

Local Law Filing

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

Village of Port Chester, New York

Local Law No. I-1 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

Animal- as used in this article, includes every living creature except a human being.

Inclement weather- weather conditions that are likely to adversely affect the health or safety of the animal, including but not limited to rain, sleet, ice, snow, wind, or extreme heat and cold.

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

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

§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 inclement weather;
6. The animal has access to shade by natural or artificial means to protect the dog from direct sunlight at all times when exposure to sunlight is likely to threaten the health of the animal;
7. The animal has access to water and food;
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.



VILLAGE OF
PORT CHESTER

222 Grace Church Street, Port Chester, New York 10573

PH -02
 BOT 4-18-16

AGENDA MEMO

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

BOT Meeting Date: 4/18/2016

Item Type: Public Hearing

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: 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.

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 comments, and declared their intent to be Lead Agency under the New York State Environmental Quality Review Act (“SEQRA”).

In a February 29, 2016 letter, Westchester County stated that they reviewed the zoning petition under the provisions of Section 239 L, M and N of the General Municipal Law and Section 277.61 of the County Administrative Code and found the proposed zoning amendment to be a matter for local determination. No other involved agencies responded with an objection to the Board being the Lead Agency.

At the March 21, 2016 Board meeting, the Board declared itself Lead Agency, scheduled a public hearing for April 18, 2016, and directed staff to hold a parking workshop on the day of an event to observe parking conditions in the downtown. In response, staff retained the RBA Group, a nationally recognized expert in parking management.

At its March 28, 2016 meeting, the Planning Commission discussed the Petition and stated that they would reserve comment until the results of the workshop were available, as encapsulated in the March 28, 2016 Planning Commission meeting minutes.

On March 30, 2016, a workshop was held to discuss parking conditions in the downtown area and specific to the Capitol Theatre. The workshop included a walking tour. The RBA Group led the workshop and remained in the downtown area to observe the conditions before, during, and after a show at the Capitol Theatre. The RBA Group returned to observe the conditions on Friday, April 8, 2016, to capture a weekend performance. The RBA Group’s observations are included in an April 14, 2016 memorandum.

The Petition is on the agenda at the Planning Commission’s March 25, 2016 meeting.

In sum, the Board should open the public hearing on the Petition at the April 18, 2016 Board of Trustees meeting. If the Board is favorable to the Petition and wishes to further it, future actions that the Board would need to take include (in order):

1. Close Public Hearing
2. SEQRA Determination
3. Zoning Determination

Attachments
<ul style="list-style-type: none">• Petition• Short Environmental Assessment Form (EAF) Part 1• Department of Planning & Economic Development memorandum, including EAF Part 2• Westchester County Letter• RBA Group Memorandum• Proposed Local Law

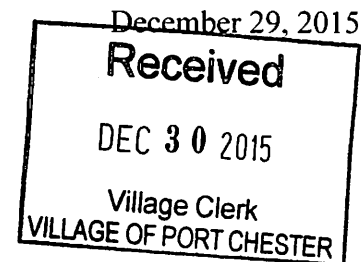
THE LAW OFFICE OF

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**.

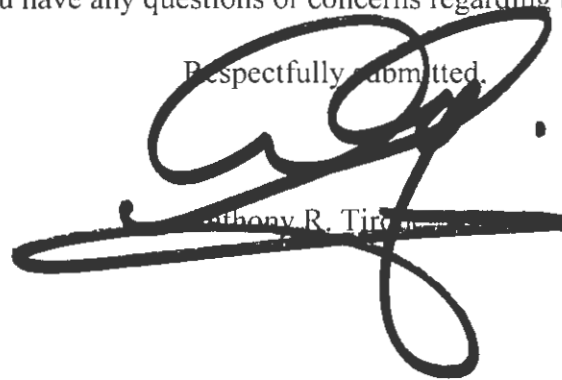
Accordingly, please find enclosed for submission to the Village Board of Trustees, pursuant to **§345-34** of the Village Code, the following:

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,



Anthony R. Tirone

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

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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.

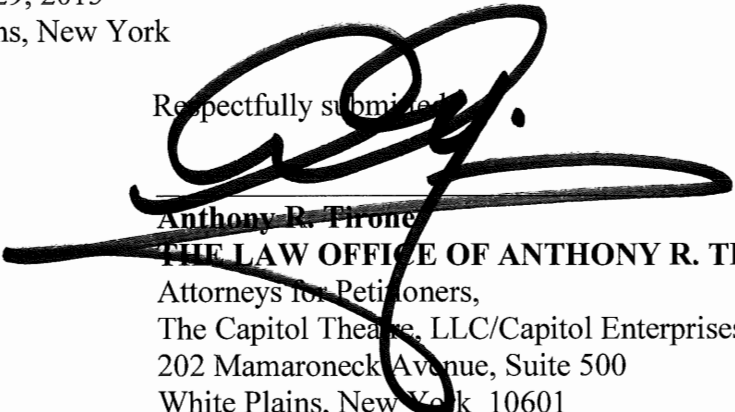
49. Respectfully, Petitioner calls upon the Village Board of Trustees to move forward in a continued public-private partnership to develop Port Chester's downtown business district into a thriving entertainment and business destination by providing suitable infrastructure and a variety of growing businesses.

