



VILLAGE OF
PORT CHESTER

222 Grace Church Street, Port Chester, New York 10573

RES-01
BOT 3-21-2016

AGENDA MEMO

Choose a Department

Village BOT Meeting Date: 3/21/2016

Item Type: Resolution

Description	Yes	No	Description	Yes	No
Fiscal Impact		x	Public Hearing Required	x	
Funding Source:			BID #		
			Strategic Plan Priority Area		
			N/A		
Agreement		x	Manager Priorities		
Strategic Plan Related		x	N/A		

Sponsor's Name: Select Sponsor's Name.

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

SET PUBLIC HEARING TO AMEND THE CODE OF THE VILLAGE OF PORT CHESTER, CHAPTER 136, ANIMALS, WITH REGARD TO ANIMAL TETHERING

Summary

Background:

The Port Chester Dog Park Group proactively engaged the Board of Trustees with a request that a local law be adopted that would regulate the practice of dog tethering.

Following the Board's direction, we met with Dina Goren and Officer Krempka.

Attached is a draft local law for your action. A public hearing is required.

Proposed Action

That the Board of Trustees adopt the Resolution

Attachments

Draft Local Las

Village of Port Chester, New York

Local Law No. I-___ of the year 2016

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 136 “ANIMALS”, WITH REGARD TO ANIMAL TETHERING

SECTION 1: Purpose and Intent

The Board of Trustees hereby finds that animal owners will sometimes tie their animals to a stationary object out of doors for a short period of time. The Board further finds that some owners, however, leave their animals tied to a stationary object outside for long periods of time; in some cases, all day. The Board finds that tethers, chains and other such restraints can injure animals, as the restraints may tangle or catch on other objects. The Board further finds that animals left tied to an object outside for prolonged periods may not have sufficient food, water or shelter from inclement weather, and are more likely to bark and cause disturbances. The Board finds that existing State law does not sufficiently address the issue of animal tethering. In support, the Board takes notice of the bills that have been successively introduced in the State Legislature to amend the Agricultural and Markets Law on this subject. Unfortunately, these bills have not advanced through the legislative process to enactment. Given state inaction on the subject, and acting under the authority of Municipal Home Rule Law, Section 10, subd.1(i) and (ii)a(12), the Board finds and determines that reasonable restrictions at the local level are therefore necessary and appropriate to protect the well-being of persons and property in the Village.

The local law also imposes a progressive penalty schedule to deter repeated violations and proscribes criminal and civil penalties to aid in enforcement.

SECTION 2: The Code of the Village of Port Chester, Chapter 136, is hereby amended to include a new article, Article IV entitled “Animal Tethering”, to read as follows:

§136-30 Definitions

Tethering- to restrain an animal by tying the animal to any object or structure, including, but not limited to a house, tree, fence, post, garage, or shed, by any means, including, but not limited to a chain, rope, cord, leash or running line. This shall not include using a leash for walking purposes.

Responsible Party- any person owning, harboring, or having custody or control of an animal.

§136-31 Prohibitions.

(A) It shall be unlawful for a responsible party to tether an animal while outdoors, except when all of the following conditions are met:

1. The responsible party is physically present on the premises while the animal is tethered;
2. The tether is connected to the animal with a collar or a body harness made of nylon or leather (no choke or pinch collars allowed);
3. The tether has the following properties:
 - a. it must be at least five (5) times the length of the animal's body, as measured from the tip of the nose to the base of the tail, however in no event shall the tether be long enough to allow the animal to move outside the responsible party's property;
 - b. it terminates at both ends with a swivel;
 - c. it is not weighted;
 - d. it is free of tangles;
4. The animal is tethered so as to prevent injury, strangulation, or entanglement;
5. The animal is not outside during extreme weather, including, but not limited to, extreme heat or near-freezing temperatures, thunderstorms, tornadoes, tropical storms, or hurricanes;
6. The animal has access to water and food;
7. The animal has access to shelter as defined by § 353-b of the New York State Agriculture and Markets Law;
8. The animal is at least six (6) months of age;
9. The animal is not sick or injured;
10. Pulley, running line or trolley systems are at least fifteen (15) feet in length and are less than seven (7) feet above ground, however in no event shall the tether be long enough to allow the animal to move outside the responsible party's property;
11. If there are multiple animals, each animal is tethered separately, in a manner in which they cannot become entangled;
12. The animal is not tethered for more than 2 hours in a continuous 12 hour period.

§136-32 Enforcement

(A) Any person who violates the provisions of this section or any of the rules promulgated thereunder shall, for a first offense, be guilty of a violation punishable by a fine no more than \$250, provided that such person shall be issued a written warning instead of such fine for such first offense where such animal was not injured as a result of being restrained in violation of this section. For a second offense, within a continuous twelve-month period, be guilty of a violation punishable by a fine no more than \$500. For a third, or any subsequent offense, within a continuous twelve-month period starting from the first offense, such person shall be guilty of a class B misdemeanor punishable by a fine no more than \$500 or by imprisonment no more than three months, or both.

(B) In addition to such penalties, any person who violates this section may be liable for a civil penalty of not less than \$250.

(C) Violations of this section may be supported by evidence including, but not limited to, time-stamped photographs and video, records of complaints, and sworn witness statements.

(D) The Village Attorney shall be authorized to bring a proceeding, against a responsible party(ies), in court of competent jurisdiction to enforce this law.

SECTION 3: Severability

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

SECTION 4: Effective Date

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

DRAFT



VILLAGE OF
PORT CHESTER

222 Grace Church Street, Port Chester, New York 10573

RES-02

BOT 3-21-2016

AGENDA MEMO

Choose a Department

Village BOT Meeting Date: 3/21/2016

Item Type: Resolution

Description	Yes	No	Description	Yes	No
Fiscal Impact		x	Public Hearing Required	x	
Funding Source:			BID #		
			Strategic Plan Priority Area		
			N/A		
Agreement	x		Manager Priorities		
Strategic Plan Related			N/A		

Sponsor's Name: Select Sponsor's Name.

Agenda Heading Title

(Will appear as indicated below on Agenda)

ESTABLISHING SCHEDULE FOR PUBLIC HEARING, WORKSOPS AND TENTATIVE ADOPTION DATE OF FISCAL YEAR 2016-2017 BUDGET

Summary

Background:

The attached resolution sets out a proposed timetable for the adoption of the 2016-2017 Village Budget.

The Board may recall that such a resolution was adopted for the 2016-2016 Village Budget.

Proposed Action

That the Board of Trustees adopt the Resolution

Attachments

ESTABLISHING SCHEDULE FOR PUBLIC HEARING, WORKSHOPS AND
TENTATIVE ADOPTION DATE OF FISCAL YEAR 2016-2017 BUDGET

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, pursuant to Section 5-508 of the Village Law, a Tentative Budget showing the revenue and expenditures for the fiscal year 2016-2017 of the Village of Port Chester, commencing June 1, 2016, is required to be filed by the Village Manager with the Village Clerk and thereupon presented to the Board of Trustees; and

WHEREAS, in anticipation of such filing and presentation, the Board desires to set a public hearing within the earliest possible time so as to fully obtain public input; and

WHEREAS, the Board seeks to thereafter hold public workshops dedicated to the in-depth review of the individual budgets of the Village departments and the Port Chester-Rye Brook Public Library; and

WHEREAS, the Board wishes to conclude the budget process with a tentative adoption date prior to the May 1, 2016 deadline imposed by Section 5-508. Now therefore be it

RESOLVED that the Board of Trustees hereby sets a public hearing on April 4, 2016 and April 18, 2016 at 7:00 p.m. at the Justice Court Courtroom, 2nd Floor, 350 North Main Street, Port Chester, New York, for the purpose of considering and discussing the Tentative Budget for the Fiscal Year 2016-2017; and be it further

RESOLVED, that public workshops be held as needed on April 11, 2016, April 12, April 14, 2016 and April 18, 2016, at 6:00 p.m. at the Senior/Community Center, 222, 222 Grace Church Street Port Chester, New York; and be it further

RESOLVED, that the Board has the present intention of adopting the Fiscal Year 2016-2017 Budget at a meeting on April 27, 2016 at the said Justice Court Courtroom.

Approved as to Form:

Anthony M. Cerreto, Village Attorney

ROLL CALL

AYES:

NOES:

ABSENT:

DATE: March 21, 2016



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: 3/21/2016

Item Type: Resolution

Sponsor's Name:	Christopher Ameigh, Assistant to the Village Manager
Sponsor's Name:	Eric Zamft, Director of Planning & Economic Development

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		
			Community Development		
	Yes	No			
Agreement	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Manager Priorities		
Strategic Plan Related	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Planning & Zoning		

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

Authorizing the Adoption of the 2015 Westchester County Hazard Mitigation Plan Update

Summary

All jurisdictions within Westchester County have exposure to natural hazards that increase the risk to life, property, environment, and the County and local economy. The Disaster Mitigation Act of 2000 (Public Law 106-390) established new requirements for pre and post disaster hazard mitigation programs. To respond to the Act, a coalition of Westchester County municipalities with like planning objectives was formed to pool resources and create consistent mitigation strategies within Westchester County.

The coalition has completed a planning process that engages the public, assesses the risk and vulnerability to the impacts of natural hazards, develops a mitigation strategy consistent with a set of uniform goals and objectives, and creates a plan for implementing, evaluating and revising this strategy. The result is the 2015 Westchester County Hazard Mitigation Plan Update (the “Plan”). The Plan has both general strategies for the County as a whole and strategies that are specific to the Village. The Department of Planning & Economic Development has summarized the Plan in a memorandum attached.

In order to be eligible for future hazard mitigation funding and assistance, the Village will need to adopt the Plan.

Attachments
Department of Planning & Economic Development Memorandum



VILLAGE OF PORT CHESTER
DEPARTMENT OF PLANNING & ECONOMIC
DEVELOPMENT

222 Grace Church Street, Rm. 202
Port Chester, NY 10573
(P) 914.937.6780
(F) 914.939-2733

Eric Zamft, AICP, Director
Andrea Sherman, Planner
Constance Phillips, Planning Commission Secretary

To: Board of Trustees
From: Eric Zamft, AICP, Director of Planning & Development
cc: Christopher Steers, Village Manager; Tony Cerreto, Village Attorney
Date: March 16, 2016
Re: 2015 Westchester County Hazard Mitigation Plan Update

Members of the Board,

The following is a summary of the 2015 Westchester County Hazard Mitigation Plan Update (the "Plan"), including the section specific to Port Chester.

The Plan is a countywide assessment of hazards, risks, and mitigation strategies, including hazard mitigation plans for individual Westchester municipalities, prepared according to federal Disaster Mitigation Act of 2000 standards and FEMA guidelines. Updates will occur every five years. Adoption, maintenance, and updates to the Plan ensure that communities remain eligible for federal hazard mitigation assistance and funding.

Led by the Westchester County Department of Emergency Services, the Plan evaluates all natural and non-natural hazards that pose significant risks to the County. The Plan addresses these hazards at the county level and identifies the following: earthquake, extreme temperature, flooding (coastal, dam failure, stormwater, riverine/flash), severe storm (including windstorms, thunderstorms, hail, hurricanes/tropical storms, lightning, and tornados), severe winter storm (including heavy snow, blizzards, nor'easters, freezing rain/sleet, ice storms), wildfire, chemical/biological/radiological/ nuclear (CBRN) incidents, critical infrastructure failure, cyber-attack incidents, and disease outbreak. Of these hazards of concern, all are listed as having a frequent probability of occurrence except earthquakes, which is ranked as having an occasional probability of occurrence. When ranked by total risk value for Westchester County, severe winter storms had the highest probability and impact risk of the identified hazards of concern.

For each of the identified hazards of concern, the Plan describes the hazard, discusses programs in place to reduce impacts, evaluates the extent of impact and locations of occurrence, lists previous events, looks at the probability of future events, and conducts a vulnerability assessment.

The Village of Port Chester's municipality-specific section of the Plan inventories past hazard events, such as Hurricane Irene in 2011, Hurricane Sandy in 2012, and the February 2013 severe winter storm event. The hazard types with the highest risk ranking score (measured as probability multiplied by impact) in descending

order of severity are winter storm, severe storm, wildfire, earthquake, and extreme temperature.

Port Chester identifies several mitigation initiatives as top priority. Highest priority initiatives include repairs to the Byram River bulkheads, evaluation of existing storm drainage systems, uptown and downtown flood mitigation studies, obtainment of a generator for Village Hall, relocation of Public Works to reduce loss of access due to flooding risks, and consideration of improvements to the flood damage prevention code.

The Village's participation with the coalition of municipalities and the County did not involve any cost. Planning staff interfaced with the group and provided input where relevant to Port Chester. In fact, if the Village did not participate in this manner it would have been required to produce its own Hazard Mitigation Plan at significant cost.

Adoption of the resolution will ensure that the Village of Port Chester will remain eligible for federal hazard mitigation assistance.

RESOLUTION

ADOPTING THE 2015 WESTCHESTER COUNTY
HAZARD MITIGATION PLAN UPDATE

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, all jurisdictions within Westchester County have exposure to natural hazards that increase the risk to life, property, environment, and the County and local economy; and

WHEREAS, pro-active mitigation of known hazards before a disaster event can reduce or eliminate long-term risk to life and property; and

WHEREAS, The Disaster Mitigation Act of 2000 (Public Law 106-390) established new requirements for pre and post disaster hazard mitigation programs; and

WHEREAS, a coalition of Westchester County municipalities with like planning objectives entered into an Inter-municipal Agreement with the County so as to pool resources and create consistent mitigation strategies, thereby more effectively satisfying these requirements; and

WHEREAS, through such intergovernmental efforts the coalition has completed a planning process that engages the public, assesses the risk and vulnerability to the impacts of natural hazards, develops a mitigation strategy consistent with a set of uniform goals and objectives, and creates a plan for implementing, evaluating and revising this strategy.

NOW, THEREFORE, be it

RESOLVED, the Board of Trustees hereby adopts the 2015 Westchester County Hazard Mitigation Plan Update (the "Plan") as the Village of Port Chester's Natural Hazard Mitigation Plan, and resolves to execute the actions identified in the Plan that pertain to it; and be it further

RESOLVED, the Village of Port Chester will use the Plan to guide pre- and post-disaster mitigation of the hazards identified; and be it further

RESOLVED, the Village of Port Chester will coordinate the strategies identified in the Plan with other planning programs and mechanisms under its jurisdictional authority; and be it further

RESOLVED, the Village of Port Chester will continue its support of the Mitigation Planning Committee as described within the Plan; and be it further

RESOLVED, the Village of Port Chester will help to promote and support the mitigation successes of all participants in this Plan; and be it further

RESOLVED, the Village of Port Chester will incorporate mitigation planning as an integral component of government and partner operations; and be it finally

RESOLVED, the Village of Port Chester will periodically provide an update of the Plan to the County at an interval no less than every five years.

Approved to form:

Village Attorney



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: 3/21/2016

Item Type: Resolution

Sponsor's Name:	Christopher Ameigh, Assistant to the Village Manager
Sponsor's Name:	Eric Zamft, Director of Planning & Economic Development

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		
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	Yes	No			
Agreement	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Manager Priorities		
Strategic Plan Related	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Planning & Zoning		

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(Will appear as indicated below on Agenda)

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The coalition has completed a planning process that engages the public, assesses the risk and vulnerability to the impacts of natural hazards, develops a mitigation strategy consistent with a set of uniform goals and objectives, and creates a plan for implementing, evaluating and revising this strategy. The result is the 2015 Westchester County Hazard Mitigation Plan Update (the “Plan”). The Plan has both general strategies for the County as a whole and strategies that are specific to the Village. The Department of Planning & Economic Development has summarized the Plan in a memorandum attached.

In order to be eligible for future hazard mitigation funding and assistance, the Village will need to adopt the Plan.

Attachments
Department of Planning & Economic Development Memorandum



VILLAGE OF PORT CHESTER
DEPARTMENT OF PLANNING & ECONOMIC
DEVELOPMENT

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To: Board of Trustees
From: Eric Zamft, AICP, Director of Planning & Development
cc: Christopher Steers, Village Manager; Tony Cerreto, Village Attorney
Date: March 16, 2016
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Port Chester identifies several mitigation initiatives as top priority. Highest priority initiatives include repairs to the Byram River bulkheads, evaluation of existing storm drainage systems, uptown and downtown flood mitigation studies, obtainment of a generator for Village Hall, relocation of Public Works to reduce loss of access due to flooding risks, and consideration of improvements to the flood damage prevention code.

The Village's participation with the coalition of municipalities and the County did not involve any cost. Planning staff interfaced with the group and provided input where relevant to Port Chester. In fact, if the Village did not participate in this manner it would have been required to produce its own Hazard Mitigation Plan at significant cost.

Adoption of the resolution will ensure that the Village of Port Chester will remain eligible for federal hazard mitigation assistance.

RESOLUTION

ADOPTING THE 2015 WESTCHESTER COUNTY
HAZARD MITIGATION PLAN UPDATE

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, all jurisdictions within Westchester County have exposure to natural hazards that increase the risk to life, property, environment, and the County and local economy; and

WHEREAS, pro-active mitigation of known hazards before a disaster event can reduce or eliminate long-term risk to life and property; and

WHEREAS, The Disaster Mitigation Act of 2000 (Public Law 106-390) established new requirements for pre and post disaster hazard mitigation programs; and

WHEREAS, a coalition of Westchester County municipalities with like planning objectives entered into an Inter-municipal Agreement with the County so as to pool resources and create consistent mitigation strategies, thereby more effectively satisfying these requirements; and

WHEREAS, through such intergovernmental efforts the coalition has completed a planning process that engages the public, assesses the risk and vulnerability to the impacts of natural hazards, develops a mitigation strategy consistent with a set of uniform goals and objectives, and creates a plan for implementing, evaluating and revising this strategy.

NOW, THEREFORE, be it

RESOLVED, the Board of Trustees hereby adopts the 2015 Westchester County Hazard Mitigation Plan Update (the "Plan") as the Village of Port Chester's Natural Hazard Mitigation Plan, and resolves to execute the actions identified in the Plan that pertain to it; and be it further

RESOLVED, the Village of Port Chester will use the Plan to guide pre- and post-disaster mitigation of the hazards identified; and be it further

RESOLVED, the Village of Port Chester will coordinate the strategies identified in the Plan with other planning programs and mechanisms under its jurisdictional authority; and be it further

RESOLVED, the Village of Port Chester will continue its support of the Mitigation Planning Committee as described within the Plan; and be it further

RESOLVED, the Village of Port Chester will help to promote and support the mitigation successes of all participants in this Plan; and be it further

RESOLVED, the Village of Port Chester will incorporate mitigation planning as an integral component of government and partner operations; and be it finally

RESOLVED, the Village of Port Chester will periodically provide an update of the Plan to the County at an interval no less than every five years.

Approved to form:

Village Attorney



VILLAGE OF
PORT CHESTER
222 Grace Church Street, Port Chester, New York 10573

AGENDA MEMO

Department: Office of the Village Attorney

BOT Meeting Date: 3/21/2016

Item Type: Resolution

Sponsor's Name:	Christopher Steers, Village Manager
Sponsor's Name:	Anthony Cerreto, Village Attorney

Description	Yes	No	Description	Yes	No
Fiscal Impact	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Public Hearing Required	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Funding Source:			BID #		
Account #:			Strategic Plan Priority Area		
			N/A		
	Yes	No			
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 as indicated below on Agenda)

Expressing Concerns with Westchester County's Proposed Legislative Changes to the Airport's Terminal Use Procedures

Summary

Per the Board's direction at the March 7, 2016 meeting, a resolution has been prepared with regard to Westchester County's proposed legislative changes to the Airport's Terminal Use Procedures.

The resolution closely follows the resolution adopted by the Village of Rye Brook, but incorporates concerns and impacts specific to Port Chester, including potential impacts to emergency services. The Fire Chief was consulted to clarify and confirm these impacts.

In discussion with Rye Brook's Village Administrator, Chris Bradbury, we learned that the matter is in committee at the County Board of Legislators and that it is not likely that it will be scheduled for action for some time.

The resolution will present a united front to the County on this important issue.

