erecting a memorial dedicated to my grandfather, Luigi. He was the chief carver on Mount Rushmore. The memorial will be made possible through donations from the community.

My sculptor put together a rendering of what the Luigi Del Bianco memorial would look like in the traffic island on North Regent St. just before the light at Irving Ave. (Please refer to attached photo).

The cement planter makes an ideal base for the memorial and allows for a much smaller stone to mount the plaque. By the way, the plaque will measure approx. 24" long by 18" tall.

What I love about this location is the amount of foot traffic that occurs on this street on a daily basis. In particular are the many high school students who would walk past this memorial every day and for years to come!

Please keep in mind that this rendering is not exact and the final plaque will be bronze with beautiful gold lettering. The stone can also be more natural looking. Still, I feel it gives you all a good idea of the final look and how it will enhance the neighborhood and most of all gives well deserved credit to Luigi Del Bianco.

The Parks Commission has advised me that any decision is out of their jurisdiction and they have referred me to you. I think the March 18 meeting would be a perfect time to discuss the Memorial in detail and move forward.

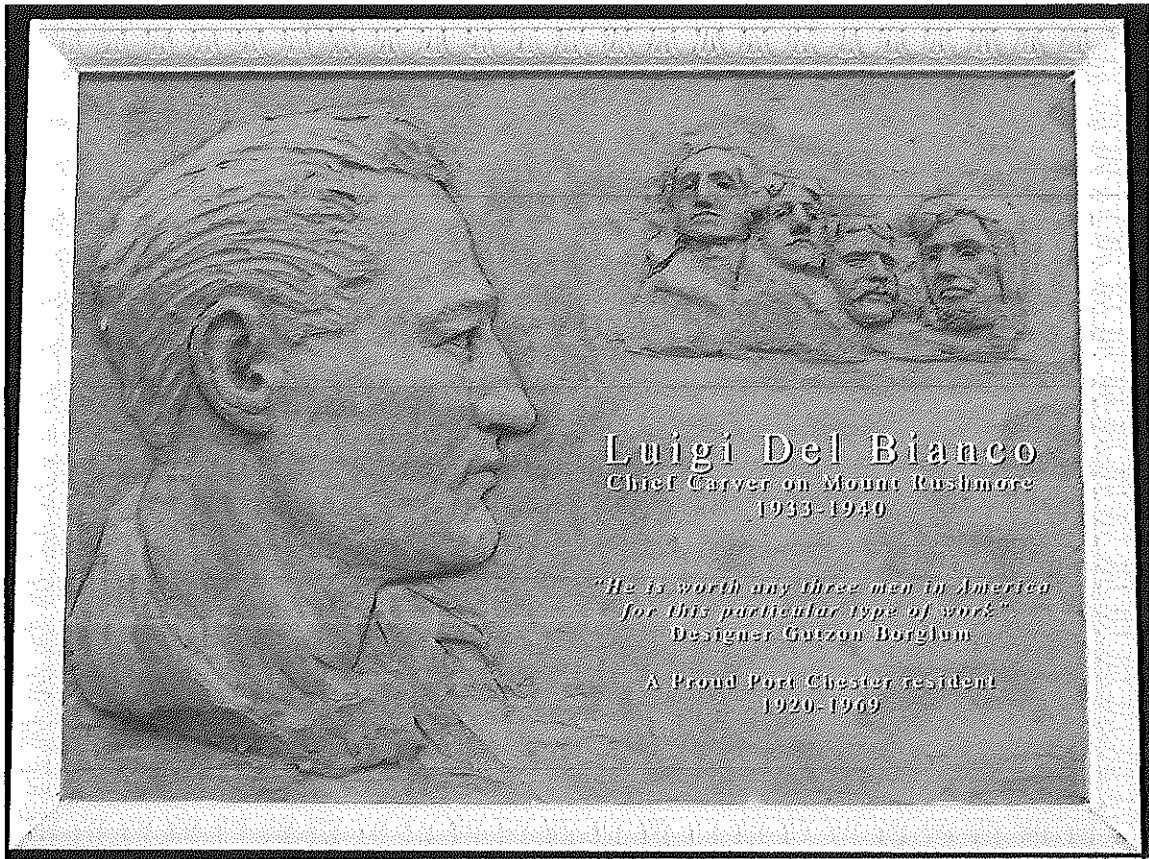
Feel free to contact me at 914-937-0897 if you have any questions

Thank you for your time and attention.

Sincerely,

Lou Del Bianco

Cc: Village Clerk  
Heather Krakowski



**Luigi Del Bianco**  
Chief Carver on Mount Rushmore  
1933-1940

*"He is worth any three men in America  
for this particular type of work."*  
Designer Gutzon Borglum

A Proud Port Chester resident  
1920-1969



LUIGI DEL BIANCO  
Chief Carver on Mount Rushmore  
1933-1940

Luigi Del Bianco was hired by Gutzon Borglum in 1933 to be Chief Carver on the Mount Rushmore National Memorial for 8 years. “Bianco” was in charge of carving “the refinement of expression in the faces”; something only a true artist could do. In Borglum’s own words, Luigi Del Bianco was “worth more than any 3 men in America for this kind of work”.

Luigi Del Bianco lived in Port Chester, N.Y. from 1920 to his death in 1969. Even though he will be best known for carving the faces of an iconic sculpture, Luigi contributed much to his adopted village. He carved the bases and erected the statues of the Spanish War Memorial, the Virgin Mary at Holy Rosary School, Columbus at Columbus Park, as well as several statues for Corpus Christi Church. Luigi also carved over 500 headstones for St. Mary’s cemetery from his little studio on Clinton St.

Luigi Del Bianco inspired all who came in contact with him: from the school children who watched him carve to the ones he took under his wing and who later became artists them selves. So many people have wonderful stories about the man who lived on Clinton St. and helped carve a mountain!

Recently, Luigi’s great accomplishment put Port Chester in the national spotlight when the popular tv show “CAKEBOSS” came to Port Chester and made a Mount Rushmore cake in his honor. It was at this event that buzz for a permanent memorial started.

The Del Bianco family envisions the memorial to be a beautiful addition to our wonderful Village. We look forward to working with you make this memorial a reality!

For more info on Luigi Del Bianco, you can go to:

[www.luigimountrushmore.com](http://www.luigimountrushmore.com)

# MINUTES

## **MEETING HELD DECEMBER 3, 2012**

A meeting of the Board of Trustees of the Village of Port Chester, New York, was held on Monday, December 3, 2012 at 6:00 P.M., in the Court Room of the Police Headquarters Building, 350 North Main Street, Port Chester, New York, with Mayor Dennis Pilla presiding.

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

It should be noted that Trustee Branca was absent.

Also present were Village Manager, Christopher Steers; Village Clerk, Janusz R. Richards; Village Attorney, Anthony Cerreto; Village Treasurer, Leonie Douglas and Administrative Aide to the Village Manager, Chris Ameigh.

On motion of Trustee Kenner, seconded by Trustee Marino, the meeting was declared opened at 6:07 p.m.

Roll Call

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

NOES:

ABSENT: Trustee Branca

### **MOTION FOR EXECUTIVE SESSION**

At 6:08 p.m., on motion of Trustee Kenner, seconded by Trustee Marino, the Board of Trustees adjourned into the first executive session to interview a candidate for appointment to Industrial Development Agency (IDA).

Roll Call

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

NOES: None

ABSENT: Trustee Branca

No Action was taken in the first executive session.

At 6:20 p.m., on motion of Trustee Kenner, seconded by Trustee Didden, the Board of Trustees closed the first executive session.

Roll Call

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

NOES: None

ABSENT: Trustee Branca

At 6:22 p.m., on motion of Trustee Didden, seconded by Trustee Marino, the Board of Trustees adjourned into a second executive session to discuss the CSEA negotiations with counsel.

Roll Call

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

NOES: None

ABSENT: Trustee Branca

No action was taken in executive session.

At 6:29 p.m., on motion of Trustee Kenner, seconded by Trustee Marino, the second executive session was closed.

Roll Call

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

NOES: None

ABSENT: Trustee Branca

At 6:30 p.m., on motion of Trustee Terenzi, seconded by Trustee Marino, the Board of Trustees adjourned into a third executive session for consultation with special counsel, Mark Chertok and Tony Cerreto, regarding Starwood application and Comprehensive Master Plan.

Roll Call

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

NOES: None

ABSENT: Trustee Branca

No action was taken in executive session.

At 7:06 p.m., on motion of Trustee Didden, seconded by Trustee Kenner, the third executive session was closed.

Roll Call

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

NOES: None

ABSENT: Trustee Branca

After a short recess, on motion of Trustee Didden, seconded by Trustee Kenner, the public portion of the meeting was reopened at 7:20 p.m.

Roll Call

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

NOES: None

ABSENT: Trustee Branca

### **AWARD PRESENTATION**

#### ***Presentation to Port Chester High School Boys Varsity Soccer Team***

Mayor Pilla spoke to the audience about the Port Chester High School Boys Varsity Soccer Team made history in Port Chester by winning Class A, Sectionals and Regional Championships. The Port Chester High School Boys Varsity Soccer Team went on to play in the New York State Championship game and placed second in New York State. Mayor Pilla proclaimed that Wednesday, December 5, 2012 as the Port Chester High School Boys Varsity Soccer Team Day and presented to each team member, as well as one for the high school, their individual proclamation.

### **ADD-ON REPORT- SEWER RENT PROGRAM**

The Board unanimously agreed to add on an update from Mr. Dichter regarding the sewer rent program.

