

**VILLAGE OF PORT CHESTER
BOARD OF TRUSTEES
Meeting, Monday, November 2, 2015
Regular Meeting: 6:00 P.M.
PROPOSED EXECUTIVE/CLOSED SESSION 6:00-7:00 P.M.
VILLAGE JUSTICE COURTROOM
350 North Main Street
Port Chester, New York
AGENDA**

TIME: 6:00 P.M.

| I | PROPOSED MOTION FOR EXECUTIVE SESSION | ACTION |
|----------|--|---------------|
| 1 | Interviewing a particular person for an open seat on the Planning Commission | |
| 2 | Considering the appointment of particular persons to a Bulkhead Steering Committee | |

TIME: 7:00 P.M.

| II | AFFIDAVIT OF PUBLICATION AND NOTICE OF PUBLICATION RE: | ACTION |
|------------|--|---------------|
| 1 | A joint public hearing to consider the amended petition as submitted by G&S Port Chester, LLC for respective zoning map and text amendments to the MUR Marina Redevelopment Project Renewal District ("MUR"), the associated urban renewal plans, and the Concept Development Plan for the Modified Marina Redevelopment Project to permit multi-family residential development with a floor area ratio bonus and amended bulk and density regulations in a portion of the Project Area known and designated as Retail "D" and more fully described as Section 142.31, Block 1, Lots 3, 4, 5, 6, 20, 21, 22, 23 and 24 of the Town of Rye Official Tax Map as well as an interstitial right-of-way shown on said Map | |
| III | PUBLIC COMMENTS | ACTION |
| IV | PRESENTATION | ACTION |
| 1 | From the Traffic Commission Joe Gianfrancesco | |
| V | RESOLUTIONS | ACTION |
| 1 | To appoint David Thomas to the vacant position of Village Clerk | |
| 2 | To set a public hearing to consider the advisability of adopting a local law amending the Code of Ethics with regard to definitions, gifts, and nepotism | |
| 3 | To retain special counsel regarding correspondence between the Village Manager and the Mayor | |

| | | |
|-------------|---|---------------|
| 4 | To authorize the Village Treasurer to borrow money for design work for the Bulkhead Replacement project | |
| 5 | To modify the existing capital line for the Bulkhead Replacement project | |
| 6 | To establish a Bulkhead Steering Committee | |
| VI | REPORT OF THE GRANT WRITING WORK GROUP | ACTION |
| | | |
| VII | DISCUSSIONS | ACTION |
| | | |
| VIII | CORRESPONDENCE | ACTION |
| 1 | From Reliance Engine & Hose Co. No. 1 on the election of Mario Marin to active membership | |
| 2 | From Reliance Engine & Hose Co. No. 2 on the expulsion of Michael Beadle. | |
| 3 | From Robert B. Peake of JMC re SEQRA Resolutions | |
| 4 | From the Tamarack Tower Foundation requesting approval to hold a Turkey Trot on November 26, 2015 (Thanksgiving) with street closures and police supervision as well as to have three (3) banners hung; one on Putnam Avenue, on Westchester Avenue and across N. Main Street and a sign placed at Messina Park | |
| 5 | From Paul S. Rosenberg, Mayor of the Village of Rye Brook, commenting on the proposed zoning amendments at 406-408 Boston Post Road and 999 High Street | |
| IX | PUBLIC COMMENTS AND BOARD COMMENTS | |
| | | |
| X | PROPOSED MOTION FOR EXECUTIVE SESSION | |
| 1 | Consultation with the Village Attorney regarding a particular personnel complaint | |

TIME: _____

**MOTION FOR
EXECUTIVE
SESSION**

1

2

PUBLIC HEARING

1



VILLAGE OF
PORT CHESTER

222 Grace Church Street, Port Chester, New York 10573

AGENDA MEMO

Department: Planning and Development Department

BOT Meeting Date: 11/2/2015

Item Type: Public Hearing

| | |
|------------------------|------------------------------------|
| Sponsor's Name: | Jesica Youngblood, Village Planner |
|------------------------|------------------------------------|

| Description | Yes | No | Description | Yes | No |
|------------------------|-------------------------------------|-------------------------------------|-------------------------------------|-------------------------------------|--------------------------|
| Fiscal Impact | <input type="checkbox"/> | <input checked="" type="checkbox"/> | Public Hearing Required | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| Funding Source: | | | BID # | | |
| Account #: | | | Strategic Plan Priority Area | | |
| | | | Community Development | | |
| | Yes | No | | | |
| Agreement | <input type="checkbox"/> | <input checked="" type="checkbox"/> | Manager Priorities | | |
| Strategic Plan Related | <input checked="" type="checkbox"/> | <input type="checkbox"/> | Planning & Zoning | | |

| |
|--|
| Agenda Heading Title <i>(Will appear as indicated below on Agenda)</i> |
|--|

A joint public hearing to consider the amended petition as submitted by G&S Port Chester, LLC for respective zoning map and text amendments to the MUR Marina Redevelopment Project Renewal District ("MUR"), the associated urban renewal plans, and the Concept Development Plan for the Modified Marina Redevelopment Project to permit multi-family residential development with a floor area ratio bonus and amended bulk and density regulations in a portion of the Project Area known and designated as Retail "D" and more fully described as Section 142.31, Block 1, Lots 3, 4, 5, 6, 20, 21, 22, 23 and 24 of the Town of Rye Official Tax Map as well as an interstitial right-of-way shown on said Map

Summary

Background: Original Proposal:

The owner/developer G&S (herein referred to as “Applicant”) submitted a zoning petition on December 5, 2014 to the Village Board to amend the respective zoning map and text 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 residential development for parcels known as 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. Note: these 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.



This original proposal included a proposal 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) and nearly 12,000 square feet of ground floor retail.

The Original Petition proposed 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 (see Exhibit “E”).

The Applicant made presentations to both the Board of Trustees and the Planning Commission pursuant to Chapter 345-34 of Village Code. Both groups raised concern over the proposal, e.g. density, parking, bulk regulations, etc.

To this point, the Applicant incorporated this feedback into an amended zoning petition submitted to the Village on October 1, 2015 (herein referred to as the “Amended Petition”).

Amended Petition:

The Applicant's amended zoning petition reduces the total square footage of allowed development to approximately 72,000 square feet (from 90,000 sqft) to include approximately seventy-nine (79) rental dwelling units comprised primarily of studios and one-bedroom units and includes a density bonus provision,

Specifically, the Applicant requests the following bulk and density regulations to be applied:

- Maximum building height: 5 stories/70 feet
- Maximum Floor Area Ratio: 3.7;
- Minimum Lot Area per Dwelling Unit: 240 sq. ft.
- Front/Side/Rear Setbacks: None.
- Usable Open Space per Unit: None.

The Applicant asserts that the Amended Petition "*is completely consistent the Land Use Strategies and recommendations for the Downtown North and South Main Street and Abendroth Avenue (west side) land area as set forth in the Village's 2012 Comprehensive Plan.*"

| Attachments |
|---|
| <ul style="list-style-type: none">• Local Law amending the MUR as provided by the Village Attorney• G&S Amended Petition |

OFFICE OF THE VILLAGE ATTORNEY

MEMORANDUM

TO: Mayor and Board of Trustees

FROM: Anthony M. Cerreto

DATE: October 23, 2015

RE: Local Law – G&S Project - Retail “D”

Attached please find proposed local law in final form with regard to the above referenced matter scheduled for public hearing on November 2, 2015.

Please call me if you have any questions

LOCAL LAW NO. I-13 of 2015

A LOCAL LAW AMENDING THE OFFICIAL ZONING MAP AND THE TEXT OF CHAPTER 345 OF THE VILLAGE CODE, MUR MARINA REDEVELOPMENT PROJECT RENEWAL DISTRICT AND CONCEPT DEVELOPMENT PLAN OF THE MODIFIED MARINA REDEVELOPMENT PROJECT TO PERMIT MULTI-FAMILY RESIDENTIAL DEVELOPMENT IN A PORTION OF THE PROJECT AREA KNOWN AND DESIGNATED AS RETAIL “D” AND MORE FULLY DESCRIBED AS SECTION 142.31, BLOCK 1, LOTS 3, 4, 5, 6, 20, 21, 22, 23 and 24 ON THE TOWN OF RYE OFFICIAL TAX MAP AND AN INTERSTITIAL RIGHT-OF-WAY SHOWN ON SAID TAX MAP

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

SECTION 1: The Code of the Village of Port Chester, Article XVI, Section 345-67, is hereby amended to read as follows:

345-67. MUR Marina Redevelopment Project Urban Renewal District

...

B. Land use and development controls.

(1) Permitted land uses and development controls. Set forth in this Subsection B are land use and development controls for the MUR Marina Redevelopment Project Urban Renewal District. The controls set forth in this Subsection B will, during any period in which a special permit is granted and remains valid and in full force and effect under said Subsection B (4), replace and supersede all of the underlying controls. The land use areas referred to below in this Subsection B are shown in the map referenced in §345-68, which map is titled “Map of Land Use Areas and Streets within the Modified Marina Redevelopment Project.”

(a) Land Use Area 1.

...

(b) Land Use Area 2.

[1] Permitted land uses: the same as Land Use Area 1[,] and multi-family dwellings, except for multiscreen cinema theater, theaters and supermarket.

[2] [Permitted development: 40,000 square feet of building floor area.] Maximum Floor Area Ratio is 3.7. At the option of the property owner, the development potential of a site can be increased in the form of additional floor area if the property owner makes a monetary contribution to the Village equal to 15% of the assessed value of the bonus floor space, as determined by the Village Assessor. If there is no Village Assessor, the calculation shall be based upon the assessed value of the bonus floor space as determined by the Town Assessor.

[3] Permitted height: [three stories; 45 feet.] five stories; 70 feet.

...

(3) Other development controls and prohibited.

...

(g) The requirements for off-street parking for uses in the Marina Redevelopment Project Urban Renewal District shall be as follows:

...

[2] Minimum parking spaces.

...

[b] In determining the required minimum number of parking spaces for specific categories of use, the following standards shall be utilized:

| Use | Number of Spaces |
|--|-------------------------|
| Retail, wholesale membership warehouse club, service and restaurant | |

...

Multifamily Dwellings

Weekdays

Monday through Friday

| | |
|-------------------|---|
| <u>9:00 a.m.</u> | <u>.75 per 1,000 square feet of floor area</u> |
| <u>12:00 p.m.</u> | <u>.75 per 1,000 square feet of floor area</u> |
| <u>6:00 p.m.</u> | <u>1.0 per 1,000 square feet of floor area</u> |
| <u>9:00 p.m.</u> | <u>1.25 per 1,000 square feet of floor area</u> |

Weekends

Saturday and Sunday

| | |
|-------------------|---|
| <u>9:00 a.m.</u> | <u>0.5 per 1,000 square feet of floor area</u> |
| <u>12:00 p.m.</u> | <u>0.5 per 1,000 square feet of floor area</u> |
| <u>6:00 p.m.</u> | <u>1.0 per 1,000 square feet of floor area</u> |
| <u>9:00 p.m.</u> | <u>1.25 per 1,000 square feet of floor area</u> |

SECTION 2: The Amended Concept Development Plan dated May 20, 1999, made part of the Zoning Regulation pursuant to Article XVI, Section 345-68, of the Code of the Village of Port Chester, is hereby amended to permit development for multi-family dwellings in that portion of the Project Area of the Modified Marina Redevelopment Project known and designated as Retail “D” and more fully described as Section 142.31, Block 1, Lots 3, 4, 5, 6, 20, 21, 22, 23 and 24 of the Town of Rye Official Tax Map including an interstitial right-of-way shown on said map.

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 hereof shall continue in 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.

Brackets [] (in red) denote wording to be DELETED
Underlined denote wording to be ADDED

October 1, 2015

Via Email

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

Re: G&S Port Chester LLC – Parcel D Amended Rezoning Petition
Tax Map Designation: Section 142.031, Block 1, Lots 3, 4, 5, 6, 20, 21, 22, 23, and 24

Gentlemen:

Attached please find an Amended Petition for Rezoning the MUR zone and the MMRP Urban Renewal Plan for Land Use Area 2 (“Parcel D”) to permit mixed-use development.

The submitted Amended Petition embodies the recommendations of the Planning Commission by scaling back the originally requested “as of right” bulk development of the parcel significantly, with the opportunity for bonus density for additional floor area similar to §345-16(4) of the Zoning Code available in the C2, C5 and C5T zoning districts.

We respectfully request that you accept the Petition, provide an opportunity for a public presentation and schedule a public hearing date.

Respectfully Submitted,
Tartaglia Law Group, LLC



Daniel D. Tartaglia, Esq.

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

In the Matter of the Application of

G & S PORT CHESTER LLC

AMENDED
PETITION

For amendments to (i) the Urban Renewal Plan for the Modified Marina Redevelopment Project, (ii) the regulations of the MUR Marina Redevelopment Project Urban Renewal District of the Village of Port Chester, and (iii) the Concept Development Plan of the Modified Marina Redevelopment Project.

-----X

G & S Port Chester LLC (the “Petitioner”), by its attorneys Tartaglia Law Group, LLC, hereby petitions the Board of Trustees of the Village of Port Chester, as follows:

THE PETITIONER AND THE MODIFIED MARINA REDEVELOPMENT PROJECT

1. The Petitioner is a limited liability company organized and existing under the laws of the State of New York, having an address at 211 East 43rd Street, 25th Floor, New York, New York.

2. The Petitioner is the duly designated sponsor and redeveloper of the Modified Marina Redevelopment Project (the “Project”) of the Village of Port Chester (the “Village”) pursuant to a certain Land Acquisition and Disposition Agreement (the “LADA”) dated as of July 14, 1999 and made by and among the Petitioner, the Village and the Village of Port Chester Industrial Development Agency (the “IDA”), as amended to date.

3. Under the LADA: (a) the Project area is divided into several “Units” for private redevelopment; (b) fee title to each of the Units was conveyed by the Village to the IDA; and (c) each Unit was leased to Petitioner in a “straight-lease transaction,” as that term is defined in the

New York State Industrial Development Agency Act (New York General Municipal Law Article 18A).

4. The Project was approved by the Board of Trustees of the Village (the “Village Board”) as of July 14, 1999, by, among other things, the Second Amendment to the Urban Renewal Plan for the Village Center Urban Renewal Plan Area and the Marina Redevelopment Urban Renewal Plan (such Second Amendment is hereinafter referred to as the “MMRP Urban Renewal Plan”). The Project is an approved program for the redevelopment of an approximately twenty-eight (28) acre area in the downtown of the Village in and adjacent to the Village's central business district. The objectives of the Project are to eliminate blight and deteriorated conditions within the Project area, revitalize the Village's downtown and waterfront areas by attracting new businesses and creating employment opportunities, preserve and enhance property values and enhance the Village's aesthetics. The Project consists of a total of approximately 500,000 ft² of retail and commercial uses together with related infrastructure, parking and public spaces. A ground floor plan which shows the general layout of the Project is attached hereto as Exhibit “A.” The total permitted development is 670,000 ft² (see: Table below).

5. The Land Use and Development Controls for the Project are set forth in §345-67B of Chapter 345 of the Village’s Zoning Code. This section breaks the Project into primarily five (5) land use areas. Each Land Use Area has bulk limitations on permitted development (square footage of development) and permitted height. The Table below sets for these controls:

| Land Use Area | Uses Permitted | Permitted Development of Building Floor Area | Permitted Height |
|----------------------|--|---|-------------------------|
| 1 | Retail Sales, including supermarket with customary accessory uses, and retail and personal services or restaurant types of uses, general and professional offices and uses customarily accessory to each of the foregoing uses, parking and loading and open | 275,000 ft ² | 3 stories; 70’ |

| | | | |
|------------------------------------|--|-------------------------------|-------------------|
| | space uses. Multi-screen cinema theater, theaters and accessory uses customarily found in such a complex. | | |
| 2 | The same land uses as an Area 1, except for multi-screen cinema theater, theaters and supermarket | 40,000 ft ² | 3 stories; 45' |
| 3 | Retail sales, retail, wholesale membership warehouse club, personal services and restaurant uses, neighborhood facilities, general and professional offices as well as uses customarily accessory to each of the foregoing uses. Multi-screen cinema theater, theaters and accessory uses customarily found in such a complex. Parking and loading and open space uses | 275,000 ft ² | 2 stories; 65' |
| 4 | General and professional offices and uses customarily accessory thereto. Retail and personal services uses, restaurant and customary accessory uses. Parking and loading and open space uses. | 80,000 ft ² | 3 stories; 45' |
| 5 | Open space, parking and water-related recreation uses which shall be excess above to the general public. | | |
| Total Permitted Floor Area: | | 670,000 ft² | |

THE PROPERTY

6. The real property which is the subject of this Petition is known and designated on the tax assessment map of the Village as Section 142.031, Block 1, Lots 3, 4, 5, 6, 20, 21, 22, 23, and 24 and consists of approximately 23,138 square feet (the “Property”). It is located at the northeast corner of North Main Street and Westchester Avenue, and is also known as “Retail D” of the Project (see: “Proposed Ground Floor Plan Retail Bldg. D” shown on Exhibit “A”). The Property is also designated as Unit 2B of the Project under the LADA (“Unit 2B”). A perimeter description of the Property is also attached hereto as part of Exhibit “A.”

7. The Property also encompasses all of “Land Use Area 2” as described above and as shown on the Village's “Map of Land Use Areas and Streets within the Modified Marina Redevelopment Project” (the “Land Use Area Map”).

8. The Property is currently approved for the construction of approximately 40,000 ft² of floor area in a three (3) story building.

THE PROPOSED BUILDING

9. At the time that the Project was approved, the Village Board's focus was on retail and commercial development, and not on residential development. However, over the course of the last decade, there has been a strong trend toward “smart growth,” which advocates mixed-use development concentrated in urban cores, with residential uses located near public transportation. As has been shown in many thriving nearby communities such as the City of White Plains, where luxury residential development has attracted residents with high incomes supporting a new and exciting downtown living experience, locating residential uses in a downtown area that offers a range of public transportation, employment opportunities, and housing choices leads to long term sustainability of the downtown.

10. The value of residential development in the downtown was not lost on the Village Board at the time the Project was approved. Although the Project does not currently include a residential component, the Village Board's findings under the State Environmental Quality Review Act made in connection with the approval of the Project acknowledge that the success of the commercial portion of the Project could be a catalyst for future residential development in the downtown area, which would also be a positive and beneficial impact of the Project.

ORIGINAL PETITION

11. In its original Petition submitted to this Board and reviewed by the Village's Planning Commission and staff, the Petitioner proposed to construct on the Property an approximately 90,000 square foot, five (5) story mixed-use residential and commercial building (the “Building”) to be known as “Waterfront Place.” Renderings of the proposed Building are attached hereto as Exhibit “B.”