Attachments
<ul style="list-style-type: none">• Village of Rye Brook Letter to Westchester County• Village of Rye Brook Resolution• Proposed Legislative Changes

RESOLUTION

EXPRESSING CONCERNS WITH WESTCHESTER COUNTY'S PROPOSED LEGISLATIVE CHANGES TO THE AIRPORT'S TERMINAL USE PROCEDURES

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, prior Westchester County Executives and Boards of Legislators have historically maintained a firm policy position of *No Expansion at the Westchester County Airport* and went so far as to adopt resolutions to this effect dating back to at least 2003 to protect the County residents that are impacted by Airport activities; and

WHEREAS, despite the long-standing policy position of *No Expansion at the Westchester County Airport*, the County Executive has sent the Board of Legislators proposed legislation that would modify the Terminal Use Procedures at the Westchester County Airport (the "Airport"), which would drastically increase the long-standing limit on the number of commercial flight passengers allowed to enplane and deplane at the Airport from 240 passengers per half hour to 11,520 passengers per day; and

WHEREAS, the proposed legislation has been re-introduced to the Board of Legislators and it has been referred to the committees on Legislation, Infrastructure, and Environment & Health; and

WHEREAS, the Village of Port Chester serves both the land- and air-side of the Airport through the provision of emergency services, including Fire and EMS; and

WHEREAS, such provision of services represents a significant portion of the overall services that the Village of Port Chester emergency services provides; and

WHEREAS, the net effect of this legislative change is to remove a legislatively-imposed policy of a half-hour passenger restriction and instead provide additional flexibility to the commercial airlines and the private Airport management company that contracts with the County in order to maximize and substantially increase their ability to add daily flights and increase the number of passengers as much as the market desires while utilizing the current four (4) Airport terminal gates within the current runway restrictions; and

WHEREAS, this proposed legislation is of significant concern to the residents of the municipalities in the vicinity of the Airport; and

WHEREAS, the County's position that 240 passengers per half hour simply equals 11,520 per day (240/half hour x 48) and impacts are minimal due to other restrictions at the Airport and terminal is seriously flawed based upon the following items:

1. The 11,520 passenger limit per day includes an allocation of 3,120 passengers for the hours between 12:00 midnight and 6:30 A.M. when the County has previously instituted a *voluntary* curfew period and has made the policy decision not to encourage flights during that curfew period. This non-mandatory curfew is routinely already violated by airlines (171 times in November 2015, including 57 times by one airline);
2. Many more private planes and their passengers already use the Airport. If this legislation is approved, this change will further dilute one of the few protections against additional flights and airport expansion. Commercial flights represent about 20% of the total flights at the Airport, and the Terminal Use Procedures already factors in approximately 65 "holiday" days when there are no restrictions on passenger limits. The airlines already have unrestricted limits on passengers approximately 18% of the year. The remaining "non-holiday" days simply place reasonable restrictions that spreads passengers throughout the days in order to limit the impacts on the County residents affected by the Airport traffic;
3. The Airport and terminal do not have the capacity to handle the number of passengers and flights they are seeking to add. For instance, in 2014 there were 1.4M passengers that utilized the Airport. 11,520 passengers per day would total 4.2M passengers in a year. At its peak (+/- 2008), the Airport had between 2.0 and 2.5M passengers and there were serious impacts to traffic and parking both at the Airport in in the surrounding communities;
4. The County is requesting the flexibility to have 11,520 passengers per day, yet at the same time, they state that they do not anticipate having 11,520 passengers per day because airlines prefer certain "prime" travel periods. The result is that the flexibility and control of the number of passengers and flights is placed solely in the hands of the airlines and the private airport management company that has a contract with the County in order to increase flights by utilizing all of the gates during any travel times that the market dictates there is interest in flying. If the proposed legislation is approved, the 11,520 passenger limit may likely become a largely irrelevant restriction;
5. Over the years the County has made improvements at the Airport terminal and gates, but has stated the improvements were not Airport expansions, and the construction was for necessary security enhancements and added modern convenience for the passengers. At the time of these projects it was often stated to local municipalities that the best protection against expansion is the passenger limit of 240 per half hour, the runway design, weight restrictions, and the number of gates (four). Now, the County is reversing the argument in their favor, stating that the facility has expanded to 40,000 sf since the time the 240 passenger per half hour limit was put in place, so the provision is superfluous and outdated;

6. The only significant additional parking to handle an increase in flights that has been added to the Airport is the off-site facility at the Purchase Park-to-Fly, the long-term viability of which, to our knowledge, is not determined by Westchester County;
7. The County has stated that another significant protection against expansion is the limit of four (4) gates, but if this is a self-imposed limit there is nothing prohibiting additional gates to be considered by the County at a later date;
8. Another significant protection for the municipalities in the region is the limits on the length of the runways and the airplane weight restrictions which limit the size of the planes and the distance they can travel. The County has stated that increasing the runway length is one of the items being *considered* for potential inclusion in an upcoming Airport Master Plan update anticipated by mid-year 2016;
9. Since the upcoming Airport Master Plan is anticipated to undergo its own SEQRA process, any discussion or consideration of changes to the passenger restrictions, runways, gates or other significant items should be reviewed in the context of the updated Airport Master Plan in order to avoid any segmentation concerns with regard to SEQRA, and to review each modification in the context of the long-term goals of the local residents, the County and the Airport; and

WHEREAS, the Village of Port Chester is particularly concerned due to the potential impacts that such additional passengers, hours of operation, and aircraft size could have on the Village's provision of emergency services to the Airport; and

NOW, THEREFORE, be it

RESOLVED, that the Village of Port Chester firmly believes that Westchester County is not in a position to consider a Negative Declaration under SEQRA for this proposed legislation until such time that it has fully evaluated all of the environmental impacts that additional flights and passengers will bring to the Airport and surrounding region including the following items:

1. Impacts to the availability of on-site and off-site parking from the increase in passengers and flights;
2. Impacts of an increase in on-site and off-site traffic including on I-684, King Street, and Anderson Hill Road, especially during peak commuting hours;
3. Impacts on the water quality of the Blind Brook and Rye Lake/Kensico Reservoir as a result of the additional flights;
4. Impacts of additional de-icing fluid that would be utilized at the Airport and would enter the Blind Brook, which continues to be a significant problem for residents downstream from the Airport property as far south as Westchester Avenue;
5. Additional noise impacts and a reduction in air quality as a result of the additional flights;

6. Additional impacts to community facilities and services as a result of the potential additional calls and demand for local emergency service response.
7. Since the Airport has been designated by the County as a Critical Environmental Area (CEA), the potential impact of any Type I or Unlisted Action on the environmental characteristics of the CEA is a relevant area of environmental concern and must be evaluated in the determination of significance under SEQRA;
8. Impacts to the FAA Z instrument overlay zones that radiate out from the airport as a result of any increase in flights, noise and/or types of aircraft at the Airport as a result of this legislation. These zones also affect development in the surrounding municipalities, in that they limit the type of development that may be located within these zones;
9. Other impacts of the additional flights, especially considering that in 2014 there were 1.4M passengers at the Airport and at the proposed limit of 11,520 passengers per day there would be 4.2M passengers per year not including the potential for additional passengers on the unrestricted +/- 65 holiday day periods. The potential for these passenger totals to far exceed any actual prior peak years ever experienced at the Airport is high, and as such, these impacts need to be fully evaluated;
10. Whether any of the identified considerations and impacts would trigger the need for an Environmental Impact Statement to be prepared to fully address any significant impacts of the proposed legislation; and be it further

RESOLVED, that while the Village of Port Chester Board of Trustees acknowledges that the Westchester County Airport serves a very important purpose for the residents and corporations in Westchester County and the surrounding region who depend upon the convenience of this regional airport, they are equally concerned about the impacts of the additional flights and number of passengers that would occur as a result of the proposed legislative changes to the Terminal Use Procedures; and be it further

RESOLVED, that the proposed legislation has far-reaching impacts that require further environmental study and evaluation that should not be expedited and should instead be reviewed in the context of the update to the Airport Master Plan anticipated later in 2016; and be it further

RESOLVED, that the proposed legislative changes provide far too much flexibility for the airlines and the private airport management company that contracts with the County and have the potential to seriously impact the residents in the surrounding region; and be it further

RESOLVED, that prior to making any changes to the Terminal Use Procedures, the County should seek a written legal opinion from the Federal Aviation Administration (FAA) regarding whether making significant changes to the Terminal Use Procedures impacts any existing grandfathered protections included in the Procedures; and be it further

RESOLVED, that the Village of Port Chester Board of Trustees is eager to continue to work with the County Executive, the Board of Legislators, the airline representatives and any other impacted municipalities to seek alternative ways of addressing problems currently experienced by the airlines and the airport management staff in a way that would seek to both support the Airport and limit impacts to the residents in the region; and be it further

RESOLVED, that the Village of Port Chester Board of Trustees be included as an Interested Agency under SEQRA for any current and future actions at the Airport.

Approved to form:

Village Attorney



VILLAGE OF RYE BROOK

MAYOR
Paul S. Rosenberg

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(914) 939-1121 Fax (914) 939-0242
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ADMINISTRATOR
Christopher J. Bradbury

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

February 25, 2016

Dear Fellow Elected Officials and Neighbors:

RE: Proposed County Legislation Modifying the Airport Terminal Use Agreement

The Village of Rye Brook is very concerned about the impacts of proposed legislation that would significantly modify the long-standing Terminal Use Agreement (the "TUA") at the Westchester County Airport (the "Airport") and would result in dramatic changes to this regional Airport hub.

The proposed legislative changes would increase the long-standing limit on the number of commercial flight passengers allowed to enplane and deplane at the Airport from 240 passengers per half hour to 11,520 passengers per day. The result would be many more flights at the Airport, especially at peak times throughout the day, which would have a significant impact on the region not just in terms of air traffic but on other critical environmental areas of concern as well.

For some unexplained reason, this proposed legislation appears to have been placed on a recently expedited path. After initially submitting this legislation to the County Legislature in October 2015, it was re-submitted again earlier this month and will next be discussed at a joint meeting of the Committees on Legislation, Infrastructure and Environment & Health on Monday, Feb. 29th at 1pm on the 8th Floor of the Michaelian Office Building, 148 Martine Avenue, White Plains. This meeting is open to the public.

In reviewing the proposed Legislation, I ask that you please consider the following questions:

*Why would this significant change be expedited just months prior to the release of an updated Airport Master Plan? Shouldn't this type of a change be discussed in conjunction with the Master Plan? Some speculation has been raised that the County is first seeing if this change is approved which could then lead to other significant changes in the Master Plan (longer runways? additional gates?). These types of changes in intensity could potentially change the County's long-standing position of *No Expansion at the Airport*. The problem is we just do not know because the Master Plan is not yet available so we cannot consider this change in that larger context.*

Why are key environmental impacts not being considered? The Airport has already been designated by the County as a Critical Environmental Area (CEA), but so far the administration has only drafted a resolution recommending a Negative Declaration based upon a Short Environmental Assessment

Form than lacks meaningful details and analysis and determines no significant adverse environmental impacts.

Why was the Westchester County Airport Advisory Board not asked to comment on the proposed legislation? The County's Airport Advisory Board was not even initially asked to comment on this proposed legislation. After the Airport Advisory Board members inquired and started to discuss it (with a high turnout from the public), at least one member of that Board was removed and the most recent meeting was abruptly cancelled by the County administration after the meeting was already noticed. This was done without providing the Chairperson of that Board an explanation of the reason of the cancellation.

Let's consider some of the most basic facts:

- In 2014, the Airport had 1.4M passengers.
- At the proposed 11,520 passengers per day, the Airport would have the flexibility to have 4.2M passengers annually, which is several million more passengers than has ever utilized the airport at its peak of just under 2M passengers in 2010. If the County does not believe that these passenger limits will occur, why does the proposed legislation ask for this limit to be so high?
- The County's "voluntary curfew" period is 12:00 midnight to 6:30 a.m., yet the 11,520 passenger per day figure surprisingly *includes* 3,120 passengers that could potentially fly during this time period (violating the curfew) in developing the daily passenger maximum. The result of this change is expected to be more even more flights and passengers during the daily peak time periods.
- Approximately 65 days throughout the year are already considered "holiday periods" in the current TUA. These days already have no restrictions on the numbers of passengers, so this proposed legislation is NOT about added convenience for holiday travel.

To be clear, the Village of Rye Brook is not opposed to this regional Airport which serves an important purpose for the residents and business travelers and employees in the County. We agree and feel that it is reasonable to want to fly more modern, quieter, and fuel-efficient aircraft to the Airport. However, any changes to increasing the intensity of the Airport activities must also be balanced with the impacts to the residents in surrounding region. We ask that the County sit down with us to discuss a more reasonable approach.

At our regular meeting held on Tuesday, February 23, the Rye Brook Village Board approved the attached resolution expressing serious concerns with these legislative changes. I urge everyone to review our resolution and the proposed County legislation and make any concerns known to the County Executive and County Board of Legislators.

Thank you for your attention to this important matter. If you have any questions or concerns, please do not hesitate to contact me at mayor@ryebrook.org.

Sincerely,



Paul S. Rosenberg
Mayor

Encs.

On a motion made by Trustee Rednick and seconded by Trustee Heiser, the following resolution was adopted.

RESOLUTION

CONSIDERING A RESOLUTION EXPRESSING CONCERNS WITH WESTCHESTER COUNTY'S PROPOSED LEGISLATIVE CHANGES TO THE AIRPORT'S TERMINAL USE AGREEMENT

WHEREAS, prior Westchester County Executives and Boards of Legislators have historically maintained a firm policy position of *No Expansion at the Westchester County Airport* and went so far as to adopt resolutions to this effect dating back to at least 2003 to protect the County residents that are impacted by Airport activities; and

WHEREAS, despite the long-standing policy position of *No Expansion at the Westchester County Airport*, the County Executive has sent the Board of Legislators proposed legislation modifying the Terminal Use Agreement at the Westchester County Airport (the "Airport") which would drastically increase the long-standing limit on the number of commercial flight passengers allowed to enplane and deplane at the Airport from 240 passengers per half hour to 11,520 passengers per day; and

WHEREAS, the proposed legislation has been re-introduced to the Board of Legislators and it has been referred to the committees on Legislation, Infrastructure, and Environment; and

WHEREAS, this proposed legislation is of significant concern to the residents of the Village of Rye Brook and the County of Westchester who would be impacted by this airport expansion; and

WHEREAS, the net effect of this legislative change is to remove a legislatively-imposed policy of a half-hour passenger restriction and instead provide additional flexibility to the commercial airlines and the private Airport management company that contracts with the County in order to maximize and substantially increase their ability to add daily flights and increase the number of passengers as much as the market desires while utilizing the current four (4) gates within the current runway restrictions; and

WHEREAS, the County's position that 240 passengers per half hour simply equals 11,520 per day (240/half hour x 48) and impacts are minimal due to other restrictions at the Airport and terminal is seriously flawed based upon the following items:

1. The 11,520 passenger limit per day *surprisingly* includes an allocation of 3,120 passengers for the hours between 12:00 midnight and 6:30 A.M. when the County has previously instituted a *voluntary* curfew period and has made the policy decision not to encourage flights during that curfew period. This non-mandatory curfew is routinely already violated by airlines (171 times in November 2015, including 57 times by one airline);
2. Many more private planes and their passengers already use the airport. If this legislation is approved, this change will further dilute one of the few protections against additional flights and airport expansion. Commercial flights represent about 20% of the total flights at the Airport, and the Terminal Use Agreement already factors in approximately 65 "holiday" days when there are no restrictions on passenger limits. The airlines already have unrestricted limits on passengers approximately 18% of the year. The remaining "non-holiday" days simply place reasonable restrictions that spreads passengers throughout the days in order to limit the impacts on the County residents affected by the Airport traffic;
3. The Airport and terminal do not have the capacity to handle the number of passengers and flights they are seeking to add. For instance, in 2014 there were 1.4M passengers that utilized the Airport. 11,520 passengers per day would total 4.2M passengers in a year. At its peak (+/- 2008), the Airport had between 2.0- 2.5M passengers and there were serious impacts to traffic and parking;
4. The County is requesting the flexibility to have 11,520 passengers per day, yet at the same time, they state that they do not anticipate having 11,520 passengers per day because airlines prefer certain "prime" travel periods. The result is that the flexibility and control of the number of passengers and flights is placed solely in the hands of the airlines and the private airport management company that has a contract with the County in order to increase flights by

utilizing all of the gates during any travel times that the market dictates there is interest in flying. If the proposed legislation is approved, the 11,520 passenger limit may likely become a largely irrelevant restriction;

5. Over the years the County has made improvements at the Airport terminal and gates, but has stated the improvements were not Airport expansions, and the construction was for necessary security enhancements and added modern convenience for the passengers. At the time of these projects it was often stated to local municipalities that the best protection against expansion is the passenger limit of 240 per half hour, the runway design, weight restrictions, and the number of gates (4). Now, the County is reversing the argument in their favor, stating that the facility has expanded to 40,000 sf since the time the 240 passenger limit was put in place, so the provision is superfluous and outdated;
6. The only significant additional parking to handle an increase in flights that has been added to the Airport is the off-site facility at the Purchase Park-to-Fly, the long-term viability of which, to our knowledge, is not determined by Westchester County;
7. The County has stated that another significant protection against expansion is the limit of four (4) gates, but if this is a self-imposed limit there is nothing prohibiting additional gates to be considered by the County at a later date;
8. Another significant protection for the municipalities in the region is the limits on the length of the runways and the airplane weight restrictions which limit the size of the planes and the distance they can travel. The County has stated that increasing the runway length is one of the items being *considered* for potential inclusion in an upcoming Airport Master Plan update anticipated by mid-year 2016;
9. Any discussion or consideration of changes to the passenger restrictions, runways, gates or other significant items should be reviewed in the context of the updated Airport Master Plan anticipated later this year in order to avoid any segmentation concerns with regard to SEQRA, and to review each modification in the context of the long-term goals of the local residents, the County and the Airport; and

NOW THEREFORE BE IT RESOLVED, that the Village of Rye Brook firmly believes that Westchester County is not in a position to consider a Negative Declaration under SEQRA for this proposed legislation until such time that it has fully evaluated all of the environmental impacts that additional flights and passengers will bring to the Airport and surrounding region including the following items:

1. Impacts to the availability of on-site and off-site parking from the increase in passengers and flights;
2. Impacts of an increase in on-site and off-site traffic including on I-684, King Street, and Anderson Hill Road, especially during peak commuting hours;
3. Impacts on the water quality of the Blind Brook and Rye Lake/Kensico Reservoir as a result of the additional flights;
4. Impacts of additional de-icing fluid that would be utilized at the Airport and would enter the Blind Brook, which continues to be a significant problem for residents downstream from the Airport property as far south as Westchester Avenue;
5. Additional noise impacts and a reduction in air quality as a result of the additional flights;
6. Since the Airport has been designated by the County as a Critical Environmental Area (CEA), the potential impact of any Type I or Unlisted Action on the environmental characteristics of the CEA is a relevant area of environmental concern and must be evaluated in the determination of significance under SEQR;
7. Impacts to the FAA Z instrument overlay zones that radiate out from the airport as a result of any increase in flights, noise and/or types of aircraft at the Airport as a result of this legislation. These zones also affect development in the surrounding municipalities, in that they limit the type of development that may be located within these zones;
8. Other impacts of the additional flights, especially considering that in 2014 there were 1.4M passengers at the Airport and at the proposed limit of 11,520 passengers per day there would be

4.2M passengers per year not including the potential for additional passengers on the unrestricted +/- 65 holiday day periods. The potential for these passenger totals to far exceed any actual prior peak years ever experienced at the Airport is high, and as such, these impacts need to be fully evaluated;

9. Whether any of the identified considerations and impacts would trigger the need for an Environmental Impact Statement to be prepared to fully address any significant impacts of the proposed legislation; and

BE IT FURTHER RESOLVED, that while the Board of Trustees acknowledges that the Westchester County Airport serves a very important purpose for the residents and corporations in Westchester County and the surrounding region who depend upon the convenience of this regional airport, they are equally concerned about the impacts of the additional flights and number of passengers that would occur as a result of the proposed legislative changes to the Terminal Use Agreement; and

BE IT FURTHER RESOLVED, that the proposed legislation has far reaching impacts that require further environmental study and evaluation that should not be expedited and should instead be reviewed in the context of the update to the Airport Master Plan anticipated later in 2016; and

BE IT FURTHER RESOLVED, that the proposed legislative changes provide far too much flexibility for the airlines and the private airport management company that contracts with the County and have the potential to seriously impact the residents in the surrounding region; and

BE IT FURTHER RESOLVED, that prior to making any changes to the Terminal Use Agreement, the County should seek a written legal opinion from their counsel regarding whether making significant changes to the Terminal Use Agreement impacts any existing grandfathered protections included in this Agreement; and

BE IT FURTHER RESOLVED, that the Village Board is eager to continue to work with the County Executive, the Board of Legislators, the airline representatives and any other impacted municipalities to seek alternative ways of addressing problems currently experienced by the airlines and the airport management staff in a way that would seek to both support the Airport and limit impacts to the residents in the region; and

BE IT FURTHER RESOLVED, that a copy of this resolution be provided to the County Executive, the Board of Legislators, the Westchester County Airport Advisory Board, and other municipalities in the region urging them to consider the impacts of this proposed legislation on the residents and property owners within their jurisdictions.

TRUSTEE EPSTEIN	AYE
TRUSTEE HEISER	AYE
TRUSTEE KLEIN	AYE
TRUSTEE REDNICK	AYE
MAYOR ROSENBERG	AYE

State of New York }
County of Westchester } ss:
Village of Rye Brook }

I hereby certify that this is the Resolution adopted by the Board of Trustees of the Village of Rye Brook which was duly passed by said Board on February 23, 2016

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Seal of the Village of Rye Brook, this 25th day of February, 2016.



Village Clerk

LOCAL LAW NO. _____ - 2016

A LOCAL LAW to amend Section 712.462 of the Laws of Westchester County in order to make the existing limitations on air carrier operations contained therein more flexible.

BE IT ENACTED by the County Board of the County of Westchester as follows:

Section 1. Section 712.462 of the Laws of Westchester County is hereby amended to read as follows:

Section 712.462 Westchester County Airport Terminal Use Procedures.

1. Applicability. This Section shall apply to all use of the passenger terminal ("Terminal") and the terminal ramp at the Westchester County Airport ("Airport") by Airlines providing Passenger Service, as that term is defined herein. The terminal ramp shall be for the exclusive use of Airlines providing Passenger Service. This Section does not apply to any activities by Airport users not providing Passenger Service. All Passenger Service provided at the Airport shall be provided at the Terminal.

2. Definitions. The following terms as used in this Section shall have the following meanings:

a. "Airline" shall mean any person providing Passenger Service in aircraft designed for more than (9) passenger seats, including but not limited to, any air carrier or other operator certificated to provide Passenger Service under Parts 119, 121 or 135 of the Federal Aviation Regulations, Title 14, Code of Federal Regulations. For purposes of this Section, "person" shall mean any individual, firm, company, association, society, corporation, partnership, copartnership, joint-stock company, trust, estate, governmental entity or any other legal entity or legal representatives, agents or assigns thereof. The masculine gender shall include the feminine, and the singular shall include the plural, where indicated by context.

b. "Commissioner" shall mean the Commissioner of Public Works and Transportation of Westchester County or his or her designee, which designee may include the Airport Manager of the Westchester County Airport.

c. "Ground Handling Services" shall include, at a minimum, ramp services, aircraft arrival and departure marshalling, aircraft parking and push-back, external engine starting, gate access coordination, [aircraft deicing/anti-icing.], Americans with Disability Act compliance on the Terminal Ramp, and any other services needed in the ordinary course by Airlines using the Terminal Ramp.

d. An "Incumbent Passenger Allocation" shall mean a Passenger Allocation that was in use by a Qualified Airline on November 30, 2004, pursuant to the provisions of Westchester County Board of Legislators Resolutions 59-1985 and 266-1985, Local Laws 12-2004 and 21-2005, and the 1994 Terminal Capacity Affirmation and Extension Agreement.

e. An "Incumbent Ramp Allocation" shall mean a Ramp Allocation that was in use by a Qualified Airline on November 30, 2004, pursuant to the provisions of Westchester County Board of Legislators Resolutions 59-1985 and 266-1985, Local Laws 12-2004 and 21-2005, and the 1994 Terminal Capacity Affirmation and Extension Agreement.

f. "Limited Qualified Airline" shall mean any Airline that: (1) holds a valid operating certificate from the Federal Aviation Administration for the type of service it provides or seeks to provide at the Airport; (2) has, or has immediate and demonstrable, access to the aircraft and operating personnel to provide the service it provides or seeks to provide; (3) has a valid Limited Terminal Use Agreement with the County in effect; (4) furnishes proof of requisite insurance pursuant to the terms of the then-current Limited Terminal Use Agreement; (5) has designated a representative for purposes of this Section; (6) is current on its financial obligations with the County; and (7) has conducted no more than four (4) operations constituting Passenger Service at the Airport within the previous 90 days.

g. "Limited Terminal Use Agreement" shall mean that agreement that Airlines must execute with the County in order to satisfy in part the requirements of Subsection 2(f) above.

h. "Passenger" shall mean any person enplaned or deplaned at the Terminal. Federal employees who are actually on official duty and Airline employees shall not be deemed to be Passengers.

i. "Passenger Allocation" shall mean the authorization to schedule the enplanement or deplanement of one passenger onto or from an aircraft that has a Ramp Allocation.

j. "Passenger Service" shall mean any air service to or from the Airport for which seats are individually offered or sold to the public or a segment of the public, regardless of

whether such individual seats are offered or sold directly by the aircraft operator, a charterer, another Airline, or any other entity.

k. A "Qualified Airline" shall mean any Airline that: (1) holds a valid operating certificate from the Federal Aviation Administration for the type of service it provides or seeks to provide at the Airport; (2) has, or has immediate and demonstrable access to, sufficient aircraft and operating personnel to provide the service it provides or seeks to provide; (3) has a valid Terminal Use Agreement with the County in effect; (4) furnishes proof of requisite insurance pursuant to the terms of the then-current Terminal Use Agreement; (5) has designated a representative for purposes of this Section; and (6) is current on its financial obligations with the County.

l. "Ramp Allocation" shall mean the authorization to schedule an Airline aircraft operation on the Terminal Ramp during a designated half hour each day, or for a single designated half hour in the case of a Limited Qualified Airline operating pursuant to Subsection 7 hereof. An operation shall consist of an arrival or a departure.

m. "Technical Specifications and Procedural Requirements" shall mean any applicable and lawful technical, engineering, and mechanical specifications for the Airport, including but not limited to the Terminal Ramp, that are issued from time to time by the Commissioner, based upon Federal Aviation Administration guidelines and regulations, and upon the safety, efficiency and physical limitations of the Airport, including the Terminal and Terminal Ramp. The Technical Specifications and Procedural Requirements shall at least address maximum aircraft length, maximum wingspan, and maximum weight for aircraft using the Terminal Ramp.

n. "Terminal Ramp" shall refer to that portion of the apron at the Airport that is immediately adjacent to the Terminal building and which is available for scheduled Airline operations.

o. "Terminal Use Agreement" shall mean that agreement that Airlines must execute with the County in order to satisfy in part the requirements of Subsection 2(k[j]) above.

