

**VILLAGE OF PORT CHESTER
BOARD OF TRUSTEES
Meeting, Thursday, August 27, 2015
Regular Meeting: 7:00 P.M.
VILLAGE JUSTICE COURTROOM
350 North Main Street
Port Chester, New York
AGENDA**

TIME: 7:00 P.M.

I	AFFIDAVIT OF PUBLICATION AND NOTICE OF PUBLICATION RE:	ACTION
1	Public Hearing re DEIS proposed amendments to the Village Zoning Code and Maps re proposal submitted by PC406 BPR LLC and PC 999 High Street Corp.	
II	MINUTES	ACTION
1	Minutes from August 17, 2015	
III	PUBLIC COMMENTS AND BOARD COMMENTS	ACTION

TIME: _____

AFFIDAVIT OF PUBLICATION
AND
NOTICE OF PUBLICATION RE

Village of Port Chester, New York

Local Law No. I-10 of the year 2015

Be it enacted by the Board of Trustees of the Village of Port Chester, New York as follows:

A LOCAL LAW AMENDING THE CODE OF THE VILLAGE OF PORT CHESTER, CHAPTER 345, "ZONING", SPECIFICALLY ADDING A NEW ARTICLE, ARTICLE XXII, CREATING A NEW SOUTHERN GATEWAY MIXED USE OVERLAY ZONE AND AMENDING THE OFFICIAL ZONING MAP TO PROVIDE FOR THE ZONING DISTRICT DESIGNATION OF CERTAIN PROPERTIES CURRENTLY IN THE PLANNED MIXED USE (PMU) DISTRICT AND THE DESIGN SHOPPING CENTER (CD) DISTRICT TO ALSO BE WITHIN THE NEW SOUTHERN GATEWAY MIXED USE OVERLAY (SG) ZONING DISTRICT

SECTION 1: Purpose and Intent.

The proposed Southern Gateway Mixed Use Overlay Zoning (SG) District includes approximately 75 acres of land and contains properties currently classified within the Planned Mixed Use (PMU) District and the Design Shopping Center (CD) District. The Village recently concluded a Comprehensive Plan (Adopted 12-17-2012) process which resulted in three tax parcels (Section 141.52, Block 1, Lots 2, 2.1 and 2.4) being rezoned from R2F to PMU. The PMU District consists of property containing a hospital campus and associated residential workforce apartment building – bounded on the south by the Boston Post Road and High Street, on the west by High Street and Interstate 287, on the north by Abendroth Park, and on the east by the Boston Post Road. Access to Interstate 95 is also in close proximity. The Design Shopping Center District (CD) includes existing commercial development such as the Kohl's Shopping Center Site (including the properties fronting on the south side of Boston Post Road), the Home Depot Site and the LA Fitness Site on the north side of Boston Post Road. The CD District extends across several tax parcels within the Boston Post Road Corridor in the southwestern portion of the Village adjacent to the City of Rye and is generally located south and/or east of the PMU District parcels.

The Village Board of Trustees created the PMU District to encourage mixed use development, including a variety of commercial, office, residential and community facility uses. While the PMU District permits this mix of uses (and others as indicated in the Schedule of Regulations for Non-Residential District in Chapter 345), it only allows for a Floor Area Ratio of 0.8, which would result in an approximate potential build-out of up to ±536,660 square feet in the PMU District. The Village Board of Trustees, after it completed its environmental review of the PMU District in the Village of Port Chester Environmental Findings as part of the adoption of the Village's Comprehensive Plan, adopted the current PMU District Section 345-62 with the understanding that future "rezoning and redevelopment of the site and concomitant detailed, comprehensive site-specific environmental review under SEQRA could result in modifications to this district." The SG District is also consistent with recommendations in the Comprehensive Plan which considered the potential for residential development on large commercial properties in the CD District. By including the CD District within the SG District, the Village is increasing the potential to add

significant additional development, using density bonus provisions, including the opportunity to add an array of residential uses in the CD District where they are currently prohibited.

The Board now desires to create the SG District and implement Article XXII to promote the permitted mix of uses in this area, to enhance the character of the Village’s “gateway” and to foster the redevelopment of the property included within the PMU and CD Districts. The Board finds and determines that this local law is consistent with the Village’s Comprehensive Plan which encourages redevelopment to accommodate a mixed-use “gateway” project.

SECTION 2: The Code of the Village of Port Chester, Chapter 345, “Zoning”, Article III “Districts, Boundaries and Application of Regulations”, Section 345-3 titled “Districts Classified” is hereby amended to add a “Southern Gateway Mixed Use Overlay Zoning District” (abbreviated as “SG”) to the list of established Zoning Districts within the Village to read as follows:

For the purposes of this Regulation, the Village of Port Chester is hereby divided into 28 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
- C1 Neighborhood Retail District
- C2 Main Street Business District
- C3 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
- 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
SG Southern Gateway Mixed Use Overlay Zoning District

SECTION 3: The Code of the Village of Port Chester, New York, Chapter 345, “Zoning”, is hereby amended to add a new article, Article XXII, to read as follows:

ARTICLE XXII Southern Gateway Mixed Use Overlay District

§ 345-112 Southern Gateway Mixed Use Overlay District

A. Purpose. The purpose of the Southern Gateway Mixed Use Overlay Zone is to provide for the introduction of residential and mixed uses in the CD Design Shopping Center Zoning District and permit bonus increases in allowable density in exchange for providing a designated community or public benefit in the CD Design Shopping Center and the PMU Planned Mixed Use Zoning Districts. The Southern Gateway Mixed Use Overlay District includes the following parcels: Section 142.37, Block, 1, Lot 2; Section 142.45, Block 1, Lots 1, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 4, 8, and 9; Section 142.53, Block, 1, Lots 1 and 2; Section 142.61, Block 1, Lot 2; Section 141.52, Block 1, Lots 2, 2.1 and 2.4.

B. General Regulations.

- (1) The Southern Gateway Mixed Use Overlay Zone is comprised of approximately 75 acres within the CD Design Shopping and the PMU Planned Mixed Use Zoning Districts along the Boston Post Road Corridor in the southwestern portion of the Village adjacent to the City of Rye.
- (2) Only new developments are eligible for the bonuses by Petition unless otherwise approved by the Village Board of Trustees.

C. Eligibility of Development Sites.

The Southern Gateway Mixed Used Overlay District is established as an overlay zone, designated on the Village’s Official Zoning Map by “SG”, with potential application to development sites that satisfy the eligibility requirements identified herein. All permitted principal, specially permitted and accessory uses, dimensional regulations, and potential density bonuses available in Southern Gateway Mixed Use Overlay District apply only to development areas or parcels that meet the following eligibility requirements:

- (1) The total development area or parcels shall be a minimum of ten acres (435,600 sq. ft.) in lot area.
- (2) At least 25% of total developed square footage must be dedicated to non-residential use.
- (3) For all projects containing a residential component, dwelling unit configurations shall be comprised of primarily studios, one bedrooms and loft style apartments.

- (4) The applicant must make the representation that all new sewer, wastewater, and traffic impacts generated from the proposed project can be reasonably mitigated so as not to add increased loads on the existing network. Acceptable mitigation techniques include increasing existing infrastructure network capacity which can be achieved through construction of new sanitary or wastewater sewer lines, road widening or enhancement, installation of traffic signals, interchange realignment, improved pedestrian crossings or any other reasonable mitigation techniques deemed acceptable by the Village Board of Trustees.
- (5) Development concepts within the underlying PMU Planned Mixed Use District shall implement Abendroth Park public access improvements in accordance with the Village's Comprehensive Plan and Park and Recreation Master Plan.

D. Permitted Uses.

Permitted Uses within the Southern Gateway Mixed Use Overlay District supersede the underlying CD Design Shopping District and PMU Planned Mixed Use permitted uses. The creation of a development in the Southern Gateway Mixed Use Overlay District shall be comprised of one or a combination of any of the following uses.

Permitted principal uses. Notwithstanding anything in Articles IX, X or XVIII to the contrary, the following uses are permitted principal uses in the Southern Gateway Mixed Use Overlay District:

- (1) Multifamily dwellings containing efficiency, one-bedroom and two-bedroom units only; age restricted housing (e.g. 55+) including all unit configurations; convalescent home or nursing home.
- (2) Hotel or motel; limited service hotel.
- (3) Bar or tavern; catering or events establishment; cabaret; table service restaurant, no drive-in, open front, fast-food or curbside service restaurants.
- (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, medical and dental offices including x-ray and therapy room, office building; bank, excluding any drive-in windows.
- (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 multi-family development.
- (11) Wireless Telecommunication Facilities.

E. 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.
- (3) 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.

F. 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; 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) Public utility facility.

G. Dimensional Standards

The dimensional standards of the underlying CD Design Shopping Center and the PMU Planned Mixed Use Zoning Districts are still applicable and are only supplemented by the standards of the Southern Gateway Mixed Use Overlay Zone.

- (1) Building Height. The maximum building height for all uses in the Southern Gateway Mixed Use Overlay Zone shall be eight (8) stories or one hundred fifteen (115) feet, excluding any incentive building height increases which may be granted pursuant to the requirements set forth in §345-16 with approval by the Village Board of Trustees. A building height bonus of two stories or 15 feet over the maximum building height allowable by special exception is available pursuant to the requirements set forth in §345-16, with approval by the Village Board of Trustees.
- (2) Floor Area Ratio. Floor Area Ratio bonuses may be applied to a development site within the Southern Gateway Mixed Use Overlay Zone provided a site plan, in

conceptual form or otherwise, submitted by the applicant and approved by the Village Board of Trustees meets all development site eligibility requirements included in Article XXII and includes any one or several of the public benefits identified in the Comprehensive Plan and identified in the Table below. In no event may the total FAR for a development site within the Southern Gateway Mixed Use Overlay Zone exceed 1.7, to be comprised cumulatively from the maximum FAR allocation from the underlying CD Design Shopping Center or PMU Planned Mixed Use Districts, any bonus achieved through the Southern Gateway Mixed Use Overlay Zone Petition and any bonus achieved through Section 345-16 Building Height and Floor Area Bonus Program in the Village Zoning Code.