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

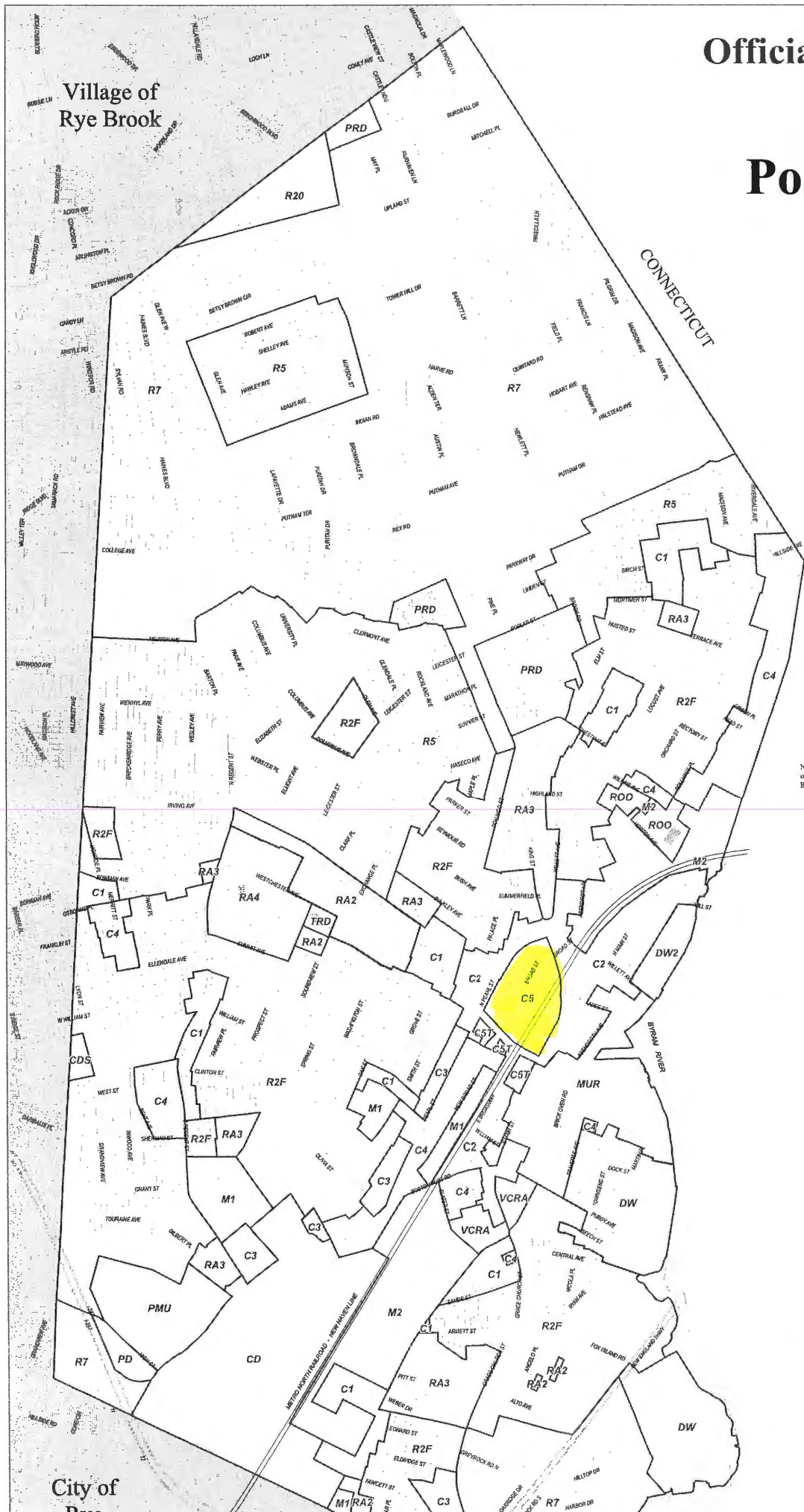
- M1 Light Industrial
- M2 General Industrial

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

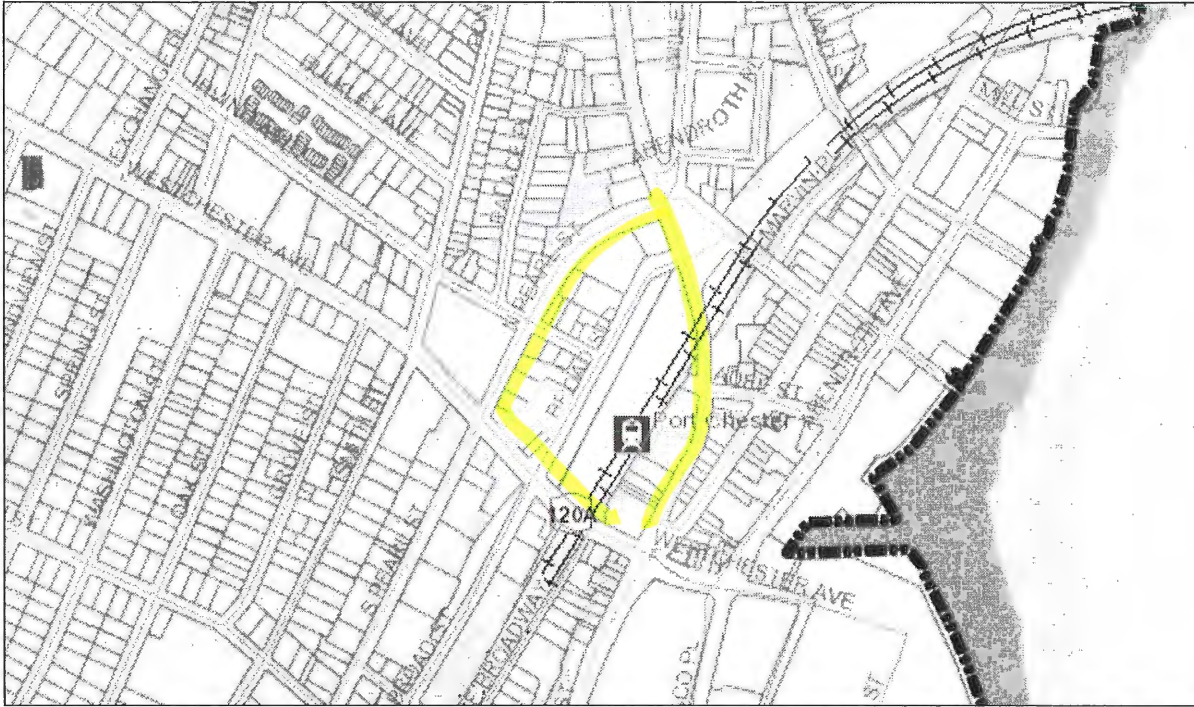
City of Rye

Tax Parcel Maps

Address: 151 Westchester Ave

Print Key: 142.30-2-19

SBL: 1420300002019000000



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.