3. Terminal Ramp Use and Capacity.

a. Terminal Ramp Capacity. A maximum of four aircraft may be scheduled to use the Terminal Ramp at any time. It is the responsibility of each Airline to schedule arrivals and departures of its aircraft so as to avoid the need to wait elsewhere on the Airport for access to the Terminal Ramp. Allocation of the Terminal Ramp capacity shall be governed by Subsection 5 below.

b. Use of Terminal Ramp. An Airline must hold a Ramp Allocation for each aircraft operation scheduled to use the Terminal Ramp. The Commissioner may deny access to the Terminal Ramp to any aircraft without a current Ramp Allocation. Subject to availability and subject to other Ramp Allocations, the County will endeavor to accommodate any aircraft arriving outside of the half-hour slot of its Ramp Allocation for such arrival or departure if caused by weather, airspace delays, mechanical difficulties, or other factors.

c. Parking on the Terminal Ramp. Subject to the use of the Terminal Ramp by Qualified Airlines that have valid Ramp Allocations, and subject to the efficient management of limited space on the Terminal Ramp and security considerations, the County will attempt to accommodate Qualified Airlines (1) who wish to park aircraft overnight on the Terminal Ramp after the last scheduled Ramp Allocation for the day or (2) when a Qualified Airline has nonsequential arrival and departure Ramp Allocations for the same aircraft. Any actions by the County allowing use of the Terminal Ramp for such parking pursuant to this provision shall not entitle an Airline to any changes in its Ramp Allocations. An Airline is not entitled to occupy a parking position during any half hour for which it has no Ramp Allocation and must vacate the Terminal Ramp when directed by Airport staff.

d. Technical Specifications. All Airlines shall comply with the Technical Specifications and Procedural Requirements as issued by the Commissioner from time to time.

e. Ground Handling Services. Ground Handling Services for all Airline operations shall be provided by the County or its contractors. An Airline must be a Qualified Airline or Limited Qualified Airline to receive Ground Handling Services.

4. Passenger Capacity of the Terminal. In the interest of passenger safety, security, public health, and comfort, the Terminal building was originally designed for a capacity of 240 passengers per half hour. This equates to a daily maximum passenger capacity limit of 11,520 passengers, which will be utilized as the controlling passenger capacity limit, subject to the physical constraints of the Terminal building, without consideration [of] as to whether such passengers are enplaning or deplaning. Allocation of this capacity shall be governed by the provisions of Subsection 5.

5. Allocation of Terminal Ramp and Terminal Capacity. In order reasonably and equitably to allocate the available Terminal building and Terminal Ramp capacity, to ensure competition, and to promote orderly and efficient Airport operations, the County shall

allocate available Terminal Ramp and Terminal building capacity by means of a lottery as set forth in this Subsection.

a. Incumbent Allocations: A Qualified Airline that has Incumbent Ramp Allocations or Incumbent Passenger Allocations may continue to operate pursuant to such Allocations under this Section after November 30, 2004, so long as (1) this Section is in effect; and (2) the Airline complies with applicable County ordinances, laws, rules and regulations governing the Airport, including this Section. After December 31, 2004, Incumbent Ramp Allocations and Incumbent Passenger Allocations shall be treated identically to later-acquired Ramp Allocations and Passenger Allocations for purposes of compliance with this Section, including the provisions of Subsections (5)(d)-(m).

b. Future Quarterly Allocations:

i. By the last business day of December 2004, the Commissioner shall publish a report ("Terminal Capacity Allocation Report") identifying all Incumbent Ramp Allocations and Incumbent Passenger Allocations as of November 30, 2004. The Terminal Capacity Allocation Report shall list (1) the time slots for, and names of, Qualified Airlines using each Incumbent Ramp Allocation and Incumbent Passenger Allocation; and (2) available Ramp Allocations and Passenger Allocations, on a half-hourly basis.

ii. By the last business day of every third month after November 30, 2004, the Commissioner shall make a preliminary determination of the then-available Terminal and Terminal Ramp capacity by subtracting all Ramp and Passenger Allocations from total Passenger and Ramp capacity and shall make a report of such available capacity ("Quarterly Available Capacity Report") available in a convenient form for Qualified Airlines and all other interested persons.

iii. The allocation of available capacity shall be by means of a Quarterly Lottery. The Quarterly Lottery may be conducted through representatives of the County and Qualified Airlines or may be conducted electronically, as the Commissioner shall determine from time to time.

iv. No later than December 15, 2004, and by the 15th day of each third month thereafter, any Qualified Airline seeking an Allocation of any available capacity by means of the Quarterly Lottery shall submit a request to the Commissioner in the manner specified by the

Commissioner. The request shall, at a minimum, identify the Airline's designated representative for the forthcoming Quarterly Lottery and the aircraft with which the Qualified Airline proposes to provide service for any Ramp Allocation.

v. On January 4, 2005, and on the first Tuesday of each third month thereafter, the County shall conduct the Quarterly Lottery to allocate capacity for the half hourly periods for which there is available capacity. The Commissioner may designate alternative dates for the Quarterly Lottery upon 14-days notice to the designated representative of each Qualified Airline.

vi. At the commencement of the Quarterly Lottery, the Commissioner will provide a report of then-available Passenger and Ramp Allocations. All Qualified Airlines who submitted a request pursuant to Subsection (5)(b)(iv) shall be randomly assigned numbers to establish their order of selection in the first round of the Quarterly Lottery. Each Qualified Airline, in its order of selection, may draw Ramp Allocations and Passenger Allocations for up to a total of four (4) operations to take place in four half-hourly periods, up to the available [Passenger] daily maximum passenger capacity limit and Ramp capacity identified in Subsections 3 and 4, whichever may first be reached. An operation shall be either an arrival or a departure. Draws may include increases in Passenger Allocations (so long as the total [of Passenger Allocations for all Qualified Airlines during the half-hour period does not exceed 240 passengers] daily maximum passenger capacity limit of 11,520 is not exceeded) for operations for which the Qualified Airline has a Ramp Allocation.

vii. At the conclusion of the first round of the Quarterly Lottery, should any Passenger or Ramp capacity remain, the process shall be repeated, with the same order of selection, for such number of additional rounds as may be necessary until no Qualified Airline that submitted a request pursuant to Subsection (5)(b)(iv) seeks Allocations.

c. Other Matters. Routes, rates, selection of aircraft and other matters not addressed by this Section, other County law or regulation, the Airport's Technical Specifications and Procedural Requirements, or Terminal Use Agreement shall be determined by the Qualified Airline or the Federal Aviation Administration pursuant to federal law.

d. Compliance with Applicable Requirements. All Airlines operating at the Airport shall at all times be in compliance with all applicable and lawful Airport rules and regulations. County ordinances and laws, including all Airport Technical Specifications and Procedural Requirements that may be issued from time-to-time. Any Airline violating or causing the violation of such rules, regulations, ordinances, laws, agreements or technical specifications shall cure such violation within fifteen (15) days of being so notified by the County. Failure to so cure shall result in the cancellation by the Commissioner of the Ramp Allocations and Passenger Allocations connected with such violations.

e. Calculation of Allocation Usage for Purposes of Determining Compliance. For purposes of determining whether [an] the Airlines [is] are exceeding [its] their [Passenger Allocations for any half-hour period under Subsection (5)(h)] daily maximum passenger capacity limit, the County shall employ a [calendar month] daily average. For the purposes of determining whether an Airline should have its Passenger Allocations adjusted for under-use pursuant to Subsection (5)(g), the County shall employ a three-calendar-month average based on the data reported pursuant to Subsection (5)(f). In calculating such averages, the denominator shall be the number of aircraft operations actually [flown] scheduled during the period pursuant to a particular Ramp Allocation and the numerator shall be the number of passengers actually enplaned and deplaned [on all such operations] at the Airport. For purposes of using averages: (1) any average that is not a whole number shall be rounded down to the next lowest whole number if the fraction greater than the next lowest whole number is lower than five tenths; and (2) any average that is not a whole number shall be rounded up to the next highest whole number if the fraction greater than the next lowest whole number is equal to or greater than five tenths. In calculating such averages, the County shall not include, either in the numerator or the denominator, data concerning operations during the following holiday periods:

- i. Christmas/New Year from December 20 through January 5.
- ii. The Presidents' Day holiday from three (3) days before Presidents' Day through three (3) days following Presidents' Day.
- iii. Easter from five (5) days prior to Easter through the fifth day following Easter.
- iv. Memorial Day from three (3) days before Memorial Day through three (3) days after Memorial Day.
- v. July 4, from July 1 through July 7.

vi. Labor Day, from three (3) days prior to Labor Day through three (3) days after Labor Day.

vii. Thanksgiving from five (5) days prior to Thanksgiving through five (5) days after Thanksgiving.

f. Reporting.

i. Airlines operating at the Airport shall certify actual passenger loads, on a per flight, per day, enplaned, deplaned, basis to the County twice monthly in the form designated by the Commissioner by no later than five business days from (1) the 15th of each month and (2) the last day of each month.

ii. Each Airline shall designate at the time of any application under Subsection (5)(b)(iv), Quarterly Lottery draw under Subsection (5)(b)(vii), or transfer under Subsection (5)(k), the type of aircraft to be used for each Ramp Allocation time slot. Such designation shall be in the form established for this purpose by the Commissioner. Further, any Airline seeking to change the type of aircraft using a Ramp Allocation shall provide notice to the County, in the form designated by the Commissioner, at least seven days prior to such change. Any designation or change in aircraft type shall comply with the Technical Specifications and Procedural Requirements.

iii. The County may, at any time, audit passenger ticket lifts and/or other appropriate passenger statistics of any Airline to determine actual passenger enplanements or deplanements.

iv. Failure to comply with any of the reporting or audit requirements contained in this Subsection (5)(f) within five days of an Airline's receipt of notice of noncompliance by the Commissioner shall result in immediate termination of the Ramp Allocation(s) and Passenger Allocations of the Airline. Further, any intentional misstatement of information required in this Section, as determined by the Commissioner, shall result in the immediate termination of the Ramp Allocation(s) or Passenger Allocations of the Airline.

v. In the event the daily maximum Passenger Allocation exceeds the daily maximum passenger capacity limit of 11,520 passengers, the procedures specified in paragraphs g and h, below, shall be utilized to

reduce the Passenger Allocation below the daily maximum passenger capacity limit.

g. Failure to Use Allocations. If for any three-calendar-month period, an Airline's actual average passenger load for any half-hour for which it has Passenger Allocations should be less than 85 percent of the total of its Passenger Allocations, then the Commissioner shall reduce its Passenger Allocation for the subsequent quarter to 115 percent of such reported three calendar-month-average passenger loads for that half-hour period. The review and reduction made pursuant to this Subsection shall be made for successive, and not for overlapping, three-month periods. The County shall waive the application of this Subsection for any period in which the Commissioner has determined that total passenger enplanements at the Airport have been significantly adversely affected by war, national emergency or extraordinary terrorist threat, labor action, or force majeure.

h. Exceedance of Passenger Allocations. If for any calendar month, an Airline's average passenger load during any half-hour period should exceed its Passenger Allocations for that period, then such Airline's Passenger Allocations shall be adjusted to such average load figure or such portion thereof as the available capacity of the Terminal shall accommodate ("Adjusted Passenger Allocations"). If two or more Qualified Airlines' average passenger loads for a calendar month in a particular half-hour time period exceed their Passenger Allocations and there is insufficient Passenger Capacity in the daily maximum passenger capacity limit of 11,520 to accommodate all of these exceedances, the Commissioner shall assign Adjusted Passenger Allocations proportionally to the Qualified Airlines' shares of Passenger Allocations for that half-hour period. If there is insufficient available Terminal capacity to accommodate all of the exceedances of Passenger Allocations by an Airline, then the Commissioner shall issue a written Notice of Violation to such Airline, and the Airline shall, within fifteen (15) days from such notice, reduce its average passenger load to the Adjusted Passenger Allocations level. For the purposes of determining compliance with such mandated reduction, the average passenger load will be calculated for the period from 15 days prior to the Notice of Violation to 15 days after the Notice of Violation ("Compliance Test Period"). In lieu of such mandated reduction, a Qualified Airline may obtain sufficient Passenger Allocations from another Airline pursuant to Subsection 5(k) to accommodate its average usage during the Compliance Test Period. Should any Airline fail to reduce its average passenger load during the Compliance Test Period then:

i. On the sixteenth day following the Notice of Violation, such Airline's Passenger Allocations for the applicable half-hour period shall be reduced by the amount by which that [the] Airline's average loads exceeded the Airline's

Passenger Allocations as set forth in the Notice of Violation. The Airline shall thereupon be required to comply immediately with such reduced Passenger Allocations.

ii. The Airline shall lose the privilege of participating in the next subsequent Quarterly Lottery for either Passenger Allocations or Ramp Allocations.

iii. Should such Airline's average passenger load during the calendar month following the reduction in its Passenger Allocation under Section 5(h)(i) not comply with such reduced Passenger Allocation, then the Commissioner may terminate, upon twenty days' written notice, such Airline's Ramp Allocation and Passenger Allocations for the subject half-hour period.

i. Use of Ramp Allocations.

i. Any Airline obtaining a Ramp Allocation must [initiate service within 60 days from] have scheduled service posted before the next Quarterly Lottery after the date it obtains such Allocation and must provide such service on at least a five-day-per-week basis, with aircraft capable of using the Passenger Allocations corresponding to the particular Ramp Allocation. Should any Airline fail to [initiate] schedule service within such [60-day] period, such Airline shall[, on the 61st day,] lose such Ramp Allocation and Passenger Allocations. Such Airline shall also lose the privilege of participating in the next Quarterly Lottery. Notwithstanding the foregoing, any Airline may, within [ten] 20 days of any Quarterly Lottery, surrender to the County without penalty any Passenger Allocations or Ramp Allocation or portions thereof obtained in such Quarterly Lottery. Any surrendered Allocations will become available capacity in the next Quarterly Lottery.

ii. Any Airline with a Ramp Allocation must schedule use of such Allocation on at least a five-day-per-week basis, with aircraft capable of using the Passenger Allocations corresponding to the particular Ramp Allocation, or transfer the Allocation to another Airline or Airlines (pursuant to Subsection k) which together would provide service that schedules use of such Passenger Allocations, on at least a five-day-per-week basis.

(a) Failure to schedule use of a Ramp Allocation on at least a five-day-per-week basis shall result in a notice of violation from the Commissioner. If the Airline fails to schedule use of its Ramp Allocation on at least a five-day-per-week basis within 15 days of the notice of violation from the Commissioner, the Commissioner shall

immediately cancel such Airline's Ramp Allocation and associated Passenger Allocations. If an Airline fails to schedule use of its Ramp Allocation on at least a five-day-per-week basis for a second time within a one-year period, the Commissioner shall immediately cancel the Airline's Ramp Allocation and associated Passenger Allocations upon one-day notice. The County shall waive the application of this Subsection for any period in which the Commissioner has determined that total operations at the Airport have been significantly adversely affected by war, national emergency or extraordinary terrorist threat, labor action, or force majeure.

(b) The Commissioner may also terminate an Airline's Ramp Allocation and associated Passenger Allocations if he or she determines that an Airline's actual use of its Ramp Allocation is inconsistent with its published schedules for use of the Ramp Allocation, indicating an intent to hold a Ramp Allocation without making use of it on a five-day-per-week basis.

iii Before initiating new or changed service, a Qualified Airline must have approval from the Commissioner regarding scheduled arrival and departure times pursuant to Subsection (5)(j).

j. Scheduled Departure and Arrival Times. The Commissioner shall approve changes in and new scheduled arrival or departure times. Any changes not disapproved within 10 days of receipt of notice of such changes shall be deemed approved. Approval or disapproval of any changes shall be based on the following criteria:

- i. All arrival and departure times must be scheduled within the half hour for which the Qualified Airline holds a Ramp Allocation;
- ii. The Qualified Airline must have adequate Passenger Allocations;
- iii. The scheduled arrival and departure times must allow for the aircraft's passengers to be enplaned and/or deplaned within the half hour for which the Qualified Airline holds a Ramp Allocation and Passenger Allocations;
- iv. Adequate ramp time outside of the half-hour period for which the Qualified Airline holds a Ramp Allocation is available, if necessary, to accommodate the proposed operation;
- v. Scheduled times shall not interfere with efficient handling of other operations within the same half-hour period or in an adjacent period;

- vi. Scheduled operations shall minimize the need for any arrival or departure holds on other Airport aprons;
- vii. Operations shall maintain a reasonable balance of arrival and departure passengers in the Terminal;
- viii. In no event shall the Commissioner's approval or disapproval of scheduled departure or arrival times deny a Qualified Airline the authority to use its Ramp Allocation and/or Passenger Allocation or affect Airline rates or routes.

k. Transfer of Allocations; Notice.

- i. Qualified Airlines may, upon two (2) weeks prior written notice to the County, transfer:
 - (a) Ramp or Passenger Allocations to another Qualified Airline provided that the transferor has operated flight(s) under such Allocations, employing aircraft capable of using the entire Allocations, for 30 days on at least a five-day-per-week basis, or
 - (b) Ramp Allocations and Passenger Allocations from one time period into another time period as long as no such transferred Allocations would result in use of the Terminal or Terminal Ramp in excess of capacity for any half-hour time period.
- ii. The Commissioner may, in his sole discretion, waive either the notice period or the transferor's required use of the Allocation under this Section for short-term transfers but in no event shall waive the notice requirement.
- iii. Notice to the County shall be in such electronic and/or other form designated by the Commissioner. Any notice of a transfer shall set forth (a) the names of the transferor and transferee; (b) the duration or any other conditions on the transfer, or whether the transfer is unconditional; and (c) whether the transfer is for all, or a portion (and if so, what portion) of the Allocation.
- iv. The County's review of notices pursuant to this Subsection shall be limited to a determination that the proposed transaction (a) involves Qualified Airlines and (b) will not result in exceedance of the capacity limits set forth Subsections 3(a) or 4 of this Section.

l. New Entrants. An Airline not currently providing service at the Airport can become a Qualified Airline and obtain Allocations through the Quarterly Lottery and/or transactions with other Airlines pursuant to Subsection (5)(k) if it demonstrates compliance with the criteria set forth in Subsection (2)(k[h]).

m. Disputes Regarding Allocations. To the extent that any Qualified Airline disputes the identity of the designated holder of Ramp Allocations and/or Passenger Allocations, such Qualified Airline shall seek to resolve its dispute informally among the affected Airlines. If such efforts should fail, any Qualified Airline may petition the Commissioner for resolution of the dispute. After providing all Qualified Airlines with notice of the dispute, an opportunity to provide supporting information, and an opportunity for a meeting with all affected Airlines, the Commissioner shall make one of three findings: (1) find that the Allocation is properly identified by the County in the reports required in Subsections (5)(b)(i), (5)(b)(ii) and/or (5)(b)(vi); (2) that another Qualified Airline is properly the holder of the relevant Allocation; or (3) that no Qualified Airline has a clear right to the allocation and that the Allocation is forfeited and available for reallocation pursuant to the provisions of Subsection (5). All determinations of the Commissioner shall be final.

6. Hearings; Enforcement of This Section.

a. Request for Hearing and Reconsideration. Any Airline that disputes a decision by the Commissioner to terminate its Ramp Allocation(s) and/or Passenger Allocations is entitled to seek a hearing and reconsideration of the Commissioner's decision by submitting to the Commissioner a formal request within 10 days of such decision. Upon receipt of such request, the effectiveness of the Commissioner's decision to terminate an allocation shall be suspended until he or she renders a decision under Subsection (6)(c).

b. Process for Hearing.

i. Upon request for a hearing and reconsideration, the Commissioner shall cause to be held a hearing before a hearing officer selected by the County on the termination at issue.

ii. A formal hearing shall be on due and adequate notice to the party concerned and shall be set down for a day certain no less than 15 days and no more than 30 days from the Airline's request for hearing and reconsideration.

iii. A notice of hearing shall set forth:

- (a) The time and place of the hearing;
- (b) The basis or bases for the Commissioner's decision to terminate Ramp Allocations and/or Passenger Allocations;
- (c) The right to present evidence;
- (d) The right to examine and cross-examine witnesses;
- (e) The right to be represented by counsel; and
- (f) That failure to appear shall constitute a default by the respondent, that the hearing may proceed in the respondent's absence and a determination made based upon evidence submitted by the Westchester County Department of Public Works and Transportation.

iv. The hearing officer may grant adjournments upon request of any party to the proceeding, provided that an adjournment shall not be for an indefinite period of time, but shall be set down for a day certain.

(a) If an adjournment is requested in advance of the hearing date, such request shall be presented to the hearing officer in writing, and shall specify the reason for such request.

(b) In considering an application for adjournment of a hearing, the hearing officer shall consider whether the purpose of the hearing will be affected or defeated by the granting of such adjournment.

v. To aid in the administration of this Section, the Commissioner or any hearing officer designated by him or her in a particular proceeding, may issue subpoenas in the Commissioner's name requiring the attendance and giving of testimony by witnesses and the production of books, papers and other evidence for any hearing or proceeding conducted under this Section. Service of such subpoena(s), enforcement of obedience thereto, and punishment for disobedience thereof, shall be had as and in the manner provided by the Civil Practice Law and Rules relating to the enforcement of any subpoena. It shall be the responsibility of the party requesting the issuance of a subpoena to effect service thereof.

vi. On the return day of the hearing, the hearing officer shall note the appearances of the persons attending the hearing. Witnesses shall be sworn and testimony shall be recorded either by a certain stenographer or by use of an electronic recording device.

vii. Testimony shall be transcribed upon the request of any interested party. The party requesting the transcript shall pay the costs and expenses in connection therewith.

viii. The hearing officer shall not be bound by the strict rules of evidence in the conduct of a hearing, but the determination shall be founded upon sufficient legal evidence to sustain it.

ix. After the conclusion of a formal hearing, the hearing officer shall prepare and issue findings of fact, conclusions and recommendation(s) to the Commissioner.

c. Decision by Commissioner.

i. Upon the conclusion of a formal hearing and after receipt of the hearing officer's report and recommendation(s), the Commissioner shall make a decision based on such findings, determinations and recommendations as he or she deems proper, and shall execute an order carrying such decision into effect.

ii. The Commissioner may direct a rehearing or require the taking of additional evidence and may rescind or affirm, in whole or in part, a prior determination after such hearing.

iii. The Commissioner shall cause to be served upon the Airline, copies of findings of fact, conclusions and recommendations and orders made as a result of a formal hearing.

d. Service by County. Service of findings of fact, conclusions and recommendations, and orders, shall be made by hand or by overnight delivery to the designated representative of the Airline.

e. Hearing Cost. The cost of the hearing process (including but not limited to the fees for the hearing officer, transcription and other clerical costs, and the cost of

providing witnesses but excluding any salaries of County employees) shall be borne equally by all Airlines who are parties to the hearing.

f. Injunctions. The County may maintain actions in any court of competent jurisdiction to restrain by injunction any attempted use of the Terminal or Terminal Ramp by any Airline without current, valid Ramp Allocations or Passenger Allocations or any attempted Passenger Service in violation of this Section.