Table 1. FAR Density Bonus, Public Amenities

<u>Public Benefit</u>	<u>Maximum FAR Bonus</u>
<u>Provision of funds in the amount of \$250,000.00 to be used towards the design and/or construction of a municipal service facility (Police, Fire, and/or Village Offices) or public school facility within the Village.</u>	<u>0.3</u>
<u>Provision of funds in the amount of \$250,000.00 to be used towards the study and/or remediation of contaminated land along the Byram River or to be used towards the Village waterfront, bulkhead replacement and/or marina redevelopment consistent with the Comprehensive Plan, Strategic Plan, or Local Waterfront Revitalization Program (LWRP).</u>	<u>0.3</u>
<u>Provision of funds in the amount of \$250,000.00 to be used towards the Fox Island peninsula redevelopment consistent with the Comprehensive Plan, Strategic Plan, or Local Waterfront Revitalization Program (LWRP).</u>	<u>0.3</u>
<u>Provision of funds in the amount of \$250,000.00 to be used towards the provision of publicly accessible or publicly dedicated, open or enclosed program space on-site or anywhere within the Village to be dedicated for community use and/or youth programming.</u>	<u>0.3</u>
<u>Public Marina improvements in accordance with the Village comprehensive Plan or Local Waterfront Revitalization Program (LWRP).</u> <ul style="list-style-type: none"> <u>• Extension of public promenade along Byram River</u> <u>• Filling of the Cove to create a waterfront park</u> <u>• Provision of a public pump-out station at Village Marina</u> <u>• Provision of Public restrooms at Village Marina</u> <u>• Provision of public boat slips and/or transient docking facilities along the Byram River</u> 	<u>0.1</u> <u>0.1</u> <u>0.1</u> <u>0.1</u> <u>0.1</u>

<u>Provision of new public parking in excess of that required for proposed uses and which provides a significant public benefit or significant improvement or replacement of an existing parking facility with the Village:</u> <ul style="list-style-type: none"> • <u>100 spaces</u> • <u>200 spaces</u> • <u>300 spaces</u> • <u>400 spaces</u> • <u>500 spaces</u> 	<u>0.1</u> <u>0.2</u> <u>0.3</u> <u>0.4</u> <u>0.5</u>
<u>Provision of new publicly accessible open space or dedicated parkland on-site or anywhere within the Village:</u> <ul style="list-style-type: none"> • <u>1 Acre</u> • <u>2 Acres</u> • <u>3 Acres</u> • <u>4+ Acres</u> 	<u>0.1</u> <u>0.2</u> <u>0.3</u> <u>0.4</u>
<u>Provision of publicly accessible or publicly dedicated, open or enclosed program space on-site or anywhere within the Village to be dedicated for community use and or youth programming:</u> <ul style="list-style-type: none"> • <u><10,000 Sq. Ft.</u> • <u>10,000-19,999 Sq. Ft.</u> • <u>20,000-49,999 Sq. Ft.</u> • <u>50,000-74,000 Sq. Ft.</u> • <u>75,000+ Sq. Ft.</u> 	<u>0.1</u> <u>0.2</u> <u>0.3</u> <u>0.4</u> <u>0.5</u>
<u>Provision of publicly accessible or publicly dedicated, open or enclosed space on-site or anywhere within the Village to be dedicated for municipal service use (Police, Fire or Village Offices) or public school facility.</u> <ul style="list-style-type: none"> • <u><10,000 Sq. Ft.</u> • <u>10,000-19,999 Sq. Ft.</u> • <u>20,000-49,999 Sq. Ft.</u> • <u>50,000-74,000 Sq. Ft.</u> • <u>75,000+ Sq. Ft.</u> 	<u>0.1</u> <u>0.2</u> <u>0.3</u> <u>0.4</u> <u>0.5</u>
<u>Provision of funds in the amount of \$250,000.00 to be used towards a neighborhood revitalization development program.</u>	<u>0.3</u>
<u>Rebuild sanitary sewer infrastructure along Boston Post Road from High Street to Purdy Avenue.</u> <ul style="list-style-type: none"> • <u>For each 1,000 Linear Feet, or part thereof</u> 	<u>0.3</u>
<u>Rebuild Village water infrastructure from S. Regent Street through Touraine Avenue through Hospital site to High Street and Boston Post Road.</u> <ul style="list-style-type: none"> • <u>For each 1,000 Linear Feet, or part thereof</u> 	<u>0.3</u>

<u>Roadway and pedestrian facility improvements.</u> <ul style="list-style-type: none"> • <u>Street paving</u> <u>0.1</u> • <u>Signal retiming, prioritization; installation of pedestrian signals; crosswalks</u> <u>0.1</u> • <u>Sidewalk (re)construction</u> <u>0.1</u> • <u>Traffic calming devices, i.e. speed humps, speed tables, roundabouts, traffic circle, chicanes, textured pavement, textured crosswalks, raised intersections, chokers, etc.</u> <u>0.1</u> 	
<u>Traffic intersection improvements.</u> <ul style="list-style-type: none"> • <u>High Street and Boston Post Road</u> <u>0.2</u> • <u>South Regent Street and Boston Post Road</u> <u>0.2</u> • <u>Kohl's Shopping Center and Boston Post Road</u> <u>0.2</u> • <u>Olivia/Pearl Street and Boston Post Road</u> <u>0.2</u> • <u>I-287/I-95 highway exit ramp on to Boston Post Road</u> <u>0.2</u> • <u>South Main Street and Grace Church Street and Purdy Avenue</u> <u>0.2</u> • <u>Beck Avenue with Midland Avenue and Boston Post Road</u> <u>0.2</u> 	
<u>Maximum total FAR bonus eligible under the Southern Gateway Mixed Use Overlay Zone shall not exceed:</u>	<u>0.9</u>
<u>Maximum total FAR for a development site within the Southern Gateway Mixed Use Overlay Zone shall not exceed:</u>	<u>1.7</u>

H. Design Guidelines

It is the intent of the Southern Gateway Mixed Use Overlay District to provide incentives for "Placemaking" development schemes that will enhance and be integrated within the existing fabric of the Village. Floor Area Ratio bonuses may be applied to a development site provided that a site plan, conceptual or otherwise, submitted by the applicant and approved by the Village Board of Trustees meets all development site eligibility requirements included in Article XXII and includes any one or several of the Design Guidelines identified in the Comprehensive Plan and identified in the Table below. In no event may the total FAR for a development site within the Southern Gateway Mixed Use Overlay Zone exceed 1.7, to be comprised cumulatively from the maximum FAR allocation from the underlying CD Design Shopping Center or PMU Planned Mixed Use Development Districts, any bonus achieved through the Southern Gateway Mixed Use Overlay Zone Petition and any bonus achieved through Zoning Code Section 345-16 Building Height and Floor Area Bonus Program.

<u>Design Guidelines</u>	<u>Maximum FAR Bonus</u>
<u>Connected interior street grid with limited use of cul-de-sacs and dead end streets.</u>	<u>0.1</u>
<u>Adequate pedestrian and bicycle facilities to safely accommodate all modes of transportation.</u>	<u>0.1</u>

<u>Integration of existing transit infrastructure including Bee Line stops, provision of Metro-North shuttle, and any known, reasonably related future I-287 east/west transit schemes.</u>	<u>0.1</u>
<u>Defined and consistent architectural vocabulary with special attention given to any building facades visible from the Boston Post Road and/or Interstate 287.</u>	<u>0.1</u>
<u>Siting of retail component of projects on Boston Post Road to be accessible from existing sidewalk infrastructure to reinforce commercial corridor character.</u>	<u>0.1</u>
<u>Infusion of green building technology to reduce the overall energy costs and improve the attractiveness and marketability of development.</u>	<u>0.1</u>
<u>Maximum total FAR bonus eligible under the Southern Gateway Mixed Use Overlay Zone shall not exceed:</u>	<u>0.9</u>
<u>Maximum total FAR for a development site within the Southern Gateway Mixed Use Overlay Zone shall not exceed:</u>	<u>1.7</u>

I. Shared Parking.

The total number of off-street parking and loading spaces required for a site designated in the Southern Gateway Mixed Use Overlay District shall be the sum of the requirements for each individual use, except that such required total may be reduced by the Board of Trustees where the applicant demonstrates to the satisfaction of the Board of Trustees that the parking and or loading demands of the proposed project/uses on the site will satisfy the purposes of the off- street parking/loading requirements by reason of variation in the probable time of maximum use by residents, visitors, patrons, deliverers and/or employees and/or the number of docks provided given the availability of lay-by spaces, extra long docks and by variation in probable time of use, without building excess parking spaces.