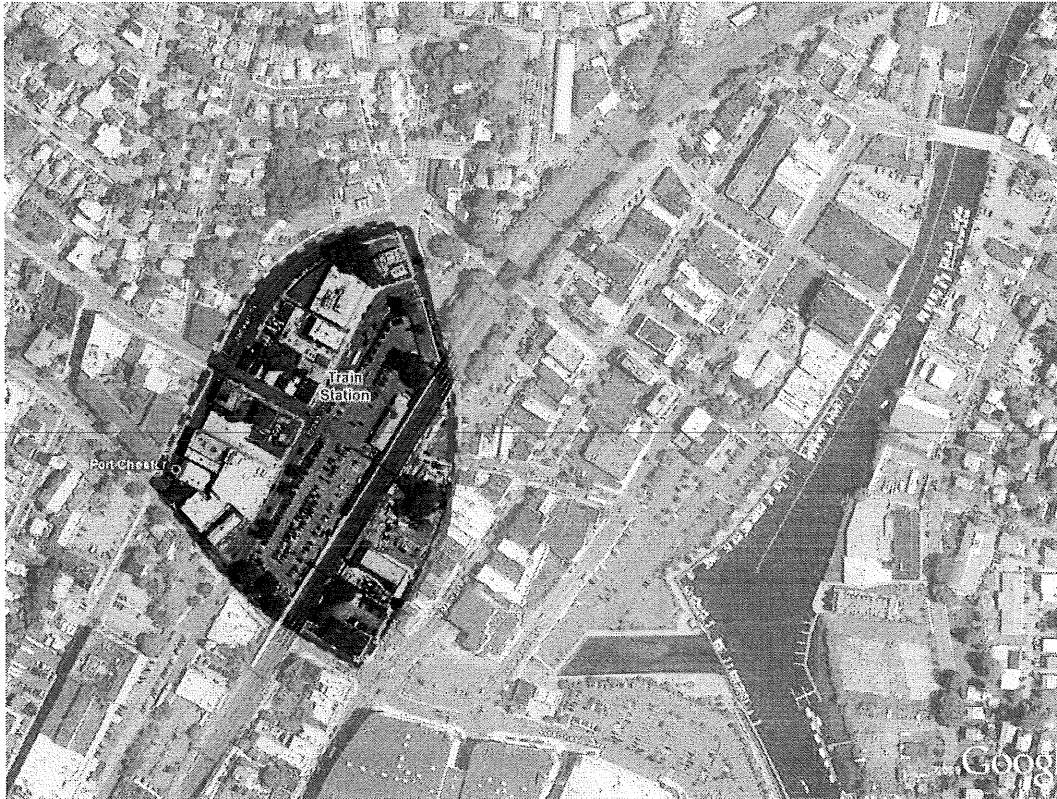
13.4 LAND USE STRATEGIES: HIGHER INTENSITY PLANNING ZONES

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

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.

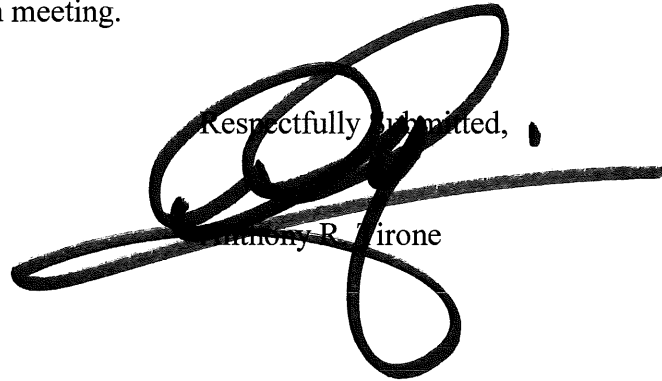
The Village's own *Route 1/North Main Street Corridor Parking Study of May 2012 (Table 7 page 50) Source: Fitzgerald & Halliday, Inc. and The Village of Port Chester, May 2012* identified approximately **3000 (Three Thousand)** public and mixed access parking spaces within a ½ mile radius of The Capitol 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

3 West Main Street, Suite 214

Elmsford, New York 10523

www.faplanners.com

with

Fitzgerald & Halliday, Inc.

72 Cedar Street

Hartford, Connecticut 06106

www.fhiplan.com

and

Dolph Rotfeld Engineering, P.C.

200 White Plains Road #3

Tarrytown, New York 10591

November 2012

Credits

Village of Port Chester

Board of Trustees

Mayor Dennis Pilla

Luis Marino, Deputy Mayor

Daniel Brakewood

John Branca

Bart Didden

Joseph Kenner

Saverio Terenzi

Christopher Steers, MPA, CFM, current Village Manager

Christopher Russo, former Village Manager

Christopher Gomez, AICP, Director of Planning and Development

Anthony Cerreto, Esq., Village Attorney

Ferrandino & Associates Inc.

Planning and Development Consultants

Vince Ferrandino, AICP, Principal-in-Charge

Christopher H. Mari, Planner

Lora Barnhill, Planner

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

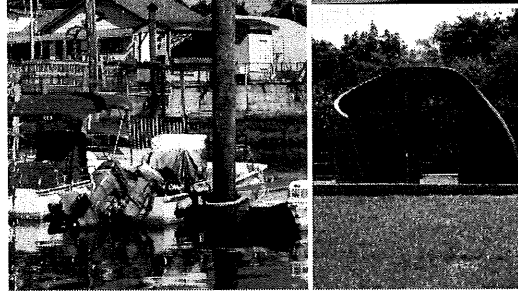
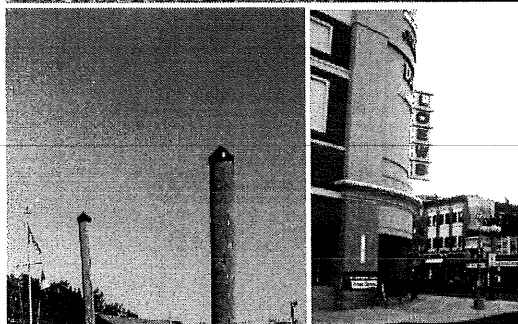
ID#	Location	Spaces	Weekday Mid-Day		Weekend Evening	
			Utilization	Unused Spaces	Utilization	Unused Spaces
Public Access Spaces						
3	Irving Avenue	49	25%	37	100%	0
4	Oak/Grove Street	95	40%	57	75%	24
7	New Broad Street	60	80%	12	3%	58
9	King/Willet Street	6	80%	1	0%	6
11	East Broadway	15	7%	14	15%	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
Daniel Brakewood
John Branca
Bart Didden
Joseph Kenner
Luis Marino
Saverio Terenzi

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We wish to acknowledge the work previously prepared by:

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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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Daniel Brakewood
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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 to 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