7. Limited Qualified Airlines.

a. Applicability. A Limited Qualified Airline may use the Terminal for an operation subject to the requirements of this Subsection.

b. Operations. The Commissioner shall approve each operation by a Limited Qualified Airline so long as he has determined that there is adequate Terminal and Terminal Ramp space available for such operation and either of the following conditions exists:

- i. The Limited Qualified Airline has executed an agreement with a Qualified Airline for the use of the Qualified Airline's Ramp Allocation and the operation would not result in the use of the Terminal in excess of the limits set forth in Subsection 4 of this Section; or
- ii. The Limited Qualified Airline provides the County with at least seven days' notice that it intends to conduct a single operation for which there is an available Ramp Allocation.

Limited Qualified Airlines shall comply with the applicable provisions of Subsections 3, 4, and 5(d) of this Section. Each approval by the Commissioner under this Subsection 7 shall constitute a one-time Ramp Allocation for purposes of Subsections 3(b) and 3(c) of this Section.

c. Reporting. An Airline shall provide the Commissioner with a report, on a form provided by the Commissioner, regarding any Passenger Service operation authorized pursuant to Subsection 7(b). The County may, at any time, audit passenger ticket lifts and/or other appropriate passenger documents of any Airline to determine actual passenger enplanements or deplanements.

d. Effect of Noncompliance. The Commissioner may terminate any Airline's authority to use the Terminal and to receive Ground Handling services for 90 days upon a finding that the Airline has failed to comply with the requirements of this Subsection 7.

e. Hearings. Any Airline that disputes a decision by the Commissioner pursuant to Subsection 7(d) is entitled to seek a hearing and reconsideration of the Commissioner's decision. Such hearing and reconsideration shall substantially follow the process outlined in Subsection 6.

f. Effect on Qualified Airline Reporting. Use of Ramp Allocations by a Limited Qualified Airline pursuant to this Subsection shall not affect the calculations under Subsections 5(g) or 5(h).

§2. The Clerk of the Board shall cause a notice of this Local Law to be published at least once a week for two successive weeks, the first publication of which shall be had within ten days after such local law is adopted, in the official newspapers published in the County of Westchester, said notice to contain the number, date of adoption and a true copy of the Local Law, and a statement that this Local Law changes a provision of law relating to contracts and is therefore subject to the provisions of Section 209.171(2) of the Westchester County Administrative Code providing for a permissive referendum.

§3. This local law shall take effect sixty (60) days after its adoption subject to the provisions of Section 209.181 of the Westchester County Administrative Code.



VILLAGE OF
PORT CHESTER
222 Grace Church Street, Port Chester, New York 10573

AGENDA MEMO

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

BOT Meeting Date: 3/21/2016

Item Type: Resolution

Sponsor's Name:	Anthony Cerreto, Village Attorney
Sponsor's Name:	Eric Zamft, Director of Planning & Economic Development

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		
	Yes	No	Transit Oriented Development		
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
(Will appear as indicated below on Agenda)

Capitol Theatre Zoning Amendment: Declaration of Lead Agency and Scheduling of Public Hearing

Summary

On January 4, 2016, the Capitol Theatre, LLC/Capitol Enterprises, Inc. (the "Applicant") filed a petition for a proposed zoning text amendment to the Village Code, Chapter 345, which seeks to modify Section 345-14(A)(3), with supporting documents requesting that the Board place the matter on the Board's agenda for review and consideration (the "Petition"). The Petition seeks to change restrictions with respect to parking requirements for the C5 Train Station Mixed-Use District contending that this would enhance the

viability and growth of businesses located in the downtown business district. The Applicant has since made a presentation to the Board more fully describing the Petition.

As noted at earlier Board meetings, in reviewing the Petition and presentation, planning staff indicates that they cannot properly evaluate the requested zoning amendment or undertake the necessary SEQRA review on behalf of the Board without a greater understanding of existing parking conditions within the downtown area, the Applicant's current parking usage, and the potential impact of the Petition beyond the project site on the availability of parking in the downtown area. The Village, in conjunction with the IDA, are pursuing a larger, comprehensive parking and mobility study. Being mindful of the timeframe for that larger study and the potential burden that such timeframe could put on the Applicant, the Village has retained a consultant to conduct a focused evaluation of the parking conditions relevant to the Capitol Theatre and the potential impacts of the proposed changes.

The Petition is scheduled for discussion at the Planning Commission's next meeting on March 28, 2016.

Planning staff is currently reviewing the proposal for SEQRA review on the zoning. We anticipate having a full review completed prior to the date of the public hearing. There has and will continue to be interaction and cooperation with the Applicant to evaluate the potential impacts and benefits of the proposal.

The Village has not received any objection from any involved agencies objecting to the Board of Trustees acting as lead agency. Therefore, the Board may act to declare itself lead agency for the SEQRA review.

Therefore, should the Board wish to proceed, the attached two resolutions undertake the following actions:

1. Declares the Board as Lead Agency under SEQRA
2. Schedules a Public Hearing on the local law for the April 18, 2016 Board meeting

Attachments
<ul style="list-style-type: none">• Petition• Environmental Assessment Form (EAF)• Local Law No. I- of 2016

LOCAL LAW NO. I- of 2016

A LOCAL LAW AMENDING TEXT OF CHAPTER 345 OF THE VILLAGE CODE TO REMOVE THE PARKING REQUIREMENTS FOR CABARETS, CATERING AND EVENTS ESTABLISHMENTS AND THEATERS IN THE C5 TRAIN STATION MIXED-USE DISTRICT

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, Chapter 345, Article IV, 345-14(A)(3) is hereby amended as follows:

Requirements for off-street parking facilities shall be applicable in all districts except the Central Business District. which district shall be defined as all lands located in the C2 Main Street Business District, the C5 Train Station Mixed- Use District, and the C5T Downtown Mixed-Use Transitional District (except that cabarets, catering and events establishments and theaters located in the C2 Main Street Business District [, the C5 Train Station Mixed-Use District,] and the C5T Downtown Mixed-Use Transitional District shall provide off-street parking according to the requirements applicable to those uses.)

SECTION 2: Severability

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

SECTION 3: Effective Date

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

[Brackets] denote wording to be DELETED.

Underlined denote wording to be ADDED

RESOLUTION

DECLARING THE VILLAGE OF PORT CHESTER BOARD OF TRUSTEES AS LEAD AGENCY FOR THE CAPITOL THEATRE ZONING AMENDMENT PROPOSED ACTION UNDER THE STATE ENVIRONMENTAL QUALITY REVIEW ACT (SEQRA) AND SETTING A PUBLIC HEARING ON THE PROPOSED ZONING AMENDMENT TO REMOVE THE OFF-STREET PARKING REQUIREMENTS FOR THE C5 TRAIN STATION MIXED-USE DISTRICT

On motion of Trustee _____, seconded by Trustee _____,

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

WHEREAS, on January 4, 2016 the Capitol Theatre, LLC/Capitol Enterprises, Inc. (the “Applicant”) filed a petition for a proposed zoning text amendment to the Village Code, Chapter 345, which seeks to modify Section 345-14(A)(3) to change restrictions with respect to off-street parking requirements for the C5 Train Station Mixed-Use District in order to enhance the viability and growth of businesses located in the downtown business district (the “Petition”); and

WHEREAS, at the February 16, 2016 Board meeting, the Board accepted the Petition for consideration and review, referred the matter to the Planning Commission for their review and comment, and declared their intent to be Lead Agency under the New York State Environmental Quality Review Act (“SEQRA”); and

WHEREAS, the Board of Trustees referred the Petition to the Westchester County Planning Board pursuant to §345-34 H for review and comment in accordance with of the Village Zoning Regulation; and

WHEREAS, the next Planning Commission meeting is scheduled for March 28, 2016; and

WHEREAS, the Village has not received responses from any of the involved agencies objecting to the Board of Trustees acting as lead agency; and

WHEREAS, this matter is classified as an Unlisted Action pursuant SEQRA regulations and will require a review of potential environmental impacts; and

WHEREAS, the Board desires to advance the Petition by the scheduling of a public hearing.

NOW, THEREFORE, be it

RESOLVED, that the Village of Port Chester Board of Trustees declares itself Lead Agency for the proposed Unlisted Action described herein and as defined in Part 617 of SEQRA regulations; and be it finally

RESOLVED, that the Board of Trustees sets a public hearing on this matter on April 18, 2016 at 7:00 p.m. or shortly thereafter at the Village Justice Court Room, 350 North Main Street, Port Chester to consider the advisability of adopting a local law amending the Village Code that would remove the off-street parking requirements for the C5 Train Station Mixed-Use District.

Approved to form:

Village Attorney

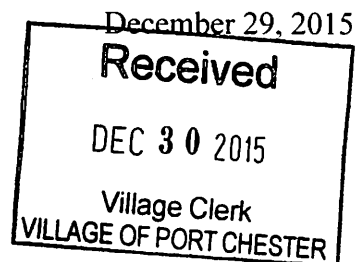
THE LAW OFFICE OF

Anthony R. Tirone, Esq., P.C.

202 MAMARONECK AVENUE, SUITE 500
WHITE PLAINS, NEW YORK 10601
TEL: 914-686-7007 • FAX: 914-686-7019
ARTY@ARTironeLaw.com

Via Hand Delivery

Board of Trustees
The Village of Port Chester
222 Grace Church Street
Port Chester, New York 10573
Attn: David Thomas, Village Clerk



Re: The Capitol Theatre, LLC/Capitol Enterprises Inc. D/B/A The Capitol Theatre and Garcia's – Zoning Amendment Petition

**Property Site: 149-151 Westchester Avenue, Port Chester New York
Section 142.30, Block 2, Lot 20 & Section 142.30, Block 2, Lot 19**

Dear Mr. Thomas:

We represent The Capitol Theatre, LLC/Capitol Enterprises, Inc. ("Petitioners") in connection to the within Petition for a Zoning Code Text Amendment to delete the off-street parking requirements for the **C5 Train Station Mixed Use District** in Section 345-14 (A.)(3).

Please place the matter on the agenda for the Board of Trustees Meeting to be held on **January 4, 2016**.

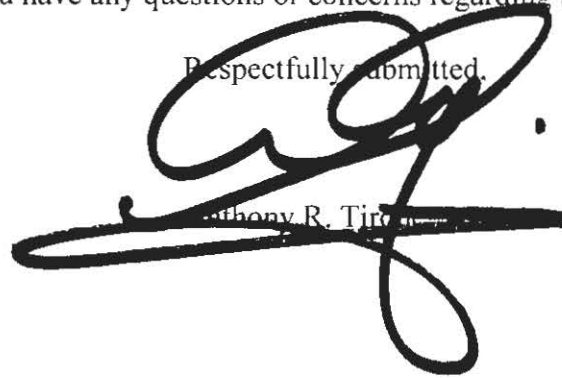
Accordingly, please find enclosed for submission to the Village Board of Trustees, pursuant to **§345-34** of the Village Code, the following:

1. An original plus twelve copies of Applicant's Petition; and
2. The application fee in the amount of **One Thousand Dollars and Zero Cents** (\$1,000.00), as set forth in Chapter 175 of the Village Code;

The applicant's principal Mr. Peter Shapiro and General Manager Mr. Tom Bailey appreciate the Village Board's time and assistance with respect to this Petition. We believe that the requested zoning text amendment is overall in the best interest of the Village of Port Chester.

Please contact me if you have any questions or concerns regarding the above application.

Respectfully submitted,

A large, bold, handwritten signature in black ink, appearing to read 'Anthony R. Tiro', is written over the typed name and extends upwards into the 'Respectfully submitted' line.

Anthony R. Tiro

Enclosures

cc: Mr. Peter Shapiro
Mr. Tom Bailey-GM Capitol Theatre

The Hon. Dennis G. Pilla, Mayor
The Hon. Gregory K. Adams, Trustee
The Hon. Daniel Brakewood, Trustee
The Hon. Gene Ceccarelli, Trustee
The Hon. Joseph D. Kenner, Trustee
The Hon. Luis A. Marino, Trustee
The Hon. Saverio L. Terenzi, Trustee

Ms. Jessica Youngblood, Village Planner
Mr. Anthony M. Cerreto, Esq., Village Attorney

VILLAGE OF PORT CHESTER
Board of Trustees

The Capitol Theatre, LLC/Capitol Enterprises, Inc.

Petition for Zoning Code Amendment
Pursuant to VPC Zoning Code §345-34

In Re: C5 Train Station Mixed-Use District
Zoning Code §§345-14 (A.)(3) and (C.)(2)

January 4, 2016

Law Office of Anthony R. Tirone, Esq., P.C.
202 Mamaroneck Avenue, Suite #500
White Plains, New York 10601
914-686-7007

INDEX

Petition for Zoning Code Amendment Pursuant to VPC Zoning Code §345-34

The Capitol Theatre, LLC/Capitol Enterprises, Inc.

January 4, 2016

1. Notice of Hearing on Petition for Zoning Code Text Amendment in the Village of Port Chester
2. Petition
3. **Exhibit A:** Official Zoning Map of the Village of Port Chester, Tax Parcel Maps, and Comprehensive Plan - Figure 13-6 Downtown/Train Station Subarea

4. **Exhibit B:** Correspondence of Anthony R. Tirone to The Village of Port Chester dated May 15, 2014
5. **Exhibit C:** The Capitol Theatre Supplemental Submission Rider dated June 30, 2014
6. **Exhibit D:** Route 1/North Main Street Corridor Study, Page 50, Table 7, Parking Utilization
7. **Exhibit E:** Village of Port Chester Comprehensive Plan, December 17, 2012, Excerpts
8. Short Environmental Assessment Form

Village Board of Trustees: Village of Port Chester
County of Westchester, State of New York

In the Matter of the Petition of

THE CAPITOL THEATRE, LLC/CAPITOL ENTERPRISES, INC.,
d/b/a THE CAPITOL THEATRE and GARCIA'S
AT THE CAPITOL THEATRE,

**NOTICE OF HEARING
PETITION FOR
ZONING CODE TEXT
AMENDMENT TO
§ 345-14 (A.) (3)**

For amendments to § 345-14 of the Village of Port Chester
Zoning Code.

NOTICE IS HEREBY GIVEN, pursuant to **§345-34** of the Village of Port Chester Zoning Code, of a Petition by The Capitol Theatre, LLC/Capitol Enterprises, Inc., located at 149-151 Westchester Avenue, Port Chester, New York 10573, for a Zoning Code Text Amendment to Village of Port Chester Code **§345-14(A.) (3)**, pertaining to off-street parking requirements in the **C5 Train Station Mixed-Use District**. The subject property is located solely in the Village of Port Chester, and is more particularly described as follows: Tax Map **Section 142.30, Block 2, Lot 20 and Section 142.30, Block 2, Lot 19**.

On **February** , **2016**, at 7:00 p.m., in the Village Justice Courtroom located at 350 North Main Street, 2nd Floor, Port Chester, New York, 10573, a Hearing will be held by the Board of Trustees of the Village of Port Chester, State of New York upon said Petition.

The Petitioner's main objective is to change restrictions with respect to parking requirements that were initially adopted to address circumstances that no longer exist; which are no longer reasonable or rational; and which therefore cause unnecessary hardship to the property owners in the **C5 Train Station Mixed-Use District** without providing a substantial countervailing benefit to the Village of Port Chester or the downtown business district.

Wherefore, Petitioners request that the Board of Trustees amend the zoning code to enhance the viability and mutually supported growth of businesses located in the unique, high

intensity use **C5 Train Station Mixed-Use District**, downtown business district, as well as adopting and supporting the objectives of the **2012** Village of Port Chester Comprehensive Plan.

The Members of the aforesaid governing Board of Trustees for the Village of Port Chester will meet at the time and place above specified and will receive information as well as hear any objections which may be presented against such Petition for a Zoning Code Text Amendment, including but not limited to, any of the following:

- a) That a person signing the Petition is not qualified to request the relief; or
- b) That the Petition does not comply in form or content with the provisions of **Section 345-14** of the Village of Port Chester Code; or
- c) That the proposed change and/or amendment is not in the overall public interest.

BY ORDER OF THE TOWN BOARD
OF TRUSTEES OF THE VILLAGE OF PORT CHESTER
VILLAGE CLERK

DATED: February , 2016

**Village Board of Trustees: Village of Port Chester
County of Westchester, State of New York**

In the Matter of the Petition of

THE CAPITOL THEATRE, LLC/CAPITOL ENTERPRISES,
INC., d/b/a THE CAPITOL THEATRE and GARCIA'S
AT THE CAPITOL THEATRE,

**PETITION FOR ZONING
CODE TEXT
AMENDMENT TO
§ 345-14 (A.)(3)**

For amendments to § 345-14 of the Village of Port Chester
Zoning Code.

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

THE CAPITOL THEATRE, LLC/CAPITOL ENTERPRISES, INC. hereby petitions the
Board of Trustees of the Village of Port Chester, as follows:

THE PETITIONER

1. The Capitol Theatre, LLC and Capitol Enterprises, Inc. (hereinafter "The Capitol Theatre") are a domestic limited liability corporation and a domestic business corporation, respectively, organized and existing under the laws of the State of New York, having an address at 149-151 Westchester Avenue, Port Chester, New York 10573. The Petitioner is the owner/operator of the real property and live concert venue at said location.

2. The Capitol Theatre, LLC, acquired the "Property" (described and defined below) in the **C5 Train Station Mixed-Use District** by deed dated **December 28, 2012**, which deed was recorded in the Office of the Westchester County Clerk on **January 8, 2013** as **Control No. 52362340**.

3. Capitol Enterprises, Inc. is the operator of 149-151 Westchester Avenue, Port Chester, New York 10573, where it operates The Capitol Theatre and Garcia's.

THE PROPERTY AND CURRENT ZONING

4. The real property which is the subject of this Petition is more specifically known and designated on the Tax Map of the Town of Rye, New York as Section 142.30, Block 2, Lots 19 and 20.

5. The Capitol Theatre is located in the **C5 Train Station Mixed-Use District**, formerly part of the **C2 Central Business District**, where it operates a **2,205**-capacity theatre with a maximum of **1,545** seats and associated lobby bar in conformance with the permitted uses in the zone. It is the premier venue of the four (4) similar venues in Westchester County.

6. Annexed hereto as **Exhibit A** are the:

1) Official Zoning Map of the Village of Port Chester, New York;

2) Tax Parcel Maps for the Capitol Theatre which shows it's location within the **high intensity use C5 Train Station Mixed-Use District**;

3) **Figure 13-6, page 137** from the **December 17, 2012** Comprehensive Plan for the Village of Port Chester – a map and description of the Downtown/Train Station Subarea as one of three “**Higher Intensity Planning Zones.**” The Comprehensive Plan describes the area as “*...the focal point of Port Chester's downtown retail district, and is generally bounded by N. Pearl Street, King Street and Westchester Avenue, and anchored by the Port Chester Metro-North train station on Broad Street.*”

7. The unique **C5 Train Station Mixed-Use District** is an island comprised of approximately 20 commercial properties that is surrounded on two sides by **C2 Main Street**

Business District and two sides by **C5T Downtown Mixed-Use Transitional** properties. The Metropolitan Transit Authority (MTA) owns nearly half of the area in the **C5 Train Station Mixed-Use District** for the train station and parking lot, which are located across the street from the theatre. Restaurants and other small, service-oriented businesses comprise the rest of the district with small lots that are 100% built out with industrial and warehouse space.

EXISTING CONDITIONS

8. The Capitol Theatre is landlocked with no available space to create off-street parking as required under **Sections 345-14 (A.) (3) and (C.)(2)** of the Village Code, which state in relevant part that businesses in the **C5 Train Station Mixed-Use District** shall provide off-street parking spaces in the ratio of “*1 per 4 permanent seats*” for theatres and “*1 per 3 permanent seats, or 1 per 40 square feet of seating area where fixed seating is not provided*” for cabarets.

9. The historic Capitol Theatre re-opened in **September 2012**. Built in **1926**, it was not previously subject to off-street parking requirements as no such laws were in existence.

10. On **March 25, 2013**, the Village of Port Chester Planning Commission granted Final Site Plan Approval (FSPA) for The Capitol Theatre and lobby bar improvements including a condition that The Capitol Theatre annually certify the availability of **412** off-street parking spaces pursuant to statutory requirements (*that were enacted in the years The Capitol Theatre was dormant*). Since the Village lacks large public parking garages or lots in the downtown area, The Capitol Theatre, at considerable effort and expense, contracted with various entities to join together the required number of off-street parking spaces in its vicinity.

11. However, through its own surveys, exit polls, and observations during the first three years of successful operation in **2012-2015**, The Capitol Theatre as well as Village staff determined that a large majority of the spaces it contracted and paid for are not used by patrons. Approximately one-third of patrons rely upon Metro North Railroad commuter rail transportation, particularly when a performance draws audiences from New York City. The majority of the patrons who arrive by car prefer to find spaces in downtown parking lots or on-street meter parking spaces near restaurants and other establishments they frequent prior to performances at The Capitol Theatre.

12. In fact, The Capitol Theatre has drawn so many visitors to Port Chester in the past three years that five new restaurant businesses have opened as pre-show dining demand increased exponentially. The Capitol Theatre has drawn an average of **120,000** visitors per year in its first three years of operation for an approximate total of **575** shows: **375** at The Capitol Theatre and **200** at Garcia's. Therefore, The Capitol Theatre has been responsible for bringing approximately **360,000** new visitors to the Village of Port Chester with disposable income to spend on entertainment, retail and restaurants.

13. While the statutory provisions for parking undoubtedly were put in place to protect and enhance economic development by ensuring adequate parking for downtown businesses, the fact is that the downtown business environment is enhanced by The Capitol Theatre. The reverse effect has taken place whereby The Capitol Theatre draws customers to local businesses rather than detracting from local businesses due to parking demand. Therefore, the statutes have become obsolete and counter productive in that they no longer serve their underlying purposes, but rather serve to burden one of the primary drivers of economic growth.