J. Application Procedure

- (1) The Village Board of Trustees is hereby authorized to designate any site to the Southern Gateway Mixed Use Overlay Zone and to grant FAR bonuses on Petition by any eligible applicant after public notice and hearing.
- (2) An application to establish an eligible development site to the Southern Gateway Mixed Use Overlay District and to seek applicable FAR bonuses for such site shall be initiated by formal Petition to the Village Board of Trustees. Along with its Petition, the applicant shall submit a description of its proposed project, including a site plan, in conceptual form or otherwise, and a statement of proposed use, together with an environmental assessment of the potential impacts associated with the proposed project to the satisfaction of the Village Board of Trustees, as lead agency, in accordance with the State Environmental Quality Review Act and its implementing regulations. At a minimum, this environmental assessment shall take the form of a Long Environmental Assessment Form (EAF).
- (3) The Village Board of Trustees is hereby authorized to grant a Petition pursuant to this Article along with any associated site plan approval under Article V.

Administration and Enforcement, special exception use approval under Article X, Special Exception Use Regulations and subdivision or re-subdivision under Chapter A402, Land Subdivision Regulations.

- (4) Petitions under this Article shall be submitted in quadruplicate to the Village Clerk with an application fee as set forth in Chapter 175, Fees. Any Petition under this Article shall include the following:
 - (a) The name of the property owner.
 - (b) Long Environmental Assessment Form.
 - (c) A conceptual site plan with a map accurately drawn to an appropriate scale, or in the alternative, a site plan complying with the requirements of Article V.
- (5) An applicant may submit a conceptual site plan to the Board of Trustees with its Petition in lieu of a more detailed site plan. The purpose of the conceptual site plan is to allow the Board of Trustees and the applicant to reach an understanding on basic design requirements and the appropriateness of designating the site to the Southern Gateway Mixed Use Overlay Zone prior to the applicant's preparation of detailed plans. The Board of Trustees shall review the conceptual plan and related documents and shall render either a favorable report or an unfavorable report to the applicant within 45 days. The report shall be based on the plan's conformance to the Comprehensive Plan of the Village of Port Chester and its implementing land use regulations, with or without suggested modifications.
- (6) The Village Board of Trustees, by resolution adopted at a stated meeting, shall fix the time and place of a public hearing on the proposed Petition and other associated approval requests. Such public hearing shall be noticed in compliance with the public notice requirements set forth in Article XXI of this chapter. Every such proposed Petition, shall be referred to the Planning Commission for report before the public hearing is held thereon.
- (7) At least 10 days' notice of the public hearing and a description of the applicant's proposal shall be mailed to the Westchester County Planning Board in any case where the provisions of Section 451 of the Westchester County Administrative Code are applicable. The Village Board of Trustees shall reserve decision on any such Petition that must be referred to the County Planning Board until its report has been presented, provided that such report is presented within a period of 30 days after the County Planning Board receives such referral.
- (8) The Board of Trustees shall act on a Petition filed under this Article within 90 days of the authorization for a public hearing. Approval of the Petition shall be duly noted on the Zoning Map of the Village of Port Chester.
- (9) Additional site plan approval is not required where the Board of Trustees approves a Petition containing a detailed site plan found to meet the requirements of Article V. Where the Board of Trustees approves a Petition that included a conceptual site

plan only, the development project that is the subject of the Petition shall subsequently obtain final site plan approval from the Board of Trustees.

K. Review Criteria

The Village Board of Trustees may designate a development site to the Southern Gateway Mixed Use Overlay Zone and grant FAR bonuses provided the associated site plan, in conceptual form or otherwise, demonstrates compliance with all eligibility requirements in Article XXII depending on the substance and degree to which the Public Benefits are included in a redevelopment project. In order to be granted any bonuses, the applicant must demonstrate and the Village Board must determine and find the following:

- (1) That the public benefit(s) obtained by virtue of the density bonus substantially meet the goals of the Village as expressed in the Village's Comprehensive Plan or Local Waterfront Revitalization Program (LWRP).
- (2) That sufficient capacity exists within the water supply, wastewater conveyance and treatment, and roadway infrastructure to support the density bonus or that reasonably appropriate mitigation is provided to the maximum extent practicable.
- (3) That applicants proposing residential development have successfully mitigated any demonstrated potential impact on the local school system through meeting all development site eligibility criteria and providing reasonable mitigation measures.

L. Waiver.

The Board of Trustees may waive or vary any of the requirements set forth in this Article whenever such waiver shall not be detrimental to the health, safety, general welfare and environment.

SECTION 4: Change to Official Zoning Map

The boundaries of the Southern Gateway Mixed Use Overlay District correspond to the existing zoning district boundaries of the CD Design Shopping Center District and PMU Planned Mixed Use District as designated on the Official Zoning Map of the Village of Port Chester.

SECTION 5: Severability

If any provision of this local law is held to be invalid or unenforceable in whole or in part, such invalidity or unenforceability shall attach only to such provision or part thereof and the remaining part of such provision and all other provisions hereof shall continue in full force and effect.

SECTION 6. Effective Date

This local law shall take effect immediately as provided by law upon due publication and filing with the Secretary of State.

Village of Port Chester, New York

Local Law No. I-11 of the year 2015

Be it enacted by the Board of Trustees of the Village of Port Chester, New York as follows:

A LOCAL LAW AMENDING THE CODE OF THE VILLAGE OF PORT CHESTER, CHAPTER 345, "ZONING" WITH REGARD TO THE PLANNED MIXED USE DISTRICT

SECTION 1: Purpose and Intent

The Village recently concluded a Comprehensive Plan (Adopted 12-17-2012) process which resulted in three tax parcels (Section 141.52, Block 1, Lots 2, 2.1 and 2.4) being rezoned from Two Family Residence (R2F) to Planned Mixed Use (PMU). The PMU District consists of property containing a hospital campus and associated residential workforce apartment building – bounded on the south by the Boston Post Road and High Street, on the west by High Street and Interstate 287, on the north by Abendroth Park, and on the east by the Boston Post Road. Access to Interstate 95 is also in close proximity.

The Village Board of Trustees created the PMU District to encourage a mixed use development, including a variety of commercial, office, residential and community facility uses. While the PMU District permits this mix of uses (and others as indicated in the Schedule of Regulations for Non-Residential District in Chapter 345), it only allows for a Floor Area Ratio of 0.8, which would result in an approximate potential build-out of up to ±536,660 square feet in the PMU District. The Village Board of Trustees, after it completed its environmental review of the PMU District in the Village of Port Chester Environmental Findings as part of the adoption of the Village's Comprehensive Plan, adopted the current PMU District Section 345-62 with the understanding that future "rezoning and redevelopment of the site and concomitant detailed, comprehensive site-specific environmental review under SEQRA could result in modifications to this district." The Board now desires to implement the proposed amendments to Section 345-62 to promote the permitted mix of uses in this area, to enhance the character of the Village's "gateway" and to foster the redevelopment of the property included within the PMU District consistent with the Comprehensive Plan.

This local law will allow for an as of right FAR of 1.6 compared to the current 0.8, as well as uses as of right as opposed to the existing PMU District text which prescribes FAR by use and requires a bonus program and area variances to achieve additional FAR necessary to effectuate redevelopment. The Board finds and determines that this local law is consistent with the Village's Comprehensive Plan which encourages the redevelopment of the property to accommodate a mixed-use "gateway" project.

SECTION 2: The Code of the Village of Port Chester, New York, Chapter 345, "Zoning," Article XI, is hereby amended to read as follows:

ARTICLE XI Planned Mixed Use District

§ 345-62. PMU Planned Mixed Use District

A. Purpose of district.

- (1) It is the purpose of the Planned Mixed Use (PMU) District to provide the opportunity for appropriately scaled and context-sensitive redevelopment to replace the decommissioned hospital located at 406 Boston Post Road (Section 141.52, Block 1, Lot 2 and Section 141.52, Block 1, Lot 2.4) and the adjacent twelve-story residential apartment building located at 999 High Street (Section 141.52, Block 1, Lot 2.1), which together comprise approximately 15 acres, the largest remaining development site in the Village.
- (2) This section provides the criteria so that mixed use development, including a variety commercial, office, residential and community facility uses, may be planned and developed in a unified manner.

B. Uses. The creation of a mixed use development shall be comprised of one or a combination of the following uses:

- (1) Permitted principal uses. Notwithstanding anything in Articles IX, X or XVIII to the contrary, the following uses are permitted principal uses in the PMU Planned Mixed Use District:
 - (a) Multifamily dwellings containing efficiency, one-bedroom and two-bedroom units only; age restricted housing (e.g., 55+); convalescent home or nursing home.
 - (b) Hotel or motel; limited service hotel.
 - (c) Bar or tavern; catering or events establishment; cabaret; table service restaurant, no drive-in, open front, fast-food or curb service types.
 - (d) Assembly hall; membership club, fraternal organization or similar social institution not operated for a profit.
 - (e) Health club, including racquetball facilities and indoor swimming pools; commercial indoor athletic training facility; bowling alley.
 - (f) Theater.

(g) Retail store or personal service shop.

(h) Office; medical and dental offices including x-ray and therapy room; office building; ground-floor office as accessory use to multi-family development; bank, excluding drive-in.

(i) Off-street parking lot or garage for motor vehicles; minimum requirements shall be in accordance with §345-14.

(j) [Ground-floor office as accessory use to multifamily development.] Wireless Telecommunication Facilities.

(2) Permitted accessory uses.

(a) Private garage or private off-street parking area, in accordance with §345-14.

(b) Sign, in accordance with §345-15.

(3) Special exception uses:

(a) 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.

(b) Hospital; medical and dental offices; ethical pharmacy.

(c) 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.

(d) Funeral home.

(e) Radio or television station studio, excluding transmission tower.

(f) Veterinary hospital or board and care of small animals.