12. The originally proposed ground floor of the Building was to have contained approximately 12,000 square feet of neighborhood retail space.

13. The remaining four (4) floors of the Building were to constitute the residential component, and, subject to design variations, would have contained approximately seventy-nine (79) rental dwelling units consisting of the following unit mix: fifty-six (56) one-bedroom units, sixteen (16) two-bedroom units and seven (7) studio units. A typical residential floor plan is attached hereto as Exhibit “C.”

14. In addition to the availability of the public transportation and retail and entertainment opportunities in close proximity, the Building would include a number of amenities for the residential component, including an exercise room and an outdoor rooftop courtyard which would provide passive recreational space for use by the residents.

AMENDED PETITION

15. Based upon feedback and comments from the Planning Commission and from Village Staff, the Petitioner is submitting this Amended Petition which proposes to reduce the permitted floor area of the Building from the originally proposed 90,000 square feet to a Building of approximately 72,000 square feet. The Petitioner is proposing that the MUR also contain a density bonus provision for additional floor area similar to §345-16(4) of the Zoning Code available in the C2, C5 and C5T zoning districts.

THE PROPOSED AMENDMENTS TO THE MMRP URBAN RENEWAL PLAN, REGULATIONS OF THE MUR MARINA REDEVELOPMENT PROJECT URBAN RENEWAL AREA AND CONCEPT DEVELOPMENT PLAN OF THE PROJECT

16. Land use in the Project is controlled by the MMRP Urban Renewal Plan, the regulations of the MUR Marina Redevelopment Project Urban Renewal District (the “MUR

District”), and the “Concept Development Plan” required by those regulations. The retail component of the proposed Building is permitted under all three controls.

17. Under the Zoning Regulation, the residential component of the Building is considered a “multifamily dwelling.” The MMRP Urban Renewal Plan, MUR District regulations and Concept Development Plan do not currently permit multifamily dwellings in Land Use Area 2, or the development within Land Use Area 2 of more than 40,000 square feet of floor area in a building greater than three (3) stories and 45 feet high. Therefore, to permit the development of the Building on the Property, the Petitioner respectfully requests that: (a) the MMRP Urban Renewal Plan and the regulations of the MUR District be amended to create a new district to be referred to as the “MUR-Mixed Use District” specifically limited to Land Use Area 2, that will principally permit: (i) multi-family dwellings (floors above first floor); and require (ii) maximum building height of five (5) stories or 70 feet; (iii) maximum Floor Area Ratio of 3.7 (iii) minimum lot area per dwelling unit of 240 sq. ft.; (iv) no requirement for lot width or lot depth; (v) no minimum yard requirements; and (vi) no minimum usable open space per dwelling unit, and (b) the Concept Development Plan be amended to conform to these proposed amendments to the MMRP Urban Renewal Plan and MUR District regulations. The proposed amendments to the MMRP Urban Renewal Plan and MUR District Regulations are set forth in Exhibit “D” hereto.

18. The mixed-use proposed Project is completely consistent the Land Use Strategies and recommendations for the Downtown North and South Main Street and Abendroth Avenue (west side) land area as set forth in the Village’s 2012 Comprehensive Plan.

19. There is ample existing parking to accommodate the proposed residential use of the Building. However, since the Project as currently approved does not contain a residential component, the MMRP Urban Renewal Plan and MUR District regulations do not include a

parking requirement for multifamily dwellings. Accordingly, the Petitioner respectfully requests that the table of required parking in the MMRP Urban Renewal Plan and in the MUR District (Section 345-67.B(3)(g)[2][b] of the Port Chester Zoning Regulation) be amended to include a parking standard for “multi-family dwellings” as set forth in Exhibit “E” hereto.

20. The Petitioner respectfully submits that the Building is an appropriate use of the Property, will contribute to the continuing revitalization and sustainability of the downtown and will further the objectives of the Project and the goals for sustainable development that are set forth in the draft Comprehensive Plan under discussion in the Village.

COMPLIANCE WITH THE STATE ENVIRONMENTAL QUALITY REVIEW ACT

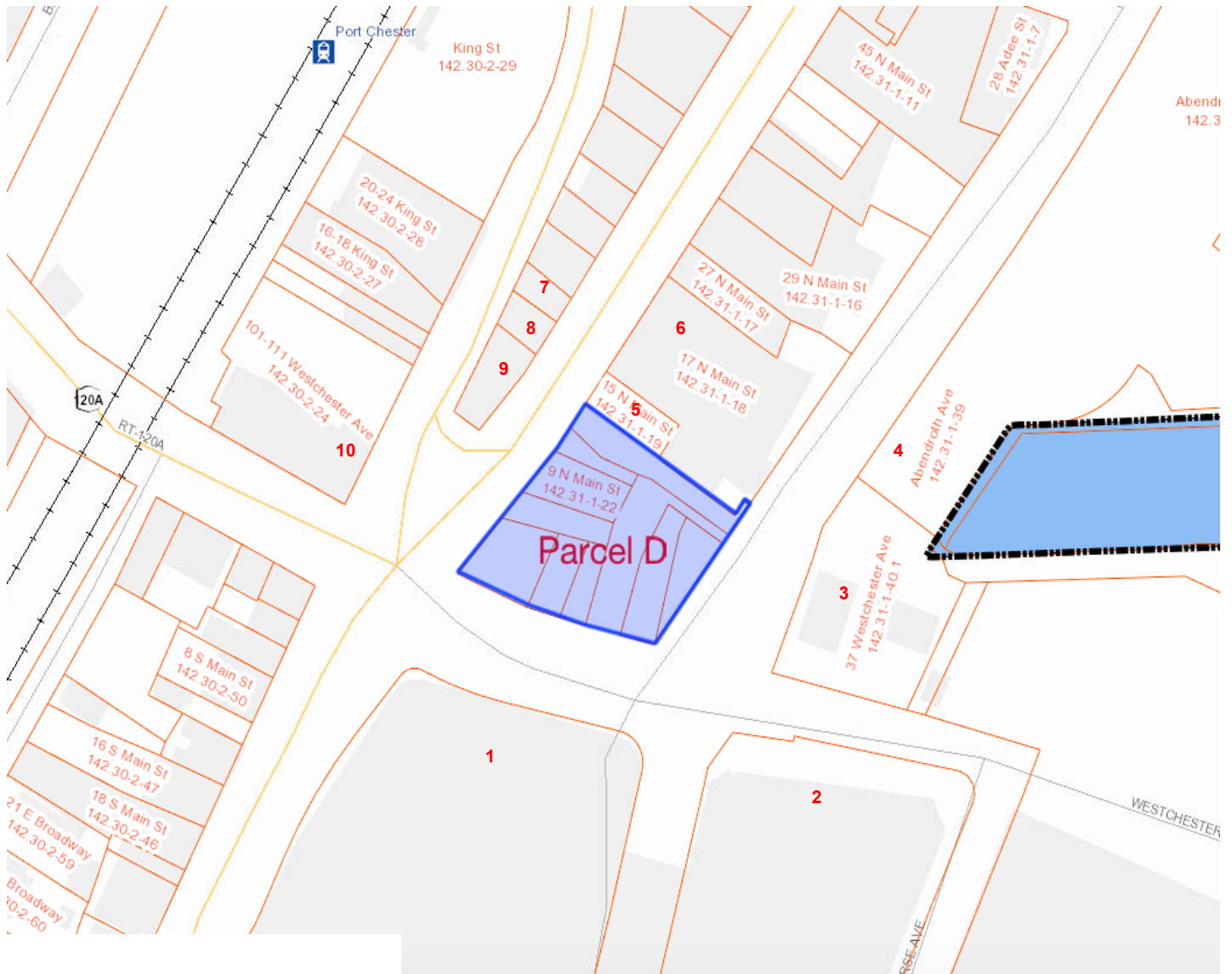
21. Under the State Environmental Quality Review Act and the regulations promulgated thereunder (“SEQRA”), the actions directly and indirectly proposed by the Petition are classified as “Unlisted.”

22. Accordingly, the Petitioner shall comply in all respects with the requirements of SEQRA regarding an Unlisted action. A long Environmental Assessment Form prepared by Cleary Consulting has been submitted herewith.

WHEREFORE, the Petitioner respectfully requests that this Petition be granted as set forth herein.

Respectfully submitted,
TARTAGLIA LAW GROUP, LLC
Attorneys for Petitioner
800 Westchester Avenue
Rye Brook, NY 10573
(914) 481-1880

Dated: Rye Brook, New York
September 25, 2015



Parcel D – Tax Identification – Section 142.031, Block 1, Lots 3,4,5,6,20,21,22,23 & 24
 Site Area = 23,138 Square Feet

Property Owners within 100':

- 1 – 142.31-1-43.1 – Port Chester IDA
- 2 – 142.31-1-43.1 – Port Chester IDA
- 3 – 142.31-1-40.1 – JWP Energy Inc.
- 4 – 142.31-1-39 – Port Chester IDA
- 5 – 142.31-1-19 – 15 North Main LLC
- 6 – 142.31-1-18 – 17-25 North Main Street
- 7 – 142.31-1-27 - Alvi Holdings Co.
- 8 – 142.31-1-26 – Post Road Iron Works
- 9 – 142.31-1-25 – Post Road Iron Works
- 10 – 142-30-2-24 – RV King Realty Co

Source: Westchester County Municipal Tax Parcel Viewer

Scale:

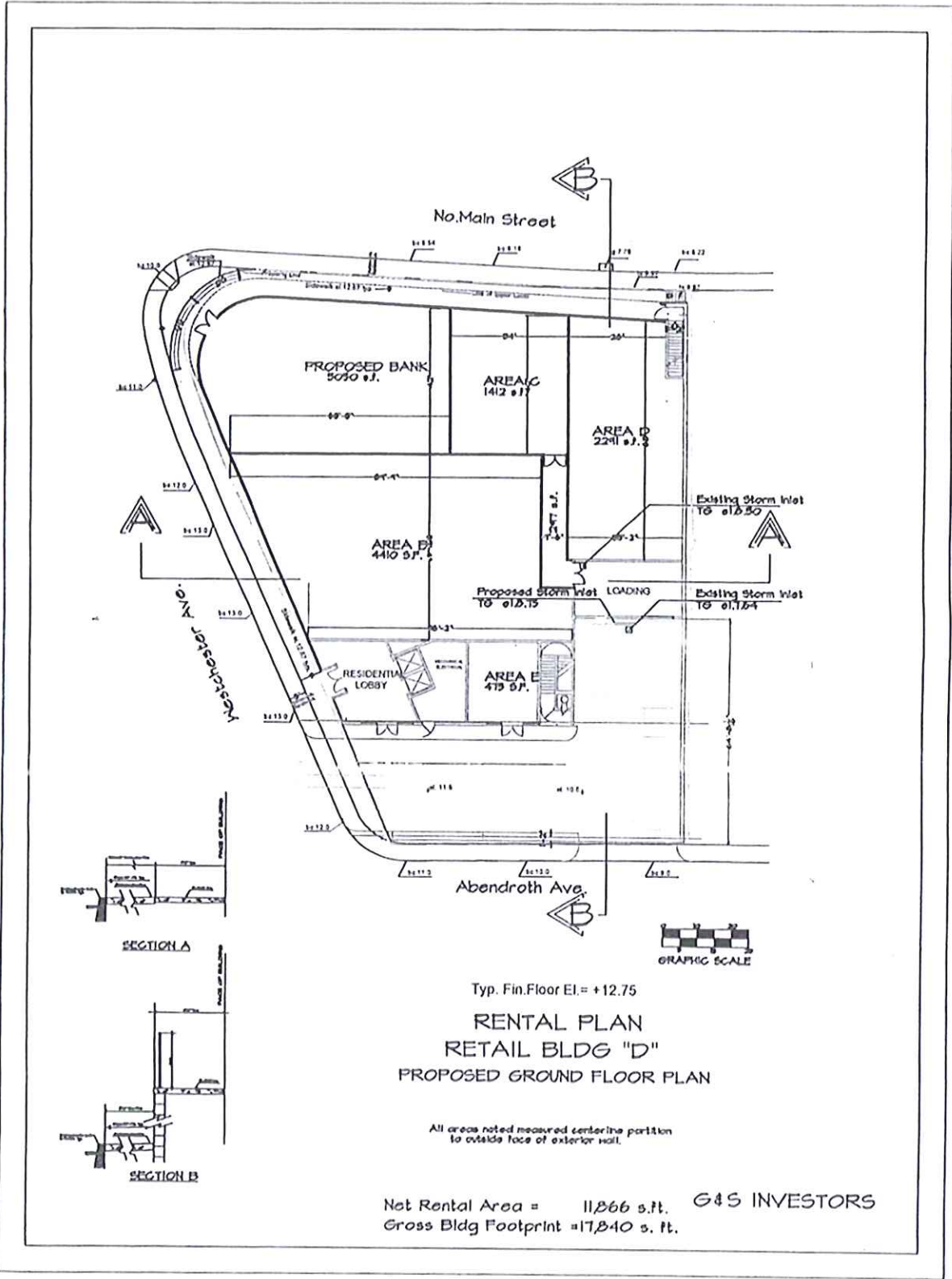


Parcel D – Site Location Map

**FIGURE
1**

Exhibit

A



Typ. Fin. Floor El. = +12.75
RENTAL PLAN
RETAIL BLDG "D"
PROPOSED GROUND FLOOR PLAN

All areas noted measured centerline partition to outside face of exterior wall.

Net Rental Area = 11,866 s.ft. **G&S INVESTORS**
 Gross Bldg Footprint = 17,840 s. ft.

PROPERTY DESCRIPTION

PARCEL "D"

ALL that certain plot, piece or parcel of land, situate, lying and being in the Village of Port Chester, Town of Rye, County of Westchester and State of New York, known and designated as Parcels 2, 3, 4, 5, 6, 7, and 8, The Draftway (Libert Street R.O.W.) and Brook Parcel on a certain map entitled, "Acquisition Map, Map of Property to be acquired by the Village of Port Chester a shown on the tax assessment map as Section 2, Block 66, Lots 1047, 18A and 18B of The Village of Port Chester" dated 01/17/2000 made by James V. DeMuro and filed in the Westchester County Clerk's Office on August 1, 2000 as Map No. 26596, being more particularly bounded and described as follows:

'BEGINNING at a -point being the intersection of the northerly sideline of Westchester Avenue with -the westerly sideline of Abendroth Avenue and running the following courses and distances:

- 1) Along Westchester Avenue, South 81 Degrees 44' 58 West,.27.11 feet; THENCE
- 2) Along Westchester-Avenue and crossing the opening of Driftway (Liberty Street), South 83 Degrees 08' 01" West, 102.74 feet to a point; THENCE
- 3) Along Westchester Avenue, South. 89 Degrees-24' 01- " West, 51.91 feet to a point; THENCE
- 4) Along No. Main Street, North 18 Degrees 41' 05" East, 171.31 feet to a point; THENCE
- 5) Leaving No. Main Street, South 74 Degrees 35' 55"-East, 61.11 feet; THENCE
- 6) South 82 Degrees 42' 55" East, 10.58 feet to a point; THENCE
- 7) South 15 Degrees 58' 05" West, 0.99 feet to a point; THENCE
- 8) South 73 Degrees 37' 45" East, 2.62 feet to a point; THENCE
- 9) South 16 Degrees 22' 15" West, 0.75 feet to a point; THENCE
- 10) South 73 Degrees 37' 45" East 28.40 feet to a point; THENCE
- 11) North 16 Degrees 22' 15" East, 0.75 feet to a point; THENCE
- 12) South 73 Degrees 37' 45" East, 57.33 feet to a point; THENCE
- 13) Along Abendroth Avenue, South 15 Degrees 21' 2.8" West, 105.92 feet to the place of BEGINNING

Exhibit

B





ATWATERFRONT PLACE

ATWATERFRONT PLACE

RETAIL 1

RETAIL 2

RETAIL 3

RETAIL 4

RETAIL 5

RETAIL 6

RETAIL 7

RETAIL 8

Exhibit

C

EXHIBIT "D"

Proposed Amendments to the MMRP Urban Renewal Plan

Section B.1.b (Permitted Land Use and Development Controls) is amended as follows (matter in {brackets} is deleted; underlined matter is added):

Land Use Parcel 2

Permitted Land Uses: Same as Parcel 1, except for multiscreen cinema theater, theaters, and supermarket.

Multifamily dwellings

{Permitted Development:}
Maximum Floor Area Ratio: {Forty thousand (40,000) square feet of building floor area.} 3.7

Permitted Height: {Three (3) stories; forty five (45) feet} Five (5) stories; 70 feet.

Proposed Amendments to the MUR District regulations

Section 345-67.B(1)(b) is amended as follows (matter in {brackets} is deleted; underlined matter is added):

(b) Land Use Area 2.

[1] Permitted land uses:

[a] Same as Land Use Area 1, except for multiscreen cinema theater, theaters and supermarket.

[b] Multi-family dwellings

[2] {Permitted development: 40,000 square feet of building floor area.} Maximum Floor Area Ratio is 3.7. At the option of the property owner, the development potential of a site can be increased in the form of additional floor area if the property owner makes a monetary contribution to the Village equal to 15% of the assessed value of the bonus floor space, as determined by the Village Assessor. If there is no Village Assessor, the calculation shall be based upon the assessed value of the bonus floor space as determined by the Town Assessor.

[3] Permitted height: {three stories; 45 feet} five stories; 70 feet.

EXHIBIT "E"

Proposed Amendments to the MMRP Urban Renewal Plan and MUR District regulations

Section B.2.g of the MMRP Urban Renewal Plan and Section 345-67.B(3)(g)[2][b] of the MUR District Regulations (Tables of Required Parking) are both amended to include the following use category and standards:

Multifamily Dwellings

Weekdays

Monday through Friday

9:00 am. 0.75 per 1,000 square feet of floor area

12:00 p.m. 0.75 per 1,000 square feet of floor area

6:00 p.m. 1.0 per 1,000 square feet of floor area

9:00 p.m. 1.25 per 1,000 square feet of floor area

Weekends

Saturday and Sunday

9:00 a.m. 0.5 per 1,000 square feet of floor area

12:00 p.m. 0.5 per 1,000 square feet of floor area

6:00 p.m. 1.0 per 1,000 square feet of floor area

9:00 p.m. 1.25 per 1,000 square feet of floor area

EXHIBIT “D”

Proposed Amendments to the MMRP Urban Renewal Plan

Section B.1.b (Permitted Land Use and Development Controls) is amended as follows (matter in {brackets} is deleted; underlined matter is added):

Land Use Parcel 2

Permitted Land Uses: Same as Parcel 1, except for multiscreen cinema theater, theaters, and supermarket.