14. Under the circumstances, in **June 2014**, The Capitol Theatre applied for a Zoning Variance seeking to remove the off-street parking requirement as the parking spaces were greatly under utilized and The Capitol Theatre was required to maintain these spaces at all times regardless of whether or not a performance was held or the venue was at full capacity. The statutory off-street parking requirement has proven **irrational** and **burdensome**. It does not accomplish a rational means to an end. In reality, it only serves to reduce the viability and profitability of the Downtown Business District as well as The Capitol Theatre by imposing an unnecessary financial hardship on a historical theatre that has proven to be an engine of economic development and growth in Port Chester and the surrounding communities. The off-street parking requirement operates as a tax with no beneficial results to the community, the Village, or The Capitol Theatre. Furthermore, there is no rational or planning correlation between zoning imposed location-based parking and the viability or profitability of similarly situated businesses.

15. Annexed hereto as **Exhibit B** is a copy of my letter dated **May 15, 2014** to the then Village of Port Chester Director of Planning and Development wherein I explained in detail why the statutory off-street parking requirement as applied in the **C5 Train Station Mixed-Use District** had a particularly detrimental effect on The Capitol Theatre and failed to have a rational basis:

“The Village’s own *Route 1/North Main Street Corridor Parking Study of May 2012 (Table 7 page 50)* **Source: Fitzgerald & Halliday, Inc. and The Village of Port Chester, May 2012** identified approximately **3000 (Three Thousand)** public and mixed access parking spaces within a ½ mile radius of The Capitol Theatre. The parking pattern albeit unscientific and based on empirical evidence show that the patrons and guests of The Capitol Theatre prefer to park (*where they want*) closer to the main street business district wherein they patronize the bars and restaurants that comprise your business

district before or after a show. In addition, the hundreds of on street meter spaces that generate revenue for The Village quickly fill up before a show.

In light of the above, The Capitol is statutorily required to provide parking, for visitors to the Village, that *they choose not* to use based upon their own consumer driven demands. Moreover your own Main Street business district community of restaurants, stores, shops and bars love to have the pre and post show patrons of The Capitol Theatre as their customers.

The legislative intent and code provisions as set forth in *Sec. 345-14 A. (1)-(4)* are rationally based in certain circumstances to maintain the integrity of the **C-2 and C-5** zoning district. However, the Capitol Theatre is uniquely situated in both location and use that the statutory scheme does *not* accomplish the intended purpose *nor* achieve the intended result. The *means- end test* as applied to these set of facts and circumstances fails.”

16. Annexed hereto as **Exhibit C** is the Supplemental Submission Rider to the Application to the Zoning Board of Appeals dated **June 30, 2014**, part of which emphasized the role the The Capitol Theatre has played in Port Chester’s recent resurgence as a cultural, shopping, and entertainment destination:

“In the past two years of thriving operations, The Capitol Theatre has established a record of continuous growth and success demonstrating that The Capitol Theatre has become a significant part of the economic engine for the Village of Port Chester. The cultural, business, investment and economic draw that it has produced under the current ownership since September 2012 has been in many ways an “economic boom” for the community and the Village of Port Chester. Since the rebirth of The Capitol Theatre two years ago, the Village has seen an increase in investments and rapid economic growth in the central business district where no empty store fronts exist. As a result of the Capitol Theatre’s growing prominence and recognition all over the United States as a premier live music venue, the Village has welcomed visitors from 48 states and 3 Canadian provinces. The success of the Capitol Theatre has in part been the result of a collaborative spirit and common partnership with the existing business community and great support from the Village of Port Chester.”

17. On **December 8, 2014**, the Zoning Board of Appeals directed the Village Attorney to draft a favorable findings-of-fact to grant a variance of 187 parking spaces of the required 412 (applicant to provide 225 parking spaces). Petitioner currently is required to annually certify 225 spaces.

18. Petitioner, however, maintains that the statutory off-street parking requirement as applied to the **C5 Train Station Mixed-Use District** burdens properties in the zone, lacks reasonably calculated objectives and causes a reverse effect by dampening the synergistic effects of complimentary businesses that operate at different times or have compatible business interests.

REQUESTED TEXT AMENDMENT

19. Currently, the **C2 Main Street Business District**, the **C5 Train Station Mixed-Use District**, and the **C5T Downtown Mixed-Use Transitional District** *are exempt from the off-street parking requirements* described in the Village of Port Chester Code **Section 345-14(C.)(2)** – *except* for the following uses: *cabarets, catering and event establishments and theaters, all of which are required to adhere to off-street parking requirements.* [emphasis added]

20. Petitioner is proposing that the exception, which requires adherence to off-street parking requirements for cabarets, catering and event establishments, and theatres in the **C5 Train Station Mixed-Use District** be deleted.

21. Specifically, Petitioner requests that the **Section 345-14 (A.) (3)** of the Village of Port Chester Zoning Code be amended to remove the off-street parking requirement for the **C5 Train Station Mixed-Use District**, as follows:

Existing Code:

*Requirements for off-street parking facilities shall be applicable in all districts except the Central Business District, which district shall be defined as all lands located in the C2 Main Street Business District, the C5 Train Station Mixed-Use District, and the C5T Downtown Mixed-Use Transitional District (except that cabarets, catering and events establishments and theaters located in the C2 Main Street Business District, **the C5 Train Station Mixed-Use District**, and the C5T Downtown Mixed-Use Transitional District shall provide off-street parking according to the requirements applicable to those uses.) [Amended 6-1-2009 by L.L. 8-2009; 3-18-2013 by L.L. 4-2013.*

Proposed Code:

*Requirements for off-street parking facilities shall be applicable in all districts except the Central Business District, which district shall be defined as all lands located in the C2 Main Street Business District, the C5 Train Station Mixed-Use District, and the C5T Downtown Mixed-Use Transitional District (except that cabarets, catering and events establishments and theaters located in the C2 Main Street Business District **[deleted text]** and the C5T Downtown Mixed-Use Transitional District shall provide off-street parking according to the requirements applicable to those uses.) [Amended 6-1-2009 by L.L. 8-2009; 3-18-2013 by L.L. 4-2013. Amended _ -2016 by L.L. _-2016.*

JUSTIFICATION FOR TEXT AMENDMENT

22. The **C5 Train Station Mixed-Use District** is a very small district that is 100% built out with small lots and industrial spaces. There are no property lots large enough in the **C5 Train Station Mixed-Use District** to build another theatre or event space the size of The Capitol Theatre with respect to capacity. Therefore, the requested text amendment would not have a potential prejudicial future adverse affect on parking demand in the **C5 Train Station Mixed-**

Use District or surrounding districts. There would be no harmful impact on the Village, neighbors and other zoning districts.

23. Since The Capitol Theatre re-opened as a theatre in **September 2012**, experience and studies show that there is sufficient off-street parking available in the vicinity, at the meters, and downtown to accommodate the full-capacity performances with no detriment to surrounding property uses.

24. The Village Code should be amended as it is outdated in its purpose and effect as it pertains to the **C5 Train Station Mixed-Use District**. The off-street parking requirements in Sections **345-14 (A.)(3)** and **(C.)(2)** were added in **2009** while the Capitol's use as a theatre was dormant and under circumstances that no longer exist.

25. The resounding success of The Capitol Theatre in the past three years has inarguably played an important role in the resurgence of Port Chester's economy. The Capitol Theatre's patrons generate welcome business, especially for restaurants and retail in the area, rather than discourage business by creating unmanageable parking demands in the **C5 Train Station Mixed-Use District** or surrounding business zones.

26. Statutory off-street parking requirements did not exist in **1926** when The Capitol Theatre was built in **1926**. The Local Law was amended **6-1-2009** by **L.L. No. 8-2009** to add off-street parking requirements and **3-18-2013** by **L.L. 4-2013** with newly created zones. In other words, the amendments to the Local Law resulted in the unintended effects of burdening businesses in the **C5 Train Station Mixed Use District** rather than supporting complimentary, mutually beneficial business models.

27. When The Capitol Theatre's Final Site Plan was approved in **2014** for a **2,205-** person capacity, it was subject to the statutory off-street parking requirements that had been legislated for purposes not related to the current economic environment or anticipated business uses.

28. Petitioner seeks to amend the aforementioned code as it is the only business in the **C5 Train Station Mixed-Use District** that is subject to the unnecessary and onerous requirements which serve no rationally related beneficial purpose to the **C5 Train Station Mixed-Use District** or other business districts in the immediate vicinity of The Capitol Theatre.

29. The Village of Port Chester's commissioned *Route 1/North Main Street Corridor Parking Study of May 2012*, Source: Fitzgerald & Halliday, Inc. (*Table 7, page 50*) and annexed hereto in relevant part as **Exhibit D**, identified approximately **2,879** public and mixed access parking spaces within a ½ mile radius of The Capitol Theatre and the **C5 Train Station Mixed-Use District**. At **page 49** the study found there are **1,262** (**216** public and **1,046** mixed-access) available spaces during the evening peak period.

30. The availability of parking in the vicinity of the **C5 Train Station Mixed-Use District** combined with the fact that an estimated one-third of The Capitol Theatre's patrons arrive on foot from the train station, support a finding that the proposed zoning text amendment will have no adverse affect on public or private interests in the **C5 Train Station Mixed-Use District** or surrounding business zones.

VILLAGE OF PORT CHESTER COMPREHENSIVE PLAN

31. The Village of Port Chester's **Comprehensive Plan**, prepared by BFJ Consulting in association with Urbanomics and adopted by the Board of Trustees on **December 17, 2012**,

was the culmination of an in-depth process that was begun in spring of 2007 to update the Village's 1968 Master Plan. Annexed hereto as **Exhibit E** are selected excerpts of the **Comprehensive Plan**.

32. The **Comprehensive Plan** was prepared and adopted for the purposes set forth in New York State legislation (Village Law §7-722) to identify goals, objectives, principles, and policies for the immediate and long-range protection, enhancement, growth and development of the community. A Comprehensive Plan Advisory Committee to develop and propose the Comprehensive Plan to the Board of Trustees was created consisting of village representatives, including members of the Planning Commission, the Zoning Board of Appeals and the Industrial Development Agency; residents; members of the business community; local area stake holders; and community members at large. Numerous public workshops were held in the process. (See **Exhibit E** at page 1)

33. The "Plan Vision and Goals" set forth in **Section 1. 3, page 3** specifically references the goal to retain "a vibrant downtown" and support the "revitalization of commercial areas and the waterfront."

34. According to the summary of **Land Use in Section 4.1**, after residential uses, commercial uses represent the second largest land use in Port Chester, covering 24 percent of land. (**Exhibit E** at page 19):

35. **Section 5.0** of the Plan was devoted to Transportation and included among several parking recommendations on **page 39** the following:

Recommendation #5: Develop a comprehensive approach to parking that addresses parking needs both in residential neighborhoods and in the Downtown

- **Support the development of a multi-level parking structure in the vicinity of the train station to maximize the efficiency of existing parking and to increase access downtown, the waterfront and the train station.**
- **Review and updated the standards for balancing parking needs of new development against the needs of the Village and its neighborhoods.**

36. Respectfully, the **Comprehensive Plan** envisioned and recommended that Port Chester address parking needs by developing a comprehensive solution – a downtown parking garage. In other words, to balance parking demands and growth, it is entirely appropriate to remove parking burdens from individual business owners who are the lifeblood of the growing economy and for the Village to support growth through increased public parking options. A private-public partnership to grow local businesses could be best achieved by private business growth and improved public parking options.

37. **Section 10.0 of the Plan at pages 83-4** addressed **Historic and Cultural**

Resources stating:

“While new development and revitalization play central roles in a community’s social and economic prosperity, preservation of unique architecture and historically significant features is not less essential. Port Chester has several resources that contribute to the Village’s historic and cultural fabric. In the face of **increased growth and development, preservation and enhancement of these valuable resource is critical** [emphasis added]. The Capitol Theater (sic) is specifically listed among the historic and cultural resources.

38. The Plan's recommendation in **Section 10.3 at pages 89-90** states in part:

Recommendation #1: Preserve Port Chester's historic resources that contribute positively to the Village's unique character

- **Protect and preserve the Village's historic resources through the use of design standards, zoning controls, easements and other tools that would not impose undue hardships on property owners.**

Recommendation #2: Sustain and strengthen the vibrant arts and cultural community that contributes to the economy, education, employment and quality of life throughout the village

- **Support further development of small and mid-sized venues for music, performance and visual arts exhibitions**
- ***Recommendation #3: Continue to integrate the arts and entertainment into the Village's economic development activities***

39. The Capitol Theatre not only plays a significant role in the continued economic development of Port Chester, it is also a unique historical and cultural treasure whose development, preservation and enhancement warrant careful consideration. It is located in the narrowly defined **C5 Train Station Mixed-Use District** where it is completely landlocked and yet subject to outdated off-street parking requirements that no longer meet the present and future needs of the **C5 Train Station Mixed-Use District** or Port Chester's downtown development as a whole.

40. Respectfully, maintaining onerous off-street parking requirements in the **C5 Mixed-Use Train District** fails to promote the preservation and enhancement of The Capitol Theatre as it is applied in the **C5 Train Station Mixed-Use District**. The parking burden is detrimental not only to The Capitol Theatre, but to arts and entertainment entities. Removing the

requirement in the small **C5 Mixed-Use Train Station District** in light of the fact that a thriving live theatre is in operation in that location, is a reasonable and rationally related step to take while the Village more comprehensively addresses the need for a multi-level public parking structure.

41. The zoning code should be amended as it pertains to the off-street parking requirement for theatres and cabarets in the **C5 Mixed-Use Train Station District**. Such an amendment overwhelmingly and directly flows from the goals, vision and recommendations in the **Comprehensive Plan** pertaining to parking, economic development, and preservation of unique historical resources that positively impact the Village of Port Chester.

42. **Section 12.3 Economic Development** in the **Comprehensive Plan** contains numerous salient recommendations on **pages 121-5** that strongly support the need to remove the off-street parking requirement in the **C5 Mixed-Use Train Station District**, including the following selected recommendations:

Recommendation #1: Strengthen and expand economic opportunity and the Village’s tax base by focusing efforts on retaining and expanding existing businesses and attracting new businesses

- **Identify methods and agencies to seek input from businesses and industries addressing individual needs to improve profitability, performance, and encourage existing business retention throughout the village.**
- **Focus economic development initiatives within the Downtown Business District.**
- **Continue to encourage restaurant development in the downtown.**
- **Promote “entertainment and performing arts-type” development**

(theaters) through branding efforts (“Entertainment Capital of Westchester”). This effort could be initiated in tandem with the anticipated reopening of the historic Capitol Theatre in mid-2012.

- Consider undertaking a parking inventory and occupancy data study to address capacity and utilization rates as a first step toward developing and appropriate management strategies.

Recommendation #2 Improve the condition and appearance of Port Chester’s commercial areas, including the Downtown Business District, to encourage new investment and create more attractive locations for visitors and businesses.

- Promote infrastructure (parking, circulation facilities) and service improvements that promote business and job growth.
- In connection with the proposed new zoning recommendation for the downtown, review and revise current parking regulations to ensure that requirements do not impede development initiatives and are consistent with existing and future land uses and densities.

Recommendation #4: Establish appropriate organizational structures to facilitate economic development and downtown revitalization and promote effective communication between village leaders and Port Chester business and property owners.

- **Appoint a committee comprised of local businesses to collaborate with the Village on an ongoing basis.**

43. The aforementioned recommendations leave no doubt that the **Comprehensive Plan** for the Village of Port Chester, adopted three years ago, recognized tremendous opportunity for the continued resurgence of the Village. The **Comprehensive Plan** strongly recommends throughout that the Village continue to work with local businesses, preserve and promote its historical resources, and to comprehensively address parking needs in support of these goals.

44. In **Section 14.0 Regulatory Controls**, the **Comprehensive Plan** states on page 145:

“New York State’s zoning enabling statutes require that zoning laws be adopted in accordance with a “well-considered or comprehensive plan.” The nexus between the comprehensive plan and zoning is that the comprehensive plan serves as a basis for potential future zoning changes. The recommendations set forth in the foregoing chapters, therefore, provide the policy foundation for the proposed changes to the Village’s Zoning Code.”

45. The **Comprehensive Plan’s** zoning recommendations include the creation of the new zoning district for the Downtown/Train Station area to achieve among its goals to:

“Reinforce Downtown Port Chester as a vibrant, economically prosperous district.”

[emphasis added] at Page 156.

46. On page 158, the **Comprehensive Plan** describes the **C5 Train Station Mixed-Use District** area as follows: **“This subarea is one of the three subareas located within the Higher Intensity Planning Zones targeted for a new municipal parking garage, the exact site of which would be determined independent of this Comprehensive Plan.”**

47. Repeatedly, the **Comprehensive Plan** recommends that the Village of Port Chester develop a solution to parking in order to enhance growth and development in the Downtown District.

CONCLUSION

48. The Petitioner respectfully requests a zoning text amendment to remove off-street parking requirements in the **C5 Train Station Mixed-Use District**. The overly restrictive

statutory requirements were initially adopted to address circumstances that no longer exist. The restrictions are no longer reasonably or rationally related to the objectives of the Village's **Comprehensive Plan** – to support economic growth in the community. Studies commissioned by the Village of Port Chester as well as Petitioner's own surveys, exit polls and observations, demonstrate that the off-street parking requirements serve no useful purpose, while causing unnecessary economic hardship for The Capitol Theatre and other profitable businesses that benefit from the customers that the venue attracts to the Port Chester downtown business district.

49. Respectfully, Petitioner calls upon the Village Board of Trustees to move forward in a continued public-private partnership to develop Port Chester's downtown business district into a thriving entertainment and business destination by providing suitable infrastructure and a variety of growing businesses.

RELIEF REQUESTED

WHEREFORE, it is respectfully requested the instant matter be placed on the next available agenda of the Village Board and that the relief sought herein be, in all respects, granted.

Dated: December 29, 2015
White Plains, New York

Respectfully submitted,



~~Anthony R. Tirone~~

THE LAW OFFICE OF ANTHONY R. TIRONE, ESQ., P.C.

Attorneys for Petitioners,
The Capitol Theatre, LLC/Capitol Enterprises, Inc.
202 Mamaroneck Avenue, Suite 500
White Plains, New York 10601
(914) 686-7007

EXHIBIT A

Official Zoning Map

Village of Port Chester New York



NOTE: Map produced by C. Gomez, Village of Port Chester Director of Planning and Development. Adopted by the Village of Port Chester Board of Trustees March 18, 2013. [Local Law No. 4 2013]

ZONING DISTRICTS

SINGLE FAMILY RESIDENTIAL

- R20 One Family Residence 20,000 sq ft min lot
- R7 One Family Residence 7,500 sq ft min lot
- R5 One Family Residence 5,000 sq ft min lot

TWO-FAMILY RESIDENTIAL

- R2F Two Family Residence 5,000 sq ft min lot

MULTI-FAMILY RESIDENTIAL

- RA2 Multi Family Residence 5,000 sq ft min lot
- RA3 Multi Family Residence 5,000 sq ft min lot
- RA4 Multi Family Residence 5,000 sq ft min lot

PLANNED RESIDENTIAL

- PRD Planned Residential Development

COMMERCIAL

- C1 Neighborhood Retail
- C2 Main Street Business
- C3 Office and Commercial
- C4 General Commercial
- CD Design Shopping Center
- CDS Special Designed Commercial

OFFICE

- PD Design Professional Building

INDUSTRIAL

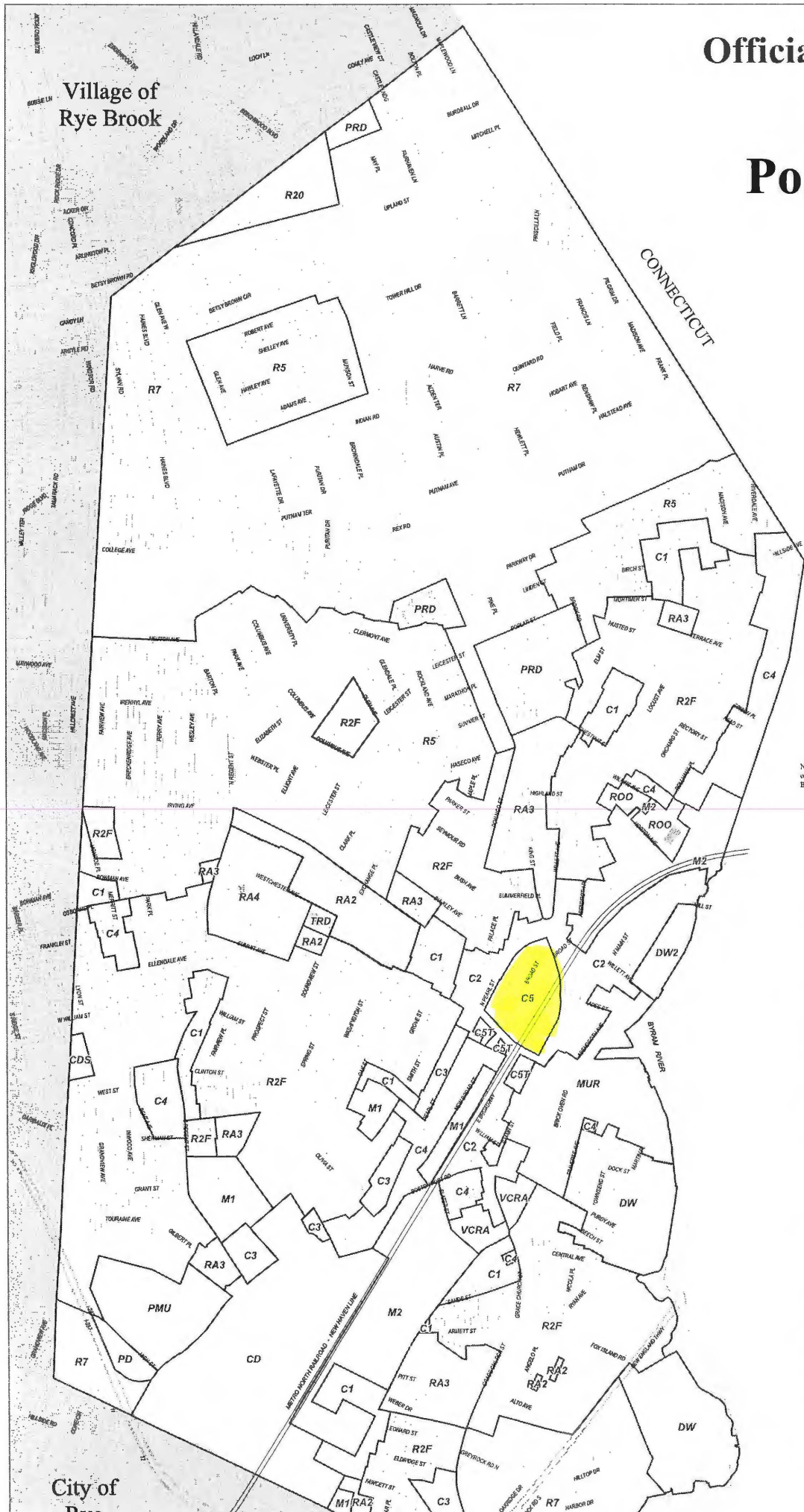
- M1 Light Industrial
- M2 General Industrial