C. Dimensional standards and requirements.

(1) The maximum floor area ratio (FAR) for all uses shall be [0.80] 1.60, excluding any incentive density increases which may be granted pursuant to the requirements set forth in §345-16, 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 ratio (FAR) for community facility uses shall be 0.10.]

[(7)] (2) The maximum site coverage (buildings, access roads and parking, but excluding walkways) shall be [70%] ninety percent (90%).

[(8) The maximum building height for hotel uses shall be eight stories or 85 feet.]

[(9) The maximum building height for mixed use (commercial/residential) structures shall be five stories or 55 feet. A maximum building height of eight stories or 85 feet shall be allowable by special exception, subject to approval by the Board of Trustees and excluding any incentive density increases which may be granted pursuant to the requirements set forth in § 345-16.]

[(10) A building height bonus of two stories or 15 feet over the maximum building height allowable by special exception is available pursuant to the requirements set forth in § 345-16, 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.]

(3) The maximum building height for all uses shall be eight (8) stories or one hundred fifteen (115) feet, excluding any incentive building height increases which may be granted pursuant to the requirements set forth in §345-16 with approval by the Village Board of Trustees.

(4) A building height bonus of two stories or 15 feet over the maximum building height allowable by special exception is available pursuant to the requirements set forth in §345-16, with approval by the Village Board of Trustees.

D. Shared Parking. The total number of off-street parking and loading spaces required for a site designated in the Southern Gateway Mixed Use Overlay District shall be the sum of the requirements for each individual use, except that such required total may be reduced by the Board of Trustees where the applicant demonstrates to the satisfaction of the Board of Trustees that the parking and or loading demands of the proposed project/uses on the site will satisfy the purposes of the off-street parking/loading requirements by reason of variation in the probable time of maximum use by residents, visitors, patrons, deliverers and/or employees and/or the number of docks provided given the availability of lay-by spaces, extra long docks and by variation in probable time of use, without building excess parking spaces.

[D.] E. 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.

F. Waiver. The Board of Trustees may waive or vary any of the requirements set forth in this Article whenever such waiver shall not be detrimental to the health, safety, general welfare and environment.

SECTION 3: Severability

If any provision of this local law is held to be invalid or unenforceable in whole or in part, such invalidity or unenforceability shall attach only to such provision or part thereof and the remaining part of such provision and all other provisions shall continue to full force and effect.

SECTION 4: Effective Date

This local law shall take effect immediately as provided by law upon due publication and filing with the Secretary of State.

PUBLIC NOTICE

A JOINT PUBLIC HEARING WILL BE HELD BY THE BOARD OF TRUSTEES OF THE VILLAGE OF PORT CHESTER ON AUGUST 27, 2015 AT 7:00 P.M. AND SEPTEMBER 8, 2015 AT 7:00 P.M. AT THE VILLAGE JUSTICE COURTROOM, 350 N. MAIN STREET, PORT CHESTER, NY TO CONSIDER A DRAFT ENVIRONMENTAL IMPACT STATEMENT PURSUANT TO THE STATE ENVIRONMENTAL QUALITY REVIEW ACT REGARDING THE PROPOSED REDEVELOPMENT OF 406-408 BOSTON POST ROAD AND 999 HIGH STREET AND TO CONSIDER PROPOSED AMENDMENTS TO THE VILLAGE ZONING CODE AND ZONING MAP FOR A PROPOSED OVERLAY DISTRICT ENCOMPASSING THE EXISTING CD AND PMU ZONING DISTRICTS (SECTION 142.37, BLOCK 1, LOT 2; SECTION 142.45, BLOCK 1, LOTS 1,10,11,12,13,14,15,16,17,18,19,4,8,9; SECTION 142.53 BLOCK, 1, LOTS 1 AND 2; SECTION 142.61, BLOCK 1, LOT 2; SECTION 141.52, BLOCK 1, LOTS 2, 2.1 AND 2.4 ON THE TAX MAP OF THE TOWN OF RYE) AND THE ALTERNATIVE ZONING PROPOSAL TO AMEND THE EXISTING PMU ZONING DISTRICT (CHAPTER 345-62). APPLICANT, PC406 BPR LLC AND PC 999 HIGH STREET CORP., SEEKS REDEVELOPMENT OF THE FORMER UNITED HOSPITAL SITE AT 406-408 BOSTON POST ROAD AND 999 HIGH ST. AS A MIXED, MULTI-FAMILY RESIDENTIAL AND COMMERCIAL PROJECT ON PROPERTY KNOWN AS SECTION 141.52, BLOCK 1, LOTS 2, 2.1 AND 2.4. THE PUBLIC COMMENT PERIOD IS SCHEDULED TO CLOSE ON SEPTEMBER 25, 2015. CONTACT THE VILLAGE OF PORT CHESTER BUILDING DEPT. FOR INFORMATION, 939-5203.

INTERESTED PERSONS ARE INVITED TO ATTEND AND WILL BE AFFORDED THE OPPORTUNITY TO BE HEARD AT THIS TIME. A COPY OF THE DRAFT ENVIRONMENTAL IMPACT STATEMENT AND PROPOSED ZONING AMENDMENTS ARE AVAILABLE AT THE VILLAGE CLERK'S OFFICE, PORT CHESTER-RYE BROOK PUBLIC LIBRARY, AND ON THE VILLAGE WEBSITE: http://www.portchesterny.com/Pages/PortChesterNY_Webdocs/projects.

MINUTES

MEETING HELD AUGUST 17, 2015

A meeting of the Board of Trustees of the Village of Port Chester, New York, was held on Monday, August 17, 2015, 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, Saverio Terenzi, Joseph Kenner Daniel Brakewood, Gene Ceccarelli, Luis Marino and Gregory Adams.

Also present were: Village Clerk, Janusz R. Richards; Village Manager, Christopher Steers; Village Attorney, Anthony Cerreto; Chief of Police, Richard Conway; Assistant Director of Planning & Development, Jesica Youngblood; Christopher Ameigh Administrative Aide to the Village Manager and Edward Quinn, Village Fire Chief - Chief Engineer.

On motion of TRUSTEE BRAKEWOOD, seconded by TRUSTEE MARINO the meeting was declared opened at 6:10 p.m.

ROLL CALL

AYES: Trustees Terenzi, Kenner, Brakewood, Ceccarelli, Marino, Adams and Mayor Pilla.

NOES: None.

ABSENT: None.

DATE: August 17, 2015

MOTION FOR EXECUTIVE SESSION

At 6:13 p.m., on motion of TRUSTEE BRAKEWOOD, seconded by TRUSTEE CECCARELLI, the Board adjourned into an executive session regarding:

- a particular person in the Planning & Development department
- Interview- IDA
- Consultation with Village Attorney regarding vacant/abandoned houses and Port Chester Auxiliary Police

ROLL CALL

AYES: Trustees Terenzi, Kenner, Brakewood, Ceccarelli, Marino, Adams and Mayor Pilla.

NOES: None.

ABSENT: None.

DATE: August 17, 2015

Also present were: Village Clerk, Janusz R. Richards; Village Manager, Christopher Steers; Village Attorney, Anthony Cerreto; Chief of Police, Richard Conway and Christopher Ameigh Administrative Aide to the Village Manager.

No action was taken in executive session.

At 7:15 p.m., a motion to come out of executive session was made by TRUSTEE CECCARELLI, seconded by TRUSTEE ADAMS, the Board of Trustees closed the executive session.

ROLL CALL

AYES: Trustees Terenzi, Kenner, Brakewood, Ceccarelli, Marino, Adams and Mayor Pilla.

NOES: None.

ABSENT: None.

DATE: August 17, 2015

AFFIDAVIT OF PUBLICATION AND NOTICE OF PUBLICATION RE:

Public hearing to consider the advisability of adopting a local law to amend the Code of the Village of Port Chester, Chapter 345 “Zoning” that would: update the use classification and amend existing standards for the granting of special use exceptions for medical and dental offices and establish off-street parking requirements for such uses, create a new C1M Neighborhood Retail – Medical Zoning District with changes to the Schedule of Use Regulations, and amend the Official Zoning Map to provide for the zoning designation of certain properties currently in the C1 Neighborhood Retail District to be changed to the new C1M District.

The following Public Notices were duly published in the Journal News and the Westmore News on June 19, certified by Angelina Brescia, Office Manager of the Westmore News

PUBLIC NOTICE

PUBLIC NOTICE is hereby given that the Board of Trustees hereby schedules a public hearing on Monday, July 20, 2015 at 7:00 P.M., or as soon thereafter at the Port Chester Justice Courtroom, 2nd Floor, 350 North Main Street, Port Chester, New York, to consider the advisability of adopting a local law to amend the Code of the Village of Port Chester, Chapter 345 “Zoning” that would: update the use classification and amend existing standards for the granting of special use exceptions for medical and dental offices and establish off-street parking requirements for such uses, create a new C1M Neighborhood Retail – Medical Zoning District (C1M District) with changes to the Schedule of Use Regulations, and amend the Official Zoning Map to provide for the zoning designation of certain properties currently in the C1 Neighborhood Retail District to be changed to the new C1M District, as follows:

<u>Address</u>	<u>Section/Block/Lot</u>
200 Westchester Avenue	142.22-1-1
204-210 Westchester Avenue	142.22-1-2
216 Westchester Avenue	142.22-1-5
220 Westchester Avenue	142.22-1-6
232 Westchester Avenue	142.22-1-7
238 Westchester Avenue	142.22-1-8
235 Westchester Avenue	142.22-1-22

Irving Avenue	142.22-1-23
227 Westchester Avenue	142.22-1-24
223-225 Westchester Avenue	142.22-1-25
219 Westchester Avenue	142.22-1-26
211-217 Westchester Avenue	142.22-1-27
Westchester Avenue	142.22-1-28
200 Irving Avenue	142.22-1-29
204 Irving Avenue	142.22-1-30
206 Irving Avenue	142.22-1-31
214 Irving Avenue	142.22-1-32
220 Irving Avenue	142.22-1-33
227 Irving Avenue	142.22-1-35
233 Irving Avenue	142.22-1-36
211 Irving Avenue	142.22-1-37
199 Irving Avenue	142.22-1-38
26 Poningo Street	142.22-1-39

Interested persons are invited to attend and will be afforded the opportunity to be heard at this time. The copy of the proposed local law is available at the Village Clerk's office or online at the Village website www.portchesterny.com.