Mr. Dichter said that it took a while for United Water to figure out how they wanted to proceed with the proposed sewer rent program agreement. The proposed agreement will consist of two parts. The first part will consist of sharing with the village the consumptions of residential and commercial properties. The second part will consist of the terms for billing and collection.

Mr. Dichter said that the petition for the Village's proposed sewer rent program was sent to the Public Service Commission (PSC) and hopes to have an approval in the next few weeks.

Mr. Dichter said that General Municipal Law provides municipalities to charge sewer rent and gives alternative ways to do the billing. The following alternative ways are:

1. Based on water consumption
2. Number of plumbing fixtures on the property
3. Number of people on premises
4. Volume and character of the discharge (this is based more towards businesses)
5. Any other equitable basis for doing so or a combination of the ways listed above.

Trustee Didden asked Mr. Dichter if he knows of anyone in New York State using the methodology of number two (2) and three (3). Mr. Dichter answered that he does not know of any municipalities in New York State, but there are some municipalities that do use the plumbing fixtures method as a means of doing the billing, as well as the number of bathrooms.

Mayor Pilla asked Mr. Dichter about the time frame for the sewer rent set up. Mr. Dichter answered that the set up should be complete by March 2013 and the sewer rent billing program should begin in May 2013.

Mr. Dichter said that he will speak to the Board again when he has an update from the Public Service Commission.

## **PUBLIC COMMENTS**

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

Ms. Goldie Solomon commented about property taxes and Starwood Capital. Ms. Solomon also wished everyone a Merry Christmas and a happy new year.

Ms. Ellen Keenan commented regarding permit parking on Oak and Grove Street. Mr. Steers said that he will follow-up with Ms. Keenan in regards to the permit parking situation.

Mr. Reavis commented regarding Ms. Keenan's parking permit situation, traffic congestion in the village and the African American cemetery.

Mr. Abel commented about G & S and the traffic congestion in the village. Mr. Abel also commented about the Final Generic Environmental Impact Statement (FGEIS) resolution and hopes that the Board passes it at tonight's meeting.

Mayor Pilla commented that his goal is to complete the outstanding intersections in the village and as of January 1, 2013, the village will have the right to elect the responsibility to complete the outstanding intersection between Broad and Pearl Street.

Mr. Gioffre commented regarding Starwood Capital and the Final Generic Environmental Impact Statement report and resolution.

Mr. Steve Simmons commented regarding Starwood Capital and the former United Hospital site and Comprehensive Plan.

## **PRESENTATION**

### ***From Planning staff and Consultants regarding Route 1 Corridor Study and Housing Study.***

Mr. Ferrandino of Ferrandino Associates spoke regarding the statistics and findings for the housing and corridor study. The Board asked several questions to Mr. Ferrandino and one of his associates and there was further discussion on both studies. Mayor Pilla asked Mr. Steers to set up a workshop regarding the findings on both studies.

## RESOLUTIONS

### *Add-on resolution*

Trustee Brakewood made a motion to add-on the resolution for the appointment of Mr. Frank Ferrara to the Industrial Development Agency, seconded by Trustee Didden.

### ROLL CALL

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

NOES: None

ABSENT: Trustee Branca

DATE: December 3, 2012

## RESOLUTION

On motion of TRUSTEE DIDDEN, seconded by TRUSTEE KENNER, the following resolution was adopted by the Board of Trustees of the Village of Port Chester,

New York:

RESOLVED, that FRANK FERRARA, residing at 29 Lafayette Drive, Port Chester, New York, be and he hereby is appointed a member of the Port Chester INDUSTRIAL DEVELOPMENT AGENCY, in place and in the stead of Philip Siemprevivo, effective immediately, and to serve at the pleasure of the Board of Trustees.

### ROLL CALL

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

NOES: None

ABSENT: Trustee Branca

DATE: December 3, 2012

## RESOLUTION

### COMPREHENSIVE PLAN AND RELATED ZONING AMENDMENTS ACCEPTANCE OF FINAL GENERIC ENVIRONMENTAL IMPACT STATEMENT AS COMPLETE

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

WHEREAS, the Board of Trustees adopted a Positive Declaration directing that a Draft Generic Environmental Impact Statement [DGEIS] be prepared with regard to the Village's proposed Comprehensive Plan and related zoning amendments; and

WHEREAS, the Board of Trustees adopted a Scoping Document on May 7, 2012 for which a DGEIS was prepared for the Comprehensive Plan and related zoning amendments; and

WHEREAS, the DGEIS and appendices were prepared by Ferrandino & Associates Inc. and submitted to the Board of Trustees on September 26, 2012, independently reviewed and accepted by the Board as adequate with respect to its scope and contents for the purpose of commencing public review; and

WHEREAS, the DGEIS was circulated to all involved and interested agencies and made available to the public; and

WHEREAS, a public hearing on the DGEIS was held on October 22, 2012 with the record held open for public comment through the close of business on November 1, 2012; and

WHEREAS; a Final Generic Environmental Impact Statement [FGEIS] and appendices were prepared by Ferrandino & Associates Inc. and submitted to the Board of Trustees on November 30, 2012.

WHEREAS, the Board of Trustees has independently reviewed the FGEIS.

NOW, THEREFORE, BE IT RESOLVED, that the Board determines that the FGEIS is adequate with respect to its scope and content under the State

Environmental Quality Review Act (SEQRA) and is therefore accepted by the Board of Trustees; and be it further

RESOLVED, that the Village Clerk shall file and distribute the Notice of Completion and FGEIS in accordance with the SEQRA regulations; and be it further

RESOLVED, that the Village Clerk shall publish the Notice of Completion in accordance with the SEQRA regulations.

APPROVED AS TO FORM:

---

Village Attorney, Anthony Cerreto

ROLL CALL

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

NOES: None

ABSENT: Trustee Branca

DATE: December 3, 2012

RESOLUTION  
SET PUBLIC HEARING AMENDING CHAPTER 345,  
WITH REGARD TO PERMITTING COSMETIC RECONDITIONING WORK  
ON VEHICLES AT AUTOMOTIVE DEALERSHIP SERVICE CENTERS

On motion of TRUSTEE MARINO, seconded by TRUSTEE BRAKEWOOD  
the

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

New York:

WHEREAS, petition was made for the Board of Trustees to amend Chapter  
345-61 with regard to Automotive Dealership Service Centers so as to permit the  
cosmetic reconditioning of vehicles; and

WHEREAS, the Planning Commission has favorably recommended the  
proposed amendment. Now, therefore, be it

RESOLVED, that a public hearing is to be held on Monday, January 7, 2013 at 7:00 p.m. at the Village Justice Courtroom, 350 North Main Street, Port Chester, New York 10573, to consider the advisability of adopting a local law to amend the Code of the Village of Port Chester, Chapter 345, Section 345-61 W with regard to permitting cosmetic reconditioning work on vehicles at automotive service centers.

Approved as to Form:

\_\_\_\_\_  
Village Attorney, Anthony Cerreto

#### ROLL CALL

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

NOES: None

ABSENT: Trustee Branca

DATE: December 3, 2012

### RESOLUTION

#### RECREATION DEPARTMENT

#### AFTER SCHOOL READING AND VISUAL ART PROGRAMS

On motion of TRUSTEE KENNER, seconded by TRUSTEE MARINO

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

WHEREAS, the Village of Port Chester Recreation Program requires instructors; and

WHEREAS, such services have been appropriated in the 2012-2013 Village Budget; and

WHEREAS, the Recreation Leader has selected several providers to facilitate these programs. Now, therefore, be it

RESOLVED, that the Board of Trustees hereby authorizes the Village Manager to enter into agreements with the following individuals regarding the Village of Port Chester Recreation After-School Reading and Visual Art Program:

-Jean Tummarello as a Reading Facilitator at the rate of \$30/hour per 2 hour session.

-Leslie Hatzel as a Reading Facilitator at the rate of \$30/hour per 2 hour session.

-Eileen Nero as a Reading Specialist at the rate of \$40/hour per 2 hour session

-Deirdre McDermott as an Art Specialist at the rate of \$40/hour per 2 hour session

-Pam Mickatavage as an Art Specialist at the rate of \$40/hour per 2 hour session

-Angela Fuoco as an Art Specialist at the rate of \$40/hour per 2 hour session

-Katherine Loper as an Art & Reading Coordinator at the rate of \$40/hour session; and

be it further

RESOLVED, that funding be made from General Fund Youth Programs Department, Code 7310-434 Reading and 7310-435 Arts.

APPROVED AS TO FORM:

---

Village Attorney, Anthony Cerreto

ROLL CALL

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

NOES: None

ABSENT: Trustee Branca

DATE: December 3, 2012

RESOLUTION  
HOLIDAY PARKING FOR 2012

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

WHEREAS, by letter from the President of the Chamber of Commerce dated November 12, 2012 request has been made that there be free parking on North Main Street, South Main Street, Abendroth Avenue, the lower portion of Willett Avenue from North Main Street to Abendroth Avenue and Westchester Avenue from December 17, 2012 to December 28, 2012 for the Holiday Season; and

WHEREAS, this practice has been a tradition in the Village of Port Chester for many years; and

WHEREAS, this practice not only encourages shoppers and visitors to the Village, the "Restaurant Capital of Westchester County", but also increases property values and the Village's tax base. Now, therefore, be

RESOLVED, that enforcement be suspended so that there will be free parking for up to the maximum two hours of parking starting from a point north of Mill St Bridge in the Byram River, to the Metro North railroad tracks, continuing West and then South along the Metro North tracks to South Main Street, proceeding East on South Main Street and continuing East on Purdy Avenue to the Byram River and then North back to the starting point, and to include all meters on Westchester Avenue for the 2011 Holiday Season from December 17, 2012 to December 28, 2012.