WATERFRONT

- MUR Marina Urban Redevelopment
- DW Design Waterfront
- DW2 Downtown Design Waterfront

MIXED USE & OTHER

- ROO Residential Office Overlay
- VCRA Village Center Redevelopment Area
- TRD Transitional Residential Development
- PMU Planned Mixed Use
- C5 Train Station Mixed Use
- C5T Downtown Mixed Use Transitional



Village of Rye Brook

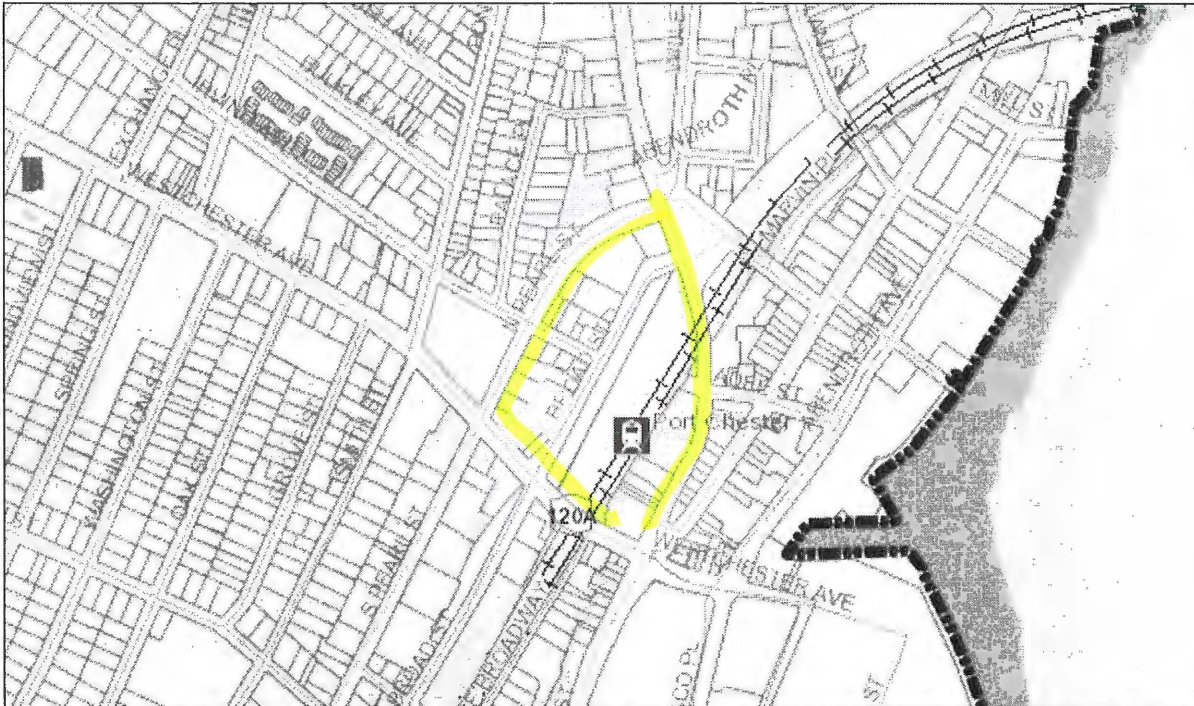
City of Rye

Tax Parcel Maps

Address: 151 Westchester Ave

Print Key: 142.30-2-19

SBL: 14203000020190000000



Disclaimer:

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

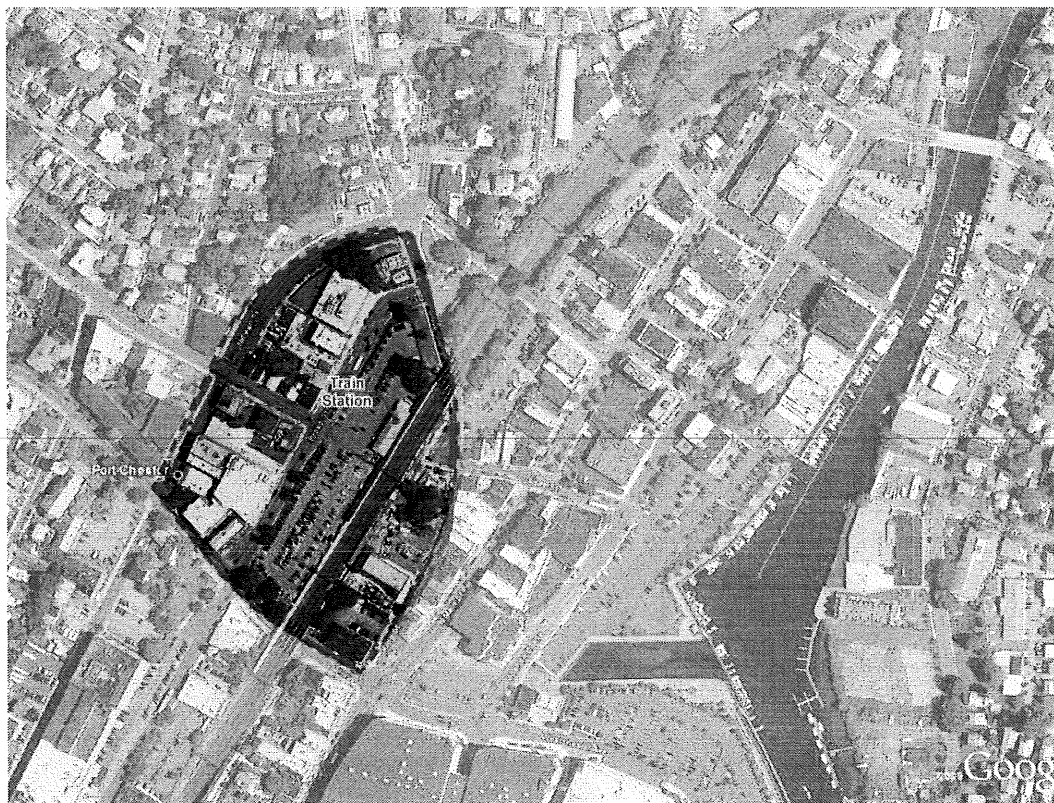
13.4 LAND USE STRATEGIES: HIGHER INTENSITY PLANNING ZONES

As shown of Figure 13.1, the *Higher Intensity Planning Zones* include the following subarea:

1. Downtown/Train Station Area
2. N. and S. Main Street and Abendroth Avenue (west side)
3. Central Waterfront

1. Downtown/Train Station

Figure 13-6
Downtown/Train Station Subarea



Existing Conditions

The Downtown/Train Station subarea is the focal point of Port Chester's downtown retail district, and is generally bounded by N. Pearl Street, King Street and Westchester Avenue, and anchored by the Port Chester Metro-North train station on Broad Street. See Figure 13-6. Downtown Port

EXHIBIT B

THE LAW OFFICE OF

Anthony R. Tirone, Esq., P.C.

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May 15, 2014

Mr. Christopher N. Gomez
The Village of Port Chester Director of Planning & Development
222 Grace Church Street, 2nd Floor
Port Chester, New York 10573

Re: Capitol Enterprises Inc. D/B/A The Capitol Theatre
Planning Commission Case No.: 2012-0067 & No.: 2012-0066
Property Site: 145 & 149-151 Westchester Ave
Section 142.40, Block 2, Lot 20 & Section 142.40, Block 2, Lot 19

Dear Mr. Gomez:

Our firm represents *Capitol Enterprises Inc. d/b/a The Capitol Theatre* regarding the prior applications referenced above wherein your Planning Commission issued a Final Site Plan Approval on **March 25, 2013**.

At the **April 24, 2014** Planning Commission meeting we presented an overview of the current state of operations and highlighted some proposed changes to the FSPA for the future development of The Capitol Theatre. Attached hereto please find a copy of my letter to Mr. Peter Miley Building Inspector dated **May 15, 2014** which identifies some of those proposed changes. In the interest of efficiency please accept those terms as if full set-forth herein.

One major condition of approval for the issuance of the T/C/O and FSPA was the requirement for The Capitol to obtain and maintain **412** off-street parking spaces for use by its patrons on show nights. After almost two years and approximately 200 events of a very busy and successful operation this requirement has been recognized as a rather ineffectual and costly statutory mandate that fails to meet the legislative intent. The full code is set forth in **PCVC Zoning Section 345-14. Off-Street parking, Truck loading and Vehicular access.**

The Capitol continues to maintain the 412 required off-street parking spaces for every show regardless of the number of patrons, tickets sold or capacity of the venue. The statutory requirement and legislative code language make no accommodation for events or shows that do not reach the maximum capacity. The Capitol is essentially required to pay for parking regardless of the rational probability of use and occupancy.

In that sense the code is flawed and inapplicable as applied. It would be most appropriate to have a code amendment which allows for a flexible transfer of required parking spaces and locations based upon show demand or capacity.

More importantly The Capitol Theatre has found that despite the show demand or capacity many patrons that park in the Village choose not to utilize the off street parking spaces maintained and managed by The Capitol pursuant to the statutory requirement. Without question based upon the comments from the patrons on exit polls, and the residents, indicate that parking for the theatre or in the Village is neither a problem nor a consideration when patronizing an event or show at The Capitol Theatre.

The Village's own *Route 1/North Main Street Corridor Parking Study of May 2012 (Table 7 page 50)* **Source: Fitzgerald & Halliday, Inc. and The Village of Port Chester, May 2012** identified approximately **3000 (Three Thousand)** public and mixed access parking spaces within a ½ mile radius of The Capitol Theatre. The parking pattern albeit unscientific and based on empirical evidence show that the patrons and guests of The Capitol Theatre prefer to park (*where they want*) closer to the main street business district wherein they patronize the bars and restaurants that comprise your business district before or after a show. In addition, the hundreds of on street meter spaces that generate revenue for The Village quickly fill up before a show.

In light of the above, The Capitol is statutorily required to provide parking, for visitors to the Village, that they choose not to use based upon their own consumer driven demands. Moreover your own Main Street business district community of restaurants, stores, shops and bars love to have the pre and post show patrons of The Capitol Theatre as their customers.

The legislative intent and code provisions as set forth in **Sec. 345-14 A. (1)-(4)** are rationally based in certain circumstances to maintain the integrity of the **C-2 and C-5** zoning district. However, the Capitol Theatre is uniquely situated in both location and use that the statutory scheme does not accomplish the intended purpose nor achieve the intended result. The **means- end test** as applied to these set of facts and circumstances fails.

Therefore, for the reasons set forth herein, those detailed in my letter to Mr. Peter Miley, my comments and those of Mr. Tom Bailey GM of The Capitol Theatre before the Planning Commission, it is respectfully requested that the parking requirements as part of the March 2013 FSPA be relived, waived and removed.

Please contact if you have any additional questions or concerns prior to the *May 22, 2014* Planning Commission meeting.

Respectfully Submitted,

Anthony P. Pirone

cc: Mr. Peter Shapiro
Mr. Tom Bailey-GM Capitol Theatre

The Hon. Neil Pagano, Mayor of The Village of Port Chester
Mr. Mr. Peter Miley
Building Inspector & Director of Code Enforcement The Village of Port Chester

ART/ntr

EXHIBIT C

**Capitol Theatre LLC and Capitol Enterprises, Inc.
d/b/a
The Capitol Theatre
149-151 Westchester Ave and 145 Westchester Ave.
Port Chester, New York 10573**

**- Application to the Zoning Board of Appeals -
June 30, 2014**

Supplemental Submission Rider

We submit the following to assist the Port Chester Zoning Board of Appeals in its decision-making process by addressing each of the factors to be taken into consideration by the Board in its Appellate review.

Pursuant to **N.Y. Town Law §267-b**, in making its determination, the Zoning Board of Appeals shall take into consideration the **benefit to the applicant if the variance is granted, as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such grant.**

The Zoning Board of Appeals approval of the current application would confer a substantial benefit on the Capitol Theatre LLC, Capitol Enterprises, Inc and The Capitol Theatre by allowing the operations to continue in full compliance with the building and zoning code of the Village of Port Chester. The applicant, Mr. Peter S. Shapiro, is the owner of Capitol Enterprises, Inc. and Capitol Theatre LLC which own and operate The Capitol Theatre along with Garcia's in the Lobby Bar. The property at 145 and 149-151 Westchester Ave. has been in operation as a theater since 1926 and recently underwent a complete renovation.

In the past two years of thriving operations, The Capitol Theatre has established a record of continuous growth and success demonstrating that The Capitol Theatre has become a significant part of the economic engine for the Village of Port Chester. The cultural, business, investment and economic draw that it has produced under the current ownership since September 2012 has been in many ways an "economic boom" for the community and The Village of Port Chester. Since the rebirth of The Capitol Theatre two years ago, the Village has seen an increase in investments and rapid economic growth in

the central business district where no empty store fronts exist. As a result of The Capitol Theatre's growing prominence and recognition all over the United States as a premier live music venue, the Village has welcomed visitors from 48 states and 3 Canadian provinces. The success of The Capitol Theatre has in part been the result of a collaborative spirit and common partnership with the existing business community and great support from The Village of Port Chester. The transformation of The Village from a manufacturing based economy in the 50's and 60's to becoming *The Entertainment and Restaurant Capital of Westchester* is testament to the staying power of The Capitol Theatre. It has recently been cited by new business owners and developers as *one of* the many substantive reasons why businesses, visitors and residents want to live, work, dine and entertain in The Village of Port Chester.

At the time The Capitol Theatre was constructed in 1926, the infrastructure demands were significantly different regarding parking, transportation and the logistics of providing goods and services. In 2014, the subject of parking and transportation has become the main focus of the planning and zoning process. Unfortunately, The Capitol Theatre structure is landlocked and has no room to expand to meet the parking requirements of 2014 which did not exist in 1926. Moreover, the relative ease in mobility and access has greatly increased. The cabaret-type of operation and property zoning location statutorily require certain parking spaces which cannot be created anew.

Based on two years of proven and documented operations, we propose an environmentally friendly and innovative approach to the parking requirements through collaborative partnerships, distribution of contributory business patrons, and a larger community-supported approach.

Off-street parking/Method of determining off-street parking space requirements. The Capitol Theatre is requesting relief from this requirement as set forth in the Village code in total. Accordingly, we request that the ZBA grant this variance application and allow The Capitol Theatre to meet this requirement by relying solely on the availability of street and/or public parking. Therefore, a variance is required to allow for no off-street parking facilities associated with the use that they serve.

The Capitol Theatre's off-street parking requirement is a complex matter that has been studied by the Capitol staff, parking/traffic consultants and the Village planning

office. The exact required number of spaces is based on internal use calculations that can vary. However, at the present time, the exact number required to be maintained at all times set forth by the Village is **412**. To comply with the off-street parking requirements, The Capitol has utilized several joint-use parking sources none of which are public parking spaces. Namely, Capitol owned or co-owned lots/spaces; Long term lot/space leases; Per event lot/space leases and/or Lot/space Operation contracts.

One condition of approval for the issuance of the T/C/O and March 2013 FSPA was the requirement for The Capitol to obtain and maintain **412** off-street parking spaces for use by its patrons on show nights. After almost two years of successful operations and approximately 200 events, this requirement has been recognized as a rather ineffectual and costly statutory mandate that fails to meet the legislative intent. The full code is set forth in *PCVC Zoning Section 345-14. Off-Street parking, Truck loading and Vehicular access*.

The Capitol continues to maintain the 412 required off-street parking spaces for every show regardless of the number of patrons, tickets sold or capacity of the venue. The statutory requirement and legislative code language make no accommodation for events or shows that do not reach the maximum capacity. The Capitol is essentially required to pay for parking regardless of the rational probability of use and occupancy.

In that sense, the code is flawed and inefficient/impracticable as applied to the Capitol Theatre. It would be most appropriate to have a code amendment which allows for a flexible transfer of required parking spaces and locations based upon show demand or capacity. However, to be clear, the issue of amending the current code is far beyond the scope of this particular application as this application seeks only to request a variance from the current parking requirements.

More importantly, The Capitol Theatre has found that, despite the show demand or capacity, many patrons that park in the Village choose not to utilize the off-street parking spaces maintained and managed by The Capitol pursuant to the statutory requirement. Based upon comments from patrons on exit polls, the residents and neighboring businesses indicate that parking for the theatre in the Village is neither a problem nor a consideration when going to an event or show at The Capitol Theatre.

The Village's own *Route 1/North Main Street Corridor Parking Study of May 2012 (Table 7 page 50)* **Source: Fitzgerald & Halliday, Inc. and The Village of Port Chester, May 2012** identified approximately **3000 (Three Thousand)** public and mixed access parking spaces within a ½ mile radius of The Capitol Theatre. The parking patterns albeit unscientific are nevertheless based on empirical evidence which indicate that the patrons and guests of The Capitol Theatre ***prefer to park (where they want) closer to the main street business district*** usually dependent on where they patronize bars and restaurants before and/or after a show. In addition, the hundreds of street metered-spaces that generate revenue for The Village quickly fill up before a show.

Despite the above, The Capitol is still statutorily required to provide parking to visitors of the Village *even though those visitors most oftentimes choose not* to use parking provided by The Capitol based upon *their own consumer driven demands.* Moreover, the Main Street C-1 business district that includes the community of restaurants, stores, shops and bars have all enjoyed having the pre and post-show patrons of The Capitol Theatre as their new and sometimes repeat customers.

The legislative intent and code provisions, as set forth in *Sec. 345-14 A. (1)-(4)*, are rationally based on certain circumstances to maintain the integrity of the **C-2 and C-5** zoning district. However, the Capitol Theatre is uniquely situated in both location and use that the statutory scheme does *not* accomplish the intended purpose *nor* achieve the intended result. The ***means-end test*** as applied to these set of facts and circumstances fails. VPC Zoning Code § 342-14 A. (1) (2) speaks of the legislative intent of the regulation stating that ***"In cases of practical difficulty or unnecessary hardship to such properties arising out of this requirement, appeal may be made to the Board of Appeals,..."***.

If the Board were to grant the requested variance, The Board would confer a substantial benefit on Capitol Theatre LLC, Capitol Enterprises, Inc and The Capitol Theatre. In addition, The Village of Port Chester would further benefit from a very vibrant and expansive business model that has and will continue to drive patrons and end users to the Main Street C-1 business district dovetailing an economic engine that is supporting the community and economy of Port Chester.

The requested variance does not create a detriment to the health, safety and welfare of the residents of Port Chester. The structure, as it pertains to the requested variance, has been in place since 1926. There have been no assertions by Port Chester Village officials, the community at large or the petitioner's immediate neighbors that the business has in the past or will in the future create a detriment to the health, safety, or welfare of the neighborhood or The Village of Port Chester.

It is our strong contention that the requested variance will not have a detrimental but rather a positive effect on the health, safety and welfare of the neighborhood and Port Chester community at present and in the future.

Pursuant to **N.Y. Town Law §267-b**, in making its determination whether to grant or deny a request for approval, relief or variance, the board **shall also consider**:

1. What change will be produced in the character of the neighborhood or what detriment to nearby properties will be created by the granting of the request for relief or variance;
2. Why the benefit sought by the applicant cannot be achieved by some method feasible for the applicant to pursue, other than a request for relief or variance;
3. How substantial is the request for relief or variance;
4. Why the proposed relief or variance will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district; and
5. How the alleged difficulty was created.

I. Character of the Neighborhood

The character of the neighborhood will remain entirely unaffected by the variance and there will be no detriment to any of the neighboring properties. Please recall that the establishment and building in question here was created circa 1926. Since completion of the theatre, no assertions have been made that the parking has altered the character of the neighborhood in any way.

II. Other Feasible Methods

Capitol Theatre LLC, Capitol Enterprises, Inc and The Capitol Theatre cannot achieve a full waiver of the parking requirements without a variance. The Zoning Board of Appeals is the only municipal agency that can grant the desired relief. Short of attaining the requisite variance and relief from these requirements, The Capitol Theatre would be forced to continue to provide parking at a substantial cost that is un and/or under utilized thereby creating a “*practical difficulty and unnecessary hardship*”.

III. Substantiality of the Approval and Variance

The approval and granting of the variance is minor in light of the existing conditions which the approval would essentially ratify. The patrons of the venue cannot be mandated where to park or dictated for their consumer choices. The impact would be non-existent in light of the established patterns which have been created by visitors to the Village and patrons of the venue. The positive ripple effect seeks to bolster the business community at large, achieve a distribution of contributory business patrons and support a like-minded community approach.

IV. Impact on Physical or Environmental Conditions

There have been no assertions by Port Chester Village officials, the community at large or the petitioner’s immediate neighbors that the requested approval and variance will have a negative impact on the physical or environmental conditions in the neighborhood. It is our strong contention that the physical and environmental conditions in the neighborhood have been unchanged for many years and will remain so in the future.

V. Creation of Alleged Difficulty

The recognition of the traffic, parking and consumer patterns while visiting the venue and the Village have given rise to the within Petitioner application. The unnecessary statutory demands that are not equally applied in the code has resulted in a

recognized and evident compliance scheme that fails to achieve the legislative intent and in fact has become contrary to the overall economic health and welfare of The Village.

Petitioner prays that the Zoning Board of Appeals grants the requested approval and variance, which will allow Capitol Enterprises, Inc and The Capitol Theatre to obtain a final certificate of occupancy for the business and continue to run a vibrant and expansive operation for the whole community. All interested parties, including the Village, will benefit from this favorable outcome.

EXHIBIT D

Route 1/North Main Street Corridor Study

Village of Port Chester, New York



Prepared by:

Ferrandino & Associates Inc.

Planning and Development Consultants

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with

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November 2012

Credits

Village of Port Chester

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Christopher Russo, former Village Manager

Christopher Gomez, AICP, Director of Planning and Development

Anthony Cerreto, Esq., Village Attorney

Ferrandino & Associates Inc.

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Fitzgerald & Halliday, Inc.

Carla Tillery, P.E., Senior Associate

Francisco Gomes, Senior Planner

Dolph Rotfeld Engineering, P.C.