Multifamily dwellings

{Permitted Development: } {Forty thousand (40,000) square feet of building floor area.} 3.7

Permitted Height: {Three (3) stories; forty five (45) feet} Five (5) stories; 70 feet.

Proposed Amendments to the MUR District regulations

Section 345-67.B(1)(b) is amended as follows (matter in {brackets} is deleted; underlined matter is added):

(b) Land Use Area 2.

[1] Permitted land uses:

[a] Same as Land Use Area 1, except for multiscreen cinema theater, theaters and supermarket.

[b] Multi-family dwellings

[2] {Permitted development: 40,000 square feet of building floor area.} Maximum Floor Area Ratio is 3.7. At the option of the property owner, the development potential of a site can be increased in the form of additional floor area if the property owner makes a monetary contribution to the Village equal to 15% of the assessed value of the bonus floor space, as determined by the Village Assessor. If there is no Village Assessor, the calculation shall be based upon the assessed value of the bonus floor space as determined by the Town Assessor.

[3] Permitted height: {three stories; 45 feet} five stories; 70 feet.

EXHIBIT “E”

Proposed Amendments to the MMRP Urban Renewal Plan and MUR District regulations

Section B.2.g of the MMRP Urban Renewal Plan and Section 345-67.B(3)(g)[2][b] of the MUR District Regulations (Tables of Required Parking) are both amended to include the following use category and standards:

Multifamily Dwellings

Weekdays

Monday through Friday

9:00 am. 0.75 per 1,000 square feet of floor area

12:00 p.m. 0.75 per 1,000 square feet of floor area

6:00 p.m. 1.0 per 1,000 square feet of floor area

9:00 p.m. 1.25 per 1,000 square feet of floor area

Weekends

Saturday and Sunday

9:00 a.m. 0.5 per 1,000 square feet of floor area

12:00 p.m. 0.5 per 1,000 square feet of floor area

6:00 p.m. 1.0 per 1,000 square feet of floor area

9:00 p.m. 1.25 per 1,000 square feet of floor area

PUBLIC COMMENTS

PRESENTATIONS

1

Items for Board of Trustees Meeting August 17, 2015

In accordance with the provisions of S319-8, the following described streets or parts of streets are designated as one way streets in the direction indicated.

| Name of Street | Direction | Location |
|-----------------------|------------------|---------------------------|
| Parkway Drive | West | Putnam Ave to King Street |

In accordance with the provisions of S319-74 The parking or standing of vehicles is hereby prohibited at all times in the locations described in Schedule XIII (§ 319-74).

| Name of Street | Direction | Location |
|-----------------------|------------------|--|
| Parkway Drive | East | 30 feet from the crosswalk at Pine Place |
| Parkway Drive | West | 30 feet from the crosswalk at Pine Place |

Chapter 319-22. Parking prohibited certain times.

Chapter 319-76. Schedule XV: Parking Prohibited Certain Times (street cleaning)

| Name of Street | Side | Time | Location |
|-----------------------|-------------|-------------------------|-------------------------------------|
| Locust Avenue | East | Monday 8:30-11:30 a.m. | Rectory Street to Terrace Avenue |
| Locust Avenue | West | Tuesday 8:30-11:30 a.m. | Highland Street to Halstead Avenue |
| Madison Avenue | East | Tuesday 8:30-11:30 a.m. | Entire Length |
| Orchard Avenue | West | Tuesday 8:30-11:30 a.m. | Entire Length |
| Riverdale Avenue | West | Tuesday 8:30-11:30 a.m. | Hillside Avenue to Connecticut line |
| Edison Place | West | Tuesday 8:30-11:30 a.m. | Entire length |
| Read Street | South | Tuesday 8:30-11:30 a.m. | Entire length |

Brooksville Street Cleaning and Snow Removal Regulations

- At the June 23, 2015 meeting of the Traffic Commission, street conditions in the Brooksville area were discussed. The following was concluded and resolved:
 - Street conditions in the area are poor compared to other neighborhoods. Village staff cannot manage litter and conditions in snowy weather.
 - Street cleaning and snow removal in that area have been hindered by unlimited parking regulations.
 - Parking on specific sides of streets should be changed so that the DPW has access to clean those streets.
- The following areas would receive the following new regulations.

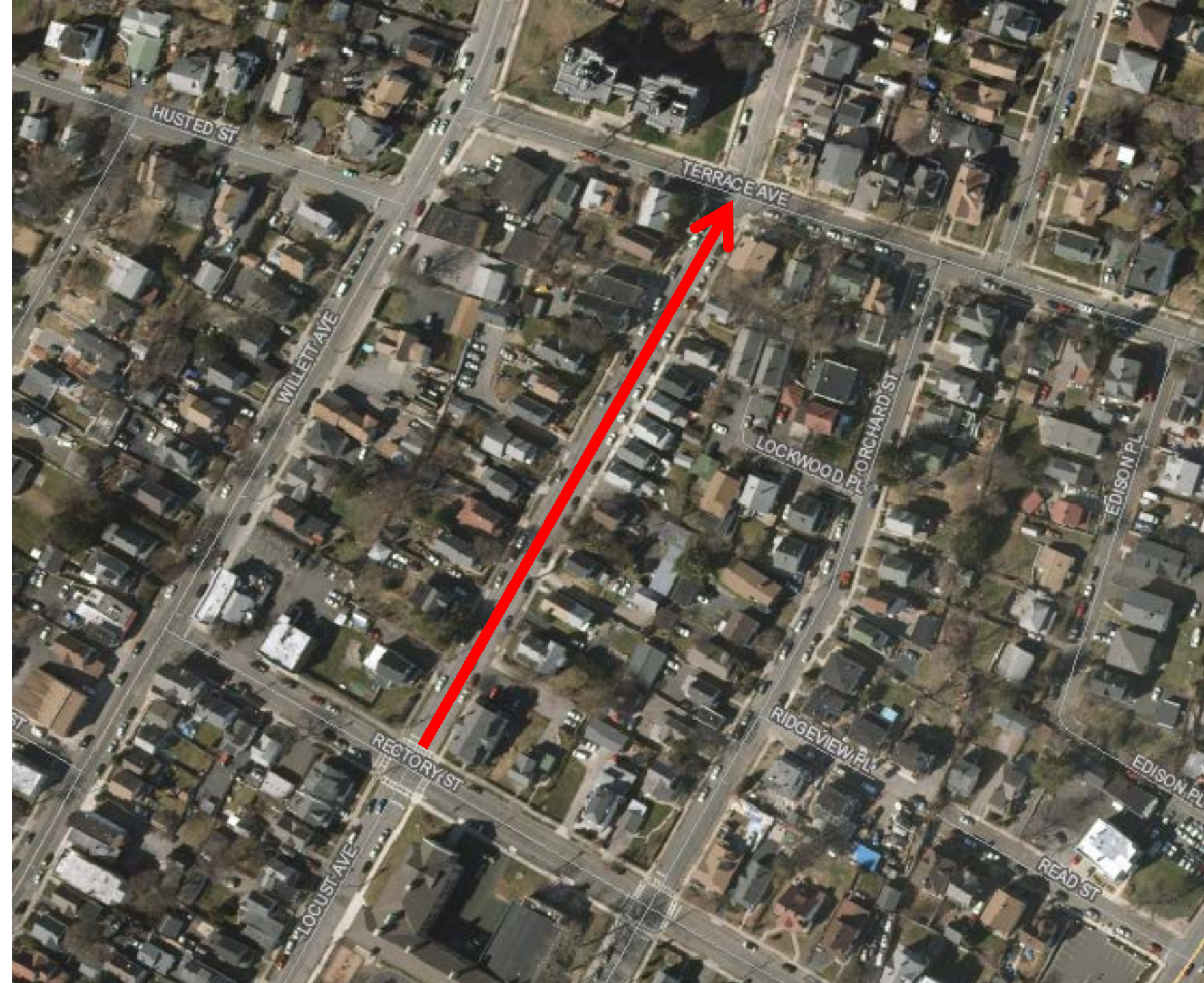
Brooksville Area of Port Chester



Locust Avenue:
Rectory to
Terrace

East Side

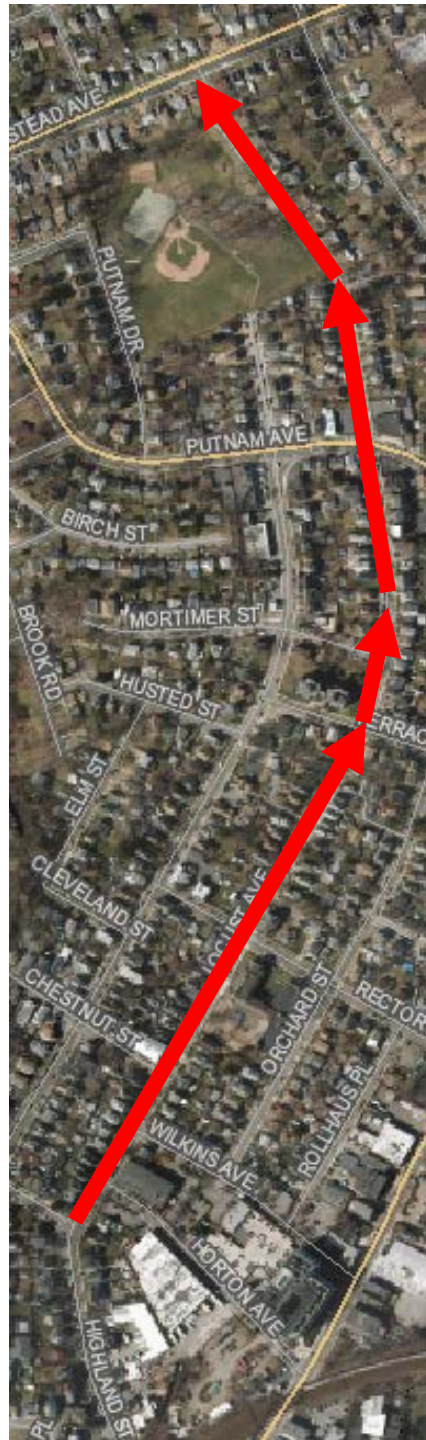
No parking
Monday 8:30 -
11:30 a.m.



Locust Avenue:
Highland to Halstead

West Side

No parking
Tuesday 8:30 -
11:30 a.m.



Madison Avenue: Entire Length

East Side

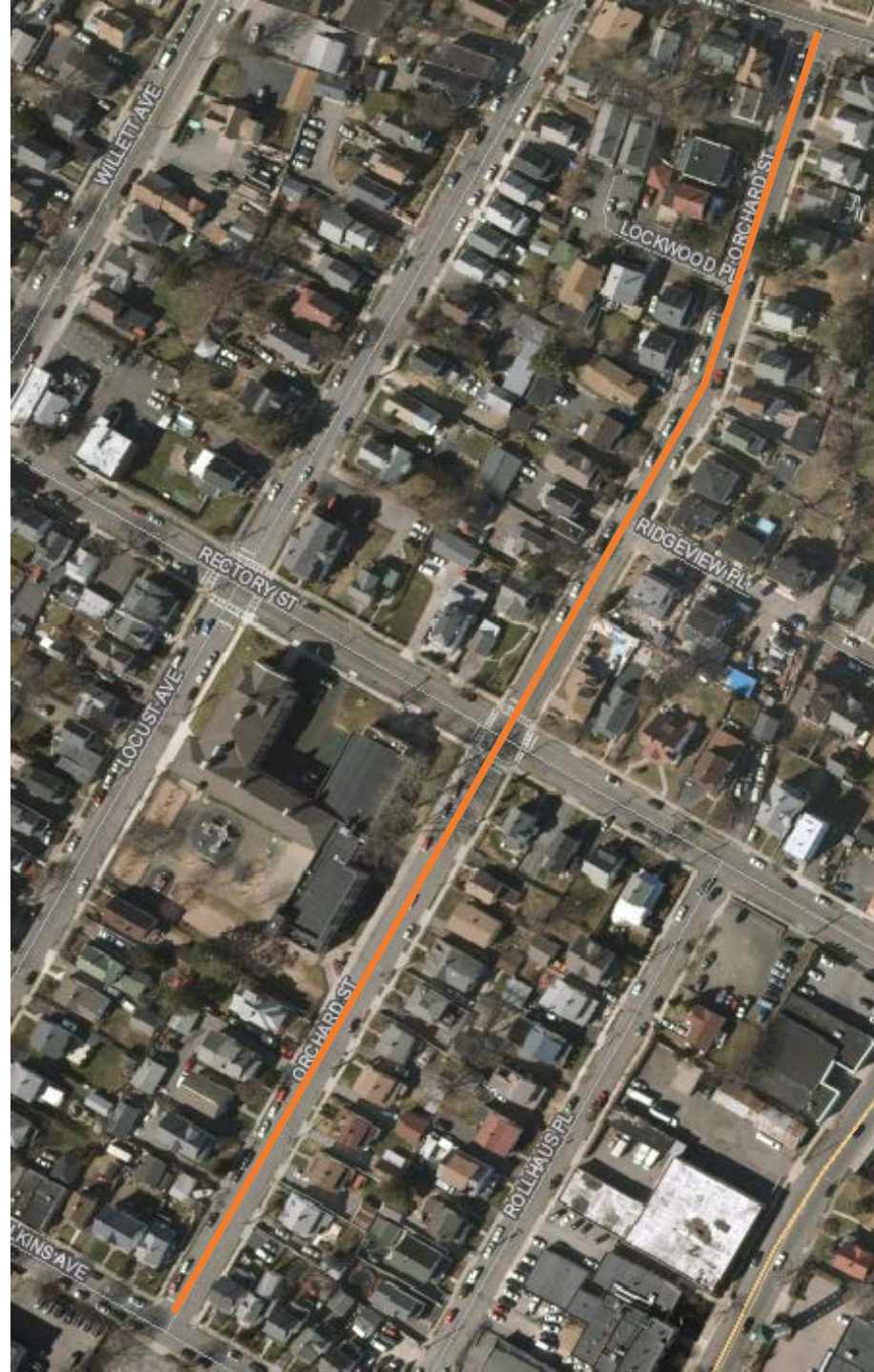
No Parking
Tuesday 8:30 -
11:30 a.m.



Orchard Street: Entire Length

West Side

No Parking
Tuesday 8:30 -
11:30 a.m.



Riverdale Avenue: Hillside Avenue to Connecticut Line

West Side

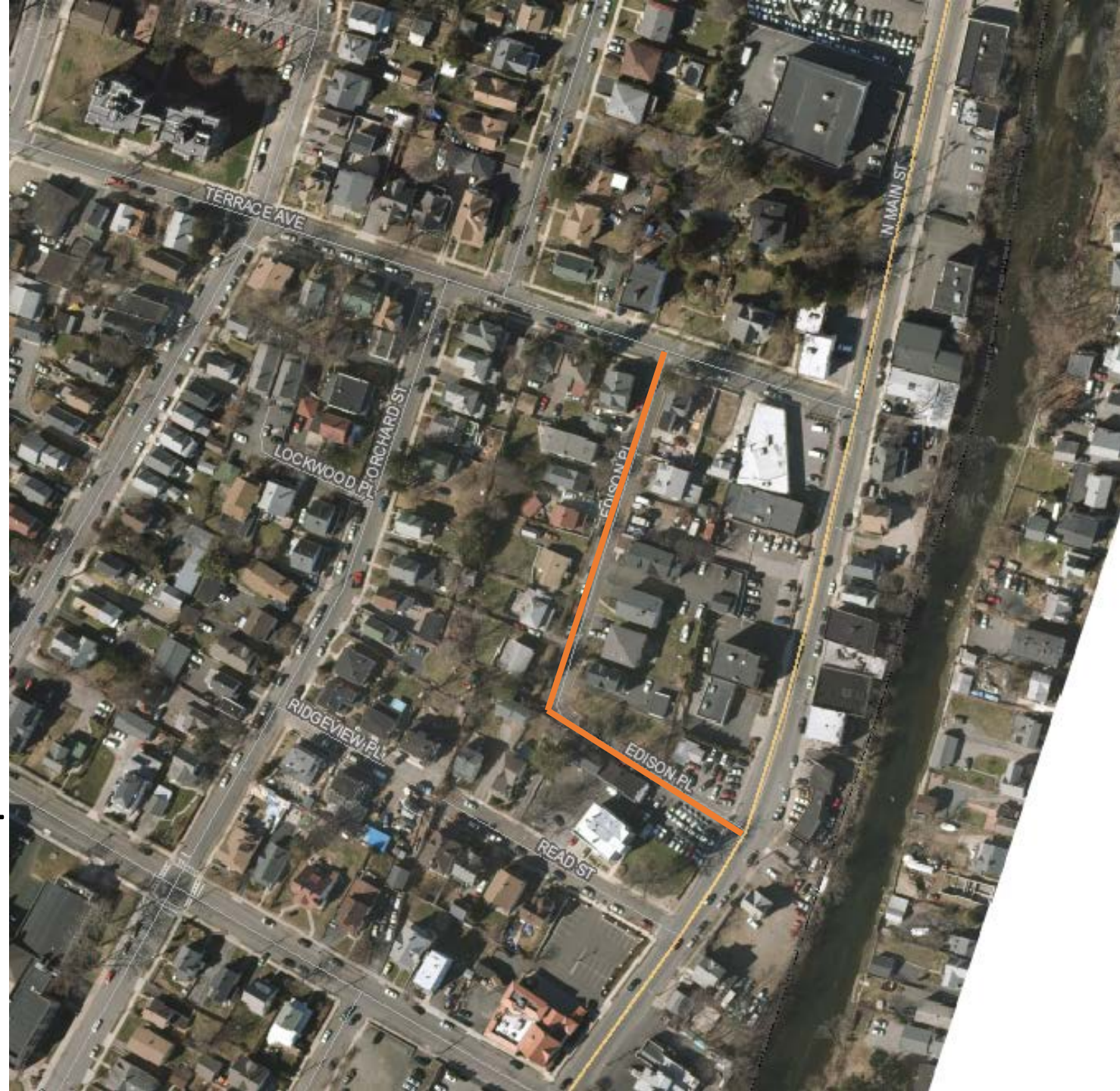
No Parking
Tuesday 8:30 -
11:30 a.m.