APPROVED AS TO FORM:

\_\_\_\_\_  
Village Attorney, Anthony Cerreto

ROLL CALL

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

DATE: December 3, 2012

RESOLUTION  
STIPULATION OF AGREEMENT  
CSEA – RANK & FILE

On motion of TRUSTEE MARINO, seconded by TRUSTEE KENNER, the following resolution was **tabled to December 17, 2012** by the Board of Trustees of the Village of Port Chester, New York:

WHEREAS, the Village of Port Chester and the CSEA, Local 1000, AFSCME, AFL-CIO, Westchester Local 860 Village of Port Chester Unit (Rank and File) have entered into negotiations for a new multi-year labor agreement for the term of June 1, 2011 through May 31, 2015; and

WHEREAS, those negotiations have been successfully concluded; and

WHEREAS, a Memorandum of Agreement reflecting amendments to the existing labor agreement has been signed by the negotiating teams, and subject to the approval of both the Union and Village; and

WHEREAS, the Association has ratified the Memorandum of Agreement. Now, therefore, be it

RESOLVED, that the Board of Trustees hereby ratifies and approves the Memorandum of Agreement with CSEA, Local 1000, AFSCME, AFL-CIO, Westchester Local 860 Village of Port Chester Unit (Rank and File) in the form annexed herein; and be it further

RESOLVED, that the Village Manager be authorized to execute the successor agreement when it is prepared, and be it further

RESOLVED, that the Board of Trustees authorizes the Village Treasurer to modify the General Fund Budget as follows:

<b>From:</b>		
Contingency – Contractual	1.1990.400	<b>\$82,487</b>
<b>To:</b>		
Justice Court – Personnel Services	1.1110.100	\$7,332
Finance – Personnel Services	1.1320.100	\$3,394
Village Clerk – Personnel Services	1.1410.100	\$1,054
Law – Personnel Services	1.1420.100	\$1,115
Buildings-Village Hall-Personnel Services	1.1621.100	\$1,011

Central Garage-Personnel Services	1.1640.100	\$5,194
Police Civilian-Personnel Services	1.3127.100	\$2,735
Building Dept-Personnel Services	1.3620.100	\$2,718
Code Enforcement-Personnel Services	1.3989.100	\$6,242
Street Administration-Personnel Services	1.5010.100	\$1,873
Street Maintenance-Personnel Services	1.5110.100	\$14,183
Street Cleaning-Personnel Services	1.5190.100	\$1,244
Nutrition (SNAP)-Personnel Services	1.6730.100	\$1,735
Nutrition (Transp.)-Personnel Services	1.6750.100	\$918
Parks-Personnel Services	1.7110.100	\$2,394
Youth Program-Personnel Services	1.7310.100	\$2,314
Refuse/Garbage-Personnel Services	1.8160.100	\$21,170
Social Security-FICA	1.9030.802	\$4,750
Social Security-Medicare	1.9030.810	\$1,111
Total		<b>\$82,487</b>

APPROVED AS TO FORM:

---

Village Attorney, Anthony Cerreto

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

NOES:

ABSENT: Trustee Branca

DATE: December 3, 2012

## **DISCUSSION**

*To extend and/or modify the amnesty program.*

Mayor Pilla spoke regarding the amnesty program. With further discussion from the Board and staff on this subject; the Board agreed that the amnesty program should be extended for an additional four months. The Board asked staff to have a resolution at the next meeting to set up a public hearing for the amnesty program extension.

## CORRESPONDENCES

*From Boy Scout Troop 6, Port Chester, New York*

The Board acknowledged the correspondence and congratulated Daniel Vitagliano on reaching the rank of Eagle Scout.

*From WU/LH 100-110 Midland, LLC, owner of building at which DCH BMW is a tenant, stating they are in favor of Zoning Text change.*

The Board acknowledged the correspondence which will be on the January 7, 2013 meeting as a public hearing.

*From John B. Colangelo representing owner of 18-20 Willett Avenue objecting to Zoning District change from 2C to "DW."*

The Board noted the correspondence for the record. {See insert "A"}

*From Reliance Engine & House, Co., No. 1 requesting permission to sponsor a parade on September 22, 2013 celebrating their 190 years of service to the community.*

The Board referred the correspondence to staff.

*From Ability Beyond Disability.*

Add-on resolution

Trustee Didden made a motion to add-on a resolution to set a public hearing on Monday, December 17, 2012 on the proposal of Ability Beyond Disability. The motion was seconded by Trustee Marino.

ROLL CALL

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

NOES: None

ABSENT: Trustee Branca

DATE: December 3, 2012

RESOLUTION  
SET PUBLIC HEARING TO ESTABLISH  
A COMMUNITY RESIDENTIAL FACILITY

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

RESOLVED, that a public hearing is to be held on December 17, 2012 at 7:00 p.m. at the Village Justice Courtroom, 350 North Main Street, Port Chester, New York 10573, to consider establishing a community residential facility for six (6) developmentally disabled persons on vacant property adjacent to 51 Betsy Brown Road, Port Chester, New York.

ROLL CALL

AYES: Trustees Brakewood, Terenzi, Didden, Marino, Kenner and Mayor Pilla  
NOES: None  
ABSENT: Trustee Branca,  
  
DATE: December 3, 2012

*From Phil Semprevivo resigning from Industrial Development Agency (IDA)*

The Board acknowledged the correspondence and thanked Mr. Semprevivo for his service.

**PUBLIC COMMENTS AND BOARD COMMENTS**

***Public:***

There were no comments from the public.

***Board:***

Trustee Brakewood commented that he is happy that the Master Plan/Comprehensive Plan is moving forward and thanked the staff for their hard

work. Trustee Brakewood commented that he thinks the village is moving in the right direction and hopes that this Board will be able to adopt the Master Plan/Comprehensive Plan.

Trustee Didden also commented regarding the Master Plan/Comprehensive Plan and thanked staff for their hard work. Trustee Didden also thanked staff and acknowledged the Board, Mr. Steers, Mr. Richards, Mr. Pagano, Restaurant Deport, Park Deli, Pathmark and Neri Bakery for the help as well as their donations for the employee luncheon, which was held the day before Thanksgiving. Trustee Didden also congratulated Fire Chief McFadden on his service to the village.

Trustee Kenner also commented regarding the Master Plan/Comprehensive Plan and hopes the Board will adopt the plan on December 17, 2012.

Mayor Pilla also commented regarding the Master Plan/Comprehensive Plan. Mayor Pilla also told the public that Santa will be coming to the Marino on Thursday, December 6, 2012 to light the Christmas tree.

At 10:34 p.m., on motion of Trustee Kenner, seconded by Trustee Marino, the Board adjourned into an executive session to discuss the Rye Brook contract negotiations.

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

No action was taken in executive session.

At 10:42 p.m., on motion of Trustee Kenner, seconded by Trustee Marino, the executive session was closed.

Roll Call

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

At 10:47 p.m., on motion of Trustee Didden, seconded by Trustee Kenner, the meeting was closed.

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

NOES: None

ABSENT: Trustee Branca

Respectfully submitted,

Jacqueline Johnson  
Deputy Village Clerk

JOHN B. COLANGELO  
ATTORNEY AT LAW

DAVID GREGORY GALLO  
OF COUNSEL

VILLAGE OF PORT CHESTER.

NOV 26 2012

RECEIVED *M*

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

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

October 23, 2012

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

*Re: 18-20 Willett Avenue, Port Chester, NY*

Dear Mayor Pilla and Members of the Board of Trustees:

On Friday, August 10, 2012, my client and I met with Chris Gomez and the Planning Department to voice our objection to the proposed re-zoning of 18-20 Willett Avenue from a C-2 Zoning District to a "DW" Zoning District. Following the meeting, I sent a letter to him dated August 14, 2012, placing our objections in writing. My client objects to the re-zoning for the following reasons:

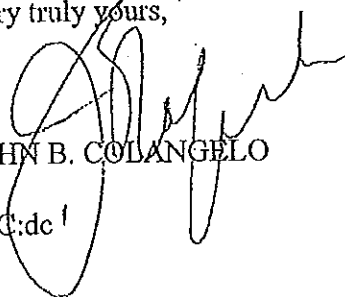
1. The existing structure was built in 1910, and was built to the property line, therefore, it is non-conforming and will not comply with the "DW" requirement. In addition, we will be unable to conform with the new "DW" parking requirements. Since the Village transferred the Marina Parking Lot to G & S, there is no additional parking available for this building.
2. In recent years the owner has made a large financial investment in the building and all current uses are code-compliant. With the opening of The Willett House in 1989, this property owner contributed greatly to the revitalization of Port Chester as a restaurant town.
3. The border for the "DW" Zone should be Willett Avenue because my client's property is the only property South of Willett Avenue to have a "DW" designation. There are no other properties that would be affected by this request because my client's property is the only one South of Willett Avenue affected.
4. We can see no reason why this parcel was included in the "DW" Zone and not the C-2 Zone; it is much more advantageous to my client to have this building in a C-2 Zone, which would allow more flexibility in renting space in the building. There are much more restrictive uses in the "DW" Zone, especially with regard to parking. This building does not front on the river, but rather is separated by the Marina Parking Lot and the Waterfront Promenade which is in the MUR Zone.