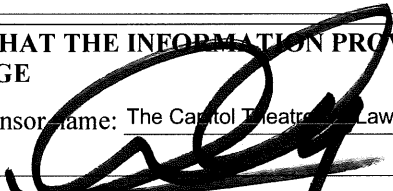
Part 1 - Project Information

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			

<p>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: _____ _____ _____</p>	<p>NO</p> <p><input type="checkbox"/></p>	<p>YES</p> <p><input type="checkbox"/></p>
<p>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: _____ _____ _____</p>	<p>NO</p> <p><input type="checkbox"/></p>	<p>YES</p> <p><input type="checkbox"/></p>
<p>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: _____ _____ _____</p>	<p>NO</p> <p><input type="checkbox"/></p>	<p>YES</p> <p><input type="checkbox"/></p>
<p>I AFFIRM THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE</p> <p>Applicant/sponsor name: <u>The Capitol Theatre Law Office of Anthony R. Tirone</u> Date: <u>December 28, 2015</u></p> <p>Signature: </p>		

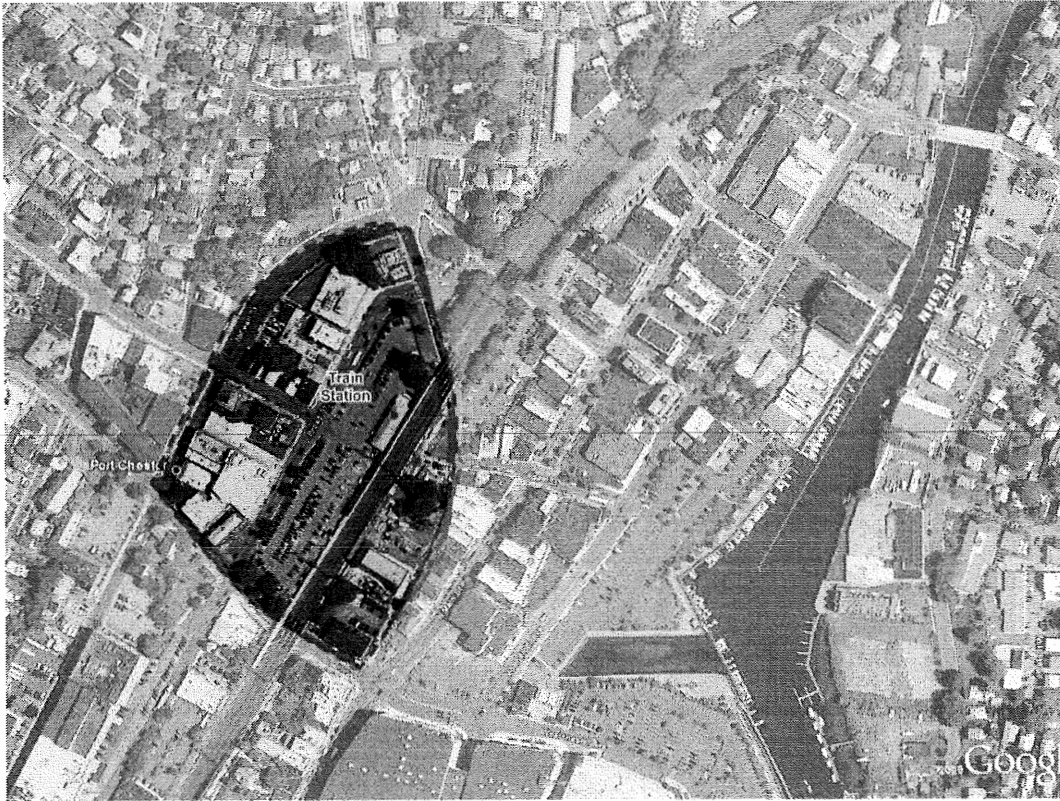
13.4 LAND USE STRATEGIES: HIGHER INTENSITY PLANNING ZONES

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.



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 & Economic Development
cc: Christopher Steers, Village Manager; Tony Cerreto, Village Attorney
Date: April 14, 2016
Re: Capitol Theatre Rezoning Review

Members of the Board,

This memorandum provides a summary of the Department of Planning & Economic Development's review of the Capitol Theatre Rezoning Petition (the "Petition"), submitted by the Capitol Theatre, LLC/Capitol Enterprises, Inc. (the "Applicant").

Background:

On January 4, 2016, 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. 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 comments, and declared their intent to be Lead Agency under the New York State Environmental Quality Review Act ("SEQRA"). At the March 21, 2016 Board meeting, the Board declared itself Lead Agency and scheduled a public hearing for April 18, 2016.

When the Petition was first received, staff indicated that since transportation and parking are at the core of the petition from an impact perspective, in order to properly evaluate the requested zoning amendment or undertake the necessary SEQRA review on behalf of the Board, 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 was necessary. To that end, and per the Board's direction, on March 30, 2016, a workshop was held to discuss parking conditions in the downtown and specific to the Capitol Theatre. The workshop included a walking tour. The RBA Group, nationally recognized experts on parking management, led the workshop and remained in the downtown to observe the conditions before, during, and after a show at the Capitol Theatre. The RBA Group returned to observe the conditions on Friday, April 8, 2016, to capture a weekend performance. The RBA Group's observations are included in an April 14, 2016 memorandum. These observations were key to the Department's review of the Petition.

Greg Del Rio from the RBA Group will be present at the April 18, 2016 Board meeting to provide a presentation on Parking Management and to discuss his observations.

Analysis:

- **Consistency with 2012 Village Comprehensive Plan:** The area proposed for rezoning is within the Downtown/Train Station Subarea of the Higher Intensity Planning Zone in the Comprehensive Plan. While the land use strategies for the subarea are not specific to parking, the overall land use theme is to encourage mixed-use and transit-oriented development (TOD). Additionally, the rezoning is consistent with a number of the Comprehensive Plan's more general recommendations, including:
 - *Historic and Cultural Resources 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.
 - *Historic and Cultural Resources Recommendation #3:* Continue to integrate the arts and entertainment into the Village's economic development activities.
 - *Economic Development 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.
 - *Economic Development Recommendation #3:* Increase Port Chester's retail capture rate by improving the profitability of commercial businesses and recruiting new establishments based on market demand.