Edison Place:
Entire Length

West Side

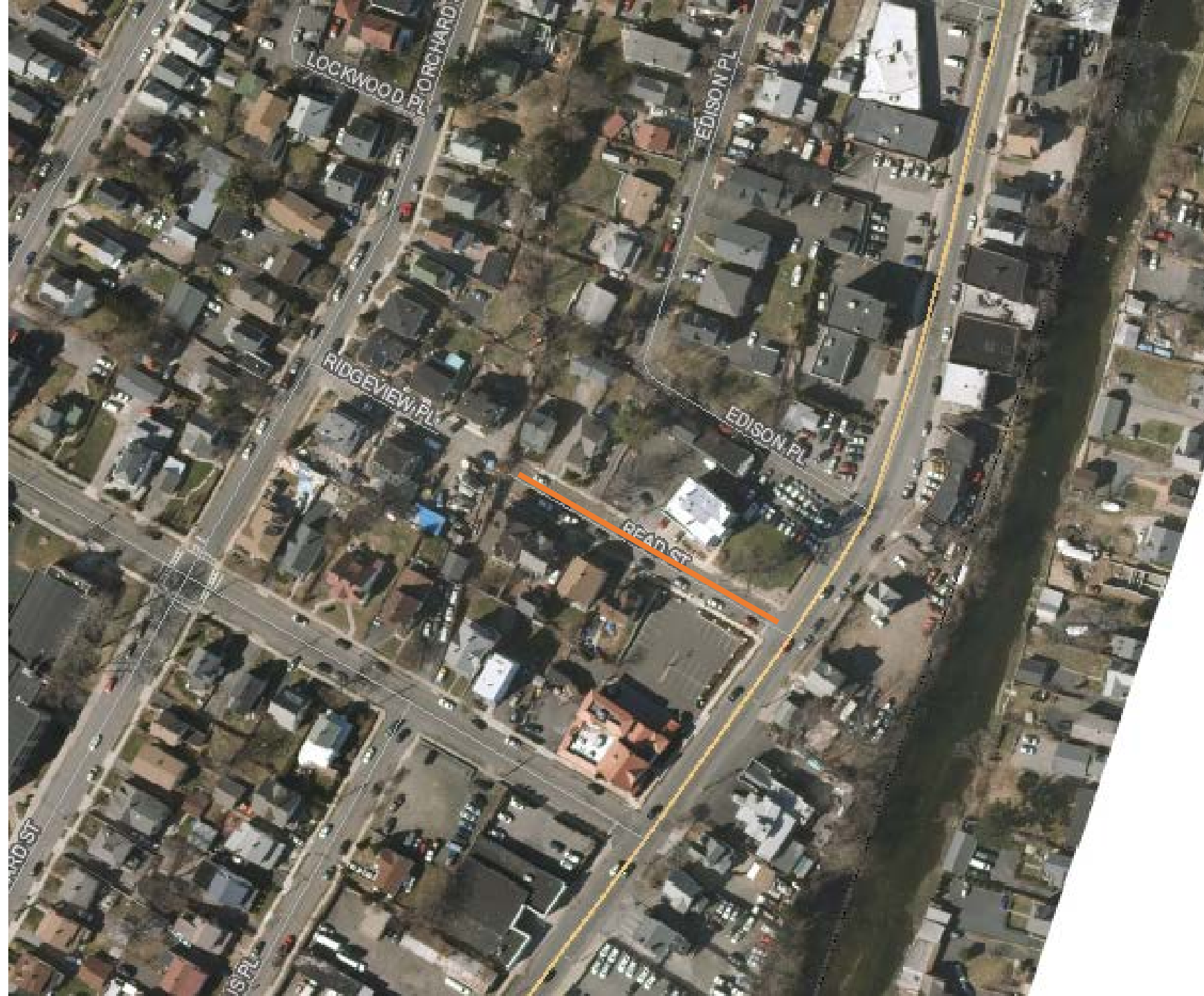
No Parking
Tuesday 8:30 -
11:30 a.m.



Read Street:
Entire Length

South Side

No Parking
Tuesday 8:30 -
11:30 a.m.



ESTABLISHING STREET CLEANING REGULATIONS IN BROOKSVILLE AREA

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, complaints have been received from residents and staff regarding the poor state of cleanliness of streets in the Brooksville neighborhood; and

WHEREAS, there currently exists no time in which parking is prohibited on various side streets in this neighborhood to facilitate street cleaning; and

WHEREAS, the Department of Public Works is therefore hampered in effectively performing these necessary operations; and

WHEREAS, the Traffic Commission has recommended that street cleaning regulations be established for this neighborhood. Now, therefore, be it

RESOLVED, that the Code of the Village of Port Chester, Chapter 319, Vehicles and Traffic, Schedule IV, Section 319-65, is hereby amended to read as follows:

Section 319-76 Parking Prohibited Certain Times.

In accordance with the provisions of 319-22, the parking of vehicles is prohibited at the times and locations as follows:

| <u>Name of Street</u> | <u>Side</u> | <u>Time</u> | <u>Location</u> |
|-----------------------|-------------|----------------------------|----------------------|
| (add)Locust Avenue | East | Mon 8:30AM- 11:30AM | Rectory to Terrace |
| Locust Avenue | West | Tues 8:30AM- 11:30AM | Highland to Halstead |
| Madison Avenue | East | Tues 8:30AM- 11:30AM | Entire Length |

| <u>Name of Street</u> | <u>Side</u> | <u>Time</u> | <u>Location</u> |
|-----------------------|-------------|-------------------------------|-------------------------|
| Orchard Street | West | Tues 8:30AM- 11:30AM | Entire Length |
| Riverdale Avenue | West | Tuesday 8:30AM- 11:30AM | Hillside to Connecticut |
| Edison Place | West | Tues 8:30AM- 11:30AM | Entire Length |
| Read Street | South | Tues 8:30AM- 11:30AM | Entire Length |

and; be it further

RESOLVED, that this resolution shall be effective upon the direction of the Village Manager implementing same.

Approved as to Form:

Anthony M. Cerreto, Village Attorney

TRAFFIC COMMISSION
Village of Port Chester, New York

June 26, 2015

Mayor Pilla and the Board of Trustees
Village of Port Chester

Dear Mayor Pilla and the Board of Trustees:

At the Traffic Commission meeting held June 23, 2015, the Commission discussed the traffic problems on Parkway Drive which intensify in the spring and summer months.

Every year we receive complaints about Parkway Drive being very hard to travel especially during events. At the widest point it is only 30.5 ft wide with parking on both sides and two travel lanes. Often traffic gets so congested vehicles are forced to back up a great deal for traffic to correct itself. These actions create an unsafe condition for both vehicles and pedestrians. A normal lane width should be approximately 10-11 ft wide. Having two way traffic also creates a problem for pedestrians, many who are children, attempting to cross the street.

The Commission recommends changing Parkway Drive to a one-way street from Putnam Ave Westbound to King Street for a 30-60 day trial period to test the new traffic pattern before deciding on a permanent change. Signage for the trial period has been set aside in anticipation of your approval.

The trial period will allow the traffic commission as well as the board to gather information as to the impact of vehicular and pedestrian traffic as well as the impact of the traffic pattern changes to the neighborhood.

We appreciate your attention to this matter.

Sincerely,

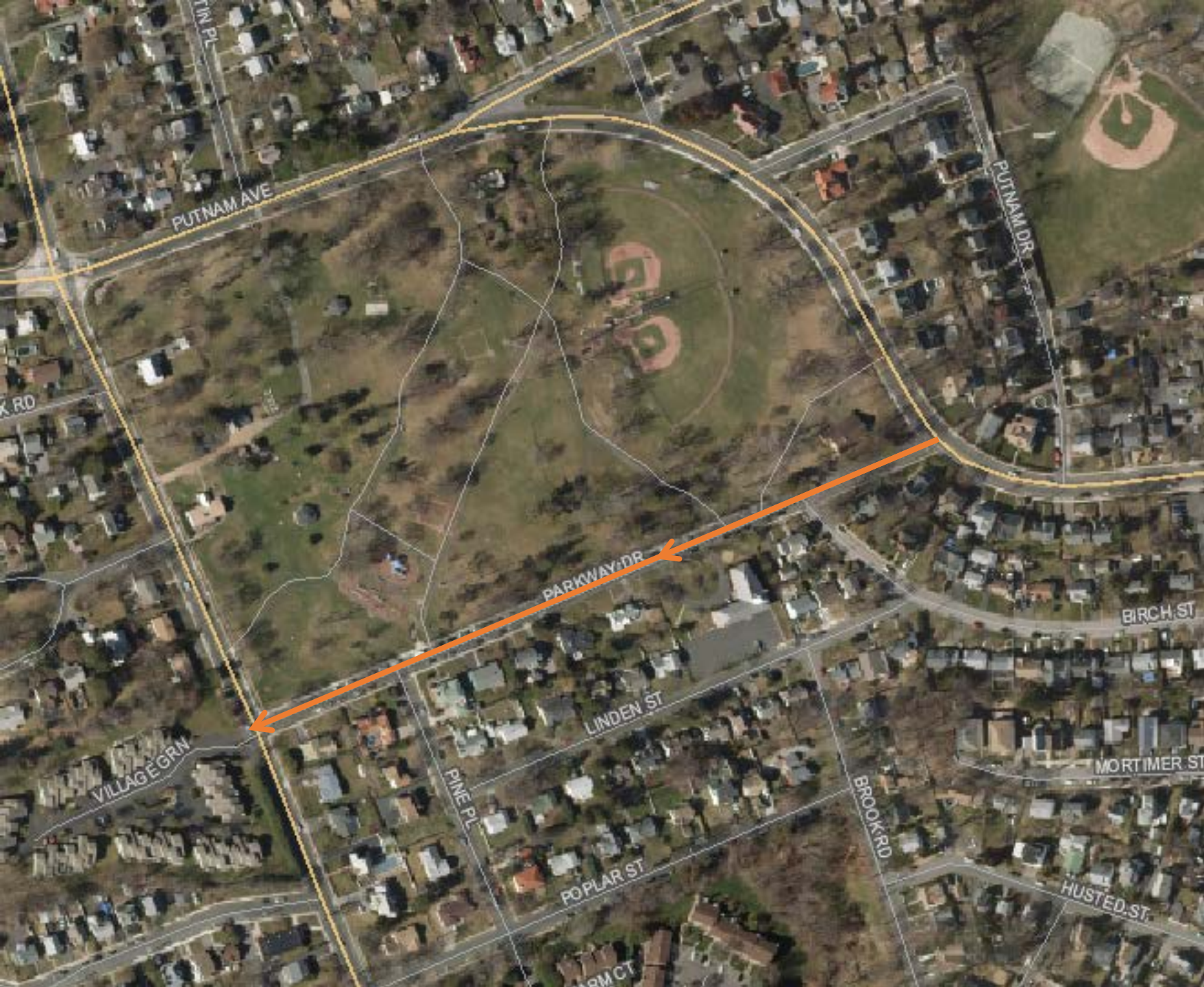
Joseph Gianfrancesco

Joseph Gianfrancesco
Chairman

Making Parkway Drive One-Way

- At the Traffic Commission meeting held June 23, 2015, the commission discussed the traffic problems on Parkway Drive.
- These problems usually intensify during the spring and summer months as well as during events.
- Often, traffic will get so congested that vehicles are forced to back up a great deal for traffic to correct itself.
- These actions create an unsafe condition for both vehicles and pedestrians, many who are children, attempting to cross the street.
- The Commission recommends changing Parkway Drive to a one-way street from Putnam Avenue Westbound to King Street for a 30-60 day trial period to test the new traffic pattern before deciding on a permanent change.

Parkway Drive:
One-way from
Putnam to King
Westbound



ESTABLISHING

A ONE-WAY STREET ON PARKWAY DRIVE

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, parking regulations currently allow for two directions of traffic on Parkway Drive; and

WHEREAS, complaints have been made as to dangerous conditions with drivers making unsafe turns onto Putnam Avenue from Parkway Drive; and

WHEREAS, Emergency Services staff have warned of the inability to operate emergency vehicles on Parkway Drive during periods of peak activity at Lyon Park; and

WHEREAS, the Traffic Commission has investigated this matter and recommends that the eastbound lane of traffic on Parkway Drive be eliminated as a means to remedy these conditions. Now, therefore, be it

RESOLVED, that the Code of the Village of Port Chester, Chapter 319, Vehicles and Traffic, Schedule IV, Section 319-65, is hereby amended to read as follows:

Section 319-65 One Way Streets

In accordance with the Provisions of 319-8, the following described streets or parts of streets are designated as one way streets in the direction indicated:

| Name of Street | Direction | Location |
|----------------|-----------|------------------------------|
| (add) | | |
| ... | | |
| Parkway Drive | West | Putnam Avenue to King Street |
| ... | | |

and be it further

RESOLVED, that this resolution shall be effective upon the direction of the Village Manager implementing same.

Approved as to Form:

Anthony M. Cerreto, Village Attorney

TRAFFIC COMMISSION
Village of Port Chester

October 16, 2015

Mayor Pilla and the Board of Trustees
Village of Port Chester, New York

Dear Mayor Pilla & the Board of Trustees:

At our meeting held October 15, 2015, the Traffic Commission discussed the unsafe conditions on Arnett Street where parking is allowed on both sides of the street. Fire Chief Ed Quinn brought this unsafe condition to the attention of the Commission since it is difficult to maneuver emergency vehicles at this location.

On a motion from Charles Geraci and seconded by Andrew Matturro, the Commission recommends the elimination of parking on the south side of Arnett Street from Midland Avenue to Grace Church Street and signage to reflect the same.

We appreciate your attention to this matter.

Sincerely,

Joseph Gianfrancesco

Joseph Gianfrancesco
Chairman

Cc: C. Steers
T. Cerreto

Opening Armett St up for Emergency Vehicles

- Armett St has been determined to be too narrow with two lanes of parking for emergency vehicles to get through.
- For public safety the Traffic Commission has resolved that one lane of parking be eliminated.
- This resolution has the support of the Port Chester Fire Department.

Armett St: elimination of one side of parking to allow access for emergency vehicles



RESOLUTIONS

1

RESOLUTION

APPOINTMENT OF VILLAGE CLERK

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

RESOLVED, that David Thomas, be and he hereby is appointed VILLAGE CLERK for the Village of Port Chester, New York, said appointment to be effective immediately and to expire on April 4, 2016, at an annual rate of compensation of \$75,000.00 or as heretofore adopted by the Board of Trustees, to be paid every two weeks; and be it further

RESOLVED, that his bond as said Clerk be and the same is hereby fixed at \$50,000.00.

ROLL CALL

AYES:

NOES:

ABSENT:

DATE:

2



VILLAGE OF
PORT CHESTER

222 Grace Church Street, Port Chester, New York 10573

AGENDA MEMO

Department: Office of the Village Attorney

BOT Meeting Date: 11/2/2015

Item Type: Resolution

Sponsor's Name: Anthony (Tony) Cerreto, Village Attorney

| | Yes | No | Description | Yes | No |
|------------------------|--------------------------|-------------------------------------|-------------------------------------|-------------------------------------|--------------------------|
| Fiscal Impact | <input type="checkbox"/> | <input checked="" type="checkbox"/> | Public Hearing Required | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| Funding Source: | | | BID # | | |
| Account #: | | | Strategic Plan Priority Area | | |
| | Yes | No | N/A | | |
| Agreement | <input type="checkbox"/> | <input checked="" type="checkbox"/> | Manager Priorities | | |
| Strategic Plan Related | <input type="checkbox"/> | <input checked="" type="checkbox"/> | N/A | | |

Agenda Heading Title
(Will appear on the Agenda as indicated below)

SETTING A PUBLIC HEARING TO CONSIDER THE ADVISABILITY OF ADOPTING A LOCAL LAW AMENDING THE CODE OF ETHICS WITH REGARD TO DEFINITIONS, GIFTS AND NEPOTISM

Summary

Background:

The Board of Ethics is charged with providing advisory opinions to Village officers and employees to provide guidance on ethical issues. It also has the function of proposing amendments to the Code of Ethics for consideration by the Board of Trustees.

The Board of Ethics has been meeting over the past several months to identify recommended amendment to the Code. Two areas have been identified: gifts and nepotism.

At their request, I prepared a draft local law incorporating the proposed amendments, including replacing the existing definition of “Interest” with clearer language and accommodate the nepotism provisions.

[AM-V20140930](#)

The Board of Ethics is continuing their work reviewing the entire Code of Ethics. Consider this an interim work product to demonstrate progress and accomplishment.

At your last meeting, the Chair and members of the Board of Ethics attended and made a presentation with regard to the recommended amendments. There was some public comment about gifts to family members to circumvent the gift restrictions. The Board was favorably disposed to advancing the matter to a public hearing.

At its August 26, 2015 meeting, the Board recommended that the draft local law be revised to incorporate the public comment which has been done.

| Proposed Action |
|------------------------|
|------------------------|

That the Board of Trustees adopt the Resolution

| Attachments |
|--------------------|
|--------------------|

| |
|--------------------|
| Proposed Local Law |
|--------------------|

SETTING A PUBLIC HEARING TO CONSIDER THE ADVISABILITY OF ADOPTING A LOCAL LAW TO AMEND THE CODE OF THE VILLAGE OF PORT CHESTER, CHAPTER CHAPTER 53. ETHICS, WITH REGARD TO DEFINITIONS, GIFTS AND NEPOTISM

On motion of TRUSTEE _____, seconded by TRUSTEE _____

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

RESOLVED, that the Board of Trustees hereby sets a public hearing on November _____, 2015 at 7:00 p.m., or as soon thereafter, at the Police Headquarters/Justice Court Courtroom, 350 North Main Street, Port Chester, to consider the advisability of adopting a local law to amend the Code of the Village of Port Chester, Chapter 53, Ethics, with regard to definitions, gifts and nepotism.

Approved as to Form:

Anthony M. Cerreto, Village Attorney

Village of Port Chester, New York

Local Law No. I-___ of the year 2015

A LOCAL LAW AMENDING THE CODE OF THE VILLAGE OF PORT CHESTER, CHAPTER 53, "ETHICS", WITH REGARD TO DEFINITIONS, GIFTS AND NEPOTISM

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

A LOCAL LAW AMENDING THE CODE OF THE VILLAGE OF PORT CHESTER, CHAPTER 53, "ETHICS", WITH REGARD TO DEFINITIONS, GIFTS AND NEPOTISM

SECTION 1: Purpose and Intent

Article 18 of the General Municipal Law prohibits municipal officers and employees from having certain conflicts of interest. Section 806 of the General Municipal Law requires the governing body of each local government to adopt a code of ethics that sets forth standards of conduct as guidance for their officers and employees. In 1968, the Village of Port Chester adopted a Code of Ethics which also established a Board of Ethics whose charge is to provide advisory opinions to Village officers and employees to assist them on ethical issues. In addition, the Board of Ethics is empowered to make recommendations as to any amendments to the Code to the Board of Trustees.