Date: July 19, 2015

/s/ JANUSZ R. RICHARDS
 JANUSZ R. RICHARDS
 Village Clerk
 Village of Port Chester, New York

On motion of TRUSTEE BRAKEWOOD, seconded by TRUSTEE MARINO, the public hearing was declared reopen.

ROLL CALL

AYES: Trustees Terenzi, Kenner, Brakewood, Ceccarelli, Marino, Adams and Mayor Pilla.

NOES: None.

ABSENT: None.

DATE: August 17, 2015

Village Attorney, Anthony Cerreto read the following statement into the record.

“Since the public hearing, staff has had the opportunity to review the record from the public hearing, meet with Attorney Anthony Tirone and consult with peer professionals.

“We reject the claims of “spot zoning” head-on. That two property owners may benefit from the local law does not negate the uncontroverted fact that the new C1M Zoning District is consistent with the Comprehensive Plan, which specially recommends, “encouraging medical facilities and services to locate in the Village to serve the Village’s diverse population” (#2 of Municipal Services and Educational Resources). It fulfills a demonstrated community need for a

diverse population. Further, there has been significant market interest in these uses as evidenced by discussions between prospective applicants and the Planning Department over the past year.

“However, to be objective, some fair points were made. First, the medical industry is evolving with the ground literally shifting under our feet in terms of both technology and procedure. Staff has been working on developing workable definitions in the context of a comprehensive, legally defensible approach. The public comment periods only have given greater impetus to more strategic movement in this direction. In addition, staff is taking a second look at bringing the proposed standards for a special exception use more in line with industry standards. Consideration will be given to refining them so as to promote retail on the first floor and ensuring against incompatible uses as part of this secondary, comprehensive look.

“We have reached out to the Planning Commission Chair today to ask if he would be willing to include this matter as an agenda item for the next meeting at the end of the month.”

In short we should close this public hearing and give staff and the Planning Commission time to get back to the Board with a more refined process.

Public Comments

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

Comments were made by:

Mr. Gregg Gregory, Chairman, Planning Commission commented they are meeting on August 31st and will have a recommendation by the September meeting. Planning wants to have a say in the proposal.

Ms. Goldie Solomon commented people will take parking spaces away from the residents. We cannot afford to have anything off the tax roles.

Mr. Joseph Rende commented the Zoning Board should also have input. There may be some variances. You are currently looking at the Westchester Avenue/Poningo Street corridor to create a municipal center as well as a police center. That will change the downtown area dramatically. It will also impact the Oak & Grove parking and the lot on Irving Avenue. All options should be looked at before a zoning change is made.

Mr. Charles Courtenay read the letter written by Howie Ravikoff to the Board regarding the C1 retail district.

Mr. Richard Abel commented that if this hearing is closed, will there be another public hearing?

Dr. Mark Arnell responded to Mr. Ravikoff’s letter asking whether a thorough evaluation has been done. The answer is yes, there has been a very thorough study done by the Port Chester Planning Department. This is an update to our outdated zoning code. Also, the Planning Board said there is no downside to this.

On motion of TRUSTEE CECCARELLI, seconded by TRUSTEE MARINO, the public hearing was closed.

ROLL CALL

AYES: Trustees Terenzi, Kenner, Brakewood, Ceccarelli, Marino, Adams and Mayor Pilla.

NOES: None.

ABSENT: None.

DATE: August 17, 2015

Port Chester Auxiliary Police

Chief of Police Richard Conway commented that we are working on getting the Auxiliary Police placed in the Charter and in the outline of the Police Department. We have to work on a training program. We have to develop rules and regulations tailored to our use. We would like to lower the age to 18. We would be starting the plan from the bottom up.

Mr. Scott Symington, an auxiliary policeman, commented he is in favor of the whole unit of Auxiliary Police getting trained. He hoped he could be involved in the training. At the present time the cost is approximately \$600 per person for a 40-hour peace officer firearm cost training program for a trained force.

Mr. Cololuca commented he has been with the Port Chester Auxiliary Police for 36 years. We provide a great service for the Village. Our auxiliary should carry their weapons while on duty.

PUBLIC COMMENTS

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

Comments were made by:

Ms. Goldie Solomon thanked the Board for our firemen, policemen, EMTs and DPW. Our taxes have to come down. The addition to the Port Chester High School will raise our taxes.

Mr. Dinseler commented on construction zones on the street with police officers directing traffic. He noticed that Village vehicles are at the site. Is the Village being compensated for the Village vehicles and who is paying for the gas while the vehicles are running with the air conditioning on? Chief Conway commented the Village pays for the gas but the vehicles are only used where there is a public danger. It also gives the officer a car to respond should there be an emergency.

Mr. Richard Abel commented the officers are paid direct, not by the Village. We have a presentation to be given by the Board of Ethics. It's been 50 years since the law has changed. On the proposal the \$75 was a good idea. What is missing is what happens if an illegal gift is given to the employee's spouse or business.

Ms. Linda Turturino commented on the dog park. We are doing our last minute details with the help of the Village staff. The opening date is Labor Day. We have two more downtown concerts coming up. Saturday, August 29th is Port Chester Day, with the rain date Sunday. Regarding the traffic problems on Parkway Drive, they are finally being recognized.

Ms. Donna Carroll commented on putting a crosswalk by Mc Donalds at South Regent Street and the Post Road. We need the word STOP at the stop lines at Mc Donalds and at the Shell station. In the bushy area at the marina people are relieving themselves.

PRESENTATION

Mr. Alex Payan and Ms. Evelyn Petrone Esq. commented it has been 48 years since the Village Code of Ethics has been updated. After comparing to the New York State model code of ethics and to other municipalities we will replace the sections on Gifts and Nepotism. We tried to consolidate and make it more readable and more up to date. We also wanted to make the definitions clearer. The Board of Ethics meetings are open and the public is invited. For the Nepotism section a lot of time was spent on the definition of relatives. We could cross-reference that into the Gifts section and add another sub-paragraph that will address Mr. Abel's concerns. The Board of Ethics looked at the New York State model code and agreed the limitation of \$75.00 would not be deemed an undue influence. If the gift does not reasonable appear to create a situation of undue influence that was sufficient to deter anyone from doing that. The intention of this is to give people the idea that there are some things you can do without running afoul of the law.

Besides Gifts and Nepotism the Board of Ethics is also working on Jurisdiction of the Board of Ethics and the Use of Municipal Resources.

RESOLUTIONS

RESOLUTION #1

SETTING A PUBLIC HEARING TO CONSIDER THE ADVISABILITY OF ADOPTING A LOCAL LAW TO AMEND THE CODE OF THE VILLAGE OF PORT CHESTER, CHAPTER 176, WITH REGARD TO FILM PERMITS

On motion of TRUSTEE KENNER, 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 hereby sets a public hearing on September 21, 2015 at 7:00 p.m. or as soon thereafter, at the Police Headquarters/Justice Court, 2nd Floor Courtroom, 350 North Main Street, Port Chester, to consider the advisability of adopting a local law that amends the Code of the Village of Port Chester, Chapter 176, Film Permits" with regard to operational time limitations and the need for applicants to submit an operational or production plan as part of the application process.

Approved as to Form:

Anthony M. Cerreto, Village Attorney

ROLL CALL

AYES: Trustees Terenzi, Kenner, Brakewood, Ceccarelli, Marino, Adams and Mayor Pilla.

NOES: None.

ABSENT: None.

DATE: August 17, 2015

RESOLUTION #2

**SETTLEMENT OF TAX CERTIORARI PROCEEDINGS BROUGHT CHALLENGING A
PROPERTY TAX ASSESSMENT**

On motion of TRUSTEE KENNER, 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 resolution of March 2, 2015 be modified to reflect that the new threshold for Board approval of tax certiorari proceedings shall be refunds by the Village of Port Chester in excess of \$3,500.

Approved as to Form:

Anthony M. Cerreto, Village Attorney

ROLL CALL

AYES: Trustees Terenzi, Kenner, Brakewood, Ceccarelli, Marino, Adams and Mayor Pilla.

NOES: None.

ABSENT: None.

DATE: August 17, 2015

REPORT OF THE VILLAGE MANAGER

Mr. Steers

INITIATIVES/PRIORITIES:

- **Strategic Planning: Strategic Actions** (Opportunity Areas #1 Downtown TOD, #2 Downtown: Municipal Center, #3 Waterfront Redevelopment/Revitalization, #4 Fox Island, #5 United Hospital Site Redevelopment). We continue to move forward with various strategic planning initiatives (see Planning and development activities report).

1) Opportunity Area #1:

- **C1 Neighborhood Retail Zoning Analysis:** medical, dental office use Preliminary analysis regarding a potential zoning text change to permit medical in the C1 Neighborhood Retail District either as-of-right or by special exception permit subject to existing special exception criteria as defined in §345-61U.