As noted in a February 10, 2016 memorandum from this Department, to fully understand the potential future demands of residents and businesses a full parking study would need to occur. As has been discussed at previous Board meetings, the IDA is currently contemplating a Mobility and Parking Management Plan. Such Plan would respond to the following Comprehensive Plan recommendations:

- *Transportation Recommendation #5:* Develop a comprehensive approach to parking that addresses parking needs both in residential neighborhoods and in the Downtown.
 - *Infrastructure Recommendation #7:* Maintain and enhance public infrastructure and services to meet current and future demands of residents and businesses.
- **SEQRA Review:** The Board of Trustees determined that the Amended Petition (the "Proposed Action" in SEQRA terms) is an Unlisted Action. Per 617 and the instructions to filling out the various Short Environmental Assessment Form ("EAF") forms, the Short EAF Part 1 sets the project and setting is the responsibility of an applicant or project sponsor. The Short EAF Part 2 is designed to help the lead agency inventory all potential resources that could be affected by a proposed project or action and is the responsibility of the lead agency. Following that guidance, the Applicant provided a Short EAF Part 1. As the Petition is a zoning

petition on its own, only certain questions within the Short EAF Part 1 are necessary to answer. To that end, the Department of Planning & Economic Development's suggests that the Short EAF Part 1 has been completed sufficiently by the Applicant. Attached please find a draft of a completed Short EAF Part 2, prepared by the Department of Planning & Economic Development. Similar to the Short EAF Part 1, as this is a zoning petition, most of the listed resources are not anticipated to be impacted as a result of the rezoning. The draft EAF Part 2 identifies the following resource that may be impacted by the Petition:

- *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?*

Next Steps:

After the Board of Trustees opens and then closes the public hearing, should the Board wish to further the Petition, the following steps would need to be taken by the Board:

- **Short EAF Part 3** – Direct the Department of Planning & Development to prepare a draft Short EAF Part 3 for the Board of Trustees' consideration, based upon the above analysis, as well as any comments or testimony received during the public hearing. The Short EAF Part 3 provides the reasons in support of the SEQRA determination of significance.
- **SEQRA Environmental Determination** – Based on the analysis in Short EAF Part 3, the Board of Trustees would then decide whether to require an environmental impact statement to further assess the proposed action or whether available information is sufficient to conclude that the proposed action will not have a significant adverse environmental impact. This would complete the SEQRA process. Based upon the information provided, the Department of Planning & Economic Development does not suggest that an environmental impact statement is necessary.
- **Zoning Determination** – Should the Board determine that the Petition would not have a significant adverse environmental impact, it could then consider the adoption of the proposed zoning amendment.

It should be noted that the Planning Commission tabled the discussion of the Petition at its March 28, 2016 meeting until the parking workshop results were provided. The Planning Commission anticipated discussing the Petition at its April 25, 2016 meeting and providing its comments to the Board. Such comments would be available for the Board's consideration at the next Board meeting on May 2, 2016.

Short EAF Part 2

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?		
2. Will the proposed action result in a change in the use or intensity of use of land?		
3. Will the proposed action impair the character or quality of the existing community?		
4. Will the proposed action have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area (CEA)?		
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?		
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?		
7. Will the proposed action impact existing: a. public / private water supplies?		
b. public / private wastewater treatment utilities?		
8. Will the proposed action impair the character or quality of important historic, archaeological, architectural or aesthetic resources?		
9. Will the proposed action result in an adverse change to natural resources (e.g., wetlands, waterbodies, groundwater, air quality, flora and fauna)?		
10. Will the proposed action result in an increase in the potential for erosion, flooding or drainage problems?		
11. Will the proposed action create a hazard to environmental resources or human health?		

Robert P. Astorino
County Executive

County Planning Board

February 29, 2016

Eric Zamft, AICP, Director
Department of Planning & Economic Development
Village of Port Chester
222 Grace Church Street
Port Chester, NY 10573

Subject: **Referral File No. PCH 16-003 — Zoning Text Amendment:
Parking Requirements, Capitol Theater**

Dear Mr. Zamft:

The Westchester County Planning Board has received a copy of a petition to amend the Village Zoning Code to remove off-street parking requirements for entities within the C5 Train Station Mixed-Use District in order to enhance the viability and growth of businesses located in this downtown business district.

We have no objection to the Board of Trustees assuming Lead Agency status under the New York State Environmental Quality Review Act.

We have reviewed this matter under the provisions of Section 239 L, M and N of the General Municipal Law and Section 277.61 of the County Administrative Code and find that there are no County or intermunicipal planning issues of concern to the County Planning Board. This action is a matter for local determination in accordance with your community's planning and zoning policies.

Thank you for the opportunity to comment on this matter.

Respectfully,
WESTCHESTER COUNTY PLANNING BOARD

Kon
By: 

Edward Buroughs, AICP
Commissioner

EEB/KE

Memorandum

To: Eric Zamft, Director of Planning and Economic Development

From: Greg Del Rio

Date: April 14, 2016

Re: Village of Port Chester – Capitol Theatre Event Parking

This memorandum summarizes parking conditions in downtown Port Chester before and during evenings when an event is occurring at the Capitol Theater. The intent of the observations was to assess existing parking conditions in the downtown area; determine the effect on parking resulting from Capitol Theater events; understand how the parking lots leased and operated by the Capitol Theater are utilized during an event; identify any potential parking management strategies to improve conditions during an event; and determine the effectiveness of the existing parking regulations.

Introduction

This parking assessment was requested by the Village of Port Chester and will support their determination regarding the Capitol Theatre's petition to remove the off-street parking restrictions for cabarets, catering and events establishments and theaters in the C5 Train Station Mixed Use District.

A meeting was held on March 30th with various Village representatives, Capitol Theatre representatives, other stakeholders, and the RBA Group Engineer. The meeting included a discussion of parking issues and conditions during Capitol Theatre events, as well as a brief presentation by RBA to introduce the participants to general Parking Management Strategies for Downtown environments.

The Parking Management presentations provided examples of best practices, and strategies implemented in other similar settings. Progressive parking strategies to manage both parking demand and supply can also reinforce urban design, environmental sustainability, economic revitalization, civic engagement, and public policy. These strategies involve pricing, shared parking concepts, applications of the latest technology, and encouraging alternate modes of transportation. RBA's unique approach to parking management includes the sustainable incremental principles of Reduce, Reuse, Recycle.

- Reduce - parking demand through demand strategies such as enhancement of alternative travel modes, walkability, bicycle infrastructure, transit access, wayfinding, and encouragement of increased vehicle occupancy.