This building was initially built for industrial purposes when the Village was an industrial village. It has since been extensively renovated for more current uses at great cost to the owner.

To be placed in the "DW" Zone would severely restrict the uses for this building, a building which does not lend itself easily to a waterfront use. Therefore, the owner requests that this parcel be maintained in a C-2 Zone and not a "DW" Zone. As stated, this request would only affect this parcel and no other adjacent parcels. It is requested that this written objection be made part of the public record to be considered by the Board in its review of the Comprehensive Zoning Change.

If you require additional information, please feel free to contact me.

Very truly yours,



JOHN B. COLANGELO

JBC:dc 1

cc: Chris Gomez, Planning Dept.  
Anthony Cerreto, Esq.

## **MEETING HELD DECEMBER 17, 2012**

A meeting of the Board of Trustees of the Village of Port Chester, New York, was held on Monday, December 17, 2012 at 4:30 P.M., in the Court Room of the Police Headquarters Building, 350 North Main Street, Port Chester, New York, with Mayor Dennis Pilla presiding.

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

It should be noted that Trustee Branca was absent.

Also present were Village Manager, Christopher Steers; Village Clerk, Janusz R. Richards; Village Attorney, Anthony Cerreto; Village Treasurer, Leonie Douglas; Director of Planning and Development Christopher Gomez; Police Chief, Joseph Krzeminski; Administrative Aide, Chris Ameigh; Village Planner, Jesica Youngblood; Mr. Dolph Rotfeld from Dolph Rotfeld Engineering; Mr. Ferrandino from Ferrandino & Associates Inc.; Mr. Frank Fish from BFJ Planning and Ms. Rose Noonan from the Housing Action Council.

On motion of Trustee Brakewood, seconded by Trustee Didden, the meeting was declared opened at 4:42 p.m.

Roll Call

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

NOES:

ABSENT: Trustee Branca

### **WORKSESSION**

#### ***Comprehensive Plan Process Finalization***

The Board discussed with staff the State Environmental Quality Review Act (SEQRA) Findings Statement. Mayor Pilla asked for an executive session with staff and special counsel to discuss the actions on this evening's agenda.

### **MOTION FOR EXECUTIVE SESSION**

At 4:54 p.m., on a motion of Trustee Didden, seconded by Trustee Kenner, the Board, staff and special counsel went into an executive session to discuss the actions on this evening's agenda.

## Roll Call

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

NOES: None

ABSENT: Trustee Branca

No action was taken in executive session.

At 5:59 p.m., on motion of Trustee Marino, seconded by Trustee Kenner, the Board of Trustees closed the first executive session.

## Roll Call

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

NOES: None

ABSENT: Trustee Branca

At 6:00 p.m. on a motion of Trustee Marino, seconded by Trustee Kenner, the work session re-opened for the Comprehensive.

## Roll Call

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

NOES: None

ABSENT: Trustee Branca

## **WORKSESSION - Continued**

### *Comprehensive Plan Process Finalization*

The Board, staff, Mr. Fish and Mr. Ferrandino discussed further the SEQRA Findings Statement for tonight's regular meeting.

### *Housing Rehabilitation Program*

Ms. Rose Noonan spoke to the Board and staff regarding the drafted Housing Rehabilitation Program agreement. After further discussion with the Board and staff on this topic; Ms. Noonan said that she will come back to the Board at the end of year with the revisions to the drafted agreement.

## MOTION FOR EXECUTIVE SESSION

At 7:04 p.m., on motion of Trustee Brakewood, seconded by Trustee Didden, the Board of Trustees adjourned into a second executive session to discuss the second addendum to consent decree.

Roll Call

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

NOES: None

ABSENT: Trustee Branca

No action was taken in executive session.

At 7:11 p.m., on motion of Trustee Didden, seconded by Trustee Terenzi, the Board of Trustees closed the second executive session.

Roll Call

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

NOES: None

ABSENT: Trustee Branca

At 7:12 p.m., on motion of Trustee Didden, seconded by Trustee Marino, the Board of Trustees adjourned into a third executive session to discuss negotiations with regard to successor collective bargaining CSEA agreement.

Roll Call

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

NOES: None

ABSENT: Trustee Branca

No action was taken in executive session.

At 7:22 p.m., on motion of Trustee Didden, seconded by Trustee Marino, the third executive session was closed.

Roll Call

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

NOES: None

ABSENT: Trustee Branca

At 7:23 p.m., on motion of Trustee Didden, seconded by Trustee Marino, the Board of Trustees adjourned into a fourth executive session to discuss the employment status with regard to a particular individual.

Roll Call

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

NOES: None

ABSENT: Trustee Branca

No action was taken in executive session.

At 7:28 p.m., on motion of Trustee Didden, seconded by Trustee Marino, the fourth executive session was closed.

Roll Call

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

NOES: None

ABSENT: Trustee Branca

On motion of Trustee Didden, seconded by Trustee Marino, the public portion of the meeting was reopened at 7:29 p.m.

Roll Call

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

NOES: None

ABSENT: Trustee Branca

## AWARD PRESENTATION

### *Recognition award to Rosie Veltri, "Westchester Teen Idol"*

Mayor Pilla said to the public that Ms. Rosie Veltri, who is a senior at Port Chester High School, the President of the Tri-M Music Honor Society, a selected member of the New York State All State Choir and has been proudly named 2012 Westchester Teen Idol. Mayor Pilla read the proclamation for Ms. Veltri that Tuesday, December 18, 2012 will be proclaimed Rosie Veltri, Westchester Teen Idol Day in the Village of Port Chester.

## RESOLUTION

### *Add-On Resolution*

TRUSTEE Didden made a motion to add-on a resolution to amend the stipulation of agreement with Detective Captain Schnell and the Village of Port Chester, seconded by Trustee Kenner.

Roll Call

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

NOES: None

ABSENT: Trustee Branca

DATE: December 17, 2012

## RESOLUTION

### STIPULATION OF AGREEMENT POLICE DETECTIVE CAPTAIN ALBERT SCHNELL

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

RESOLVED, that on behalf of the Board of Trustees, the Mayor be and is hereby authorized to amend the April 2, 2012 Stipulation of Agreement between Police Detective Captain Albert Schnell and the Village of Port Chester with regard to his employment status; and be it further

RESOLVED, that the Board accepts the irrevocable resignation date changed from November 30, 2012 to December 24, 2012; and be it further

RESOLVED, that from November 30, 2012 through December 24, 2012, Detective Captain Albert Schnell shall utilize paid leave time which was accumulated and to be payable upon his resignation or retirement. One day shall be deducted for each regularly-scheduled work day between November 30, 2012 and December 24, 2012. The days utilized shall not be paid upon his resignation and/or retirement. Detective Captain Albert Schnell shall not accumulate any additional leave time for the period November 30, 2012 through December 24, 2012.

ROLL CALL

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

NOES: None

ABSENT: Trustee Branca

DATE: December 17, 2012

**AFFIDAVIT OF PUBLICATION AND NOTICE OF PUBLICATION RE:**

***Public Hearing to establish a community residential facility for six (6) developmentally disabled persons on vacant property adjacent to 51 Betsy Brown Road, Port Chester, New York***

The following Public Notices were duly published in the Journal News and the Westmore News on December 7, 2012, certified by Cecilia Hernandez, Principal Clerk of the Journal News and Angelina Brescia, Office Manager of the Westmore News.

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, December 17, 2012, at 7:00 P.M., in the Courtroom, 350 North Main Street, Port Chester, New York, to hear public comments on the proposal of Ability Beyond Disability to establish a community residential facility for six (6) developmentally disabled persons on vacant property adjacent to 51 Betsy Brown Road, Port Chester, New York.

Interested persons will be afforded the opportunity to be heard at this time.

Christopher Steers  
Village Manager

Dated: December 4, 2012

On motion of Trustee Didden, seconded by Trustee Marino, the public hearing was declared open.

Roll Call

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

NOES:

ABSENT: Trustee Branca

Mayor Pilla stated that the public hearing was duly noticed as required by law.

Mr. Cerreto said that under the New York State law, the Board can do one of the three following options for the Ability Beyond Disability application:

1. Accept application
2. Reject application
3. Suggest an alternative location

Mayor Pilla asked if there was anyone who would like to speak in favor or against on the proposal of Ability Beyond Disability to establish a community residential facility for six (6) developmentally disabled persons on vacant property adjacent to 51 Betsy Brown Road, Port Chester, New York.

Ms. Goldie Solomon commented about the existing 12 group homes in the village and how they are not on the tax roll.

Ms. Bea Conetta also commented about the existing 12 group homes in the village and is not in favor of another group home residing in the village.

Mr. Ceruzzi also commented about the group homes in the village that are not on the tax roll.

Ms. Collins of 139 Betsy Brown Road commented her concerns about the property not being on the tax roll and the impact the group home will have on the value of the homes in the neighborhood.

Ms. Scala of 60 Betsy Brown Road commented about the safety and security measures with having a group home in a residential area where there are children. Ms. Scala also commented about the environmental impact and the value of the homes in the neighborhood.

Mr. Ceccarelli commented about his written correspondences to the Housing Urban Development (HUD) and the many properties in the village that are off the tax roll.

Dr. Berkowitz of 150 Betsy Brown Road commented and asked several questions regarding the residents living there, the staff, the site plan structure of the house and the environmental impact of the house.