Presentation to BOT completed March 2015. Planning Commission generally supports concept. Second Public hearing being held at this meeting.

- **Retail D (Background & Status):** Applicant, G&S Port Chester LLC, has submitted a formal zoning petition pursuant to §345-34 to the Board of Trustees regarding former “Coney’s lot” (aka “Retail D”/“Unit 2B”), Section 142.031, Block 1 Lots 3,4,5,6,20,21,22,23 and 24 of the Town of Rye Official Tax Map and interstitial Liberty Street Right-of-Way, for amendments to the Urban Renewal Plan for the Modified Marina Redevelopment Project, regulations to the MUR Marina Redevelopment Project Renewal District, and Concept Development Plan of the Modified Marina Redevelopment to permit multi-family development.

Note: Staff met with G&S Development on July 30th, 2015. They stated that they are in the process of amending their petition to address the Planning commissions concerns. They wish to continue on the path that has been laid out based upon their petition.

Note: that the Board of Trustees retains discretionary approval authority over all requested amendments as well as site plan approval for the project by virtue of its location within the MUR Marina Urban Redevelopment District.

Background: Specifically, the applicant seeks a zoning amendment in order to construct a 5-story, 90,000 square foot mixed use building (“Waterfront Place”) consisting of four floors of 79 rental dwelling units (7 studios, 56 one-bedroom, and 16 two-bedroom) over 12,00 square feet of ground floor retail. The subject parcels were approved for three (3) stories and approximately 40,000 square feet of retail development as part of the overall project approval in 1999.

The petition proposes the following dimensional and bulk requirements for a newly mapped “MUR Mixed-Use District):

- Maximum Height: 5 stories or 70 feet
- Minimum Lot Area per Dwelling Unit: 250 Square Feet
- Minimum Lot Depth/Width: None
- Front/Side/Rear Setback: None
- Usable Open Space per Unit: None

Further, applicant is requesting an amendment to both the MMRP Urban Renewal Plan and MUR District regulations to add a multifamily dwelling parking regulation to the required parking table.

Planning Commission Comments, May 28 2015: (all comments paraphrased from PC meeting).

- Parking: will residential units need tags in the specified and already pre-determined parking spaces? What impact will this have in overall downtown parking scheme.
- Traffic: Site’s location should require an analysis for access/circulation/level of service, etc. Carried out through site plan approval by BOT.
- Density/Bulk Requirements: Applicant’s zoning seems to ‘pick’ the best of the amended C2 and new C5/C5T Districts’ dimensional regulations.
 - FAR: possibly too dense, as applicant seeks 3.2 as-of-right with possibility to 4.0. highest density reserved for C5 district as discussed during comprehensive plan/rezoning
 - LAPDU: C2 lot area per dwelling unit (LAPDU) is 750sqft bonusable to 575sqft and C5 District is 575 sqft as-of-right with bonus down to 250 sqft. Applicant requests 250 as-of-right, another ‘picked’
 - Yard Dimensions: setbacks
 - Setback - building to lot lines doesn’t always leave a desirable landscape. Planning Commission expressed concern with The Mariner’s footprint.
 - Height - no real issue; seems to be in concert with surrounding districts.
 - Overall, density proposed in Retail D “picks” the best of other districts and may not be synonymous to proposal site’s geography in relation to other adjacent zoning districts.

2) Opportunity Area #2: As you are aware NDC has been engaged by the BOT to study the feasibility of developing a municipal center. As you are aware the BOT established a municipal center subcommittee to reevaluate current direction. NDC was asked to develop a proposal to do same and submit it to the BOT for consideration looking at the feasibility of 350 N. Main Street as an alternate site.

The BOT has authorized the additional analysis. The final report is due on or about September 8th.

- 3) **Opportunity Area #3:** Bulkhead: Again, Boswell Engineering has been selected as the design consultant for the bulkhead replacement design. On Tuesday July 14th staff met with Boswell to negotiate final fees and contract terms. The negotiated fee to include the entire Vinyl area now including the cove is \$305,000.00 (negotiated down from \$390,000.00). The draft contract has been completed and has been forwarded to DOS for review and approval. Thereafter the agreement will be brought back to the BOT for approval. Concurrently staff will submit a resolution authorizing a budget modification for the capital project line to include the grant funds an addition to the Village's portion of the match.

- 4) **Opportunity Area #5:** Redevelopment of the former United Hospital Site (Starwood). The Mixed-use redevelopment proposal for the former United Hospital site located within the Village's PMU Planned Mixed Use District to permit: 500 "Millennial" housing units, 240 age-restricted housing units, an approx. 138-key limited service hotel, 100,000-200,000 square feet of medical office, approx. 90,000 square feet of retail, ample public and green space, and improved access to Abendroth Park.

SEQRA PROCESS:

- Preliminary DEIS provided by Applicant December 30, 2014. Applicant submitted revised DEIS documentation May, June and July 2015 for consultant and staff review for completeness per SEQRA law. BOT adopted Applicant's DEIS as complete July 20, 2015. First SEQRA public hearing scheduled August 27, 2015, second scheduled September 2015. Public comment period closing September 25, 2015

- **NEXT-NEXT STEPS: LARGE LAND USE DECISIONS:** Both & AKRF has suggested/recommended that the Village discuss the PILOT and proposed density bonus program financial feasibility after DEIS accepted and public hearing and comment period are closed. A follow up memorandum from Mark Chertok relating to the public hearing process is forthcoming.

ACTIONS:

- **Consolidated Funding Application Summary:** BOT provided support to further economic development opportunities described by the Regional Economic Development Council through 2015 CFA funding portal. The 2015 CFA Process opened May 1, 2015 and closed July 31, 2015. The Village submitting applications for

one or more or a combination thereof for waterfront enhancements, downtown revitalization, and transit oriented development. Village IDA providing grant assistance totaling approximately \$5 million dollars. Staff attended June 9, 2015 CFA workshop. Again:

- The IDA is providing additional support for the CFA application towards comprehensive, multi-modal transportation plan as related to reducing impediments to downtown economic development opportunities in furtherance of adopted village Economic Development strategies.
 - The Empire State Development (ESD) agency is highly enthused by our application and efforts to market/brand Port Chester's 150th anniversary and our overall objectives. Specifically due to effort to integrate each of our applications including transportation & bulkhead design - through the Market NY program. ESD stated that the Village can make a stronger application through Market NY versus an application to the Homes & Community Renewal (HCR) program, i.e. Main St. Program.
 - Further, we were informed by Homes and Community Renewal (HCR) Main St Program Director, The Village did not fully close out the previously awarded grant. This currently renders us ineligible for 2015 CFA funding. Staff is working with the State for the proper close out and has been told that the state is providing support for a future application next year.
- **New York State Community Development Block Grant Funding:** This program relates to State funding through the Office of Homes and Community Renewal (OHCR) including housing, public infrastructure, public facilities, economic development, etc. Total funding allocated for Westchester Communities is \$4.1 million. Program announced July 2015. Staff attended informational workshop July 28, 2015. Applications currently being prepared for October 23, 2015 submission.
- **New York State Environmental Facilities Corporation – State Revolving Fund:** This is a new state program to facilitate the replacement and repair of wastewater infrastructure and to fund projects that will result in the greatest reduction in risk to public health. Eligible projects include rehabilitation of wastewater treatment plants, repair/rehabilitation of sanitary sewers, and energy efficiency upgrades to wastewater treatment plants. Staff has spoken with EFC and has scheduled follow-up conversations with Village Engineer to assist in determining eligibility.
- **MTA:** Staff continues to discuss a possible settlement to the property maintenance violations issued to the MTA. The context is in the realm of better routine maintenance and possible beautification utilizing existing and potential funds in a collaborative manner between the Village and the MTA.
- **Grant Writing RFP:** Interviews for the selection of a grant writing consultant will occur this week.

DEPARTMENT UPDATES:

➤ Police Department:

Training:

- On July 23, six members of the Department successfully completed the Advanced Active Shooters Scenario tactics and Operations Course. The 3 day course of study was held at the New York State Preparedness Training Center in Oriskany, New York. This training evolution relies heavily upon a scenario-based approach to guide students through a mix of situations involving multiple disciplines of emergency responders. Topics covered include: Police EMS coordination, tactical emergency medical care, door breaching, and room clearing. This represents the Departments first group training effort at DHSES's state of the art training facility. Training, transportation, and lodging were funded by the New York State Division of Homeland Security and Emergency Services

Case Highlights:

- On Wednesday July 22, at 2:30pm Police Officer Jeff Garcia was performing sea trials on the Department's newly acquired 24 foot Boston Whaler patrol vessel, Harbor One. As PO Garcia approached buoy 36 off of Manursing Island he observed two small figures on the water approximately 2 miles south of Manursing Island in Rye. PO Garcia approached the figures and upon further inspection observed that they were two paddle boarders attempting to paddle against the current. PO Garcia called out to the paddle boarders and asked if they needed assistance. The boarders, a 13 year old female and a 15 year old male, both from Rye stated they did. The pair apparently had been caught in the current and were becoming exhausted. PO Garcia took the paddle boarders and their boards onto Harbor One and transported them to the Westchester Beach Club. This was the first day on the water for PO Garcia and Harbor One, which had yet to be officially put in service (it was still awaiting police markings) We are looking forward to great things from the Harbor Patrol Program. The program is funded through the New York State Office of Parks Recreation and Historic Preservation.