Dolph Rotfeld, P.E., Principal

James Natarelli, P.E., Engineer

Table 7
Parking Utilization

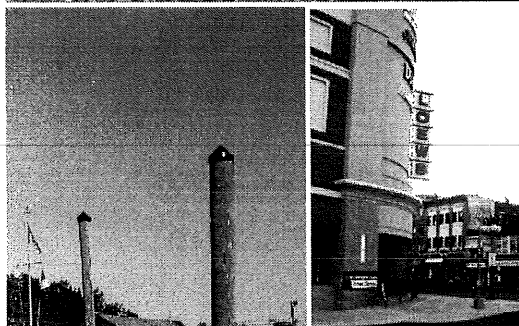
ID#	Location	Spaces	Weekday Mid-Day		Weekend Evening	
			Utilization	Unused Spaces	Utilization	Unused Spaces
Public Access Spaces						
3	Irving Avenue	49	25%	37	100%	0
4	Oak/Grove Street	95	40%	57	75%	24
7	New Broad Street	60	80%	12	3%	58
9	King/Willet Street	6	80%	1	0%	6
11	East Broadway	15	7%	14	15%	13
13	Adee Street	43	40%	26	100%	0
14	Willet Avenue	23	20%	18	65%	8
15	Marvin Place	63	80%p/5%m	9	20%	50
16	Beech Street	73	50%p/50%m	37	25%	55
17	Marina/ Abendroth Avenue	220	50%	110	100%	0
18	Highland Street	36	30%	25	95%	2
Subtotal - Public Access Spaces		683		346		216
Mixed Access Spaces						
1	Haseko Avenue	24	80%	5	0%	24
2	Oak Street	25	60%	10	0%	25
5	Neris Bakery	20	100%	0	75%	5
6	Pearl Street	45	40%	27	80%	9
8	Train Station	250	90%p/90%m	25	80%	50
10	King/Willet Street	16	50%	8	70%	5
12	King Street	30	90%	3	60%	12
19	Costco	548	60%	219	10%	493
20	Garage	1,282	49%	654	67%	423
Subtotal - Mixed Access Spaces		2,240		951		1,046
TOTAL SPACES		2,923		1,297		1,262

p: permitted spaces

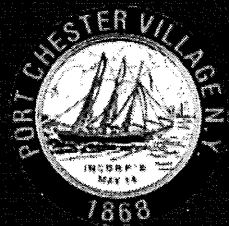
m: metered spaces

Source: Fitzgerald & Halliday, Inc. and Village of Port Chester, May 2012.

EXHIBIT E



Village of Port Chester Comprehensive Plan



Adopted:
December 17, 2012

Acknowledgements

Board of Trustees
Mayor Dennis G. Pilla
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Village of Port Chester
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Christopher Gomez, AICP, *Director of Planning and Development*
Patrick Cleary, AICP, PP, *Village Planner*
Dolph Rotfeld, P.E., *Village Engineer*

Comprehensive Plan Advisory Committee

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Gene Ceccarelli	Evelyn Petrone
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Tina Lund, *AICP, Senior Associate*

We wish to acknowledge the work previously prepared by:

Laberge Group
Mullin Associated, Inc.
E.M. Pemrick Company
Synthesis

...and current work on the Route 1 Corridor by:

Ferrandino & Associates, Inc.
Fitzgerald & Halliday, Inc.

*Former Committee Member

VILLAGE OF PORT CHESTER COMPREHENSIVE PLAN

Village of Port Chester,
New York

Board of Trustees
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In association with:
Urbanomics

Adopted by the
Board of Trustees on:

December 17, 2012

1.0 INTRODUCTION AND VISION

1.1 WHAT IS A COMPREHENSIVE PLAN?

New York State grants municipalities the authority to prepare and adopt comprehensive plans (Village Law §7-722). As defined in the state legislation, a comprehensive plan is a document that identifies goals, objectives, principles, and policies for the immediate and long-range protection, enhancement, growth and development of a community.

As a tool of planning, comprehensive plans provide guidance to municipal leaders, government agencies, organizations, businesses and residents to help ensure that the community's needs are met both now and in the future. Comprehensive plans are implemented through a variety of tools including land use policies, regulatory measures, zoning changes, and local laws. New York State Village Law further strengthens the role of the comprehensive plan by mandating that any new or amended land use regulations and all public capital improvements within the community be consistent with the adopted comprehensive plan.

1.2 THE PLANNING PROCESS

In the spring of 2007, the Village of Port Chester initiated an update to the Village's 1968 Master Plan, with assistance from a team of consultants. During the planning process, the existing issues and threats to the Village were identified to better understand the public's concerns and vision for the future. Goals and strategies were crafted to address the Village's unique challenges.

A Comprehensive Plan Advisory Committee (CPAC) was created by the Village to develop and propose a comprehensive plan to the Board of Trustees. The CPAC consisted of Village representatives, including members of the Planning Commission, the Zoning Board of Appeals and the Industrial Development Agency; residents; members of the business community; local area stakeholders; and community members at large. The CPAC was tasked with reviewing draft documents, collecting information, and serving as a point of contact for community members within the Village. Members dedicated a significant amount of time to attend many public workshops and committee meetings with the consultants, Village staff and the Village Board of Trustees.

During the information gathering stage, the CPAC shared its knowledge with the Village's consultants about various topics that were addressed in the Existing Conditions portion of the Plan. Following this stage of the planning process, the planners created goals and recommendations for the Village. The CPAC was responsible for reviewing and amending these goals and recommendations prior to review by the Board of Trustees and subsequent inclusion in this Comprehensive Plan.

Port Chester Housing Study: The Port Chester Housing Study addresses existing conditions, neighborhood contextual issues, density, affordability, the balance of housing composition, housing comparability with other Westchester villages, fiscal impacts of housing development types, and subsidized housing availability. The Study will serve as a stand-alone document and the basis for Comprehensive Plan updates.

Route 1/North Main Street Corridor Study: The Route 1/North Main Street Corridor Study examines vacant and underdeveloped or underutilized sites in the corridor from the Rye City border to Greenwich, and enables the Village to identify potential redevelopment opportunities. It considers proposed alternative uses at the Starwood site (United Hospital), the G&S and Robert Martin site in the Downtown and the existing Kohl's Shopping Center site. In addition, a market repositioning study is included in the scope. These components will be incorporated into this Comprehensive Plan.

1.3 PLAN VISION AND GOALS

This Plan's overall vision retains the qualities of Port Chester that its people have come to cherish, including a diverse cultural population, quality homes at relatively affordable prices, a vibrant downtown, and its proximity to key employment centers in the region. At the same time, the vision addresses the challenges confronting the Village, including changing socio-economic conditions, unpredictable growth and development patterns, physical constraints limiting waterfront access, and underutilized non-residential properties. This updated Comprehensive Plan establishes the framework for turning these challenges into opportunities and provides strategies for capitalizing on the Village's physical, social, economic and human capital.

The Plan identifies goals, policies, and guidelines for the immediate and long-range protection, enhancement, growth, and development of Port Chester. The Plan focuses on major elements of the Village's built environment, including maintenance and enhancement of residential neighborhoods; revitalization of commercial areas and the waterfront; strengthening of industrial areas; improvement of transportation and infrastructure facilities; and identifying opportunities for new development. The issues and challenges associated with these elements are often addressed by a variety of entities – governmental and non-governmental, local and extra-jurisdictional – that might or might not be directly coordinating with one another. One of the central purposes of the Comprehensive Plan, therefore, is to provide a framework for collaboration and coordination among relevant decision-makers and stakeholders. The strategies, once implemented, are intended to guide development and preservation patterns in a proactive and predictable manner and ultimately realize the Village's vision for a sustainable and prosperous future.

4.0 LAND USE AND REGULATORY CONTROLS

The built environment – the type, location and intensity of existing land uses – define the character of a municipality. Land use patterns are a result of historic settlement characteristics coupled with modern building codes, zoning laws and subdivision regulations. Understanding how land is devoted to residential, commercial, industrial, open space and other uses, and the locations of vacant and underutilized land, are key steps in developing a future vision.

Development in Port Chester has been greatly influenced by many factors, including its waterfront location, proximity to New York City, manufacturing history, and socioeconomic diversity. An evaluation of the type, distribution and intensity of land uses in the Village can yield a useful picture of prevailing patterns and identify issues and potential opportunities.

4.1 LAND USE

Port Chester encompasses approximately 1,233 acres and is comprised of 5,087 tax parcels. See Figure 4-1.

Residential properties represent the largest land use in Port Chester, covering 57 percent of Village land. Residential uses are found throughout the Village but are largely concentrated in the northern area. Port Chester has a range of residential property types including one-family detached homes, two- and three-family homes, apartment complexes, townhouses, condominiums and co-ops.

Commercial uses represent the second largest land use in Port Chester, covering 24 percent of land, and is primarily concentrated along the railroad corridor and along Route 1 in the Village's downtown. Commercial properties include dining establishments, retail, banks, motor vehicle services, storage/warehouse and distribution facilities and office buildings. The Waterfront at Port Chester houses over 500,000 square feet of retail and entertainment use. Located at the intersection of South Main Street and Westchester Avenue, The Waterfront is anchored by Costco, Super Shop & Stop, Loews Cineplex, and Bed Bath & Beyond.

Community service buildings occupy 67 tax parcels, or about 7.5 percent of Village land. These parcels tend to be larger than others due to the types of uses they host, including water treatment facilities, communication services, transportation services, waste disposal, and electric and gas facilities.

Other uses include commercial/industrial, recreation and entertainment, parks and open space, and vacant land.

Recommendation #5: Develop a comprehensive approach to parking that addresses parking needs both in residential neighborhoods and in the Downtown

- Support the development of a multi-level parking structure in the vicinity of the train station to maximize the efficiency of existing parking and to increase access to Downtown, the waterfront and the train station.
 - Explore opportunities for shared parking to decrease the amount of parking needed to accommodate present and future demand.
 - Review and update the standards for balancing parking needs of new development against the needs of the Village and its neighborhoods.
 - Evaluate the need to increase municipal parking rates to allow convenient access to premium short-term spaces while encouraging longer stays in the off-street lots.
 - Update the Village's "Schedule of Parking Fines" for associated parking violations.
 - Evaluate the feasibility of replacing existing parking meters/meter boxes with modern parking pay stations.
 - Define the role of the Village Parking Authority.
 - Designate clear and visible on-street parking areas with space lines that will aid in positioning a vehicle within a marked space.
 - Evaluate the need for municipal surface parking facilities in neighborhoods where residential properties lack on-site parking.
-

10.0 HISTORIC AND CULTURAL RESOURCES

While new development and revitalization play central roles in a community's social and economic prosperity, preservation of unique architecture and historically significant features is no less essential. Port Chester has several resources that contribute to the Village's historic and cultural fabric. In the face of increased growth and development, preservation and enhancement of these valuable resources is critical.

10.1 HISTORICAL RESOURCES

A. Historical Societies

Port Chester Historical Society

The Port Chester Historical Society maintains the Bush-Lyon Homestead, which is listed on the National Register of Historic Places. Its collections include antique furniture and historical artifacts related to Port Chester.

Westchester County Historical Society

The Westchester County Historical Society was founded in 1874 as a nonprofit organization and is currently based in Elmsford. Its mission is to promote the knowledge and understanding of history in Westchester County. The Society collects and preserves books, manuscripts, maps, photographs, and other publications that are significant to the County's history. The Society also hosts historically relevant events, including lectures and book signings.

B. National Register of Historic Places

The National Register of Historic Places is the Nation's official list of historic places worth of preservation, which include districts, sites, buildings, structures, and objects that are significant in American history, architecture, archaeology, engineering, and culture. Generally, properties eligible for listing in the register are at least 50 years old; younger properties must be exceptionally important to be eligible for listing.

The Village of Port Chester currently has five (5) resources listed on the National Register of Historic Places (see Figure 10-1):

Bush-Lyon Homestead

The Bush-Lyon Homestead is located on King Street in John Lyon Park. The building has an architectural/engineering historic significance and has a domestic historic function. The Homestead was acquired by the Village in 1925, was added to the National Register Sites in 1982 and is currently a museum.

Capitol Theater

The Capitol Theater is located at 147-151 Westchester Avenue and has an architectural historic significance. The period of significance of the Capitol Theater is from 1925-1949 when it had a recreation and cultural historic function. The 1,835-seat theater has been operating as a special events facility and is scheduled to reopen in mid-2012 as a live concert venue.

Port Chester Post Office

The Port Chester Post Office is located at 245 Westchester Avenue. The building has a colonial revival architectural style and its interior is ornate with murals painted by Dominico Mortellito in the Mexican muralist tradition of Diego Rivera and Jose Clemente Orozco. The period of significance of the Post Office is from 1925-1949 when it had a government historic function. The building was listed on the Register in 1989 and still operates as a post office.

Life Savers Building

The Life Savers Building is located on North Main Street and is a symbol of the area's industrial heritage. The period of significance of the Life Savers Building is from 1900-1924 when it had a historic function as a candy factory. Life Savers operations ceased in 1985 and the building was subsequently converted to condominiums.

St. Peter's Episcopal Church

St. Peter's Episcopal Church, located at 19 Smith Street, was constructed in 1889-90 and represents a late Gothic Revival style of architecture. It was added to the National Register in 2006.

10.3 RECOMMENDATIONS

Recommendation #1: Preserve Port Chester's historic resources that contribute positively to the Village's unique character

- Protect and preserve the unique architectural character of Downtown Port Chester by drafting and implementing a program of design guidelines for Main Street between Westchester and Horton Avenues.
 - Protect and preserve the Village's historic resources through the use of design standards, zoning controls, easements and other tools that would not impose undue hardships on property owners.
 - Establish local incentives for historic preservation, such as designating a neighborhood historic district that would not impose undue hardships on property owners.
 - Develop a Historic Resources Survey to investigate and document historic structures, sites and resources in the Village that could be used to establish a neighborhood historic district.
 - Educate residents, owners and local real estate firms/agents of historic property incentives, funding low interest loan resources and related state and federal regulations.
 - Educate property owners of the importance of high quality urban design and historic preservation.
 - Promote historic preservation through financial mechanisms, including grants and tax incentives.
-
- Explore options to adopt a Sliding Scale Tax Incentive to encourage redevelopment and reinvestment of designated historic structures.
 - Restore and revitalize the Bush Homestead. Seek out non-profit groups and/or grants to turn this facility into a living history education center.
 - Support the adaptive reuse of historic buildings.
 - Restore and enhance currently designated historic structures.
 - Consider participating in the Certified Local Government (CLG) program.
 - Apply for designation as a "Preserve America Community."
 - Create a Village-sponsored awards program that recognizes projects that exemplify design excellence and historic preservation.

- Foster partnerships with preservation organizations to organize public information campaigns.
- Support student involvement in historic preservation and design practices.

Recommendation #2: Sustain and strengthen the vibrant arts and cultural community that contributes to the economy, education, employment and quality of life throughout the Village

- Encourage commemorative reenactments and historical events to bring people together and substantiate the Village's historical identity.
- Market local historical events as tourist destinations.
- Uncover distinct cultural values and history in the Village's neighborhoods and take steps to honor their significance.
- Continue to support outdoor concerts and events in the Village parks and other appropriate locations.
- Display local art from artists and students in appropriate locations.
- Support further development of small and mid-sized venues for music, performance and visual arts exhibitions.
- Update the fee schedule for outdoor events to adjust for associated overhead expenses.
- Continue communication with the arts and cultural community, designating a specific organization, such as the Port Chester Council for the Arts, to act as a liaison.
- Collaborate with the School District to develop partnerships with arts organizations and higher educational institutions to increase exposure of students to arts and cultural activities.

Recommendation #3: Continue to integrate the arts and entertainment into the Village's economic development activities

- Continue to highlight the richness and diversity of Port Chester's arts and cultural activities, institutions and attractions in economic development and marketing plans.
- Conduct an assessment of entertainment venues to determine the economic and social impacts and identify strategies to promote a healthy arts and entertainment district in the Village's Downtown or waterfront.

- Evaluate opportunities for strengthening the Village’s cultural facilities and organizations and provide support as feasible.
- Evaluate the feasibility of an outdoor signature events space on the waterfront.
- Include arts and cultural organizations, institutions and businesses in business recruitment and retention efforts.
- Encourage arts-based business incubators to nurture new businesses in the Village.
- Consider establishing a Citizen’s Advisory Group that would be responsible for reviewing issues and initiatives pertaining to historic and cultural resources and making recommendations to the Village on optimal strategies and implementation efforts.

12.3 RECOMMENDATIONS

Recommendation #1: Strengthen and expand economic opportunity and the Village's tax base by focusing efforts on retaining and expanding existing businesses and attracting new businesses.

- ☒ Maintain an inventory of existing businesses and identify and quantify the existing job base.
 - ☒ Preserve existing commercial and light industrial areas.
 - ☒ Retain ratable properties in the Village.
 - ☒ Encourage ground floor retail throughout the Downtown Business District.
 - ☒ Establish and support a Commercial Development Grant/Loan Program.
 - ☒ Support the Port-Chester-Rye Brook-Rye Town Chamber of Commerce in its effort to advance the business environment and economic development of the Port Chester community.
 - ☒ Work with the Port Chester Industrial Development Agency to establish an Industrial Retention and Expansion (IRE) Program to assist local manufacturing companies.
 - ☒ Identify methods and agencies to seek input from businesses and industries addressing individual needs to improve profitability, performance and encourage existing business retention throughout the Village.
-
- ☒ Focus economic development initiatives within the Downtown Business District.
 - ☒ Leverage public and private funding sources to strengthen financial and technical assistance programs that support Downtown and neighborhood businesses.
 - ☒ Identify target industries for job growth and support the development of spaces for job growth.
 - ☒ Continue to encourage restaurant development in the downtown.
 - ☒ Promote "entertainment' and performing arts- type" development (theaters) through branding efforts ("Entertainment Capital of Westchester). This effort could be initiated in tandem with the anticipated reopening of the historic Capitol Theatre in mid-2012.

- Consider undertaking a parking inventory and occupancy data study to address capacity and utilization rates as a first step toward developing and implementing appropriate parking management strategies.

Recommendation #2: Improve the condition and appearance of Port Chester's commercial areas, including the Downtown Business District, to encourage new investment and create more attractive locations for visitors and businesses.

- Support and continue the efforts of the Port Chester Façade Program.
- Explore the creation of a Downtown Business Improvement District (BID) to direct investment into the appearance, marketing and functionality of a thriving business community.
- Support and encourage partnerships with future Improvement Districts to enhance the attractiveness of these areas for employers, workforce and visitors.
- Encourage the rehabilitation of commercial buildings throughout the Village.
- Consider establishing a Tax Increment Financing (TIF) for the downtown area to fund redevelopment, infrastructure and other community improvement initiatives.
- Promote infrastructure (parking, circulation facilities) and service improvements that support business and job growth.
- Improve rear facades and create points of access to connect Abendroth Avenue parking lots with Main Street businesses.
- Create a comprehensive and coordinated wayfinding signage system, including formalized gateways into Downtown.
- Define pedestrian spaces with street amenities (furniture, plantings) throughout the Downtown Business District and the waterfront area to stimulate economic growth.
- Promote Port Chester's quality of life as an economic asset.
- Continue to support and promote the "Port Chester Village Pride Day" cleanup program.
- Develop a partnership with MTA Metro North Rail Road to improve the image of the Railroad Bridge, which will help to improve the overall appearance of the Downtown Business District.
- In connection with the proposed new zoning recommendations for the downtown, review and revise current parking regulations to ensure that requirements do not impede development initiatives and are consistent with existing and future land uses and densities.

Recommendation #3: Increase Port Chester's retail capture rate by improving the profitability of commercial businesses and recruiting new establishments based on market demand.

- ▣ Develop a multi-faceted marketing program to promote Port Chester's resources and recruitment package to attract new businesses.
- ▣ Recruit businesses and services to complement the business sectors growing in the Village.
- ▣ Identify and attract businesses that currently supply materials and services to the region.
- ▣ Encourage access to financial and technical assistance programs to facilitate business retention, attraction and expansion.
- ▣ Encourage the creation of business incubators to nurture new businesses with administrative services, onsite technical assistance, or training in product development, business planning and marketing.
- ▣ Explore the feasibility of developing a business mentoring or apprenticeship program.

Recommendation #4: Establish appropriate organizational structures to facilitate economic development and downtown revitalization and promote effective communication between Village leaders and Port Chester business and property owners.

- ▣ Explore the feasibility of creating an Economic Development Coordinator.
- ▣ Improve the capacity of the Village government to provide leadership and support for the implementation of economic development.
- ▣ Collaborate with local and regional chambers, the Industrial Development Agencies and Westchester County to build economic development initiatives.
- ▣ Encourage and support a Downtown merchants' association to do marketing, produce special events and improve the Downtown Business District.
- ▣ Appoint a committee comprised of local businesses to collaborate with the Village on an ongoing basis.
- ▣ Cooperate with local and regional governments to financially support, when feasible, local economic development organizations.

- Work with the Port Chester-Rye Brook Chamber of Commerce and Westchester County to establish an entrepreneur assistance program.

Recommendation #5: Encourage the development of a skilled workforce that matches the employment opportunities in the Village by focusing on workforce needs for advancement.

- Promote Port Chester's reputation as a business location with a highly educated workforce.
- Encourage businesses to play a positive role in introducing career concepts to students.
- Work with local businesses to promote local careers and job opportunities.
- Encourage local businesses to work with BOCES occupational programs to provide leadership, personnel and materials, as well as employee expertise regarding business sectors.

Recommendation #6: Actively promote a sense of civic identity, including "branding" of the Village to facilitate economic development and promote tourism in the Village.

- Develop an identifiable and unique theme of "branding" that embraces the Village's culture, character and history, as well as enhances community identity and connection.
- Utilize a marketing logo for use on promotional materials.
- Improve and coordinate local and regional marketing efforts with the Westchester County Office of Tourism.
- Sponsor and support events to reinforce Port Chester's unique identity and culture.
- Promote the Village's cultural resources and activities to appeal to local and regional tourists.
- Update the Village's web site for use as a marketing and business tool.
- Keep the media informed of the activities, progress and successes of the Village's revitalization efforts.

Recommendation #7: Promote the waterfront area as a commercial, recreational and cultural destination.

- Encourage and promote the development of water-dependent and water-enhanced uses reflected in the Local Waterfront Revitalization Area.
- Maximize use of the waterfront through the establishment of new context-sensitive retail, housing and public spaces to economically position the Village.
- Create a central gathering place on the waterfront for festivals, performances and other special events.
- Encourage downtown waterfront entertainment activities that would include incorporating specific venues such as water-dependent entertainment uses and a waterfront performance facility.
- Promote and encourage out-of-town boaters to visit Downtown restaurants by constructing free transient docks.

14.0 REGULATORY CONTROLS

This chapter sets forth the zoning recommendations and regulatory controls proposed for the key planning areas analyzed in Chapter 13.0. These strategies, when implemented, will help realize the Village's vision for its built environment. It should be noted that the proposed use and dimensional standards (maximum building height, floor area ratio, lot coverage) set forth below are intended to serve as general guidelines for any future amendments to the Village Zoning Code.

14.1 REGULATORY CONTROLS

Regulatory controls are the Village's primary tool for implementing its Comprehensive Plan, and the Comprehensive Plan provides the necessary foundation for making regulatory changes. Strengthening land use controls including zoning, subdivision and site plan regulations, is one of the most effective ways that the Village can implement its Comprehensive Plan recommendations.

Zoning

Zoning dictates permitted uses and controls density, scale and design of buildings on a site. Zoning regulations help protect against incompatible land uses, inappropriate development patterns and unrestrained growth. By controlling the character of land use, zoning regulations help achieve predictable results in community character and a high-quality environment.

New York State's zoning enabling statutes require that zoning laws be adopted in accordance with a "well-considered or comprehensive plan." The nexus between the comprehensive plan and zoning is that the comprehensive plan serves as the basis for potential future zoning changes. The recommendations set forth in the foregoing chapters, therefore, provide the policy foundation for the proposed changes to the Village's Zoning Code. Where proposed future land uses are inconsistent with existing zoning, a zoning change is warranted. Moreover, where additional protection against out-of-character development is deemed necessary, recommended amendments to the existing zoning are proposed. Such zoning changes are the next step in the planning process and can occur once the Comprehensive Plan has been adopted by the Board of Trustees.