Recognizing that the Code of Ethics may be in need of up-date, the Board of Ethics has been regularly meeting and identifying discrete subject-matters for discussion, receiving input from the Village Manager and other Village staff, and arriving at a consensus with regard to proposed changes to the Code of Ethics. The Board of Ethics has been informed by recently-enacted local laws in other municipalities and the Model Code of Ethics for Local Governments promulgated by the State Office of the Comptroller. The Board of Ethics is continuing its work and will make further recommendation to the Board of Trustees in the regular course.

The purpose and intent of this local law is to further the goals of the Code of Ethics as originally enacted by providing for new provisions on the subjects of gifts and nepotism and more clearly defining the term "interest".

SECTION 2: The Code of the Village of Port Chester, Chapter 53, Section 53-5, is hereby repealed and new provisions are adopted in its place and stead to read as follows:

A. No municipal officer or employee shall directly or indirectly solicit, accept or receive a gift in violation of Section 805-a (1) (a) of the General Municipal Law of the State of New York ("GML") as interpreted in this section.

B. No municipal officer or employee may directly or indirectly solicit any gift.

C. No municipal officer or employee may, directly or indirectly, accept or receive any gift, or multiple gifts from the same donor, having and annual aggregate value of seventy-five (\$75) dollars or more when:

- (1) The gift reasonably appears to be intended to influence the officer or employee in the exercise or performance of his or her powers or duties; or
- (2) The gift could reasonably be expected to influence the officer or employee in the exercise or performance of his or her official powers or duties; or
- (3) The gift reasonably appears to be intended to be a reward for any official action on the part of the officer or employee; or
- (4) The gift is made to a relative with the reasonable appearance that such gift is intended to influence or reward the municipal officer or employee in his/her official powers or duties

D. For purposes of this section, “gift” includes anything of value, whether in the form of money, service, loan, travel, entertainment, hospitality, thing or promise, or in any other form. The value of a gift is the gift’s fair market value, determined by the retail cost of the item or a comparable item. The fair market value of a ticket entitling the holder to food, refreshments, entertainment, or any other benefit is the face value of the ticket, or the actual cost to the donor, whichever is greater. The determination of whether multiple gifts from a single donor exceed seventy-five (\$75) dollars shall be made by adding together the value of all gifts received from the donor by an officer or employee during the twelve-month period preceding the receipt of the most recent gift.

E. A gift to a municipal officer or employee is presumed to influence the exercise or performance of his or her official powers or duties when the gift is from a private person or organization that seeks municipal action involving the exercise of discretion by or with the participation of the officer or employee.

F. A gift to a municipal officer or employee is presumed to be intended as a reward for official action when the gift is from a private person or organization that has obtained municipal action involving the exercise of discretion by or with the participation of the officer or employee during the preceding twelve (12) months.

G. This section does not prohibit the following:

- (1) Gifts made to the Village of Port Chester
- (2) Gifts from a person with a family or personal relationship with the officer or employee when the circumstances make it clear that the personal relationship, rather than the recipient’s status as a municipal officer or employee, is the primary motivating factor for the gift.
- (3) Gifts given on special occasions, such as marriage, illness, or retirement, which are modest, reasonable and customary.
- (4) Unsolicited advertising or promotional material of little intrinsic value, such as pens, pencils, note pads and calendars.

(5) Awards and plaques having a value of seventy-five (\$75) dollars or less which are publicly presented in recognition of service as a municipal officer or employee, or other service to the community.

(6) Meals and refreshments provided when a municipal officer or employee is a speaker or participant at a job-related professional educational conference or program and the meals and refreshments are made available to all participants.

(7) Gifts between officers and employees on special occasions, such as birthdays or seasonal holidays.

SECTION 3: The Code of the Village of Port Chester, Chapter 53, Section 53-15 “Definitions”, is hereby amended as follows:

INTEREST

[Includes, without limitation, any right, title, share or participation in anything or in any advantage, profit or benefit, whether such right, title, share or participation be direct or indirect, legal or beneficial, contingent or vested, financial or otherwise, as owner, partner, stockholder, mortgagee, creditor, broker, agent or in any other capacity, but shall not include an interest in any corporation listed on any security exchange, subject to the regulations of the Security Exchange Commission. For the purpose of this chapter, a municipal officer or employee shall be deemed to have an interest in the contract of his spouse, minor children and dependents, except a contract of employment with the municipality which such officer or employee serves; a firm, a partnership or association of such officer or employee is a member or employee; a corporation of which such officer or employee is an officer, director or employee; and a corporation any stock of which is owned or controlled directly or indirectly by such officer or employee.]

A direct or indirect financial or material benefit, but does not include any benefit arising from the provision or receipt of any services generally available to the residents or taxpayers of the Village, or a lawful class of such residents or taxpayers. A municipal officer or employee is deemed to have an interest in any entity when he or she, his or her spouse or domestic partner or a member of his or her household is an owner, shareholder, partner, member, director, officer or employee or directly or indirectly owns or controls more than five (5) percent of the organization’s outstanding stock or membership interest.

RELATIVE

A spouse, domestic partner, parent, step-parent, sibling, step-sibling, sibling’s spouse or domestic partner, child, step-child, uncle, aunt, nephew, niece, first cousin, or household member of an officer or employee, and individuals having any of these relationships to the spouse or domestic partner of the officer or employee.

...

SECTION 4: The Code of the Village of Port Chester, Chapter 53, is hereby amended by adding a new section, Section 53-17, to read as follows:

Section 53-17. Nepotism,

Except as otherwise required by law:

A. No officer or employee, either individually or as a member of an agency, may participate in any decision specifically to appoint, hire, promote, discipline or discharge a relative for any position at, for or within an agency.

B. No officer or employee may supervise a relative in the performance of the relative's official powers or duties unless authorized by the respective appointing authority.

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 shall continue in full force and effect.

SECTION 6: Effective Date

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

Deleted material being in brackets [...] and added material being underlined:

3



VILLAGE OF
PORT CHESTER

222 Grace Church Street, Port Chester, New York 10573

AGENDA MEMO

Department: Office of the Village Attorney

BOT Meeting Date: 10/30/2015

Item Type: Resolution

Sponsor's Name: Anthony (Tony) Cerreto, Village Attorney

| Description | Yes | No | Description | Yes | No |
|------------------------|-------------------------------------|-------------------------------------|-------------------------------------|--------------------------|-------------------------------------|
| Fiscal Impact | <input checked="" type="checkbox"/> | <input type="checkbox"/> | Public Hearing Required | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| Funding Source: | | | Strategic Plan Priority Area | | |
| Account #: | | | | | |
| | Yes | No | N/A | | |
| Agreement | <input checked="" type="checkbox"/> | <input type="checkbox"/> | Manager Priorities | | |
| Strategic Plan Related | <input type="checkbox"/> | <input checked="" type="checkbox"/> | N/A | | |

Agenda Heading Title
(Will appear on the Agenda as indicated below)

RETAINING SPECIAL COUNSEL REGARDING CORRESPONDENCE BETWEEN THE
 VILLAGE MANAGER AND THE MAYOR

Summary

Background:

The Village Manager has directed correspondence to the Mayor, and provided copies to the Board of Trustee and Village Attorney. The correspondence raises matters of concern. Pursuant to Section 77-D of the Village Code, "The Board of Trustees shall have the power and duty to investigate the affairs of every department or agency of Village government and the official conduct of every officer and employee." Given the unique circumstances presented, it is appropriate that the Board delegate its investigatory authority to a special counsel who would assume this responsibility and advise the Board with a recommended course of action.

The Village Attorney solicited qualified candidates and has made a recommendation should the Board desire to proceed in this manner. There are funds appropriated in the FY 2015-2016 Village Budget for such contractual expense.

[AM-V20140930](#)

| |
|------------------------|
| Proposed Action |
|------------------------|

The Board adopt the resolution

| |
|--------------------|
| Attachments |
|--------------------|

| |
|-------------------|
| Retainer Proposal |
|-------------------|

RESOLUTION TO RETAIN SPECIAL COUNSEL REGARDING
CORRESPONDENCE BETWEEN THE VILLAGE MANAGER AND THE MAYOR

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 Manager has directed correspondence to the Mayor, and provided copies to the Board of Trustees and Village Attorney; and,

WHEREAS, pursuant to Section 77-7D of the Village Code, "The Board of Trustees shall have the power and duty to investigate the affairs of every department or agency of Village government and the official conduct of every officer and employee."; and,

WHEREAS, given the unique circumstances presented, the Board elects to delegate its investigatory authority to a special counsel who has a labor law background and experience in workplace investigations; and

WHEREAS, the Village Attorney has solicited qualified candidates for the position prior to presentment of his recommendation. Now, therefore, be it

RESOLVED, that the Village Attorney is hereby directed and authorized to retain Brian Murphy, Esq. of the Matera Law Firm, 560 Broadhollow Road, Suite 303, Melville, New York 11747 pursuant to his proposal dated October 30, 2015 to investigate the correspondence between the Village Manager and the Mayor, compensation to be \$280/hour, to be appropriated from Legal/ Contractual 1.1420.400 and be it further

RESOLVED, that as part of his investigation, Mr. Murphy be directed to engage in fact-finding and prepare a report to the Board within 45 days of retainer.

Approved as to Form:

Anthony M. Cerreto, Village Attorney

4



VILLAGE OF
PORT CHESTER

222 Grace Church Street, Port Chester, New York 10573

AGENDA MEMO

Department: Office of the Village Treasurer

BOT Meeting Date: 11/2/2015

Item Type: Resolution

Sponsor's Name: Leonie Douglas, Village Treasurer

| Description | Yes | No | Description | Yes | No |
|---|-------------------------------------|--------------------------|---|--------------------------|-------------------------------------|
| Fiscal Impact | <input checked="" type="checkbox"/> | <input type="checkbox"/> | Public Hearing Required | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| Funding Source: BAN Account #:5.5.5731.2009.0107 | | | BID # | | |
| | | | Strategic Plan Priority Area | | |
| | | | Revitalizing Waterfront | | |
| Agreement | <input checked="" type="checkbox"/> | <input type="checkbox"/> | Manager Priorities | | |
| Strategic Plan Related | <input checked="" type="checkbox"/> | <input type="checkbox"/> | Bulkhead Repair / Replacement / Revetment, & District | | |

Agenda Heading Title

(Will appear on the Agenda as indicated below)

BULKHEAD REPLACEMENT DESIGN & CONSTRUCTION DOCUMENTS

Summary

Background: The Village of Port Chester obtained a grant of \$225,420 from the Department of State's Local Waterfront Revitalization Program (LWRP) in 2013 for the replacement of the bulkhead design and construction documents. The LWRP grant is a 50/50 match. The total estimated cost for the design and construction documents is \$450,840 of which the Village's share is \$225,420. The Village Treasurer is recommending that the Village Board adopts the attached bond resolution in the amount of \$225,420 in order to finance its portion of the design & construction documents for Bulkhead Replacement project.

Proposed Action

That the Board of Trustees adopt the Resolution

Attachments

**EXTRACTS FROM MINUTES OF MEETING OF THE BOARD OF TRUSTEES
OF THE VILLAGE OF PORT CHESTER, NEW YORK**

*(\$225,420 –The Acquisition of Surveys, Preliminary Plans, Detailed Plans and Specifications
Necessary for Future Capital Improvements to Bulkheads)*

A regular meeting of the Board of Trustees of the Village of Port Chester (the “Village”), located in the County of Westchester, State of New York, was held at Village Hall, in Port Chester, New York, on November____, 2015 at _:_ P.M. (Prevailing Time), at which meeting a quorum was at all times present and acting. There were:

PRESENT:

ABSENT:

ALSO PRESENT:

* * * * *

Trustee _____ submitted the following bond resolution and moved for its adoption. The motion was seconded by Trustee _____. The Board of Trustees of the Village was polled. The motion was adopted by a vote of ____ affirmative votes (being at least two-thirds of the voting strength of the Board of Trustees of the Village) with ____ negative votes and ____ votes absent.

BOND RESOLUTION, DATED NOVEMBER_____, 2015, AUTHORIZING THE ISSUANCE OF UP TO \$225,420 AGGREGATE PRINCIPAL AMOUNT SERIAL BONDS OF THE VILLAGE OF PORT CHESTER, COUNTY OF WESTCHESTER, STATE OF NEW YORK, PURSUANT TO THE LOCAL FINANCE LAW, TO FINANCE THE COSTS OF THE ACQUISITION OF SURVEYS, PRELIMINARY PLANS, DETAILED PLANS AND SPECIFICATIONS NECESSARY FOR FUTURE CAPITAL IMPROVEMENTS TO BULKHEADS.

WHEREAS, the Board of Trustees of the Village of Port Chester (the “Village”), a municipal corporation of the State of New York, located in the County of Westchester, hereby determines that it is in the public interest of the Village to authorize the financing of the costs of the acquisition of surveys, preliminary plans, detailed plans and specifications necessary for future capital improvements to Bulkheads, all in and for the Village, including the acquisition of any applicable equipment, machinery, apparatus, land and rights-in-land necessary therefor and any preliminary and incidental costs related thereto, at a total estimated cost not to exceed \$225,420, in accordance with the Local Finance Law;

NOW, THEREFORE, BE IT RESOLVED by the Board of Trustees of the Village of Port Chester, County of Westchester, State of New York, as follows:

Section 1. There is hereby authorized to be issued serial bonds of the Village, and/or bond anticipation notes issued in anticipation of the issuance of such serial bonds, in the aggregate principal amount not to exceed \$225,420, pursuant to the Local Finance Law, in order to finance the costs of the acquisition of surveys, preliminary plans, detailed plans and specifications necessary for future capital improvements to Bulkheads, all in and for the Village, including the acquisition of any applicable equipment, machinery, apparatus, land and rights-in-land necessary therefor and any preliminary and incidental costs related thereto (collectively, the “Project”).

Section 2. The Board of Trustees of the Village has ascertained and hereby states that (a) the estimated maximum cost of the Project is \$450,840; (b) no money has heretofore been

authorized to be applied to the payment of the costs of the Project; (c) the Board of Trustees of the Village plans to finance the costs of the Project from (i) the proceeds of the serial bonds, or bond anticipation notes issued in anticipation of the issuance of such serial bonds, as authorized herein and (ii) a Local Waterfront Revitalization Program grant from the Department of State in the anticipated amount of \$225,420; (d) the maturity of the serial bonds authorized herein will be in excess of five (5) years; and (e) on or before the expenditure of moneys to pay any costs of the Project for which proceeds of any obligations authorized herein are to be applied to reimburse the Village, the Board of Trustees of the Village took “official action” for federal income tax purposes to authorize the capital financing of such expenditure.

Section 3. It is hereby determined that the Project is a specific object or purpose, or of a class of object or purpose, described in subdivision 22 pursuant to subdivision 62 a. of paragraph a of Section 11.00 of the Local Finance Law and that the period of probable usefulness of the Project is thirty (30) years. The serial bonds authorized herein shall have a maximum maturity of thirty (30) years computed from the earlier of (a) the date of the first issue of such serial bonds, or (b) the date of the first issue of bond anticipation notes issued in anticipation of the issuance of such serial bonds.

Section 4. Subject to the terms and conditions of this bond resolution and the Local Finance Law, including the provisions of Sections 21.00, 30.00, 50.00 and 56.00 to 60.00, inclusive, the power to authorize serial bonds as authorized herein, and bond anticipation notes issued in anticipation of the issuance of such serial bonds, including renewals thereof, the power to prescribe the terms, form and contents of such serial bonds and such bond anticipation notes, and the power to issue, sell and deliver such serial bonds and such bond anticipation notes, are hereby delegated to the Village Treasurer, as the chief fiscal officer of the Village. The Village

Treasurer is hereby authorized to execute on behalf of the Village all serial bonds issued pursuant to this bond resolution, and all bond anticipation notes issued in anticipation of the issuance of such serial bonds, and the Village Clerk is hereby authorized to impress the seal of the Village (or to have imprinted a facsimile thereof) on all such serial bonds and all such bond anticipation notes and to attest such seal. Each interest coupon, if any, representing interest payable on such serial bonds shall be authenticated by the manual or facsimile signature of the Village Treasurer.

Section 5. The faith and credit of the Village are hereby and shall be irrevocably pledged for the punctual payment of the principal of and interest on all obligations authorized and issued pursuant to this bond resolution as the same shall become due.

Section 6. When this bond resolution takes effect, the Village Clerk shall cause the same to be published, together with a notice in substantially the form prescribed by Section 81.00 of the Local Finance Law, in Westmore News and The Journal News, newspapers having a general circulation in the Village. The validity of the serial bonds authorized herein, and of bond anticipation notes issued in anticipation of the issuance of such serial bonds, may be contested only if such obligations are authorized for an object or purpose, or class of object or purpose, for which the Village is not authorized to expend money, or the provisions of law, which should have been complied with at the date of the publication of this bond resolution, were not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty (20) days after the date of such publication, or if such obligations are authorized in violation of the provisions of the Constitution of the State of New York.

Section 7. Prior to the issuance of any obligations authorized herein, the Board of Trustees shall comply with all applicable provisions prescribed in Article 8 of the Environmental Conservation Law, all regulations promulgated thereunder by the New York State Department of Environmental Conservation, and all applicable Federal laws and regulations in connection with environmental quality review relating to the Project (collectively, the “environmental compliance proceedings”). In the event that any of the environmental compliance proceedings are not completed, or require amendment or modification subsequent to the date of adoption of this bond resolution, the Board of Trustees will re-adopt, amend or modify this bond resolution prior to the issuance of any obligations authorized herein upon the advice of bond counsel.

Section 8. The Village hereby declares its intention to issue the serial bonds authorized herein, and/or bond anticipation notes issued in anticipation of the issuance of such serial bonds (collectively, the “obligations”), to finance the costs of the Project. The Village covenants for the benefit of the holders of such obligations that it will not make any use of the proceeds of such obligations, any funds reasonably expected to be used to pay the principal of or interest on such obligations, or any other funds of the Village, and will not make any use of the Project which would cause the interest on such obligations to become subject to federal income taxation under the Internal Revenue Code of 1986, as amended (the “Code”) (except for the federal alternative minimum tax imposed on corporations by section 55 of the Code), or subject the Village to any penalties under section 148 of the Code, and that it will not take any action or omit to take any action with respect to such obligations, the proceeds thereof or the Project financed thereby, if such action or omission would cause the interest on such obligations to become subject to federal income taxation under the Code (except for the federal alternative minimum tax imposed on corporations by section 55 of the Code), or subject the Village to any penalties under section 148

of the Code. The foregoing covenants shall remain in full force and effect notwithstanding the defeasance of any serial bonds authorized and issued under this bond resolution, or any other provisions hereof, until the date which is sixty (60) days after the final maturity date or earlier prior redemption date thereof. The proceeds of any obligations authorized herein may be applied to reimburse expenditures or commitments of the Village made in connection with the Project on or after a date which is not more than sixty (60) days prior to the adoption date of this bond resolution by the Board of Trustees.