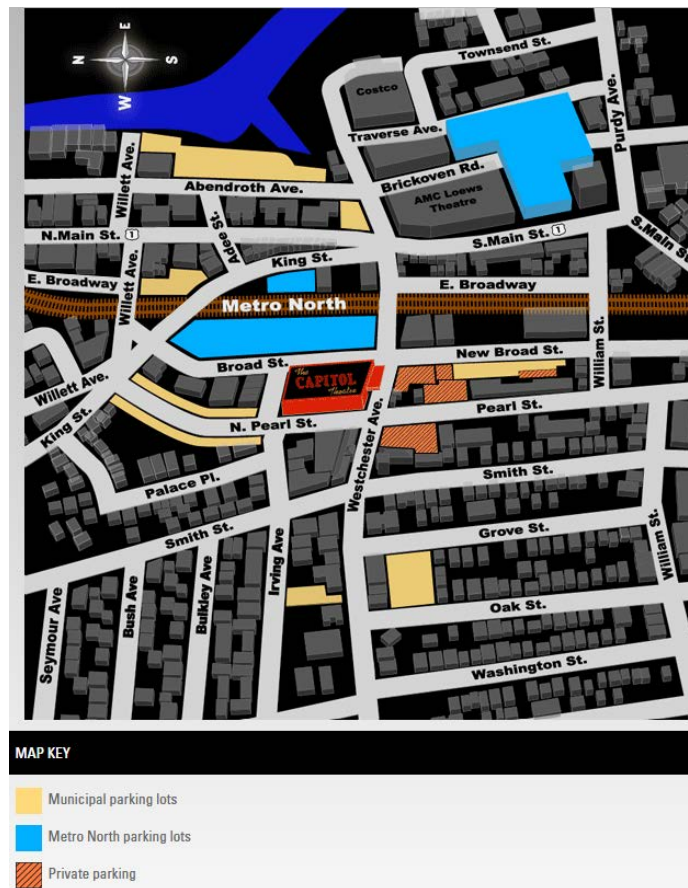
- Reuse - existing parking supply more efficiently through strategies such as regulations, pricing, permits, technology such as smart signs and phone/web applications, zoning, shared-parking, as well as operations.
- Recycle - parking areas to provide additional supply through strategies such as restriping, new surface or structured parking, lifts, valet, and shuttles/remote lots.

Summary of Observations

Observations were conducted during two separate events representing a typical mid-week evening condition and a peak Friday evening condition. The events were Joe Satriani on Wednesday, March 30th, and Lettuce on Friday, April 8th.

Parking conditions were observed for a large area surrounding the Capitol Theater, including Haseco Avenue (Public Library) to the west, private lots along the waterfront to the east (the “Marina Lot”), “Waterfront” Parking Garage to the south, and Highland Street/Mill Street to the north. The study area is shown in the figure below, which is from the Capitol Theatre’s website.

The MTA owns three of the parking areas, all of which have a mix of permit and metered spaces, and unregulated during weekends. The three lots include the main lot west of the tracks off Broad Street, a smaller lot east of the tracks off King Street, and the second floor of the “Waterfront” Parking Garage.



All public parking spaces west of Main Street and on Main Street (on-street and off-street) have uni-meter pay-stations, with payment required until 9pm. Spaces east of Main Street are free. The 2nd floor of “The Waterfront at Port Chester” parking garage is operated by the LAZ Parking under contract to the MTA, and available for general parking at metered spaces. While the Capitol Theater website states these spaces are free after 4:30pm weekdays, the signs at the pay-stations indicate parking is only free on weekends and holidays.



“Joe Satriani” on Wednesday, March 30th

Overview: There was available parking throughout the surrounding area during the course of observations from 6pm through 9pm.

- The MNR Lot was close to full at 6pm, but spaces emptied during the course of the night, with more than half available after 9pm. The metered spaces were full by 9pm with little turnover after 8:30pm, but consistently turned-over prior as the evening progressed from commuters leaving to evening patrons/visitors arriving.
- The same effect was observed at the metered spaces along New Broad Street and King Street among other block faces such as Irving Avenue, with several available spaces at each of these location at 9pm, except New Broad Street, which was full by 8:30pm.
- Oak Street Lot was about a third utilized.
- Irving Street Lot was close to full (though most appeared due to T&J’s Italian Restaurant).
- East of Main Street, the Marina Lot was full most of the night, Costco had ample spaces available, and the 2nd floor of the garage had less than 100 cars after 7pm.
- Pedestrians were observed walking for Main Street, as well as parking south of Main Street during the course of the evening, indicating that a fair portion of Theater patrons are visiting the area restaurants, and/or using available free parking east of Main Street.
- The three lots operated by the Capitol Theater all had available spaces, with a total of about 60 total vehicles parked at 9pm. *(Note: the New Broad Street lot has approximately 40 spaces, and many were filled prior to 6pm. Some cars were observed leaving over the course of the night. So it is unclear what portion of the demand is related to the Capitol Theater).*

“Lettuce” on Friday, April 8th

Overview: Parking demands were noticeably greater during the Friday evening peak than mid-week. There was less available parking throughout the surrounding area during the course of observations from 6pm through 9pm than during a weekday, however there were available spaces at most lots and some blocks curbside, except for a brief period from approximately 8:30 to 9:00pm.

- The MNR Lot was close to full at 6pm, became about half empty by 7pm, then backfilled close to capacity during the course of the night with about 20 spaces available at 9pm. The metered spaces were full by 9pm, but consistently turned-over as the evening progressed from commuters leaving to evening visitors arriving. In addition to Theatre patrons, a fair portion of the MNR demand appeared related to the Heartland Brewery.
- The same effect was observed at the metered spaces along New Broad Street and King Street among other block faces. Most of these spaces were full between 8 and 9pm, but some started to become available after 9pm. Presumably these are restaurant patrons beginning to leave the downtown. Once again, Irving Street spaces west of Poinigo Street remained underutilized.
- Oak Street Lot was about a half utilized, and Irving Street Lot was close to full (though again, most appeared due to T&J’s Italian Restaurant).
- East of Main Street, the Marina Lot was full most of the night, Costco had ample spaces available, and the 2nd floor of the garage had no more than 150 cars after 7pm. *The cars parked on the second floor did not appear to turn over significantly during observations, indicating that Theatre patrons may not be finding this option.*
- Pedestrians were observed walking for Main Street, as well as parking south of Main Street during the course of the evening, indicating that a fair portion of Theater patrons are visiting the area restaurants, and/or using available free parking east of Main Street.
- The three lots operated by the Capitol Theater all had available spaces, with a total of about 82 total vehicles parked at 9pm. *(Note: the New Broad Street lot has approximately 40 spaces, and many were filled prior to 6pm. Some cars were observed leaving over the course of the night. Again, it is unclear what portion of the demand is related to Capitol Theatre, though apparent that demand was higher than midweek evenings).*



Capitol Theater Leased and Operated Lots During Events

The Capitol Theater leases three parking lots within a block walk of the Theater. They are attended by a vendor who operates the lots during events, and charges \$20 per vehicle. The following reflects supply and demand on the Friday evening peak at 9:00 pm.