- On July 18, Police Officer Donald DeSimone, while assigned to the Westchester DEA Task Force was involved in a major drug arrest in the Bronx. The arrest, which yielded 15 arrests, approximately 1.5 kilos of cocaine, 1 kilo of heroin, and loaded handguns, was the culmination of a one year investigation into a drug trafficking organization (DTO) operating out of Middletown NY. In addition to making a huge impact on the cocaine and heroin supply in the Hudson Valley, the

investigation also identified a suspect in the 2004 murder of a young woman in Orange County NY.

Statistics												
FBI Part 1 Crimes	Jan. 1/14		Feb. 2/14		Mar. 3/14		Apr 4/14		May 5/14		June	July
Assault	4	2	4	3	4	6	5	7	5	8	7	6
Burglary	4	1	1	4	4	2	2	1	1	5	1	5
Larceny	28	34	31	26	31	37	40	43	41	39	41	41
Murder	0	0	0	0	0	0	0	0	0	0	0	0
Motor Veh. Theft	0	1	0	1	0	0	1	1	2	0	0	0
Rape	0	1	0	0	0	0	1	0	0	0	0	1
Robbery	1	4	2	0	1	2	1	1	1	5	3	3

Arrests/Tickets	January	February	March	April	May	June	July
Parking Tickets	5312	3661	4240	4393	4093	3575	4,415 ¹
Traffic Tickets	559	433	555	643	582	425	581 ²
Arrests	161	130	157	140	172	133	145 ³

¹ Average for 2014-4627

² Average for 2014-390

³ Average for 2014-112

Common Calls for Service	January	February	March	April	May	June	July
Aided, Medical	192	150	154	144	157	142	150
Accidents	108	108	116	102	115	122	126
Alarms	106	96	80	86	83	86	120
Directed Patrols	166	116	101	109	87	51	57
Domestic	12	30	22	24	21	10	20
School Crossings	45	32	17	19	25	55	0
Total Calls for Service	1637	1401	1556	1525	1611	1551	3436

➤ **Senior Center / Nutrition:** 8,312 Meals have been served to date: (JULY, 2015-May, 2016): 39 Home Bound Seniors received their meals at home, per day Monday-Friday

56 seniors attend the Saturday Program.

- Cooling Tower tested 8/11/2015 (results to be given by 8/14/2015)
- New Fire Extinguisher installed on the Senior bus - 8/13/2015
- Port Chester Recreation Dept. Special Citizen's Day Camp met at the PC Senior Center Mon-Fri for the month of July.
- New York State Farmers Market Coupon booklets worth \$20.00 for fresh fruits and vegetables from local farmers markets were distributed starting July 17, 2015. Booklets are given to any community member 60+ years or older, based on income requirements free of charge, while supplies last. 1 coupon book per family. 163 booklets given out.
- **Senior Center Calendar:**

July 9th—Christmas in July Celebration—Christmas Carols, Visit from Santa
 July 16th—Butterflies with Steve Fratello and dedication of our new butterfly garden. Visit from Lt. Governor of New York State. Certificate given to Anthony Neri for all his work and research on the Butterfly Garden.

July 18th—Trip to the Yogi Berra Museum in Montclair, NJ and lunch at Nauna’s Restaurant.

July 20th—Moon Day Celebration—46th Anniversary of the Moon Landing—Movie the Reluctant Astronaut—Moon pies for dessert and TANG!!

Every Monday—Zumba 1 p.m. Every other Tuesday Tai Chi—10:30 a.m. Art Class every Friday morning at 10-12, Bingo Wed and Thurs afternoons. Mah Jong played every Friday afternoon at 1 p.m. Ang Rubino singers every Friday at 1 p.m.

July---100 Grocery Bags with fresh produce have been given out on the second Thursday of each month to PC seniors. Bags are prepared by the Food Bank of Westchester.

May, June & July---100 Grocery Bags with fresh produce have been given out on the second Thursday of each month to PC seniors. Bags are prepared by the Food Bank of Westchester.

▪ **Community Center Calendar:**

July 8th—Beautification Commission, Park Commission, Recreation Commission, Parks & Recreation.

July 15th—U.S. Coast Guard Meeting (Green Room)

➤ **Treasurer’s Office:**

- The Finance Department is in the process of closing out its books in preparation for the Village’s Preliminary audit which is scheduled for the week of July 20, 2015. The Village’s annual audit is scheduled for August 24, 2015 through September 4, 2015.
- The Village Treasurer and Village Manager met with our Financial Advisor, of Capital Market to seek out a more profitable and meaningful way of investing Village funds. We also met with our major banks regarding compensating balances (an excess balance that is left in a bank to provide services such as bank transaction charges) and are utilizing all available means necessary to reducing said cost. The Village will has currently invested invest approximately \$1,000,000 in Certificate of Deposits.
- The contract for the new Payroll/Time Clock System has been drafted, is being reviewed, and is pending execution. The Finance and Human Resource Departments are currently working with the various departments within the Village to create procedure manuals for our new payroll and time clock system.

➤ **Engineering:**

- **50/50 Sidewalk Betterment Program:** Staff has been working to compile necessary data and is plotting out process implementation. Recognized Steps for program implementation Per the Village Treasure these are the steps:

1. Map or Plan established and filed with the Village Clerk
2. The Project adopted during budget process
3. Funds are authorized by the Board of Trustees
4. Funds are borrowed by Village Treasurer
5. Bid specs are prepared by the Village Engineer
6. Bid is awarded for Sidewalk work
7. Public Hearing is set and participants were given due notice by publication and registered mail
8. All parties interested are given opportunity to be heard and views taken into consideration
9. Work is performed by the Contractor based on square footage
10. A resolution is approved by the Board of Trustees appropriating the cost of participants
11. A second public hearing is held regarding the cost
12. Letters are sent to the each participants regarding their individual costs and how to pay
13. If not paid within the specified time, payment would be assessment over a specified time

Maps of the proposed affected areas are attached. Staff will continue to finalize documentation, etc..., and present same to the BOT in September.

- **Street Paving:** The contract with PCI for street paving has been executed. The preconstruction meeting was held. Work begins this week.

Additionally, Westchester County is going to pave a portion of Westchester Avenue (the east bound lane from approximately Merritt Street to S. regent Street) during this cycle. We have coordinated with them on the project to leverage the work. We will perform the required milling and complete the additional black topping not included by the County.

- **Westchester County Sewer DEF IMA:** A meeting was held on August 13th relating to the IMA. IMA recommendation to adopt is pending follow up from DEF of the results of the meeting and our request for additional time. In the interim we will be submitting our work plan for the required Sewer System Evaluation Study (SSES). From the Village Engineer:

Sewer System Evaluation Survey (SSES)

The SSES is a comprehensive and systematic process aimed at identifying and investigating sanitary sewer system problems (e.g. inflow/infiltration sources, structural deficiencies) and developing maintenance and rehabilitation methods to solve these problems. During the survey, the system is thoroughly inspected and data about the conditions of various system components are collected. The main field investigative procedures typically include: • Flow Monitoring • Smoke Testing. • Manhole Inspections • Dyed Water Testing. • Close Circuit Television (CCTV) Inspection. The following steps are recommended in a comprehensive SSES program.

History

The first step in understanding a municipality's collection system is to obtain information from its employees. Many long-term employees have an "institutional memory" that is often missing from official records. While this step appears obvious, it is far too often ignored and is detrimental to the program. The information can be obtained through interviews or questionnaires from employees from any division that has an understanding of where problems have been occurring within the system. In addition it is important to review the history of customer complaints. Both of these pieces of information provide immediate feedback on the location and magnitude of potential problems. During the question phase, information pertaining to existing maintenance procedures should be collected. Personnel responsible for these tasks should be asked to provide recommendations for changes within the current maintenance program.

Mapping

During the interview process maps are commonly used to identify problematic locations. Having detailed maps is imperative to setting up any type of proactive evaluation program. The map becomes the means to properly track what comprises the system and where and how the system changes over time. The advent of satellite systems and technology (GPS) provides the ability to obtain very accurate locations of manholes, pump stations etc., with the click of a button. Furthermore this information can be stored in Geographic Information Systems (GIS) so as to have access to specific information regarding any attribute information associated with the collection system. Placing this information in such a system allows more precise data to be stored, enabling any interested party to understand the make up and condition of its sewer system.

Flow Monitoring

Locations of possible capacity issues can be identified by tracking sanitary sewer overflows and reported basement backups or through temporary flow monitoring. Temporary flow monitoring is usually one of the first actions taken to better

understand the problematic areas within a collection system. It may also be performed to verify the success of rehabilitation projects associated with inflow/infiltration (I/I) removal. Rehabilitation success verification is performed by comparing pre- and post-rehabilitation flows in a project areas as well as using a control basin which has not been rehabilitated. Temporary flow monitoring studies generally last 60-120 days and are performed during a community's wet season. Electronic velocity and depth recording devices (flow meters) are strategically placed (usually in the upstream pipe entering a manhole) throughout the collection system. Typically each meter might be responsible for monitoring flow from 20,000-30,000 LF of tributary sewer. The purpose of installing flow meters is to determine the quantity of flow at a particular location during both dry and wet weather conditions. Sewers having high dry weather flows typically have little capacity for future connections. Drainage areas that experience high wet weather peaking factors, are typically scheduled for more detailed inspections. Peaking factors in excess of five times dry weather flows are generally considered to have excessive wet weather flow.