Section 9. For the benefit of the holders and beneficial owners from time to time of the serial bonds authorized herein, and of bond anticipation notes issued in anticipation of the issuance of such serial bonds, the Village agrees, in accordance with, and as an obligated person with respect to such obligations under, Rule 15c2-12 (the “Rule”) promulgated by the Securities Exchange Commission pursuant to the Securities Exchange Act of 1934, to provide or cause to be provided such financial information and operating data, financial statements and notices, in such manner as may be required for purposes of the Rule. In order to describe and specify certain terms of the Village’s continuing disclosure agreement for that purpose, and thereby to implement that agreement, including provisions for enforcement, amendment and termination, the Village Treasurer is authorized and directed to sign and deliver, in the name and on behalf of the Village, the commitment authorized by subsection 6(c) of the Rule (the “Commitment”) to be placed on file with the Village Clerk, which shall constitute the continuing disclosure agreement made by the Village for the benefit of holders and beneficial owners of such obligations authorized herein in accordance with the Rule, with any changes or amendments that are not inconsistent with this bond resolution and not substantially adverse to the Village and that are approved by the Village Treasurer on behalf of the Village, all of which shall be conclusively

evidenced by the signing of the Commitment or amendments thereto. The agreement formed collectively by this paragraph and the Commitment shall be the Village's continuing disclosure agreement for purposes of the Rule, and its performance shall be subject to the availability of funds and their annual appropriation to meet costs the Village would be required to incur to perform thereunder. The Village Treasurer is further authorized and directed to establish procedures in order to ensure compliance by the Village with its continuing disclosure agreement, including the timely provision of information and notices. Prior to making any filing in accordance with the agreement or providing notice of the occurrence of any material event, the Village Treasurer shall consult with, as appropriate, the Village Attorney and bond counsel or other qualified independent special counsel to the Village and shall be entitled to rely upon any legal advice provided by the Village Attorney or such bond counsel or other qualified independent special counsel of the Village in determining whether a filing should be made.

Section 10. This bond resolution is subject to a permissive referendum and will take effect upon its adoption by the Board of Trustees and the expiration of the period prescribed in the Village Law during which petitions for a permissive referendum may be submitted and filed with the Village Clerk.

I, **VITA SILEO**, Village Clerk of the Village of Port Chester (the “Village”), located in the County of Westchester, State of New York, **HEREBY CERTIFY** as follows:

1. A regular meeting of the Board of Trustees of the Village was duly held on November____, 2015, and minutes of such meeting have been duly recorded in the Minute Book kept by me in accordance with the law for the purpose of recording the minutes of meetings of the Board of Trustees.

2. I have compared the attached extract with such minutes so recorded and such extract is a true and correct copy of such minutes and of the whole thereof insofar as such minutes relate to matters referred to in such extract.

3. Such minutes correctly state the time when such meeting was convened and the place where such meeting was held and the members of the Board of Trustees who attended such meeting.

4. Notice of such meeting was given as prescribed by law and such meeting was open to all persons who were entitled by law to attend such meeting.

IN WITNESS WHEREOF, I have hereunto set my hand and impressed the seal of the Village, this ___ day of November____, 2015.

(SEAL)

VITA SILEO
Village Clerk
Village of Port Chester, New York

PUBLIC NOTICE

NOTICE IS HEREBY GIVEN that the Board of Trustees of the Village of Port Chester (the “Village”), a municipal corporation of the State of New York, located in the County of Westchester, has on the ____ day of _____, 2015, duly adopted, pursuant to the Local Finance Law of New York, a bond resolution which:

(1) authorizes the Board of Trustees to finance the costs of the acquisition of surveys, preliminary plans, detailed plans and specifications necessary for future capital improvements to Bulkheads, in and for the Village, and authorizes the issuance of up to \$225,420 aggregate principal amount of serial bonds of the Village to finance the costs of such purpose, and

(2) states the estimated maximum total costs of such planning for such future capital improvements to be not in excess of \$450,840, states that such costs will be financed, in whole or in part, with (i) the issuance of obligations authorized in such bond resolution and (ii) a grant from the Department of State and sets forth the plan of financing of the costs of such purpose, and

(3) determines the period of probable usefulness of the purpose to be thirty (30) years, and

(4) determines that the maximum maturity of such serial bonds will be in excess of five (5) years, and

(5) delegates to the Village Treasurer the power to prescribe the terms, form and contents of such serial bonds and the power to authorize the issuance of, and the power to prescribe the terms, form and contents of, any bond anticipation notes issued in anticipation of the issuance of such serial bonds, including renewals thereof, and to issue, sell and deliver such serial bonds and such bond anticipation notes, and

(6) states that the validity of such serial bonds, or of such bond anticipation notes issued in anticipation of the issuance of such serial bonds, may be contested only if (a) such obligations are authorized for an object or purpose, or class of object or purpose, for which the Village is not authorized to expend money, or (b) the provisions of law, which should have been complied with at the date of the publication of such bond resolution, were not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty (20) days after the date of such publication, or (c) if such obligations are authorized in violation of the provisions of the Constitution of the State of New York.

Such bond resolution is subject to a permissive referendum under the provisions of Article 9 of the Village Law and petitions protesting against such bond resolution and requesting that it be submitted to the electors of the Village for their approval or disapproval may be filed with the Village Clerk at any time within thirty (30) days after the date of the adoption of such bond resolution.

By order of the Board of Trustees of the Village of Port Chester, County of Westchester, State of New York.

Dated: _____, 2015

/s/ VITA SILEO
VITA SILEO
Village Clerk
Village of Port Chester, New York

**VILLAGE OF PORT CHESTER
COUNTY OF WESTCHESTER, NEW YORK
AFFIDAVIT AS TO POSTING**

STATE OF NEW YORK)

)SS.:

COUNTY OF WESTCHESTER)

VITA SILEO, being duly sworn, **DEPOSES AND SAYS:**

1. That she is the Village Clerk of the Village of Port Chester (the “Village”), a municipal corporation of the State of New York, located in County of Westchester.

2. On the ___ day of _____, 2015, she posted a form of Public Notice relative to the bond resolution relating to the financing of the costs of the acquisition of surveys, preliminary plans, detailed plans and specifications necessary for future capital improvements to Bulkheads, adopted by the Board of Trustees on _____, 2015, a true copy of which is annexed hereto and made a part hereof, in the six (6) conspicuous places in the Village:

- 1.
- 2.
- 3.
- 4.
- 5.
- 6.

VITA SILEO
Village Clerk
Village of Port Chester, New York

Sworn to before me this _____
day of _____, 2015

NOTARY PUBLIC

**VILLAGE OF PORT CHESTER
COUNTY OF WESTCHESTER, NEW YORK
CERTIFICATE OF NO PROTEST**

I, **VITA SILEO**, Village Clerk of the Village of Port Chester (the “Village”), a municipal corporation of the State of New York, located in the County of Westchester, **HEREBY CERTIFY** as follows:

1. The Board of Trustees at a regular meeting thereof duly called and held on _____, 2015, adopted a bond resolution having the following title:

**BOND RESOLUTION, DATED NOVEMBER_____, 2015,
AUTHORIZING THE ISSUANCE OF UP TO \$225,420 AGGREGATE
PRINCIPAL AMOUNT SERIAL BONDS OF THE VILLAGE OF PORT
CHESTER, COUNTY OF WESTCHESTER, STATE OF NEW YORK,
PURSUANT TO THE LOCAL FINANCE LAW, TO FINANCE THE
COSTS OF THE ACQUISITION OF SURVEYS, PRELIMINARY
PLANS, DETAILED PLANS AND SPECIFICATIONS NECESSARY
FOR FUTURE CAPITAL IMPROVEMENTS TO BULKHEADS.**

2. On and prior to the date hereof, no petition or petitions protesting such bond resolution and requesting that it be submitted to the electors of the Village for their approval or disapproval have been filed with the Village Clerk.

IN WITNESS WHEREOF, I have hereunto set my hand and impressed the seal of the Village, this ___ day of _____, 2015.

(SEAL)

VITA SILEO
Village Clerk
Village of Port Chester, New York

**VILLAGE OF PORT CHESTER
COUNTY OF WESTCHESTER, NEW YORK**

ESTOPPEL NOTICE

The bond resolution published herewith was adopted by the Board of Trustees of the Village of Port Chester (the "Village"), a municipal corporation of the State of New York, located in the County of Westchester, on November_____, 2015. The effectiveness of such bond resolution was subject to a permissive referendum and notice thereof was given as prescribed by law. The period of time prescribed by law has elapsed for the submission and filing of a petition for a permissive referendum and a valid petition has not been submitted and filed. The validity of the obligations authorized by such bond resolution may be hereafter contested only if such obligations were authorized for an object or purpose, or class of object or purpose, for which the Village is not authorized to expend money, or the provisions of law, which should have been complied with at the date of the publication of this notice, were not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty (20) days after the date of the publication of this notice, or if such obligations are authorized in violation of the provisions of the Constitution of the State of New York.

Date: _____, 2015

/s/ VITA SILEO
VITA SILEO
Village Clerk
Village of Port Chester, New York

5



VILLAGE OF
PORT CHESTER

222 Grace Church Street, Port Chester, New York 10573

AGENDA MEMO

Department: Office of the Village Manager
Department: Planning and Development Department

BOT Meeting Date: 11/2/2015

Item Type: Resolution

| | |
|------------------------|--|
| Sponsor's Name: | Christopher D. Steers, Village Manager |
| Sponsor's Name: | Jesica Youngblood, Village Planner |

| Description | Yes | No | Description | Yes | No |
|------------------------|-------------------------------------|--------------------------|-------------------------------------|--------------------------|-------------------------------------|
| Fiscal Impact | <input checked="" type="checkbox"/> | <input type="checkbox"/> | Public Hearing Required | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| Funding Source: | | | BID # | | |
| Account #: | | | Strategic Plan Priority Area | | |
| | Yes | No | Revitalizing Waterfront | | |
| Agreement | <input checked="" type="checkbox"/> | <input type="checkbox"/> | Manager Priorities | | |
| Strategic Plan Related | <input checked="" type="checkbox"/> | <input type="checkbox"/> | Planning & Zoning | | |

Agenda Title

Resolution authorizing budget amendment for contract execution with Boswell Engineering.

Summary

Background: The Dept. of State Local Waterfront Revitalization Program (DOS-LWRP) awarded the village a grant up to \$225,420 for design and construction plans + permits to install a new bulkhead with increased public waterfront access and an activity node. On July 6, 2015 the BOT selected Boswell Engineering as the preferred consultant to execute the bulkhead design.

Status: The Dept. of State has reviewed and approved the contract between the Village and Boswell Engineering but awaits funding appropriation via BOT action.

Action Item: The BOT must appropriate a budget amendment to establish funding activities prior to Village Manager authorizing subcontract with Boswell.

| Attachments |
|--------------------|
|--------------------|

| |
|--|
| Resolution for funding appropriation for engineering services for bulkhead design grant. |
|--|

RESOLUTION

TRANSFER OF FUNDS TO ADVANCE MARINE ENGINEERING SERVICES TO FIX THE FAILED BULKHEAD IN ACCORDANCE WITH THE EXECUTED CONTRACT WITH THE DEPARTMENT OF STATE

NOVEMBER 2, 2015

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 New York State Department of State (“DOS”) Local Waterfront Revitalization Program (“LWRP”) provides grant funding opportunities for planning initiatives and projects that advance strategies for community and waterfront revitalization; and

WHEREAS, the Village of Port Chester received a grant award from the Department of State Local Waterfront Revitalization Program on January 9, 2014 for up to \$225,420 for design and construction documents plus all permits to fix the failed bulkhead and provide increased public waterfront access; and

WHEREAS, the Village entered into a contract (#C1000444) with the Department of State (DOS) in November of 2014 for services as described in ‘Workplan C’ of the executed contract; and

WHEREAS, the Village Board of Trustees approved by resolution on November 3, 2014 the village’s commitment to contribute its 50% required grant match of \$225,420; and

WHEREAS, the Village Board of Trustees retained by resolution on July 6, 2015 Boswell Engineering, Inc. to complete the design and construction documentation and permitting work required by the executed contract. Now, therefore, be it

RESOLVED, that the Board of Trustees hereby authorizes the Village Treasurer to undertake the following transfer of fund(s) to complete services described in the executed contract with the Department of State:

Transfer From:

| Line # | Line Title | \$ |
|--------|------------|----|
| Line # | Line Title | \$ |

and, be it further

RESOLVED, that the Village Board of Trustees authorizes the Village Manager to execute a contract with selected consultant Boswell Engineering, Inc. in an amount of \$305,000 for marine engineering services described in the executed contract with the Department of State.

Approved to form:

Village Attorney

ROLL CALL

AYES:

NOES:

ABSENT:

DATE: November 2, 2015

6



VILLAGE OF
PORT CHESTER

222 Grace Church Street, Port Chester, New York 10573

AGENDA MEMO

Department: Office of the Village Manager
Department: Planning and Development Department

BOT Meeting Date: 11/2/2015

Item Type: Resolution

| | |
|------------------------|--|
| Sponsor's Name: | Christopher D. Steers, Village Manager |
| Sponsor's Name: | Jesica Youngblood, Village Planner |

| Description | Yes | No | Description | Yes | No |
|------------------------|-------------------------------------|-------------------------------------|-------------------------------------|--------------------------|-------------------------------------|
| Fiscal Impact | <input type="checkbox"/> | <input checked="" type="checkbox"/> | Public Hearing Required | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| Funding Source: | | | BID # | | |
| Account #: | | | Strategic Plan Priority Area | | |
| | Yes | No | Revitalizing Waterfront | | |
| Agreement | <input type="checkbox"/> | <input checked="" type="checkbox"/> | Manager Priorities | | |
| Strategic Plan Related | <input checked="" type="checkbox"/> | <input type="checkbox"/> | Planning & Zoning | | |

Agenda Title

Formation of bulkhead design grant project advisory committee.

Summary

The Dept. of State Local Waterfront Revitalization Program (DOS-LWRP) awarded the village a grant up to \$225,420 on January 9, 2014 for design and construction plans + permits to install a new bulkhead with increased public waterfront access and an activity node. Per the executed contract with DOS, the Village must establish a project advisory committee (PAC) subject to review and approval by the DOS.

In accordance with DOS-LWRP policies, the PAC should be a balanced cross section of 7-10 technical and non-technical individuals purposed to demonstrate both compliance and commitment to DOS goals and objectives. This group may include members of existing village approval bodies, project area landowners, and other non-governmental/community agents. Village staff will serve as liaisons on the PAC. Ultimately, the PAC will work cooperatively with

Boswell Engineering, Village Staff and municipal officials to provide advisory comment regarding the design alternatives.

| |
|--------------------|
| Attachments |
|--------------------|

| |
|---|
| Resolution establishing the Bulkhead Design Grant Project Advisory Committee. |
|---|

**ESTABLISHING A PROJECT ADVISORY COMMITTEE PURSUANT TO
CONTRACTUAL OBLIGATIONS WITH THE DEPARTMENT OF STATE
REGARDING THE AWARDED BULKHEAD DESIGN GRANT**

NOVEMBER 2, 2015

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 New York State Department of State (“DOS”) Local Waterfront Revitalization Program (“LWRP”) provides grant funding opportunities for planning initiatives and projects that advance strategies for community and waterfront revitalization; and

WHEREAS, the Village of Port Chester received a grant award from the Department of State Local Waterfront Revitalization Program on January 9, 2014 for up to \$225,420 for design and construction documents plus all permits to fix the failed bulkhead and provide increased public waterfront access established as part of the 2013 Consolidated Funding Application program; and

WHEREAS, the Village entered into a contract (#C1000444) with the Department of State (DOS) in November of 2014 for services as described in ‘Workplan C’ of the executed contract; and

WHEREAS, the Village Board of Trustees retained by resolution on July 6, 2015 Boswell Engineering, Inc. to complete the design and construction documentation and permitting work required by the executed contract; and

WHEREAS, the executed contract requires the Village to establish a project advisory committee (PAC) purposed to demonstrate compliance and commitment to DOS goals and objectives to work alongside village staff and Boswell Engineering, Inc.; and

WHEREAS, the DOS advises this PAC to be a balanced cross section of seven to ten technical and non-technical individuals, including members of existing village approval bodies, project area landowners, and other non-governmental/community agents. The DOS discourages the municipal legislative body from serving as the de facto advisory committee. Now therefore be it

RESOLVED, the Village Board of Trustees hereby establishes the Bulkhead Design Grant Project Advisory Committee to serve through September 2017 and to consist of the following individuals:

| <i>Name</i> | <i>Affiliation</i> |
|-------------|--------------------|
| 1. | |
| 2. | |
| 3. | |
| 4. | |
| 5. | |
| 6. | |
| 7. | |
| 8. | |
| 9. | |
| 10. | |

Approved to form:

Village Attorney

ROLL CALL

AYES:

NOES:

ABSENT:

DATE: November 2, 2015

**REPORT OF THE
VILLAGE
MANAGER**



VILLAGE OF PORT CHESTER

OFFICE OF THE VILLAGE MANAGER

MEMORANDUM

TO: Board of Trustees

FROM: Grant Writing Work Group

DATE: October 29, 2015

RE: Grant Writing Work Group Status Update

CDBG Applications Submission: The Grant Writing Work Group submitted three (3) CDBG applications on behalf of the Village. One application submission applied for \$750,000 to repair damaged sewer mains throughout the Village. The remaining two applications requested \$92,000 for repairs to Fire Headquarters and the Washington Park fire stations as well as \$106,745 for new Senior Center bus and kitchen equipment.

The New York State Office of Community Renewal anticipates announcing grant recipients by the end of 2015. The Grant Writing Work Group will inform the Board with future updates.

Justice Court Assistance Program (JCAP) Application: On October 19, 2015, the Board of Trustees adopted a resolution authorizing the Port Chester Justice Court to apply to the JCAP grant. This application is for \$13,303.09 to purchase enhanced security and office equipment. The application was authorized and submitted.

Millennium Strategies: Millennium Strategies and the Village of Port Chester entered into a contractual agreement for specialized grant writing services.