Mr. Collins of 139 Betsy Brown Road commented about the traffic congestion and security measures.

Mr. Frank of 110 Betsy Brown Road commented about the property value of the homes and thinks there should be a study regarding the property value.

Ms. Demetri of 50 Betsy Brown Road commented about the road safety and the property value of the homes in the neighborhood.

Mr. Scala commented about many people that were born and raised in Port Chester that do not want to live in Port Chester.

Mr. Fanning of Ability Beyond Disability answered questions that were asked by the residents. Mr. Fanning said that Ability Beyond Disability is a non-profit agency which has been in existence for 60 years. Ability Beyond Disability has a total of 55 group homes that are for developmental disabilities, mental retardation. Mr. Fanning said that the proposed home will consist of four woman and two men ranging in ages of thirties to mid-sixties. Mr. Fanning said that the proposed type of residents will not change and the facility will be staffed 24 hours a day. Mr. Fanning said that the homes tend to blend in with the other homes in the neighborhood and believes that people with disabilities belong in a residential community. Mr. Fanning said to the Board that he is willing to come up with a way to compensate the Village since the property will be off the tax roll.

Mayor Pilla said that the Board and staff will explore the proposed application.

On motion of Trustee Kenner, seconded by Trustee Marino, the public hearing was adjourned to a future date.

Roll Call

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

NOES:

ABSENT: Trustee Branca

### **PUBLIC COMMENTS**

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

Ms. Goldie Solomon commented about village properties that are off the tax roll and the high tax assessments. Ms. Solomon also commented that the village cannot afford to have more residential property and Starwood Capital should only construct commercial property and thinks they should build a hotel. Ms. Solomon wished the Board and staffs a Merry Christmas and a happy new year.

Ms. Bea Conetta commented that she is happy the Master Plan/Comprehensive Plan, and the Mayoral race. Ms. Conetta also commented about the proposed dissolving or Rye Town and wished everyone a Merry Christmas and happy new year.

Mr. Ceccarelli commented that he is not against development in the village and commented about various other issues in the village which included the mariner, the marina bulkhead, development in the village, Comprehensive Plan and Starwood Capital. Mr. Ceccarelli wished everyone happy holidays.

Mr. Richard Abel commented about the Comprehensive Plan, Starwood Capital and the Mayoral election.

Ms. Simmons commented about Starwood Capital and property taxes.

Mr. Morlino commented about rental properties and property ownership in the village.

Mr. Tony Gioffre commented on behalf of Starwood Capital. Mr. Gioffre commented that he knows there are a few members of the public that have emotional feelings with Starwood's proposal, but asked the public to reserve their comments and review the data that will be produced based upon the actual application that will be reviewed by the Board and staff. Mr. Gioffre also commented about the "PMU" scenario and senior housing which was discussed at the work session earlier this evening. Mr. Gioffre was everyone a Merry Christmas.

## **RESOLUTIONS**

On motion of TRUSTEE BRAKEWOOD, seconded by TRUSTEE KENNER, the State Environmental Quality Review Act (SEQRA) Findings Statement was amended on portions of options presented and summary of the document.

Roll Call

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

NOES: Trustees Terenzi and Didden

ABSENT: Trustee Branca

DATE: December 17, 2012

## **RESOLUTION**

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

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

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

**WHEREAS**, on February 6, 2012 the Village of Port Chester Board of Trustees was designated to act as Lead Agency for this Type 1 Action under the

State Environmental Quality Review Act (“SEQRA”) to determine if the adoption of the proposed Comprehensive Plan and proposed related Zoning Text and Map Amendments (the “Proposed Action”) would have any significant adverse environmental impacts (which proposals were, for the purposes of SEQRA, considered together); and

**WHEREAS**, on April 2, 1012 the Board of Trustees of the Village of Port Chester, as Lead Agency, determined that the Proposed Action may have a significant adverse impact on the environment and that a Generic Impact Statement (“GEIS”) would be prepared; and

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

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

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

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

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

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

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

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

APPROVED AS TO FORM:

---

Village Attorney, Anthony Cerreto

Roll Call

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

NOES: Trustees Terenzi and Didden

ABSENT: Trustee Branca

DATE: December 17, 2012

**{See Insert "A" Adopted SEQRA Findings Statement}**

Mayor Pilla stated that this amended resolution does not affect Starwood Capital with their petition.

## RESOLUTION

### **ADOPTION OF THE VILLAGE OF PORT CHESTER COMPREHENSIVE PLAN**

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

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

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

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

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

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

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

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

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

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

APPROVED AS TO FORM:

\_\_\_\_\_  
Village Attorney, Anthony Cerreto

Roll Call

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

NOES: Trustee Terenzi

ABSENT: Trustee Branca

DATE: December 17, 2012

RESOLUTION  
AUTHORIZING SECOND ADDENDUM IN UNITED STATES v. VILLAGE  
OF PORT CHESTER TO IMPLEMENT THE CONSENT DECREE FOR THE  
2013 VILLAGE ELECTION AS DRAFTED BY THE UNITED STATES  
DEPARTMENT OF JUSTICE

On motion of TRUSTEE MARINO, seconded by TRUSTEE BRAKEWOOD, the following resolution **was not adopted** by the Board of Trustees of the Village of Port Chester, New York:

WHEREAS, the consent decree in the matter of United States v. Village of Port Chester provided for early voting for Trustee; and

WHEREAS, a First Addendum was required to implement the Consent Decree for the 2010 Village Election; and

WHEREAS, the 2013 Village Election includes both the Trustee and Mayor seats; and

WHEREAS, by resolution adopted on November 19, 2012 the Board of Trustees authorized the execution of a Second Addendum in the form annexed which contained a provision that would afford early voters the ability to vote for trustee and for mayor at the same time and place ; and

WHEREAS, the language in the proposed addendum with regard to early voting raised an apparent issue; and

WHEREAS, the addendum had not yet been presented to the court; and

WHEREAS, the Village's special counsel brought the issue to the attention of the parties who concurred that the language should be modified in an abundance of caution; and

WHEREAS, the attorney for the Federal Government has circulated a new draft for approval which has been reviewed and approved by the Village's special counsel. Now, therefore, be it

RESOLVED, that the Board of Trustees hereby authorizes the execution of the Second Addendum to the Consent Decree in the form annexed on behalf of the Village of Port Chester, thereby superceding any prior draft or authority with respect thereto.

APPROVED AS TO FORM:

---

Village Attorney, Anthony Cerreto

Roll Call

AYES: Trustees Brakewood, Marino, and Mayor Pilla

NOES: Trustees Terenzi, Didden, and Kenner

ABSENT: Trustee Branca

DATE: December 17, 2012

**Motion not carried**

RESOLUTION  
STIPULATION OF AGREEMENT  
CSEA – RANK & FILE

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

WHEREAS, the Village of Port Chester and the CSEA, Local 1000, AFSCME, AFL-CIO, Westchester Local 860 Village of Port Chester Unit (Rank and File) have entered into negotiations for a new multi-year labor agreement for the term of June 1, 2011 through May 31, 2015; and

WHEREAS, those negotiations have been successfully concluded; and

WHEREAS, a Memorandum of Agreement reflecting amendments to the existing labor agreement has been signed by the negotiating teams, and subject to the approval of both the Union and Village; and

WHEREAS, the Association has ratified the Memorandum of Agreement. Now, therefore, be it

RESOLVED, that the Board of Trustees hereby ratifies and approves the Memorandum of Agreement with CSEA, Local 1000, AFSCME, AFL-CIO,

Westchester Local 860 Village of Port Chester Unit (Rank and File) in the form annexed herein; and be it further

RESOLVED, that the Village Manager be authorized to execute the successor agreement when it is prepared, and be it further

RESOLVED, that the Board of Trustees authorizes the Village Treasurer to modify the General Fund Budget as follows:

<b>From:</b>		
Contingency – Contractual	1.1990.400	\$82,487
<b>To:</b>		
Justice Court – Personnel Services	1.1110.100	\$7,332
Finance – Personnel Services	1.1320.100	\$3,394
Village Clerk – Personnel Services	1.1410.100	\$1,054
Law – Personnel Services	1.1420.100	\$1,115
Buildings-Village Hall-Personnel Services	1.1621.100	\$1,011
Central Garage-Personnel Services	1.1640.100	\$5,194
Police Civilian-Personnel Services	1.3127.100	\$2,735
Building Dept-Personnel Services	1.3620.100	\$2,718
Code Enforcement-Personnel Services	1.3989.100	\$6,242
Street Administration-Personnel Services	1.5010.100	\$1,873
Street Maintenance-Personnel Services	1.5110.100	\$14,183
Street Cleaning-Personnel Services	1.5190.100	\$1,244
Nutrition (SNAP)-Personnel Services	1.6730.100	\$1,735
Nutrition (Transp.)-Personnel Services	1.6750.100	\$918
Parks-Personnel Services	1.7110.100	\$2,394
Youth Program-Personnel Services	1.7310.100	\$2,314
Refuse/Garbage-Personnel Services	1.8160.100	\$21,170
Social Security-FICA	1.9030.802	\$4,750
Social Security-Medicare	1.9030.810	\$1,111
Total		\$82,487

APPROVED AS TO FORM:

---

Village Attorney, Anthony Cerreto

Roll Call

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

NOES: None

ABSENT: Trustee Branca

DATE: December 17, 2012

RESOLUTION

On motion of TRUSTEE BRAKEWOOD, seconded by TRUSTEE KENNER the following resolution was amended to change the setting of the public hearing date from December 17, 2012 to Tuesday, January 22, 2013 (**Monday January 21, 2013 is a holiday**)

Roll Call

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

NOES: None

ABSENT: Trustee Branca

DATE: December 17, 2012

RESOLUTION  
SET PUBLIC HEARING

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

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

RESOLVED, that the Board of Trustees of the Village of Port Chester, New York, will hold a PUBLIC HEARING on Tuesday, January 22, 2013, at 7:00 P.M., at the Village Justice Courtroom, 350 North Main Street, Port Chester, New York, to consider a local law that would modify the amnesty period set forth in Local Law No. 4 of 2012 establishing a Permit Amnesty Program.