	Capacity (Striped)	Utilization (Peak at 9pm)
1- New Broad St Lot	40	40
2 – Neri’s Lot	41	15
3 – Church Lot	36	27
Total	117	82

Findings

During mid-week events, it appears there is generally ample parking available throughout the study area. If the three leased parking lots were not included in the parking supply, the remaining public and private parking supply throughout the study area would provide enough capacity to accommodate the demand (roughly 60 spaces) and still have some reserve capacity.

Peak Friday evening events experience greater overall demands, generally due to the restaurant and pub patrons. The Theater-operated parking lots also experienced greater demands (roughly 80 spaces), and it is likely that some impact and inconvenience would be experienced throughout the study area, particularly west of Main Street, if these lots were not available.

Spaces east of Main Street remained underutilized during both events, except for the Marina Lot.

The Neri’s Bakery Lot, which is leased by the Theater, was underutilized with about 15 cars parked during both events.

Based upon these observations, even if all three leased lots were removed as options, during a mid-week event it would be anticipated that there would still be enough capacity in the study area to accommodate event demand. The same, however, would not be true for a weekend event, especially the more popular acts. There is reliance on the lots to provide capacity necessary to accommodate popular weekend events.

Recommendations

Encourage Capitol Theater/Garcias’s employees to park east of Main Street or other remote parking areas.

Consider “Event Wayfinding Signs” to direct to “The Waterfront at Port Chester” parking garage, 2nd Floor. This is typically provided as part of the Parking Management plan implemented by the

Venue. The schematic plan is developed for implementation, and reviewed by the local municipality, including Police Department. The schematic Plan shows sign type and content (wording, arrows), sign location, and time period for display. They typically direct vehicles arriving from the major access routes, such as the interstate system.

Edit the Capitol Theater's website parking page to include flow arrows to/from parking lots for vehicles and pedestrians.

Consider limiting the need for the leased parking on an event-by-event basis. The elimination of the Neri's Bakery Lot is not anticipated to have a significant impact on most nights. (Note: discussion with valet operator indicated some peak events, such as Phil Lesh, do experience greater demands).

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



VILLAGE OF
PORT CHESTER

222 Grace Church Street, Port Chester, New York 10573

RES -01
 BOT 4-18-16

AGENDA MEMO

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

BOT Meeting Date: 4/18/2016

Item Type: Public Hearing

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)

Port North Main Street Rezoning: SEQRA Determination of Significance and Zoning Text Amendments

Summary

On October 6, 2015, Port North Main Street LLC (the "Applicant") filed site plan applications for 531 and 601 North Main Street to convert the existing buildings to retail use. Recognizing that retail is currently not a permitted use in the C4 General Commercial Zoning District in which the properties are located, the Applicant concurrently filed a petition on December 15, 2015 for a proposed zoning text amendment to Village Code Chapter 345, to allow retail as a special exception use within all or part of the C4 District, to provide a parking standard for retail use, and to provide specific special exception criteria (the "Original Petition"). The Original Petition also offered an alternative to create

a new zoning district in the North Main Street area of the Village. The Applicant made a presentation to the Board of Trustees on the Original Petition at the January 19, 2016 Board meeting. At the January 19, 2016 Board meeting, the Board accepted the Original Petition for consideration and review, referred the matter to the Planning Commission and Waterfront Commission for their review and comments, and declared their intent to be Lead Agency under the New York State Environmental Quality Review Act ("SEQRA").

At its January 25, 2016 meeting, the Planning Commission held a public meeting on the zoning and provided comments, as encapsulated in the January 25, 2016 Planning Commission meeting minutes. The Planning Commission did not comment on the site plans, as the zoning change is necessary first for that review to occur. The Planning Commission's comments are attached.

Based upon the Planning Commission's comments and an initial review by the Department of Planning & Economic Development, the Applicant filed an Amended Petition to specifically request the four elements noted above in the introductory paragraph (the "Amended Petition"). As part of the Amended Petition, the Applicant has provided a Long Environmental Assessment Form (Long "EAF") for SEQRA purposes and a Coastal Assessment Form ("CAF") for Local Waterfront Revitalization Program ("LWRP") consistency purposes.

At the March 7, 2016 meeting, the Board of Trustees accepted the Amended Petition, declared itself as Lead Agency under SEQRA, and scheduled a public hearing for April 4, 2016.

The CAF was provided to the Waterfront Commission for their review. At the March 30, 2016 Waterfront Commission meeting, the Amended Petition was discussed and the Waterfront Commission issued a determination that the Amended Petition was consistent with the LWRP, adopted in 1992 and amended in 1999.

In a February 29, 2016 letter, Westchester County stated that they reviewed the rezoning petition under the provisions of Section 239 L, M and N of the General Municipal Law and Section 277.61 of the County Administrative Code and found the proposed zoning amendment to be a matter for local determination.

In a March 3, 2016 letter, the New York State Department of Transportation ("NYSDOT") did not object to the Board of Trustees acting as Lead Agency and stated that any proposed work within the NYSDOT Right-of-Way requires a Highway Work Permit (HWP).

In a March 24, 2016 letter, the New York State Department of Environmental Conservation ("NYSDEC") did not object to the Board of Trustees acting as Lead Agency and provided a number of comments related to the applicability of certain permits.

On April 4, 2016, the Board held a public hearing on the question of enactment of Local Law No. I- of 2016, being a Local Law amending the official zoning map and the text of

Chapter 345, Article XVI of the Village Code (Zoning) to create the C4-R Gateway Retail Zoning District.

Given that, there are three separate matters that need to be resolved, in order that they need to be heard:

1. **LWRP Consistency** – Although the Village is currently in the process of receiving adoption of an update to its LWRP, we are currently still bound by the 1992 (as amended in 1999) version. The Waterfront Commission found the Petition to be consistent with the 1992 LWRP. Per that 1992 LWRP, if the Waterfront Commission finds that an action is consistent with the LWRP, the agency (in this case the Board) is to prepare its own finding. Based upon the Waterfront Commission’s finding and staff’s review of the information provided in the CAF and EAF documentation, it is recommended that the Board adopt a finding that the Amended Petition is consistent with the LWRP. The Board would need to adopt such finding for the project to continue.
2. **SEQRA Determination of Significance** – The Board is the Lead Agency under SEQRA. Staff has reviewed the provided material and has prepared a Full Environmental Assessment Form (“EAF”) Part 3, which includes a suggested determination of significance – i.e., a Negative Declaration. This would complete the SEQRA process.
3. **Zoning** – Once the SEQRA process is completed, the Board has the ability to make a determination on the actual zoning text and map amendment, as formulated in Local Law No. I- of 2016.