The Village held a kick-off meeting with Millennium Strategies on October 28, 2015 to discuss funding priorities as provided by Village department heads anticipated over the next two years. Millennium Strategies has reviewed the departmental priorities and will provide the Village a Strategic Plan and roadmap for 2016 to include a timeline of key dates for grant application availability, submission deadlines, and submission requirements. This Plan is subject to change based on the Village's emerging needs. Staff will provide the board with a copy of the plan sometime in November.

DISCUSSIONS

CORRESPONDENCE

1

Received

OCT 19 2015



Fire Department

Village Clerk
VILLAGE OF PORT CHESTER
Village of Port Chester

WESTCHESTER COUNTY, N. Y.



Headquarters: Westchester Avenue and Honings Street

Harry Howard Hook &
Ladder No. 1

Fire Police No. 1

Mellor Hose No. 1

Washington Engine & Hose
No. 4

Brooksville Hose No. 5

Companies:

Reliance Chemical & Hose
No. 1

Putnam Steamer & Hose
No. 2

TO THE HONORABLE BOARD OF TRUSTEES OF THE VILLAGE PORT CHESTER, N. Y.:

The *Reliance Eng & Hose Co* respectfully reports that at a meeting

held on *OCT 2, 2014* favorable action was taken on the following:

Elected active members *MARIO MARLE OF 137 OAK ST, PC, NY 10573*

Elected honorary members _____

Members resigned _____

Members expelled *Michael BEADLE*

Members suspended _____

Members died _____

Badges returned (numbers) _____

Remarks _____

Secretary.

BRYAN A. SANTUCCI

2

Received

OCT 19 2015



Fire Department

Village of Port Chester

Village Clerk
VILLAGE OF PORT CHESTER

WESTCHESTER COUNTY, N. Y.



Headquarters: Westchester Avenue and Bonings Street

Harry Howard Hook &
Ladder No. 1
Fire Police No. 1
Mellor Hose No. 1
Washington Engine & Hose
No. 4
Brookville Hose No. 5

Companies:

Reliance Chemical & Hose
No. 1

Putnam Steamer & Hose
No. 2

TO THE HONORABLE BOARD OF TRUSTEES OF THE VILLAGE PORT CHESTER, N. Y.:

The *Reliance Eng. & Hose Co.* respectfully reports that at a meeting

held on *OCT 2, 2014* favorable action was taken on the following:

Elected active members *MARIO MARIN of 137 OAK ST, PC, NY 10573*

Elected honorary members _____

Members resigned _____

Members expelled *Michael BEADLE*

Members suspended _____

Members died _____

Badges returned (numbers) _____

Remarks _____

Secretary.

BRYAN A. SANTUCCI

3

Resolution
Port Chester-Rye Union Free School District Board of Education
Declaration Of Lead Agency Pursuant to SEQRA
For The Proposed School Improvements

WHEREAS, on August 26, 2015, the Port Chester-Rye Union Free School District passed a Resolution to seek Lead Agency status pursuant to the State Environmental Quality Review Act ("SEQRA") for the Proposed School Improvements; and

WHEREAS, the Board's consultant, JMC Planning Engineering Landscape Architecture & Land Surveying, PLLC served by mail on August 27, 2015, the "Notice of Intent to Establish Lead Agency" resolution to all of the involved or interested agencies (list attached), along with the completed Full Environmental Assessment Forms Part I; and

WHEREAS, none of these involved or interested agencies have responded within the required thirty (30) day period.

NOW, THEREFORE, BE IT RESOLVED by the Board of Education of the Port Chester-Rye Union Free School district, that it does hereby establish itself as the Lead Agency for the SEQRA review regarding the Proposed School Improvements.

Moved by: Carolee Brakewood

Seconded by: James Dreves

Aye Carolee Brakewood

Nay _____

Absent Anne Capeci

James Dreves

Robert Johnson

Christopher Wolff

SEAL

Cathy Maggi
District Clerk

Dated: September 29, 2015
Port Chester, New York

Involved Agencies and Interested Parties Based on Proposed Action

Village of Port Chester, Attn: Mr. Janusz Richards, Village Clerk, 222 Grace Church Street, Port Chester, NY 10573

Village of Rye Brook, Attn: Mr. Christopher Bradbury, Village Administrator, 938 King Street, Rye Brook, NY 10573

City of Rye, Attn: Ms. Diane Moore, Deputy City Clerk, 1051 Boston Post Road, Rye, NY 10580

Town/Village of Harrison, Attn: Ms. Jacqueline Greer, Town Clerk, 1 Heineman Place, 1st Floor, Harrison, NY 10528

Westchester County Department of Public Works, Attn: Mr. John Hsu, PE, Commissioner, 148 Martine Avenue, White Plains, NY 10601

New State Department of Environmental Conservation, Attn: Mr. Martin Brand, Regional Director, 21 South Putt Corners Road, New Paltz, NY 12561

New York State Education Department, Attn: Ms. Mary Ellen Elia, Commissioner, New York State Education Building, 89 Washington Avenue, Albany, NY 12234

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Resolution
Port Chester-Rye Union Free School District Board Of Education Negative
Declaration Pursuant to SEQRA
For The Proposed School Improvements

WHEREAS, the Port Chester-Rye Union Free School District's Board of Education (the "District") acting as Lead Agency, is considering the impact on the environment in accordance with the New York State Environmental Quality Review Act Article 8 of the New York State Environmental Conservation Law and associated regulations including its implementing regulations 6 N.Y.C.R.R. 617.1 et. seq. ("SEQRA") of a proposed capital improvement project, known as the Proposed School Improvements (hereinafter the "Project"), which is set forth in more detail in the Project documentation located at the District administrative offices (the "Project Documentation"), with the Project to be undertaken as follows:

1. **Port Chester Middle School 5th Grade Addition**

To accommodate relocation of the 5th grade to the Middle School from four district elementary schools, a +41,080 square feet of gross floor area 5th grade addition is proposed at the rear of the Middle School along with additional parent and teacher parking (34 spaces on the ground level beneath the proposed addition and 31 spaces to the west side of the addition), traffic circulation improvements, and improved ingress and egress. A drop-off area is proposed adjacent to the 5th grade addition. The 5th grade addition includes 15 classrooms, an art room, music room, gym with locker room, a separate cafeteria, and a 5th grade media center (library).

2. **Port Chester High School Addition**

Proposed is a 2-level ±59,483 square feet of gross floor area building addition to the east side of the existing Port Chester High School building, which will be stepped into the ground to reduce its visual impact on the existing High School building. Proposed are 11 new academic classrooms, 3 new science rooms, new digital art and technology spaces, a championship size gym to supplement the existing gym constructed in 1929, full size band and choral rooms, and a rooftop educational area on top of the addition. Other proposed work includes an all-season synthetic turf field to replace the existing field, a secure courtyard, new bleachers, relocation of the memorial plaza and memorial bricks, and a redesigned flag plaza, all on the east side of the building, adjacent to the proposed addition.

3. **Edison Elementary School**

A playground area resurfacing and stage lighting are proposed.

4. **JFK Elementary School**

A media center renovation is proposed,

5. **Park Avenue Elementary School**

A media center renovation is proposed.

6. **King Street Elementary School**

Additional parking is proposed with a reconfigured parking lot, adding 28 spaces for a total of 78 to be provided

WHEREAS, pursuant to SEQRA, the District is required to undertake a review of potential environmental impacts associated with the Project;

WHEREAS, pursuant to the required SEQRA review undertaken for the Project, the District previously enacted a resolution of Intent to be Lead Agency directing the District consultants to provide the listed involved agencies and interested agencies for the Project with a copy of the EAF Part 1 for the Port Chester Middle School 5th grade addition and the High School addition and a copy of the District's adopted resolution, that the District intends to act as the lead agency in order to conduct a coordinated environmental review for the Project under the New York State Environmental Quality Review Act, and such notice was issued on August 27, 2015;

WHEREAS, none of the involved agencies or interested parties for the Project have objected to the District being installed as lead agency, and as the time has expired for any involved agencies or interested parties to object to the District acting as lead agency, the District has now been installed as lead agency in accordance with a resolution adopted on September 29, 2015;

WHEREAS, the District has considered the impact on the environment of the Project as set forth in more detail below by undertaking a thorough review of conditions and issues associated with construction and development of the Project, including by completing and reviewing the responses provided in the EAF's for the Project, as well as reviewing the supplemental documentation prepared for the Project, including the Expanded Environmental Assessment Full EAF Part 3 report completed by the District's planning consultant, JMC Planning Engineering Landscape Architecture & Land Surveying, PLLC ("JMC") with such EAF's and supplemental documentation analyzing among other impacts and potential impacts those to land use and zoning, rock excavation, disposition of excavated material, radon gas, waterproof construction, flood areas, the County channel line, stormwater management and sediment and erosion control, aesthetic resources, transportation, as well as other impacts;

WHEREAS, the District has specifically considered information from the public concerning potential impacts from the Project, as well as considering information provided by the District's consultants, including the District's architectural consultant Fuller and D'Angelo P.C. ("FD"), its engineering consultant Eberlin and Eberlin, PC ("EE"), and its Planning Consultant JMC, concerning the Project;

WHEREAS, based upon the information contained in the completed EAFs, the supplemental documentation and analyses prepared by JMC, as well as based on the other information as detailed above, the District hereby determines that the Project will not result in any significant adverse impact to the environment for the reasons which are set forth herein as follows:

Name of Action: Proposed School Improvements
Applicant: Port Chester-Rye Union Free School District
Lead Agency: Port Chester-Rye Union Free School District Board of Education
Type of Action: Type 1

Description of Action and Location of Action: The description of the action and the location of the action is as stated in the first section of this resolution.

NOW THEREFORE BE IT RESOLVED:

Upon a thorough review and due consideration by the District of the Full Environmental Assessment Forms including the completed answers thereto, the Expanded Environmental Assessment Full EAF Part 3 report prepared for the District by the District's consultant, JMC, and upon consideration of the other information as detailed above, the District makes the following findings:

1. The District has considered the Project pursuant to the parameters and criteria set forth in applicable provisions found under 6 N.Y.C.R.R. §§ 617.2 and 617.3.
2. The District has classified its review and approval of the Project as a Type 1 Action pursuant to applicable regulations and criteria under SEQRA.
3. The District has carefully reviewed the EAFs including the responses provided, as well as considering the other documents referenced previously, comments from the public, as well as the supplemental information provided by the District's planning consultant, architect and engineer, as well as considering the criteria set forth in 6 N.Y.C.R.R. § 617.7(c). Based on the foregoing analyses and information, the District has thoroughly reviewed the potential relevant areas of environmental concern and finds that the Project will not result in a significant adverse impact on the environment for the following reasons:

Impact on Land, Groundwater, Consistency with Community Plans, and Consistency with Community Character:

- a) The Project will not have a significant adverse impact on land, and is consistent with community plans and community character, since the Project work will occur on sites that are currently used for educational uses, and there will be no change in use under the Project. Because there is no change in land use

proposed, no impacts are anticipated to the areas surrounding the Project because such buildings and their associated campuses following implementation of the Project will continue to be operated as educational uses.

Further, no significant adverse impacts to land are anticipated for the Middle School because excavation of bedrock is not anticipated because the proposed construction is not anticipated to require excavation to bedrock or groundwater depths because no basement or cellar is proposed with the Middle School addition.

Construction of the High School addition is anticipated to encounter bedrock, as well as groundwater. A major portion of the bedrock excavation can be achieved using ram-hoe (hydraulic hammer), jackhammer, or equivalent equipment. Pre-splitting techniques may be utilized in sensitive areas close to the existing High School building, whereby an expansive grout is installed in bore holes, and as the grout cures it expands and thereby splits the rock. Sensitive areas will also be monitored with seismic monitoring equipment as a means to protect the existing High School building from vibration.

In the unlikely event that controlled blasting is determined to be required, low level charges will be used and very closely controlled and monitored. Blasting, if required, will be performed by a blasting contractor licensed in the State of New York. The High School building will be monitored with seismographs to assure that any vibrations induced by the rock removal operations do not reach a level so as to cause harm to the structure.

Appropriate construction and long term dewatering measures will be used to mitigate groundwater impacts. Thus, no significant adverse impacts are anticipated with groundwater or the rock excavation necessary for construction of the High School addition.

Haul trucks disposing of excess excavation material will likely access the Interstate highway system, of which the closest access to the Middle School is along Westchester Avenue west to I-287, and from the High School to North Regent Street south to Westchester Avenue west to I-287. Therefore, no significant adverse impacts are anticipated with the disposition of the excavated materials necessary for construction of the Middle School addition (which is anticipated to have minimal excavation because no basement or cellar is proposed) and the High School addition.

Because the High School addition is to be stepped into the ground, the potential for radon gas may exist, although Westchester County is classified by the U.S. Environmental Protection Agency ("EPA") as within the EPA's very lowest level radon potential zone, which is Radon Zone 3.

Certain measures will be taken during construction to reduce the risk of radon gas entering the High School addition should radon gas exist at all. This is known as radon resistant construction. These measures include careful construction of foundations and slabs, and of sealing/caulking of conduits entering the building, many of which steps would be taken in any case to waterproof the construction against groundwater that may be present next to the building foundation. For example, the High School addition's foundation will be poured in lieu of using concrete block; concrete block by its nature is more porous.

Because groundwater may extend above the bottom of the excavation as noted in the Project's geotechnical report, the Project will utilize Hycrete admixtures in the poured concrete foundation for the High School addition. These admixtures are mixed into the concrete directly, and form barriers in the concrete matrix, which helps stop water (and radon gas) from getting in through capillaries. They also coat the reinforcing steel, protecting against corrosion. All openings such as for utility connections will be carefully sealed to prevent ingress of water and radon gas. This will help to assure a dry interior, as well as mitigate the potential ingress of radon gas should any exist.

As an additional waterproofing measure, a waterproof membrane will be installed on the exterior of the foundation to act as a direct water barrier. Foundation drains will also be installed to direct groundwater by gravity into the stormwater management system, a standard method of mitigating groundwater around building foundations.

Interior radon levels will be tested in the High School addition following construction. In the unlikely event radon is detected above permitted levels, various well established post-construction methods may be employed to reduce radon levels, including measures such as active ventilation. Therefore, no significant adverse impacts are anticipated from radon, if any exists, or groundwater associated with construction and operation of the High School addition.

Because construction of the Middle School addition proposes no deep excavation to the groundwater level or to bedrock because no basement or cellar is proposed, radon gas and groundwater are not considered a potential significant adverse impact.

Impact on Geological Features:

b) No unique or unusual land forms exist on the properties, and thus there will be no adverse environmental impacts to geological features.

Impact on Surface Water:

c) The Project will not have a significant adverse environmental impact on water, including stormwater.

The construction of the new building addition at the Middle School, the redevelopment of the High School field from a natural grass surface to a synthetic turf field, and the High School building addition will obtain coverage under the New York State Department of Environmental Conservation (NYSDEC) Stormwater General Permit for Construction Activities (Permit No. GP-0-15-002). The Project will incorporate stormwater quantity and quality control measures that will be designed in accordance with the latest NYSDEC Stormwater Design Manual and will comply with the General Stormwater Permit. This includes the filing of a Notice of Intent (NOI) and development of a Stormwater Pollution Prevention Plan (SWPPP).

Potential stormwater mitigation measures include the development of a partial green roof and permeable pavements and bio swales at the new Middle School building. However, although no specific designs or design decisions have been made on this matter until the proposed development is approved in its final form, and engineered, the results of soil testing indicate that there are no impediments to compliance with the NYS standards and the stormwater management practices will be designed according to the manual.

Soil Erosion and Sediment Control measures will be implemented as part of the Project. During the construction period Sediment and Erosion Control will be mitigated through the use of temporary control devices as designed and installed in accordance with the *New York Standards and Specifications for Erosion and Sediment Control*, latest edition. The soil erosion and sediment control plan will minimize the downstream erosion hazard by controlling runoff at its source, minimizing runoff from disturbed areas and preventing concentrated flow of stormwater runoff. The objectives of the erosion control plan will be achieved through the management of stormwater runoff during construction.

Towards the completion of construction, permanent sediment and erosion control measures will be developed for long term erosion protection. A continuing maintenance program will be implemented for the control of sediment transport and erosion control after construction and throughout the useful life of the Project.

There will be no significant potential adverse impact to the Westchester County Channel Line on the Middle School property for which a work permit will be obtained from the County. Therefore, no significant adverse impacts are anticipated with surface water because of the stormwater management and sediment and erosion controls to be implemented as part of the construction and operation of the Middle School addition and the High School addition.

Impact on Flooding:

d) A portion of the Middle School property is within the floodplain of the East Branch of the Blind Brook. A portion of the construction may occur within the special floor hazard area subject to inundation by the 1% annual chance flood.

Construction is permitted within a floodplain subject to certain construction considerations. It appears, however, that only portions of the proposed Middle School surface parking lot and access drive will be within the floodplain. Therefore, no significant impacts associated with the floodplain are anticipated with the construction of the Middle School addition.

Impact on Air Quality:

e) The Project involves the redirecting of the existing 5th grade drop-off and pick-up traffic volumes from the District's elementary schools to the Middle School, which are all within the same general area for air quality purposes, for only two brief daily periods during weekdays during the school year, with no overall increase in area vehicle trips. Fugitive dust generated during the construction period will be mitigated by the Project's

sediment and erosion control measures. Therefore, no significant adverse air quality impacts are anticipated.

Impact on Plants and Animals:

f) The Project will not result in a significant adverse impact on plants or animals, because the proposed improvements occur on existing manicured lawn and developed areas. No threatened or endangered plants or animals are identified on the Project sites by the NYSDEC.

Impact on Agricultural Resources:

g) No properties of the Port Chester-Rye Union Free School District are classified as agricultural lands, and therefore the Project will not result in a significant adverse impact on agricultural resources.

Impact on Aesthetic Resources:

h) The proposed building additions and site work associated with the Project will be undertaken so as to be consistent with the current educational uses of the Project sites and in a manner which is consistent with the existing architecture. The design of the High School addition steps all the proposed program areas into the ground to reduce its visual footprint, thus providing minimal impact on views of the existing school building to the east, north, and south. The addition will not be visible from the west because views are blocked by the existing High School building. Two glass bridges on each side connect to the existing building from the new extension, further mitigating viewshed impacts. It is not anticipated that the Project will have adverse impacts to aesthetic resources.

Impact on Historic and Archeological Resources:

i) The Project will not result in a significant adverse impact to historic or archaeological resources. The design of the proposed additions to the existing school buildings will be submitted to the State Historic Preservation Office ("SHPO") for their evaluation and comment per the requirements of the New York State Education Department ("NYSED") prior to obtaining a building permit from the NYSED. Further, the additions to the buildings will be designed and constructed to relate to the scale and architectural character of the existing buildings.