APPROVED AS TO FORM:

\_\_\_\_\_  
Village Attorney, Anthony Cerreto

Roll Call

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

NOES: None

ABSENT: Trustee Branca

DATE: December 17, 2012

## RESOLUTION

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

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

APPROVED AS TO FORM:

---

Village Attorney, Anthony Cerreto

Roll Call

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

DATE: December 17, 2012

## RESOLUTION

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

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

WHEREAS, the contractor has been requested to provide a proposal for work similar to that in the current contract but outside of the scope of the bid items which includes the removal and replacement of the concrete coping on the existing retaining walls and removal of the concrete bedding of the existing Belgian block

curb at Memorial Park and the resetting of an existing drain inlet with associated concrete apron repair and the layout and setting of a detectable warning strip and associated construction of a new handicap ramp at Lyon Park; and

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

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

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

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

APPROVED AS TO FORM:

\_\_\_\_\_  
Village Attorney, Anthony Cerreto

Roll Call

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

NOES: None

ABSENT: Trustee Branca

DATE: December 17, 2012

RESOLUTION  
ACCEPTANCE OF COURT AUDIT FOR FY 2011-2012

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

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

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

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

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

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

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

APPROVED AS TO FORM:

---

Village Attorney, Anthony Cerreto

Roll Call

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

NOES: None

ABSENT: Trustee Branca

DATE: December 17, 2012

## **REPORT OF THE VILLAGE MANAGER**

### ***Status of General Code Scanning Project***

Mr. Ameigh said that the contract was for a little over a million documents to be scanned. Scanning for all historical building permits are complete and he estimates that scanning for code enforcement and everything else should be complete by June 2013.

### ***Request for permission to hold a Procession***

Mr. Steers said that the procession request came in after the last Board meeting and based on the request, he authorized the approval. Mr. Steers said that he wanted to make sure that the Board was aware of him authorizing the procession. Mayor Pilla thanked Mr. Steers for keeping the Board informed.

## **DISCUSSIONS**

### ***Bulkhead district***

Mr. Gomez presented to the Board two scenarios for the bulkhead district. There was further discussion with the Board and staff on this topic. Mayor Pilla said that he would like to have an executive session with counsel to discuss the legal issue on the topic.

### ***March Election Planning***

Mr. Richards update the Board and staff regarding the voting machines. Mr. Richards also showed the Board and staff the updated calendar which included the forums and sample ballot. Mr. Richards said that all the information will be on the website and at the Port Chester - Rye Brook Library.

## **CORRESPONDENCES**

### ***From Mellor Engine & Hose Company No. 3 on the election of Mr. John Texiere to active membership***

The Board acknowledged receipt of the correspondence.

### ***From Port Chester Board of Ethics, dated December 4, 2012***

The Board acknowledged receipt of the correspondence.

*From Port Chester Board of Ethics, dated December 11, 2012*

The Board acknowledged receipt of the correspondence.

*From Monroe Yale Mann regarding Stop Work Order*

The Board acknowledged receipt of the correspondence.

*From Zarin & Steinmetz regarding the Final Generic Environmental Impact Statement (FGEIS)*

The Board acknowledged receipt of the correspondence. {See insert "B" written FGEIS comments}

*From Cuddy & Feder regarding the Final Generic Environmental Impact Statement (FGEIS)*

The Board acknowledged receipt of the correspondence. {See insert "C" written FGEIS comments}

## **PUBLIC COMMENTS AND BOARD COMMENTS**

### ***Public:***

Mr. Ceccarelli commented that he appreciated all the work the Board and staff have done and wished everyone a happy holiday.

### ***Board:***

Trustee Brakewood commented about the dog park and wished everyone a happy holiday.

Trustee Terenzi wished everyone a Merry Christmas, happy holidays and a happy new year.

Trustee Didden commented about the police department and their stepped up presence at the schools and their patrol patterns. Trustee Didden wished everyone happy holidays, Merry Christmas, Happy Hanukkah and a happy new year.

Trustee Marino commented about the police department and the proposed hiring of two police officers. Trustee Marino also wished everyone happy holidays and Merry Christmas.

Trustee Kenner wished everyone a Merry Christmas, happy holidays and a happy new year.

Mayor Pilla wished everyone happy holidays, Merry Christmas and a happy new year.

At 12:21 a.m., on motion of Trustee Kenner, seconded by Trustee Marino, the meeting was closed.

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

NOES: None

ABSENT: Trustee Branca

Respectfully submitted,

Jacqueline Johnson  
Deputy Village Clerk

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

**INTRODUCTION**

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

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

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

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

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

## **DESCRIPTION OF THE PROPOSED ACTION**

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

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

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

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

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

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

## **ENVIRONMENTAL IMPACTS OF THE PROPOSED ACTION**

### **Land Use, Zoning and Public Policy**

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

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

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

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

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

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

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

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

### **Parks, Open Space and Recreational and Historic Resources**

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

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

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

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

### **Environmental Resources**

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

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

### **Socio-economic Resources**

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

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

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

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

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

### **Infrastructure and Community Facilities/Resources**

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

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

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

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

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

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

## **Transportation**

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

In terms of public transportation, the proposed *Comprehensive Plan* encourages investing in mass transit as a means to help reduce vehicular congestion and parking demand. The proposed *Comprehensive Plan* supports efforts to develop a comprehensive parking approach in select residential and downtown areas. Shared parking or additional parking structures are suggested to help alleviate parking constraints as recently outlined in a parking feasibility study<sup>1</sup>. Additionally, collaborating with Westchester County, the Metropolitan Transportation Authority, and other state/regional transportation agencies will help identify transit supply and demand linkages, aimed to reduce parking demand.

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

---

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

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

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

## **ALTERNATIVES**

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

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

### ***Proposed PMU Planned Mixed Use District***

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

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

large size (approximately 15.4 acres) is unusual in southern Westchester County and can provide exceptional redevelopment potential for the Village. Because the site has the potential to provide such redevelopment value, determining appropriate land uses and densities was an iterative process discussed among the Comprehensive Plan Advisory Committee (“CPAC”), project consultants, and the public over a five (5) year period<sup>2</sup>. Additional information was derived from the *Route 1/North Main Street Corridor Study* (2012), which recommended repositioning the Route 1 corridor as a network of clustered, retail nodes in conjunction with mixed use buildings to strengthen the corridor’s competitive share of the regional market.

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

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

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

---

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

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

**Table 1 Proposed PMU District FAR Allotments by Land Use**

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

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

As indicated in Table 1, the maximum FAR allowed for a hotel/conference center is 0.40; the maximum FAR allowed for commercial and unrestricted residential is 0.20; the maximum FAR for age restricted residential is 0.30; and the maximum FAR allowed for a community facility is 0.10. All land uses, when combined, cannot exceed a permitted FAR of 0.8<sup>3</sup>. The variation of density by land use is designed to provide a range of opportunities that does not reduce the overall density permitted in the existing R2F district.

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

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

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

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

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

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

#### ***Proposed DW Design Waterfront District***

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

---

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

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

## CONCLUSION

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

### *Proposed PMU Planned Mixed Use District*

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

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

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

#### *Option 1*

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

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

### *Option 2*

The PMU Planned Mixed Use district scenario aligns with the overall goal for mixed uses in the Proposed Action. Specifically, the proposed district includes the appropriation of FARs by land use with a permitted combined FAR density of 0.80, bonusable up to 1.0<sup>6</sup> (**Table 1**). With a potential maximum build-out of 432 dwelling units, associated impacts would likely affect the surrounding transportation and infrastructure systems and, with the increase in potential dwelling units from 240 (existing R2F district) to 432, potentially burden the School District. One measure to help reduce potential School District impacts is the allowance of only efficiency (studio), one bedroom and two bedroom units. Moreover, the permitted 0.30 FAR for age restricted housing will likely reduce traffic, infrastructure and School District impacts. Overall, this alternative, which is part of the Proposed Action, appears to best meet the goals and objectives of the Comprehensive Plan. However, given the pending application by the owner for zoning amendments accompanied by a specific redevelopment proposal, it is possible that some variant of this district could be found, after a site-specific review, to be as or even more consistent with the proposed *Comprehensive Plan*.

### *Option 3*

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

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

---

<sup>6</sup> Pursuant to §345-67 of the Zoning Map and Text Amendments.

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

Based on the foregoing, the Village Board of Trustees:

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

### ***Proposed DW Design Waterfront District***

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

#### *Option 1*

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

#### *Option 2*

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

*Waterfront Revitalization Program* (1992) for this area due to permitted building heights and lack of permitted water-dependent uses.