Figure 14-1 displays Port Chester's Official Zoning Map (April 2011).

14.4 REGULATORY CONTROLS: HIGHER INTENSITY PLANNING ZONES

1. Downtown/Train Station
2. N. and S. Main Street and Abendroth Avenue (west side)
3. Central Waterfront

1. Downtown/Train Station

Existing Zoning

The Downtown/Train Station subarea is currently zoned Central Business, C2. The C2 district allows for a range of retail and commercial/office uses; upper floor multi-family dwellings are permitted by special permit. Maximum allowable building height in the C2 district is 8 stories, or 70 feet.

Although not currently designated in the Village, the Planned Railroad Station Plaza Development (PRSP) district is designed to encourage a full service railroad station plaza, including office buildings, parking facilities for passenger motor vehicles, retail stores and restaurants. Residential uses are not permitted in a PRSP district. The PRSP allows for building heights of up to 235 feet (22 stories) on the west side of the railroad and 45 feet (3 stories) on the east side.

Zoning Recommendations

This Plan proposes to create a new zoning district for the Downtown/Train Station area to achieve to following goals:

- Create opportunities for new residential units targeting singles, young professionals and empty-nesters, including mixed use and transit-oriented development (TOD)
- Preserve the unique architectural character of Downtown Port Chester
- Ensure that new development reflects Downtown's existing built character
- Reinforce Downtown Port Chester as a vibrant, economically prosperous district
- Offset future development pressures in the Village's lower-density residential neighborhoods.

To achieve these goals, the new zoning district would allow for a limited mix of retail, commercial/office and residential uses in the same building or on the same site. The existing maximum building height of 8 stories will be maintained; however, an incentive provision would be included to allow for an additional 2 stories (maximum 120 feet) in exchange for a community provision(s) (e.g. creation of new public open space). New residential uses would be targeted at the single, young professional, and empty nester demographic, and therefore would primarily consist of studio and one-bedroom dwelling units.

To ensure new development will be of a scale and character that is harmonious with Downtown's existing built environment, the new zoning district will include provisions that regulate not only use but urban form. Known as form-based codes, these ordinances contain requirements for building placement, site orientation, and architectural elements such as doors, windows, building expression lines and cornices.

This subarea is one of the three subareas located within the Higher Intensity Planning Zones targeted for a new municipal parking garage, the exact site of which would be determined independent of this Comprehensive Plan.

2. Downtown: N. and S. Main Street and Abendroth Avenue (west side)

Existing Zoning

Abendroth Avenue (west side) is currently zoned Central Business, C2 and Marina Urban Development, MUR. The C2 district allows for a range of retail and commercial/office uses; upper floor multi-family dwellings are permitted by special permit. Maximum allowable building height in the C2 district is 8 stories, or 70 feet. The MUR district is an urban renewal district originally intended to revitalize a neglected area along the waterfront.

The land area bounded by S. Main Street, Boston Post Road, Pearl Street and Westchester Avenue is currently zoned General Commercial, C4 and Marina Urban Development, MUR. The C4 district allows for a range of commercial/office uses and certain light industrial uses; no residential uses are permitted. Maximum allowable building height in the C4 district is 3 stories, or 45 feet.

Zoning Recommendations

This Plan proposes to create a new zoning district along Abendroth Avenue and S. Main Street that will allow for context-sensitive mixed use development. Specifically, the zoning would permit residential uses over ground floor retail, and would *reduce* maximum allowable building heights from 8 stories to 5 stories (4 residential stories over ground floor retail). New residential uses would be targeted at the single, young professional, and empty nester demographic, and therefore would primarily consist of studio and one-bedroom dwelling units.

Rezoning to allow for a mix of uses on Abendroth and S. Main would both strengthen existing uses as well as stimulate the market for future homes and businesses in the Downtown. These dimensional requirements also will provide for a harmonious transition from the higher-density Downtown center to the lower-density character defining the Village's residential neighborhoods and waterfront area.

This subarea is one of the three subareas located within the Higher Intensity Planning Zones targeted for a new municipal parking garage, the exact site of which would be determined independent of this Comprehensive Plan.

3. Central Waterfront

Existing Zoning

The Central Waterfront subarea is currently zoned C2, Central Business and MUR, Marina Urban Redevelopment. The C2 district allows for a range of retail and commercial/office uses; upper floor multi-family dwellings are permitted by special permit. Maximum allowable building height in the C2 district is 8 stories, or 70 feet. The MUR district is an urban renewal district originally intended to revitalize a neglected area along the waterfront.

Zoning Recommendations

This Plan proposes to introduce the DW, Design Waterfront district to the Central Waterfront area to achieve the following goals:

- Foster a pattern of development that enhances community character and revitalizes the Village as a "maritime center."
- Preserve and increase waterfront access and open space
- Enhance visual quality and protect scenic resources
- Foster a dynamic and economically prosperous waterfront consisting of water-dependent and water-enhanced uses.

To achieve these goals, the new DW district would be mapped north of Willet Avenue along the waterfront. This DW district would encourage new "wharf-type" development including retail stores and restaurants, as well as residential uses and would limit maximum building heights to 4 stories (3 residential over ground floor retail), thereby reducing by 4 stories the maximum building height currently allowed under the C2 zone. This dimensional requirement would provide for a harmonious transition from the higher-density Downtown to the waterfront. New residential uses would be targeted at the single, young professional, and empty nester demographic, and therefore would primarily consist of studio and one-bedroom dwelling units. To ensure continuous public waterfront access, the new district would include a provision requiring a minimum 20-foot building setback along the shoreline.

The existing MUR zone would remain. However, consideration should be given to evaluating the future viability of the urban renewal districts in the Village.

This subarea is one of the three subareas located within the Higher Intensity Planning Zones targeted for a new municipal parking garage, the exact site of which would be determined independent of this Comprehensive Plan.

Short Environmental Assessment Form

Short Environmental Assessment Form

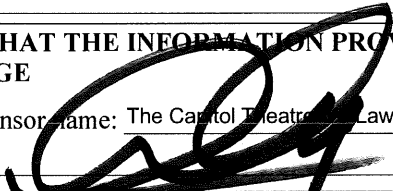
Part 1 - Project Information

Instructions for Completing

Part 1 - Project Information. The applicant or project sponsor is responsible for the completion of Part 1. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information.

Complete all items in Part 1. You may also provide any additional information which you believe will be needed by or useful to the lead agency; attach additional pages as necessary to supplement any item.

Part 1 - Project and Sponsor Information			
The Capitol Theatre, LLC/Capitol Enterprises, Inc. c/o Law Office of Anthony R. Tirone, Esq., P.C.			
Name of Action or Project: Zoning Code Text Amendment to Village of Port Chester Code Section 345-14 (A.) (3)			
Project Location (describe, and attach a location map): C5 Train Station Mixed-Use District, Port Chester, New York 10573			
Brief Description of Proposed Action: The proposed action involves making a zoning code text amendment to Village of Port Chester Code Section 345-14 (A.) (3) to remove off street parking requirements in the C5 Train Station Mixed-Use District			
Name of Applicant or Sponsor: The Capitol Theatre, LLC/Capitol Enterprises, Inc. c/o Law Office of Anthony R. Tirone		Telephone: (914) 686-7007	
		E-Mail: arty@artironelaw.com	
Address: 202 Mamaroneck Avenue, Suite 500			
City/PO: White Plains		State: New York	Zip Code: 10601
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation? If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2.			NO <input type="checkbox"/>
			YES <input checked="" type="checkbox"/>
2. Does the proposed action require a permit, approval or funding from any other governmental Agency? If Yes, list agency(s) name and permit or approval:			NO <input type="checkbox"/>
			YES <input type="checkbox"/>
3.a. Total acreage of the site of the proposed action? _____ acres			
b. Total acreage to be physically disturbed? _____ acres			
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? _____ acres			
4. Check all land uses that occur on, adjoining and near the proposed action. <input type="checkbox"/> Urban <input type="checkbox"/> Rural (non-agriculture) <input type="checkbox"/> Industrial <input type="checkbox"/> Commercial <input type="checkbox"/> Residential (suburban) <input type="checkbox"/> Forest <input type="checkbox"/> Agriculture <input type="checkbox"/> Aquatic <input type="checkbox"/> Other (specify): _____ <input type="checkbox"/> Parkland			

18. Does the proposed action include construction or other activities that result in the impoundment of water or other liquids (e.g. retention pond, waste lagoon, dam)? If Yes, explain purpose and size: _____ _____ _____	NO <input type="checkbox"/>	YES <input type="checkbox"/>
19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility? If Yes, describe: _____ _____ _____	NO <input type="checkbox"/>	YES <input type="checkbox"/>
20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste? If Yes, describe: _____ _____ _____	NO <input type="checkbox"/>	YES <input type="checkbox"/>
I AFFIRM THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE		
Applicant/sponsor name: <u>The Capitol Theatre Law Office of Anthony R. Tirone</u>		Date: <u>December 28, 2015</u>
Signature: 		

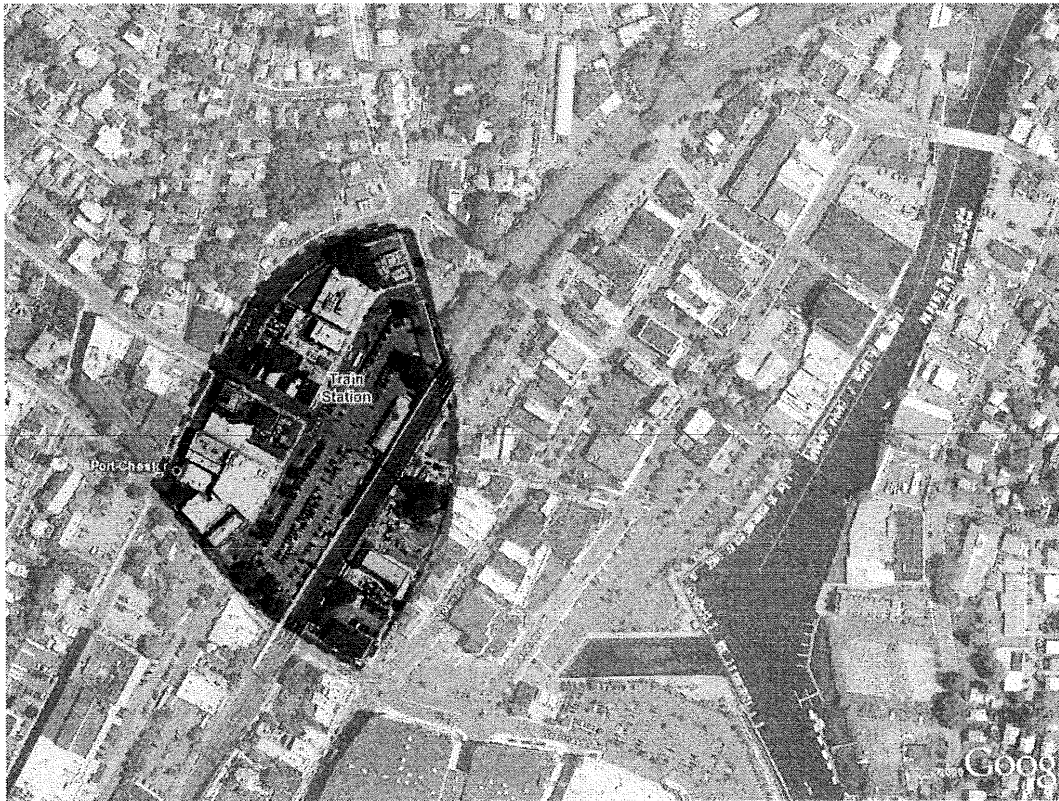
13.4 LAND USE STRATEGIES: HIGHER INTENSITY PLANNING ZONES

As shown of Figure 13.1, the *Higher Intensity Planning Zones* include the following subarea:

1. Downtown/Train Station Area
2. N. and S. Main Street and Abendroth Avenue (west side)
3. Central Waterfront

1. Downtown/Train Station

Figure 13-6
Downtown/Train Station Subarea



Existing Conditions

The Downtown/Train Station subarea is the focal point of Port Chester's downtown retail district, and is generally bounded by N. Pearl Street, King Street and Westchester Avenue, and anchored by the Port Chester Metro-North train station on Broad Street. See Figure 13-6. Downtown Port

The Capitol Theatre, LLC/Capitol Enterprises, Inc.

SEAF Part 1, No. 1 Attachment

December 28, 2015

The intent of the proposed action is to remove statutory off-street parking requirements for the Petitioner and similarly situated entities in the C5 Train Station Mixed-Use District that were adopted in 2009 and amended in 2013 by the Village of Port Chester. The change in parking requirements will reflect current actual parking patterns.

It is anticipated that there would be no environmental resources impacted in the community.

Project: Date:

Short Environmental Assessment Form
Part 2 - Impact Assessment

Part 2 is to be completed by the Lead Agency.

Answer all of the following questions in Part 2 using the information contained in Part 1 and other materials submitted by the project sponsor or otherwise available to the reviewer. When answering the questions the reviewer should be guided by the concept "Have my responses been reasonable considering the scale and context of the proposed action?"

	No, or small impact may occur	Moderate to large impact may occur
1. Will the proposed action create a material conflict with an adopted land use plan or zoning regulations?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
2. Will the proposed action result in a change in the use or intensity of use of land?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
3. Will the proposed action impair the character or quality of the existing community?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
4. Will the proposed action have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area (CEA)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
5. Will the proposed action result in an adverse change in the existing level of traffic or affect existing infrastructure for mass transit, biking or walkway?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
6. Will the proposed action cause an increase in the use of energy and it fails to incorporate reasonably available energy conservation or renewable energy opportunities?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
7. Will the proposed action impact existing:		
a. public / private water supplies?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. public / private wastewater treatment utilities?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
8. Will the proposed action impair the character or quality of important historic, archaeological, architectural or aesthetic resources?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
9. Will the proposed action result in an adverse change to natural resources (e.g., wetlands, waterbodies, groundwater, air quality, flora and fauna)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
10. Will the proposed action result in an increase in the potential for erosion, flooding or drainage problems?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
11. Will the proposed action create a hazard to environmental resources or human health?	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Project: _____
 Date: _____

**Short Environmental Assessment Form
 Part 3 Determination of Significance**

For every question in Part 2 that was answered “moderate to large impact may occur”, or if there is a need to explain why a particular element of the proposed action may or will not result in a significant adverse environmental impact, please complete Part 3. Part 3 should, in sufficient detail, identify the impact, including any measures or design elements that have been included by the project sponsor to avoid or reduce impacts. Part 3 should also explain how the lead agency determined that the impact may or will not be significant. Each potential impact should be assessed considering its setting, probability of occurring, duration, irreversibility, geographic scope and magnitude. Also consider the potential for short-term, long-term and cumulative impacts.

- Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action may result in one or more potentially large or significant adverse impacts and an environmental impact statement is required.
- Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action will not result in any significant adverse environmental impacts.

Name of Lead Agency	Date
Print or Type Name of Responsible Officer in Lead Agency	Title of Responsible Officer
Signature of Responsible Officer in Lead Agency	Signature of Preparer (if different from Responsible Officer)



VILLAGE OF
PORT CHESTER

222 Grace Church Street, Port Chester, New York 10573

RES-06

BOT 3-21-2016

AGENDA MEMO

Department: Office of the Village Attorney

BOT Meeting Date: 3/21/2016

Item Type: Resolution

Sponsor's Name:	Anthony Cerreto, Village Attorney

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	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 as indicated below on Agenda)

Authorize Payment for Monitoring 2016 Village Election in United States of America vs. Village of Port Chester

Summary

Background

This resolution would authorize payment to the Plaintiff/Intervenor's counsel representing attorneys' fees for his monitoring of the 2016 Village Election so as to implement the Consent Decree and addenda.

Such payment is the same amount as that authorized for the 2013 Village Election notwithstanding the additional proceedings and consultations among the Village, U.S. Department of Justice and the Plaintiff/Intervenor than the previous.

The action of the Board will close out this aspect of the matter.

Proposed Action
That the Board of Trustees adopt the Resolution

Attachments
<ul style="list-style-type: none">• Letter from Randolph M. McLaughlin, Esq. dated March 16, 2016

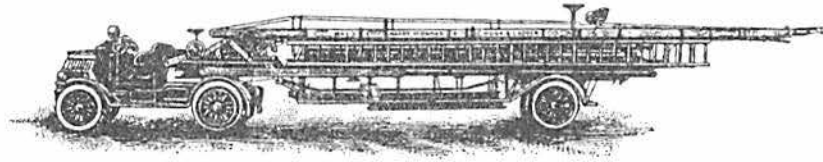
New York, New York 10001, attorney for the Intervenor, Cesar Ruiz, with regard to the Village's payment of attorney fees in the amount of \$6,000.00 for the 2016 Village Election.

Approved as to Form:

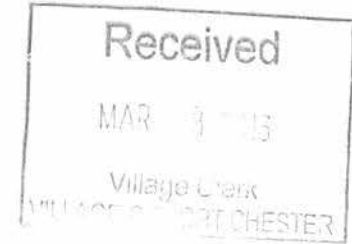
Village Attorney, Anthony Cerreto

CORR - 01

BOT 3-21-2016



HARRY HOWARD HOOK & LADDER CO. NO. 1
PORT CHESTER, N.Y. 10573



March 2, 2016

Honorable Dennis Pilla and
Members of the Village Board of Trustees
Village of Port Chester
222 Grace Church Street
Port Chester, NY 10573
Attn: Village Clerk

Re: Carlos E Ruano
Dropped from the Rolls

Dear Mayor Pilla & Members of the Board

The purpose of this letter is to inform you that on March 1, 2016, at the regularly scheduled monthly meeting of the Company, the members of Harry Howard Hook & Ladder Company #1 unanimously voted to drop the following member from the rolls of the Company for cause:

Carlos E. Ruano
155 North Ridge Street
Rye Brook, NY 10573

Sincerely,

A handwritten signature in black ink, appearing to read "Neil J. Pagano". The signature is written in a cursive, flowing style.

NEIL J. PAGANO
Secretary

cc: Carlos E. Ruano
155 North Ridge Street
Rye Brook, NY 10573

M. Ravikoff Associates, Inc.

33 New Broad Street
Port Chester, NY 10573

Phone 914-934-2424

Fax 914-937-5186

February 29, 2016

Board of Trustees
Village of Port Chester
222 Grace Church Street
Port Chester, NY 10573



Dear Board of Trustees,

I write to you today on behalf of several of our commercial tenants
Specifically three beauty salon tenants.

These are established businesses, long term tenants, who have been in town for 10, 20, 30 years.
In recent years these long established businesses have been struggling.

Solid proven businesses with astute operators have found their businesses are deteriorating because of
one widespread problem; Too much competition.

In a recent phone conversation with Bonnie, of Bonnie's Beauty Shop at 208 Westchester Avenue
opposite the Harry Howard Hook and Ladder Fire Department, I was informed that this business is
barely staying afloat. Bonnie can barely make ends meet. Making a profit, she said..."haven't done that
for years."

This business owner is college educated. She owns several locations in multiple municipalities. She asked
why doesn't the Village put a cap on certain businesses? She cited several other Westchester
municipalities who do just that, to protect their existing tax payers.

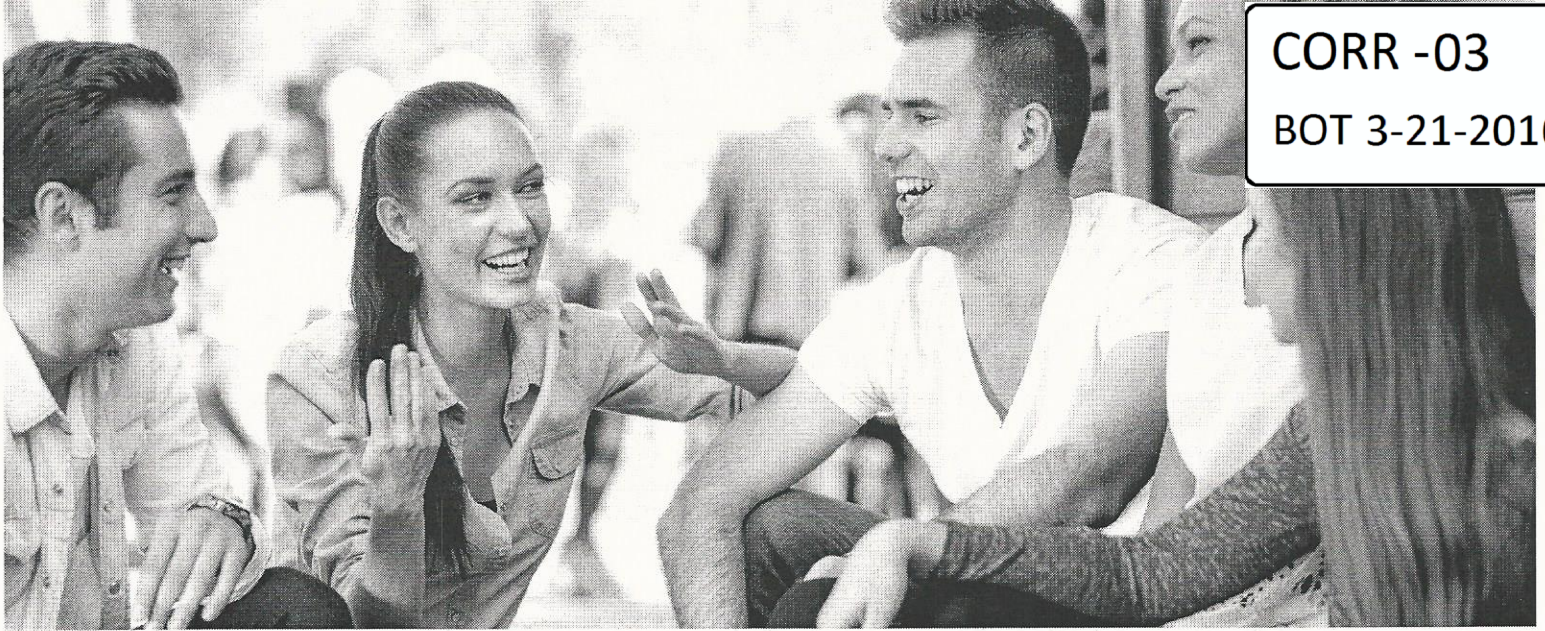
In turn, I ask that of you. Can we please cap the number of beauty salons in this village?



Howie Ravikoff
M. Ravikoff Assoc.
Owner / Mangers of Rental Property for Over 50 years
914-934-2424 x112

PLEASE NOTE NEW EMAIL ADDRESS

Howie@mravikoff.com



TALK SAVES LIVES

AN INTRODUCTION TO SUICIDE PREVENTION

Learn the warning signs and risk factors of suicide, and how to prevent it.

[Add Event Details
Here]

RSVP:

[Name]
[Email] • [Phone]

This presentation has been
brought to your community and
funded by: (ADD DONOR'S
NAME HERE)



AMERICAN FOUNDATION FOR
Suicide Prevention

afsp.org