Impact on Open Space and Recreation:

j) The Project will not have a significant adverse impact on existing open space and recreation. The Project sites on which the Project work will be conducted will continue to be used for educational purposes under the Project. No potential significant adverse impact is anticipated to open space and recreation as any such open space which may be used by the community will, generally speaking, continue to exist after the Project is completed, though there will be some impervious surface area added for the proposed additions and associated improvements. Any loss of open space compared to existing conditions is not expected to be significant as relates to open space in the community.

Impact on Critical Environmental Areas:

k) The Project will not have a potential significant adverse impact on any Critical Environmental Area as designated pursuant to 6 N.Y.C.R.R. § 617.14(g) of the SEQRA regulations as no such areas within or adjacent to the Project sites have been identified. The proposed renovations and site additions under the Project will be completed on sites where school facilities are already located.

Impact on Transportation:

l) The Project will not have a significant adverse impact on transportation. The Expanded Environmental Assessment Full EAF Part 3 report makes the following recommendations for the District to consider at the Middle School:

1. The site will provide additional onsite parking for teachers and visitors. It is recommended that the drop-off/pick-up areas be enhanced to accommodate all activities on-site.

2. A crosswalk is recommended at the west driveway to the shopping center driveway across Bowman Avenue. There is an existing sidewalk within the shopping center at this location. The School Board should coordinate with the shopping center ownership regarding the crosswalk, and to discuss existing and proposed operations of the school which may be a concern to the shopping center ownership.

3. Large events should be staggered whenever possible to accommodate school related parking on-site to the greatest extent practicable. It is understood that Back to School Nights will be staggered.

4. Signs should be posted along the existing Bowman Avenue bus stop indicating No Standing.

5. Consistent with the Village of Rye Brook Comprehensive Plan recommendation, a sidewalk should be provided on the north side of Bowman Avenue between the east and west driveways.

6. Consistent with the Comprehensive Plan recommendation, the existing sidewalk along Bowman Avenue between the east driveway and South Ridge Street should be widened where practicable.

7. The existing one-way internal driveway at the southeast corner of the existing building should be converted to two-way operation to provide access to Westchester Avenue from the proposed parking and pick-up/drop-off areas.

8. A Pedestrian and Traffic Management person should be stationed at the west driveway at Bowman Avenue to assist pedestrians crossing Bowman Avenue and to assist vehicles exiting the parking lot.

9. The Bowman Avenue/South Ridge Street traffic signal operation should be actuated for vehicles rather than pre-timed. Detectors are present for several approaches and the Village should be contacted regarding having the detection be operational so that the signal can be demand responsive.

10. The 5th grade school dismissal should be staggered consistent with the proposed start time staggering if practicable.

Because no changes are anticipated to the existing High School traffic patterns, timing, and volumes, no significant adverse impacts to transportation are anticipated with the proposed High School addition.

Impact on Energy:

m) Due to the scale of the proposed improvements, no adverse impact is anticipated on energy from the Project.

Impact on Noise, Odor, and Light:

n) The Project will not have a significant adverse impact from objectionable noise, odor, and light. While during Project construction there will be noise from heavy equipment and rock removal, construction is not anticipated to be of any significant duration, and will be within the normal range of such noise for construction projects of a similar nature. Lighting will be shielded to mitigate light trespass off of the Project properties.

Impact on Human Health:

o) The Project will not have a significant adverse impact on human health. Impacts related to any potential radon associated with the High School addition are discussed in subsection 3.a of this resolution.

NOW THEREFORE BE IT FURTHER RESOLVED:

Based on the foregoing, the District finds that the Project will not have a significant adverse environmental impact in accordance with the New York State Environmental Quality Review Act, Article 8 of the New York Environmental Conservation Law and, in particular, pursuant to the criteria set forth at 6 N.Y.C.R.R. § 617.7(b) of the SEQRA regulations. The District thus issues this Negative Declaration pursuant to SEQRA. The requirements of SEQRA have been satisfied. The District directs this Negative Declaration shall be provided to the involved agencies and interested parties listed on the last page of this document and to the Environmental Notice Bulletin (ENB) of the New York State Department of Environmental Conservation to be published on their website as required by the SEQRA regulations.

Port Chester-Rye Union Free School District Board of Education, Lead Agency, 113 Bowman Avenue, Port Chester, NY 10573

Moved by: James Dreves

Seconded by: Carolee Brakewood

Aye Carolee Brakewood

Nay _____

Absent Anne Capeci

James Dreves

Robert Johnson

Christopher Wolff

Dated: September 29, 2015
Port Chester, New York
For further information contact:
Mr. Ray Renda
Port Chester Public Schools, 113 Bowman Avenue, Port Chester, NY 10573
Phone: (914) 934-7900

SEAL

Cathy Maggini
District

A copy of this Negative Declaration Resolution, as well as the documents on which it is based, will be kept on file with at Port Chester-Rye Union Free School District administrative offices at 113 Bowman Avenue, Port Chester, NY 10573

Involved Agencies and Interested Parties Based on Proposed Action

Village of Port Chester, Attn: Mr. Janusz Richards, Village Clerk, 222 Grace Church Street, Port Chester, NY 10573

Village of Rye Brook, Attn: Mr. Christopher Bradbury, Village Administrator, 938 King Street, Rye Brook, NY 10573

City of Rye, Attn: Ms. Diane Moore, Deputy City Clerk, 1051 Boston Post Road, Rye, NY 10580

Town/Village of Harrison, Attn: Ms. Jacqueline Greer, Town Clerk, 1 Heineman Place, 1st Floor, Harrison, NY 10528

Westchester County Department of Public Works, Attn: Mr. John Hsu, PE, Commissioner, 148 Martine Avenue, White Plains, NY 10601

New State Department of Environmental Conservation, Attn: Mr. Martin Brand, Regional Director, 21 South Putt Corners Road, New Paltz, NY 12561

New York State Education Department, Attn: Ms. Mary Ellen Elia, Commissioner, New York State Education Building, 89 Washington Avenue, Albany, NY 12234

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OF THE PORT CHESTER/RYE UNION FREE SCHOOL DISTRICT, INC.

P.O. Box 1718, PORT CHESTER, NEW YORK 10573
WWW.TAMARACKTOWER.ORG

PRESIDENT

BISHOP M. NOWOTNIK

VICE PRESIDENT

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DOMINICK NERI

HON. DENNIS PILLA

DAVID TUTERA

HON. HOPE VESPIA

REV. GERALD WASHINGTON

October 20, 2015

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

Dear Mayor Pilla:

The Tamarack Tower Foundation is a tax-exempt organization whose sole purpose is to support the students of the Port Chester School District. In the past we have made generous contributions to the schools due in part to donations and fund raisers

The Tamarack Tower Foundation would like to request approval from the Board of Trustees to hold a Turkey Trot on Thursday (Thanksgiving), November 26, 2015 beginning at 9:30 a.m. at the Port Chester High School. This event will start at the flag pole, on the stadium side of the high school and continue onto College Avenue to Haines Blvd. – around Haines Blvd. – then continuing in front of Park Avenue School bearing right onto Barton and then right onto Newton Avenue and ending back at the flag pole. This will be an approximate distance of 1.7 miles for walkers and runners will cover the course twice.

We are requesting that these streets be closed from 9:30 to 10:30 a.m. and if possible, obtain police supervision at each intersection. We also would like permission to have a Banner hung on Putnam Avenue opposite Lyon Park, a Banner hung across Westchester Avenue near the fire house, a Banner hung across N. Main Street and a sign placed at Messina Park to publicize the Turkey Trot.

Won't you join us on Thanksgiving morning and blow the horn to begin the race?

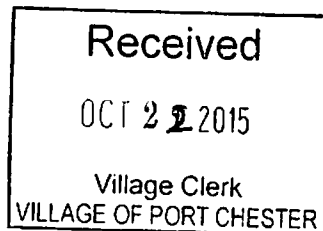
Thank you for your consideration of our request.

Cordially,

Rosemarie Barone, Event Chairperson



5



Rec'd By EMAIL

VILLAGE OF RYE BROOK

MAYOR
Paul S. Rosenberg

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

ADMINISTRATOR
Christopher J. Bradbury

TRUSTEES
Susan R. Epstein
David M. Heiser
Jason A. Klein
Jeffrey B. Rednick

September 25, 2015

Hon. Mayor Dennis G. Pilla and the
Port Chester Board of Trustees
c/o Village Clerk
Village of Port Chester
222 Grace Church Street
Port Chester, New York 10573

Dear Mayor Pilla and Village Board Members:

Thank you for the opportunity to provide comments to the Port Chester Village Board, as Lead Agency for the proposed zoning amendments and development located at 406-408 Boston Post Road and 999 High Street (i.e. United Hospital redevelopment site).

The primary concerns of the Village of Rye Brook relate to traffic mitigation, impacts to the Port Chester School District, and fiscal implications as stated in the Draft Environmental Impact Statement (DEIS) for this project.

Traffic Mitigation:

Attached to this letter is a memorandum dated September 21, 2015 from Rye Brook's traffic consultant, Michael Galante of Frederick P. Clark Associates. This memorandum represents Rye Brook's comments on traffic impacts. Please note that the village believes that additional intersections need evaluation.

Port Chester School District:

The Port Chester School District includes students from approximately one-third of the properties in the Village of Rye Brook. Both the middle school and high school are also physically located within Rye Brook. The village is very interested in any developments that would impact our collective school districts. The Port Chester School District already has severe space limitations, so any increase in enrollment is a concern for both Rye Brook and Port Chester residents.

According to the DEIS, the following number of school children are anticipated for this development:

| | |
|---|-------------|
| Port Chester IDA Overcrowding & Mitigation Analysis Report: | 34 students |
| Rutgers University Center Analysis: | 23 students |

There are other locally significant measures that should also be reviewed to best determine what types of mitigation, if any, may be needed to offset the anticipated increase in enrollment. For instance, the village may want to apply the percentage of students that currently exist *per occupied unit* within the village or district boundaries and apply that multiplier to anticipate the increase in enrollment, as well as projecting the total number of school-aged students (public, private and parochial) the project would generate within the school district. In reviewing these figures, the village may also wish to factor in any closing or potential closing of additional parochial schools in the region to determine the impacts of this development.

It is not clear why school children generated by the 200 loft apartments were not included in the estimated number of students. Many times interest in loft spaces may differ from the interest in other types of units as they may have more flexibility in use and design that are desirable for families. It appears that the loft apartments, as designed, include one bedroom and are equivalent in size to the other one bedroom units. As such, there are multipliers for one bedroom units that should be applied in determining the number of anticipated students.

Fiscal Analysis:

Section III.F.7.b of the DEIS provides the anticipated fiscal impacts for the project. The DEIS anticipates that the applicant will seek Industrial Development Agency (IDA) financing which would preclude the receipt of construction related sales tax. However, no analysis is provided about the amount of the Mortgage Tax revenue and also if the applicant intends to seek relief of any Mortgage Tax through the IDA. It is noted that the Town of Rye and all villages within the Town, including the Village of Port Chester, the Village of Rye Brook and the Village of Mamaroneck, would receive a portion of any Mortgage Tax.

When considering IDA applications in Rye Brook, the Village Board typically approves the relief of sales tax but requires the applicant to pay the equivalent local shares of the Mortgage Tax that would have been payable to the town and all of the villages in the Town of Rye as if the property did not receive IDA financing. The Port Chester Village Board may want to consider this option if Mortgage Tax relief is requested through the IDA.

The IDA application would also provide the applicant with a \$5.1M savings in sales tax revenue for construction material purchased in the county. This would be revenue that would typically go to the county with the applicable share distributed to all but the largest cities in Westchester County, and is revenue that offsets the property tax burdens for the residents in the local municipalities.

The DEIS anticipates that the applicant will seek a PILOT agreement and would pay a fixed amount of \$2,975,000 per year to the village and school district for 20 years with no escalation in payments. Of that amount, 40% would be paid to the Village of Port Chester and 60% would be paid to the Port Chester School District, and it is proposed that a \$1M “public benefits package” would be provided for the following items:

| | |
|--|-----------|
| Municipal Service Facility: | \$250,000 |
| Village Waterfront and Marina: | \$250,000 |
| Fox Island Peninsula Redevelopment: | \$250,000 |
| Publically accessible/dedicated open space/enclosed program space: | \$250,000 |

The DEIS states that if the above PILOT is approved as proposed, “[t]he other taxing jurisdictions (County, Town, Sewer, and Solid Waste) would not receive a PILOT payment of ad valorem taxes under the proposed PILOT agreement.” (Page III.F-25). It is not 100% clear if the other taxing jurisdictions would not receive a PILOT payment because they would not be subject to the PILOT (in which case the property would be assessed at full value and these taxes would be paid), or if the intent is to have the other taxing jurisdictions be party to the PILOT and not make any payments for their fair share of the County, Town, Sewer and Solid Waste expenses.

If the intent is to be exempt from paying the property’s full share of taxes to the other taxing jurisdictions, the Village of Rye Brook then strongly objects to the applicant not paying the County, Town, Sewer and Solid waste PILOT payments or property taxes as this will increase the tax burden on the remaining property owners in each taxing districts for the next twenty years.

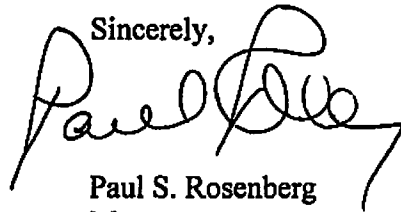
For instance, the mixed use development includes 500 units of housing units that will generate significant sewer and solid waste expenses, yet the applicant seeks to eliminate any PILOT or property tax payments to the sewer district or solid waste district. As a result, the remaining district property owners from Port Chester and Rye Brook would end up subsidizing this increase in expenses as a result of the development over the next 20 years. Beginning in 2014 the Village of Rye Brook already agreed to pay \$125 per parcel annually to the Village of Port Chester for the right to use the local Port Chester sewer mains that brings sewerage to the county-owned Port Chester Sewage Treatment Facility. Rye Brook is not seeking to subsidize any added expenses incurred as a result of this project at the former United Hospital site in Port Chester.

Similarly, if the applicant does not pay a PILOT payment or property taxes to the Town of Rye, the remaining properties in the Town will have to pay any increases to their tax levy as a result of this development.

The DEIS notes that the property was previously not paying property taxes as a not-for-profit hospital. However, the hospital still *was* required to pay taxes to the Westchester County sewer and solid waste districts. Any potential PILOT should not provide relief from the applicant’s requirement to pay their full share of the equivalent property tax amount for the County, Town, Sewer and Solid waste tax levies.

Thank you for your consideration of these items in your review of the DEIS as Lead Agency for this project.

Sincerely,

A handwritten signature in black ink, appearing to read "Paul Rosenberg", written in a cursive style.

Paul S. Rosenberg
Mayor

CC: Rye Brook Village Board Members
Christopher Steers, Port Chester Village Manager
Joseph A. Sack, Rye City Mayor
Marcus A. Serrano, Rye City Manager
Joseph Carvin, Rye Town Supervisor
Robert H. Johnson, Port Chester School District President

Encs.



FREDERICK P. CLARK ASSOCIATES, INC.
PLANNING, TRANSPORTATION, ENVIRONMENT AND DEVELOPMENT
RYE, NEW YORK FAIRFIELD, CONNECTICUT

DAVID H. STOLMAN
AICP, PP
PRESIDENT

MICHAEL A. GALANTE
EXECUTIVE
VICE PRESIDENT

350 THEO. FREMD AVE.
RYE, NEW YORK 10580
914 967-6540
FAX: 914 967-6615

CONNECTICUT
203 255-3100

HUDSON VALLEY
845 297-6056

LONG ISLAND
516 364-4544

www.fpclark.com

email@fpclark.com

MEMORANDUM

To: Christopher Bradbury, Village Administrator,
Village of Rye Brook, New York

Date: September 21, 2015

Subject: **Traffic Evaluation – United Hospital Redevelopment, Port
Chester, New York**

As requested, we have conducted a traffic evaluation of the Traffic Impact Study prepared by TRC Engineers, Inc. and dated December 31, 2014 to determine potential impacts related to Village of Rye Brook roadways. Specifically, this evaluation focuses on High Street and South Ridge Street within the Village and includes Purchase Street in Rye near the intersection of High Street and South Ridge Street.

Project Description

The proposal is to redevelop the former United Hospital site, which is generally located at the intersection of Boston Post Road (U.S. Route 1) and High Street in the Village of Port Chester. It will include the removal of all the existing vacant Hospital facilities, as well as the residential building located on High Street opposite the Hospital site.

This development will include residential, retail, hotel and office space comprising approximately 730 residential units, 90,000 square feet of retail space, a 135-room hotel and 217,000 square feet of office space. Overall, this development will provide 1,380 parking spaces to serve this mixed-use development.

The redevelopment will include access at the following locations:

- Provide a new access drive to U.S. Route 1, opposite the existing signalized intersection to the Kohl's Shopping Center.
- Provide a secondary ingress/egress site access drive to U.S. Route 1 in the vicinity of the existing site access drive and provide three, full-movement, unsignalized site access drives along High Street along the site's frontage.

The Applicant proposes to have this development completed and in full operation by 2018.

1. Traffic Comments – Village of Rye Brook

Based on a review of the Applicant's Traffic Study, specifically to determine potential impact to roadways and intersections within the Village of Rye Brook, we offer the following:

- *Study Area Intersections* – The Applicant conducted traffic counts and provided detailed capacity analyses for several intersections along U.S. Route 1 in both the Village of Rye Brook and the City of Rye. It included each of the intersections along High Street, as well as Hillside Road in the City of Rye. However, the traffic analyses did not include any intersections in the Village of Rye Brook along South Ridge Street, except for the intersection of Ridge Street/South Ridge Street at High Street.

It is our opinion the Applicant should have considered the following two intersections in the Village of Rye Brook, which is based further on comments related to distribution and site traffic generation levels noted below.

- a. South Ridge Street at Bowman Avenue; and,
- b. South Ridge Street/North Ridge Street at Westchester Avenue.

These two intersections are identified as intersections that the Applicant should have included or at least considered in the Traffic Study due to potential impacts related to this proposed development.

2. Site Traffic Generation

The Applicant applied typical trip generation rates obtained from the Institute of Transportation Engineers (ITE) in a publication entitled "Trip Generation," 9th Edition, 2012. We agree with the trip generation rates and the estimates for site traffic used in the analysis, except for the use of the Specialty Retail category. It is our recommendation that the general Shopping Center trip generation rates should have been used. Further, if the Applicant specifically knows that the restaurants and other similar high-generating land uses will be included, then the higher trip rates should have been applied.

PUBLIC COMMENTS

**MOTION FOR
EXECUTIVE
SESSION**

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