### *Option 3*

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

Based on the foregoing, the Village Board of Trustees

approves the adoption of a modified DW Design Waterfront district along Abendroth Avenue/Mill Street with appropriate dimensional regulations and schedule of permitted water-dependent uses in concert with both the proposed *Comprehensive Plan* and *Local Waterfront Revitalization Program* (1992).

### ***Summary***

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

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

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

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

MEREDITH BLACK\*  
DAVID J. COOPER  
JODY T. CROSS\*  
ERIN P. HONAKER  
JEREMY E. KOZIN

December 5, 2012

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

MARSHA RUBIN GOLDSTEIN  
HELEN COLLIER MAUCH<sup>△</sup>  
LISA F. SMITH\*  
OF COUNSEL

*Via Overnight Mail*

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

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

Dear Mayor Pilla and Members of the Village Board:

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

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

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

Mayor Pilla and  
Members of the Village Board of Trustees  
December 5, 2012  
Page 2

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

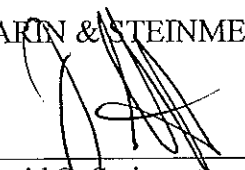
We urge your Board to incorporate the proposed DW2 District into the SEQRA Findings Statement, and to make the minor revisions necessary in order to implement the DW2 District to the proposed zoning map and text amendments prior to their adoption. We hope that your Board and your consultants take this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

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

Respectfully submitted,

ZARIN & STEINMETZ

By:

  
\_\_\_\_\_  
David S. Steinmetz  
Jody T. Cross

Encls.

cc: (via regular mail)  
Chris Gomez, Director of Planning & Development  
Christopher Steers, Village Manager  
Vince Ferrandino, AICP  
Frank Fish, FAICP  
Sarah Yackel, AICP  
Anthony Cerreto, Esq.  
Syrette Dym, AICP (w/out encls.)  
TJI Realty

# Syrette Dym, AICP

52 Wendt Avenue, Larchmont, NY 10538

914-575-9127(cell)

sdym@verizon.net

TO: David Steinmetz, Zarin & Steinmetz  
 Jody Cross, Zarin & Steinmetz  
 Kathleen Lanza, TJI Realty Corp.

FROM: Syrette Dym, AICP

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

DATE: December 5, 2012

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

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

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

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

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

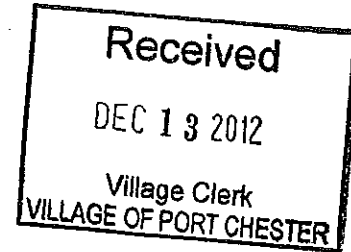
The requirement for no front yard is based on the existing character of the Abendroth Avenue corridor which has buildings built to the streetwall. Both Willet Avenue and Highland Street provide breaks in this streetwall. The existing loft building setback from Abendroth Avenue is likely to remain in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

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

December 13, 2012

**BY HAND AND  
ELECTRONIC MAIL**

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



Re: Village of Port Chester Final Generic Environmental Impact Statement

Dear Mayor Pilla and Members of the Board of Trustees:

Reference is made to the Village of Port Chester Final Generic Environmental Impact Statement ("FGEIS") that has been prepared for the proposed 2012 Comprehensive Plan and Zoning Code and Map Amendments. We are land use counsel for affiliates of Starwood Capital Group (hereinafter "Starwood"), the owner of certain property located at 406 Boston Post Road, more commonly referred to as the former "United Hospital Site." As the owner of the former Hospital Site, Starwood has a significant interest in the growth and development of the Village of Port Chester, and has a large stake in how the Board ultimately defines the goals set forth in its Comprehensive Plan and in what ultimately is adopted in its revisions to the Zoning Code and Map. Indeed, since the publishing of the draft Comprehensive Plan in January 2012, we have appeared at every Board public hearing, at work sessions with the Board and at meetings with Village Staff in connection with this matter.

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

The PMU Zoning Text and Map Amendments

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

Mayor Dennis Pilla

And Members of the Board of Trustees

December 13, 2012

Page -2-

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

- The proposed bulk regulations for the PMU District must be revised to allow for the opportunity to increase the Floor Area Ratio (“FAR”) to 1.60 in order to meet current and anticipated market conditions. This increase would of course have to be evaluated as part of the recently initiated State Environmental Quality Review Act (“SEQRA”) process for the site-specific redevelopment of the United Hospital Site.
- In the alternative, should the Board decide not to increase the FAR to an as-of-right 1.60, it can maintain the presently proposed FAR of 0.80, but must eliminate the PMU FAR bonus cap of 0.20.<sup>1</sup> This alternative would provide a sensible way to encourage mixed-use development on the United Hospital Site starting with the existing residential ‘as-of-right’ 0.80 FAR and the ability to layer appropriate bonuses on top of that for other uses. The PMU Text should be revised to stipulate a maximum FAR of 1.6 consisting of one or more uses “where any new development would be properly controlled so as to not result in potential adverse impacts on public schools, traffic and infrastructure” (the same concept that is applied to the Fox Island Subarea). As stated herein, the successful redevelopment of the United Hospital Site will be dependent on economic feasibility. Thus, capping the FAR at 0.80 now without any market studies or data is arbitrary, capricious, and shortsighted for a Village that is looking for innovative ways to grow its ratables.

A revision reflected in either of these bullet points would be consistent with the proposed Comprehensive Plan and still leave the Board of Trustees with control and complete discretion over any proposed density increases that would be available under the proposed Floor Area Bonus Program.<sup>2</sup> Either requested revision above would permit the Board to evaluate Starwood’s proposal and concept on its merits and not in a vacuum, and further make a determination based on the proposed design, mitigation of potential impacts, a review of market conditions and good planning principles.

---

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

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

Mayor Dennis Pilla

And Members of the Board of Trustees

December 13, 2012

Page -3-

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

In addition to the above mentioned essential modifications relative to the PMU density requirements, we also strongly suggest that the following changes be made to the proposed Zoning Text in order to achieve the foregoing goals, as well as those set forth in the Comprehensive Plan:

- The PMU FAR should not be dissected (as proposed) based on individual uses as factors of a total FAR, but rather propose a single maximum FAR for the entire parcel consistent with the existing zoning of the Hospital Site, as well as every other zoning district in the Village, regardless of which FAR scenario the Board adopts.<sup>6</sup> The Board along with Village Staff agreed to revise the Draft Comprehensive Plan to remove the chart that imposed rigid allocations of FAR for specific planner approved uses – i.e., hotel/conference center, commercial, residential, age restricted, and community facility. However, the Board has not yet amended the draft PMU Text to conform with that change. The FGEIS does not provide any evidence justifying the inclusion of these unprecedented development limitations. Striking the rigid FAR matrix allocations will make the proposed PMU Text consistent with the draft Comprehensive Plan revisions that the Board has already approved. Such changes to the PMU text will not curb the Board’s control over the review and approval of Starwood’s project plans. Further, any density or height bonuses sought by Starwood will be completely discretionary and thus subject to transparent review and approval by the Board. Put another way, if the Board incorporates

<sup>3</sup> See, Proposed Port Chester Comprehensive Plan, dated March 21, 2012, p. 154.

<sup>4</sup> See, Proposed Port Chester Comprehensive Plan, dated March 21, 2012, p. 153.

<sup>5</sup> See, Vernon Park Realty, Inc. v. City of Mount Vernon, 307 N.Y. 493 (1954).

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

Mayor Dennis Pilla  
And Members of the Board of Trustees  
December 13, 2012  
Page -4-

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

- Similarly, a single maximum PMU building height of 8 stories/85 feet should be adopted, rather than the dissected approach of maximum permitted heights based on individual uses. In accordance with the proposed Comprehensive Plan, this revision to the proposed zoning text would foster innovative building design consistent with "Village" character.
- The Board should consider a broader density program that permits the acceptance of a "community facility" and/or land in lieu of, or in addition to, a monetary contribution in exchange for such floor area or height bonus that is now contemplated to maintain the maximum flexibility in the future.
- "Ground floor office as accessory to multi-family development" should be a Permitted Principal Use in the PMU District as opposed to a Special Exception Use. The PMU text proposes to permit "office, office building..." as a Principally Permitted Use. We do not see the distinction between these two uses, particularly given the lack of Code definitions distinguishing between them. Nor can we find any justification for such distinction in the FGEIS. This lack of distinction could lead to an ambiguous and arbitrary interpretation of these two effectively equivalent uses and the imposition of an additional layer of processing that might not be warranted. Accordingly, the "ground floor office as accessory to multi-family development" must be eliminated as a specially permitted use.

#### The FGEIS Contains a Deficient Analysis of School Impacts

The FGEIS provides a fiscal analysis relative to the school children associated with the proposed rezoning of the United Hospital Site.<sup>8</sup> This analysis however, only utilizes the multipliers provided in the 2006 Rutgers University study, and fails to properly supplement its findings as recommended by the authors of the study, with a "local analysis, including a study of public school generation of occupied housing developments comparable in character (i.e., type, size, price, and tenure) and location to the subject development being considered by the analyst"<sup>9</sup> despite such an analysis being provided to the Village.<sup>10</sup>

---

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

<sup>8</sup> See, FGEIS, p. 129-130.

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

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

Mayor Dennis Pilla  
And Members of the Board of Trustees  
December 13, 2012  
Page -5-

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

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

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

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

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

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

---

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

<sup>12</sup> See, FGEIS, Table 37, p. 130; Table 40, p. 132.

<sup>13</sup> See, FGEIS, Table 37, p. 130.

<sup>14</sup> See, FGEIS, p. 193, 195, 196, 198 (among others).

<sup>15</sup> See, FGEIS, p. 196.