Smoke Testing / Manhole Inspections

As noted previously, during rain events sanitary sewer flows tend to increase as a result of either inflow or infiltration. Inflow is defined as rain water that can enter a sewer system directly, while infiltration percolates through the ground and then enters a sewer. See Fig. 3 for typical sources of I/I. Inflow characteristically causes rapid increases in a sewer's flow and results in sewer overflows and or basement backups. Inflow usually recedes within four to five hours after the completion of a rain event. While infiltration is associated with slower increases in flow, and might take as long as four or five days to dissipate. When peak instantaneous flows increase in a sanitary sewer system by more than a factor of five, it is recommended to schedule more inspection activities in that basin. Since inflow usually creates more capacity problems, resulting in overflows, municipalities and engineers typically address this problem first. The two most common forms of inspection associated with locating inflow are smoke testing and manhole inspections. Each of these procedures can identify sources of inflow and assist in the development or correction of a municipality's mapping.

Television Inspection

Internal television is typically performed as a result of: information collected during manhole inspections and smoke testing, customer complaints, excessive infiltration, or in association with a preventative maintenance program. The purpose of this type of inspection is to determine:

- Structural condition
- Location of structural defects
- Identify size and material of construction
- Locate service laterals
- Locate obstructions and sources of infiltration

Flow monitoring devices will be placed in the key manholes as identified in the 1995 SSES conducted by the County.

- **Building / Code Enforcement Department:** See Building Inspector/ Code Enforcement Director's report attached.
- **EMS Audit:** See attached.
- **Planning and Development:** See Planning and Development Assistant Director's report attached. Including Grant Writing Work Group informational Memo.
- **Staffing** (for information only):
 - The Village Clerk position is open and advertised. The position is open until filled.
 - The Planning and Development Director Position will be discussed this meeting.
 - The Village Engineer's position has been advertised, we are receiving resumes, and conducting interviews (5 thus far). We have received a very good responses from well qualified applicants. I anticipate interviewing 8-10 candidates and thereafter choosing finalist.

The Voter Education Program Coordinator has been hired. The resume is attached.

DISCUSSIONS

MTA

Village Manager Steers commented he contacted the MTA. We do not yet know who owns the sidewalks. The Village has maintained the sidewalks in the past when we maintained the parking lot. The MTA does a terrible job in maintaining the property. We asked for a survey of the property. The MTA has several appearance tickets in court awaiting the outcome of an agreement. Attorney Cerreto commented we will let the court make the decision on the responsibilities of the MTA.

Attorney Cerreto commented the MTA is in the process of working on a design for an elevator to be on Westchester Avenue.

Traffic Commission - Street cleaning.

DPW is recommending street cleaning and snow removal in the Locust Street area will take place on Mondays and Tuesdays. Resolution for the Sept. 8th meeting.

Traffic Commission – Parkway Drive.

The Traffic Commission recommends changing Parkway Drive to a one-way street from Putnam Avenue westbound to King Street for a 30 to 60 day trial period before deciding to make it a

permanent change. Signage will require Board approval. This will be brought up at the next meeting.

Trustee Terenzi commented if we do something in September there is less traffic on this street during the school year.

Adopt-An-Island

This is an idea that started with the Beautification Commission. Emily Imbesi commented people can either sponsor themselves for a small fee, or they can take care of an island. This will be on a first come basis. We will have a resolution at the next Board meeting.

Police / Court Project update

Mayor Pilla commented we had NDC come back to the Board with options to build out 350 North Main Street or a second option to acquire the neighboring property. They will require three more weeks and will be back for the September 8th meeting. Mr. Steers will get appraisals for 350 North Main and 222 Grace Church Street.

Trustee Ceccarelli would like to see numbers from Urbanomics. Mr. Steers will reach out to them.

CDBG Program

For the first time, Port Chester is eligible for community block grants under the block grant.. There is a program called the “small cities” program that we are eligible for. We also belong to the Westchester Consortium. .Now the State has changed their program where we are eligible to apply directly for community development block grants. The deadline is in October.

Chris Ameigh commented there are different opportunity areas. The grant writing group is working and we are working with Dolph to identify application opportunities in infrastructure in public utilities.

Open positions status

Mayor Pilla commented on the fine job done by Janusz Richards as Clerk. Mr. Steers said we have received about 20 resumes so far from advertisements. We will start interviews on September 21st. We will pick the top ten for recommendations. Two important qualifications are being a Port Chester resident and bi-lingual, English/Spanish preferred.

We are going to post the Planner position.

We have a lot of applicants for the Engineering position. We have some very qualified candidates. This position is within the Building Department.

CORRESPONDENCES

From Fire Patrol & Rescue Co. #1 on the election of James Magrone to active membership.

On motion of TRUSTEE BRAKEWOOD, seconded by TRUSTEE MARINO, The Board of Trustees accepted the election of James Magrone as a member to Fire Patrol & Rescue Co. #1 with the Port Chester Fire Department.

ROLL CALL

AYES: Trustees Terenzi, Kenner, Brakewood, Ceccarelli, Marino, Adams and Mayor Pilla.

NOES: None.

ABSENT: None.

DATE: August 17, 2015

From Eric Opdyke for the Jarden Westchester Triathlon for permission for the use of roadways on September 27, 2015 and Police Officers posted along the route.

The Board referred the correspondence to staff without objection.

From Zofia Zawadzki regarding 201 Grace Church St.

The Board referred the correspondence to staff without objection.

From Girtman Memorial Church of The Living God requesting Board input for a Community-Wide Health/Wellness Fair.

The Board referred the correspondence to staff without objection.

From Down to Earth Farmers Market at the Promenade

The Board referred the correspondence to staff without objection.

From Port Chester Soccer Club.

The Board referred the correspondence to staff without objection.

From Clay Art Center regarding Village Signage

The Board referred the correspondence to staff without objection.

From Howie Ravikoff regarding Medical in C1 district.

The Board added the correspondence to the public comments section under the Public Hearing regarding Chapter 345 "Zoning."

MINUTES

Minutes from May 4, 18, June 2, 15, 30, July 6, July 20 and August 3, 2015.

Mayor Pilla asked for a motion to combine the minutes of minutes from May 4, 18, June 2, 15, 30, July 6, July 20 and August 3, 2015 of the agenda for the purpose of casting one vote for the above listed minutes.

There being no objection TRUSTEE CECCARELLI, made a motion, seconded by TRUSTEE KENNER to combine the minutes of May 4, 18, June 2, 15, 30, July 6, July 20 and August 3, 2015 of the agenda for the purpose of casting one vote for all the minutes.

ROLL CALL

AYES: Trustees Terenzi, Kenner, Brakewood, Ceccarelli, Marino, Adams and Mayor Pilla.

NOES: None.

ABSENT: None.

DATE: August 17, 2015

On motion of TRUSTEE CECCARELLI, seconded by TRUSTEE BRAKEWOOD, The Board of Trustees accepted the minutes of May 4, 18, June 2, 15, 30, July 6, July 20 and August 3, 2015.

ROLL CALL

AYES: Trustees Terenzi, Kenner, Brakewood, Ceccarelli, Marino, Adams and Mayor Pilla.

NOES: None.

ABSENT: None.

DATE: August 17, 2015

PUBLIC COMMENTS AND BOARD COMMENTS

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

Comments were made by:

Public

Mr. Richard Abel commented on the open positions. Have the intern positions been filled and there were at least two Port Chester kids in the program.

Board

Trustee Ceccarelli commented on follow-up items and his interest in the search for a Historian. On the Marina we should have someone take control or watch at the Marina. The Waterfront Commission should take an active role in this. He thanked the DPW for cleaning up the Marina

area on Westchester Ave. The condition of the Saline house is such that it should be taken down for a parking lot. The DPW did a lot of work to get the property cleaned up. Heather Krakowski should receive accolades on the good season for the campers. Regarding LAZ parking in New Rochelle, Chris Ameigh would like to have a meeting with the Trustees to explain the pros and cons of how that works.

Trustee Marino thanked Janus Richards for his good work. He mentioned the sidewalks at the two Westchester Avenue firehouses and asked if the Village had any money to fix them.

Trustee Adams commented he had the privilege of filling in for Mayor Pilla at Unity Day. He was able to present a few proclamations.

Mayor Pilla commented that the Board is working well together. He again recognized Janusz Richards and he will be missed. Janusz has been extremely responsive to any changes or additions to the Board agendas.

MOTION FOR EXECUTIVE SESSION

At 10:31 p.m., on motion of TRUSTEE ADAMS, seconded by TRUSTEE MARINO, the Board adjourned into an executive session to consult with Village Attorney regarding settlement of a tax certiorari proceeding and regarding correspondence from Attorney, Anthony Provenzano representing Mr. Richard Cuddy.

ROLL CALL

AYES: Trustees Terenzi, Kenner, Brakewood, Ceccarelli, Marino, Adams and Mayor Pilla.

NOES: None.

ABSENT: None.

DATE: August 17, 2015

Also present were: Village Clerk, Janusz R. Richards; Village Manager, Christopher Steers and Village Attorney, Anthony Cerreto.

No action was taken in executive session.

At 10:39 p.m., a motion to come out of executive session was made by TRUSTEE ADAMS, seconded by TRUSTEE MARINO, the Board of Trustees closed the executive session.

ROLL CALL

AYES: Trustees Terenzi, Kenner, Brakewood, Ceccarelli, Marino, Adams and Mayor Pilla.

NOES: None.

ABSENT: None.

DATE: August 17, 2015

At 10:39 p.m., on motion of TRUSTEE ADAMS, seconded by TRUSTEE CECCARELLI, the meeting was closed.

ROLL CALL

AYES: Trustees Terenzi, Kenner, Brakewood, Ceccarelli, Marino, Adams and Mayor Pilla.

NOES: None.

ABSENT: None.

DATE: August 17, 2015

Respectfully submitted,

Janusz R. Richards
Village Clerk

**PUBLIC COMMENTS
AND
BOARD COMMENTS**