Mayor Dennis Pilla  
And Members of the Board of Trustees  
December 13, 2012  
Page -6-

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

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

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

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

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

<sup>16</sup> See, 6 NYCRR § 617.10(a).

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

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

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

Mayor Dennis Pilla  
And Members of the Board of Trustees  
December 13, 2012  
Page -7-

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

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

#### Miscellaneous

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

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

<sup>20</sup> NYS Environmental Conservation Law § 8-0109(4).

<sup>21</sup> 6 NYCRR § 617.9(b)(1); see, 6 NYCRR § 617.2(n).

<sup>22</sup> 6 NYCRR §§ 617.9(a)(4); see also 6 NYCRR § 617.3(d).

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

<sup>24</sup> See, FGEIS, p. 13.

Mayor Dennis Pilla  
And Members of the Board of Trustees  
December 13, 2012  
Page -8-

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

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

---

<sup>25</sup> See, FGEIS, p. 187.

<sup>26</sup> See, Port Chester Comprehensive Plan, dated November 30, 2012, p. 135.

<sup>27</sup> See, FGEIS, p. 109; Table 24, p. 110.

<sup>28</sup> See, FGEIS, p. 196.

Mayor Dennis Pilla  
And Members of the Board of Trustees  
December 13, 2012  
Page -9-

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

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

---

<sup>29</sup> 6 NYCRR § 617.9(b)(1).

<sup>30</sup> See, The SEQRA Handbook, 3rd Ed. (2010), p. 146.

<sup>31</sup> See, The SEQRA Handbook, 3rd Ed. (2010), p. 147.

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

<sup>33</sup> See, Village's proposed PMU Zoning Amendment, Section 345-62(D)(2).

# CUDDY & FEDER LLP

Mayor Dennis Pilla  
And Members of the Board of Trustees  
December 13, 2012  
Page -10-

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

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

## Conclusion

We look forward to appearing at the Board of Trustees December 17, 2012, work session to continue to discuss the current status of Starwood’s proposed development plans and the foregoing comments in more detail. We strongly encourage the Board to amend the proposed text of the 2012 Port Chester Planned Mixed Use (“PMU”) Zoning District to address the above mentioned revisions, or to incorporate the R2F alternative. Thank you for your continued consideration.

Very truly yours,



Anthony B. Gioffre III

cc: Christopher D. Steers, Village Manager  
Anthony M. Cerreto, Esq., Attorney for Village of Port Chester  
Christopher Gomez, Village Planner  
Mark A. Chertok, Esq., Sive Paget & Riesel P.C.  
Vince Ferrandino, AICP, Ferrandino & Associates, Inc.  
Frank S. Fish, BFJ Planning  
David B. Smith, VHB

<sup>34</sup> See, The SEQRA Handbook, 3rd Ed. (2010), p. 124; MYC New York Marina, L.L.C., 842 N.Y.S.2d 899 (N.Y. Sup., 2007).

<sup>35</sup> See, FGEIS, p. 184.

<sup>36</sup> FGEIS, p. 192.

**CUDDY &  
FEDER<sup>LLP</sup>**

Mayor Dennis Pilla  
And Members of the Board of Trustees  
December 13, 2012  
Page -11-

James E. Raved, Esq.  
Joseph P. Carlucci, Esq.  
Anthony F. Morando, Esq.

## **SPECIAL MEETING HELD DECEMBER 20, 2012**

A special meeting of the Board of Trustees of the Village of Port Chester, New York, was held on Thursday, December 20, 2012 at 5:30 P.M., in the Village Hall Conference Room, 222 Grace Church Street, Port Chester, New York, with Mayor Dennis Pilla presiding.

Present in addition to Mayor Pilla, were Trustees Daniel Brakewood, John Branca, and Luis Marino.

It should be noted that Trustees Saverio Terenzi, Bart Didden and Joseph Kenner were absent.

Also present were Village Clerk, Janusz R. Richards; Village Attorney, Anthony Cerreto and Police Chief Joseph Krzeminski

On motion of Trustee Marino, seconded by Trustee Brakewood, the meeting was declared opened at 5:34 p.m.

Roll Call

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

NOES:

ABSENT: Trustees Terenzi, Didden and Kenner

### **MOTION FOR EXECUTIVE SESSION**

At 5:35 p.m., on motion of Trustee Brakewood, seconded by Trustee Marino, the Board of Trustees adjourned into an executive session to discuss the appointment of particular persons to the Port Chester Police Department.

Roll Call

AYES: Trustees Brakewood, Branca, Marino and Mayor Pilla

NOES: None

ABSENT: Trustees Terenzi, Didden and Kenner

No Action was taken in the first executive session.

At 5:45 p.m., on motion of Trustee Branca, seconded by Trustee Brakewood, the Board of Trustees closed the executive session.

Roll Call

AYES: Trustees Brakewood, Branca, Marino and Mayor Pilla

NOES: None

ABSENT: Trustees Terenzi, Didden and Kenner

At 5:46 p.m., on motion of Trustee Branca, seconded by Trustee Brakewood, the public portion of the meeting was reopened.

Roll Call

AYES: Trustees Brakewood, Branca, Marino and Mayor Pilla

NOES: None

ABSENT: Trustees Terenzi, Didden and Kenner

## **RESOLUTIONS**

### RESOLUTION

#### CONDITIONAL OFFER OF EMPLOYMENT FOR POLICE OFFICER

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

RESOLVED, that the Board of Trustees extends a conditional offer of employment to William A. Washington, Port Chester, New York as a police officer with the Village of Port Chester, with appointment to be effective January 7, 2013.

APPROVED AS TO FORM:

---

Village Attorney, Anthony Cerreto

Roll Call

AYES: Trustees Brakewood, Branca, Marino, and Mayor Pilla

NOES: None

ABSENT: Trustees Terenzi, Didden, and Kenner

DATE: December 20, 2012

RESOLUTION

CONDITIONAL OFFER OF EMPLOYMENT FOR POLICE OFFICER

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

RESOLVED, that the Board of Trustees extends a conditional offer of employment to Michael Sprague, Port Chester, New York as a police officer with the Village of Port Chester, with appointment to be effective January 7, 2013.

APPROVED AS TO FORM:

---

Village Attorney, Anthony Cerreto

Roll Call

AYES: Trustees Brakewood, Branca, Marino, and Mayor Pilla

NOES: None

ABSENT: Trustees Terenzi, Didden, and Kenner

DATE: December 20, 2012

RESOLUTION  
AUTHORIZING SECOND ADDENDUM IN UNITED STATES v. VILLAGE  
OF PORT CHESTER TO IMPLEMENT THE CONSENT DECREE FOR THE  
2013 VILLAGE ELECTION AS DRAFTED BY THE UNITED STATES  
DEPARTMENT OF JUSTICE

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

WHEREAS, the consent decree in the matter of United States v. Village of Port Chester provided for early voting for Trustee; and

WHEREAS, a First Addendum was required to implement the Consent Decree for the 2010 Village Election; and

WHEREAS, the 2013 Village Election includes both the Trustee and Mayor seats; and

WHEREAS, by resolution adopted on November 19, 2012 the Board of Trustees authorized the execution of a Second Addendum in the form annexed which contained a provision that would afford early voters the ability to vote for trustee and for mayor at the same time and place ; and

WHEREAS, the language in the proposed addendum with regard to early voting raised an apparent issue; and

WHEREAS, the addendum had not yet been presented to the court; and

WHEREAS, the Village's special counsel brought the issue to the attention of the parties who concurred that the language should be modified in an abundance of caution; and

WHEREAS, the attorney for the Federal Government has circulated a new draft for approval which has been reviewed and approved by the Village's special counsel. Now, therefore, be it

RESOLVED, that the Board of Trustees hereby authorizes the execution of the Second Addendum to the Consent Decree in the form annexed on behalf of the Village of Port Chester, thereby superseding any prior draft or authority with respect thereto.

APPROVED AS TO FORM:

---

Village Attorney, Anthony Cerreto

Roll Call

AYES: Trustees Brakewood, Branca, Marino, and Mayor Pilla

NOES: None

ABSENT: Trustees Terenzi, Didden, and Kenner

DATE: December 20, 2012

SET HEARING  
PROHIBITING NIGHTTIME PARKING ON NORTH MAIN STREET

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

RESOLVED, that the Board of Trustees hereby sets a public hearing for January 22, 2013 at 7:00 p.m. at the Police Headquarters/Justice Court Courtroom, 2<sup>nd</sup> Floor, 350 North Main Street, Port Chester, to consider the advisability of a local law amending the Village Code, Chapter 319, "Vehicle and Traffic" to prohibit parking on North Main Street from 1 a.m. to 6 a.m. from the Railroad Bridge to the Connecticut State line.

APPROVED AS TO FORM:

---

Village Attorney, Anthony Cerreto

Roll Call

AYES: Trustees Brakewood, Branca, Marino, and Mayor Pilla

NOES: None

ABSENT: Trustees Terenzi, Didden, and Kenner

DATE: December 20, 2012

At 6:07 p.m., on motion of Trustee Branca, seconded by Trustee Marino, the meeting was closed.

Roll Call

AYES: Trustees Brakewood, Branca, Marino and Mayor Pilla

NOES: None

ABSENT: Trustees Terenzi, Didden and Kenner

Respectfully submitted,

Jacqueline Johnson  
Deputy Village Clerk

**PUBLIC COMMENTS  
AND  
BOARD COMMENTS**