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

1. Adopts the Board’s LWRP Findings
2. Adopts the SEQRA Determination of Significance
3. Adopts the Local Law

Attachments
<ul style="list-style-type: none">• Amended Petition• Environmental Assessment Form (EAF) Part 1• Coastal Assessment Form (CAF)• Planning Commission minutes from January 25, 2016• Waterfront Commission LWRP Determination from March 30, 2016• Department of Planning & Economic Development memorandum, including EAF Part 2• Westchester County Letter• NYSDOT Letter• NYSDEC Letter• EAF Part 3 (Negative Declaration)• Proposed Local Law

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

In the Matter of the Application of

PORT NORTH MAIN STREET LLC

AMENDED
PETITION

For amendments to §§ 345-14.C.(2), 345-50, 345-61 and 345
Attachment 3B of the Village of Port Chester Zoning Code.

-----X

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

REQUESTED ZONING AMENDMENTS

1. To accommodate the Proposed Project, the Petitioner is requesting that a new Zoning District be created (“C4-R”) entitled “Gateway Retail,” and the C4-R be mapped to include the portions of the current C-4 District corridor along North Main Street that are from Terrace Avenue to the northern border of the District at or about Hillside Avenue and Riverside Avenue.

2. The following are the requested Zoning Amendments:

SECTION 1: The Code of the Village of Port Chester, Article IV, Section 345-14.C.(2), is hereby amended to read as follows:

Uses	Number of Spaces Required
Retail stores or personal service stores within the C4-R District floor area.	1 per 300 square feet of gross

SECTION 2: The Code of the Village of Port Chester, Article IX, is hereby amended to include § 345-50.3. C4-R Gateway Retail District to read as follows:

§ 345-50.3. C4-R Gateway Retail District

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

SECTION 3: The Code of the Village of Port Chester, Article X, § 345-61 is hereby amended to include § 345-61.Y Retail store or personal service shop within the C4-R District to read as follows:

Y. Retail store or personal service shop within the C4-R District

- (1) In addition to the general standards, set forth in §§ 345-59 and 345-60, for the granting of a special exception use, the Planning Commission shall also consider the following criteria:
 - (a) On parcels adjacent to the Byram River, access shall be provided and/or the site plan and on-site landscaping shall be designed to provide a view scape of the river, to the extent practicable, via viewsheds through parking lots and other non-improved areas of the site.

SECTION 4: The Code of the Village of Port Chester, 345 Attachment 3A, is hereby amended to include:

Type of Use	C4-R Gateway Retail §345-50.3
Residential Uses	
1 Family Dwelling	X
2 Family Dwelling	X
Multifamily Dwelling	X
Multifamily Dwelling (floors above first floor)	X
Residential Community Facilities	
Church or other Place of Worship, Parish House, Rectory, Sunday School, Convent, Seminary	SE
General Community Facilities	
Assembly Hall	SE
Convalescent home or nursing home	X
Hospital	X
Medical and dental offices, not including operating room or community X-ray or therapy room	X
Membership club, fraternal organization or similar social institution not operated for a profit	SE
Nursery school, day camp or day care center	X
Public utility facility	SE
School, elementary or high, public, private, or parochial, having a curriculum equivalent to that ordinarily given in public schools.	X
Medical and dental offices including X-ray and therapy room	X
Business Uses	
Automobile repair garage	SE
Bank, excluding drive-in	P
Bar or Tavern	X
Bowling Alley	SE
Cabaret	X
Catering and Events Establishment	X
Commercial Indoor Athletic Training Facility	X
Drive-in establishments other than restaurant, or circus, carnival, or other outdoor amusements	SE
Drive-in and fast-food restaurant	SE

Food processing shop	SE
Funeral Home	SE
Gasoline Station	SE
Health Club, including racquetball facilities and indoor swimming pools	P
Heating, air conditioning, plumbing, electrical, and similar construction businesses, excluding open storage of materials	P
Hotel or Motel	X
Hotel, Motel (floors above first floor)	X
Hotel, limited service	X
Marina or yacht club	X
Theater	X
Motor Vehicle Sales lot, motor vehicle salesroom and accessory repair shop	SE
Office, Office Building	P
Office, Office Building (floors above first floor)	P
Off-street parking lot or garage for motor vehicles, but not including storage of used or new motor vehicles for sale or hire; minimum requirements shall be in accordance with § 345-14.	P
Pawnshops	X
Radio or television station studio, excluding transmission tower	P
Radio or television station studio excluding transmission tower (floors above first floor)	P
Shooting ranges with accessory sales of guns and equipment	X
Table-service restaurant, no drive-in, open front, fast food, or curb-service types	P
Tax Preparation Office	X
Retail store or personal service shop, services clearly incidental to retail sales on the premises or to personal services	SE
Veterinary hospital or board and care of small animals	SE
Wholesale business, storage building or warehouse	P
Industrial uses	
Cold storage plant, ice plant, bottling central distribution station, light or power plant, or garbage or sewage disposal facility	X
Creamery, ice cream plant or bakery plant	P
Laundry or dry-cleaning plant	X
Nonnuisance industry, provided that in nonindustrial districts equipment is used that has a rating of no more than 5 horsepower	P
Open storage of equipment or materials	X
Printing plant	P
Research laboratory, provided that is shall not be obnoxious by reason of dissemination of smoke, dust, fumes, noise or vibration, or hazardous from fire waste materials or the creation of excessive demands upon municipal services	SE
Accessory Uses	
CD Accessory garden center	X
Customary accessory structure or use, including cultural, recreational, or athletic facility, meeting room or similar accessory structure or use related to a school, church, or other place of worship	P
Ethical Pharmacy	X
Ground-floor office as accessory use to multifamily development	X

Private garage or private off-street parking area, in accordance with § 345-14	P
Sign, in accordance with § 345-15	P

Notes:

- P = permitted use
- SE = special exception use
- X = prohibited use

SECTION 5: The Code of the Village of Port Chester, 345 Attachment 3B, is hereby amended to include:

Type of Use	C4-R Gateway Retail §345-50.3
Maximum Floor Area Ratio (See definition, § 345-2)	2.0
Maximum Floor Area Ratio For 1 Story	0.5
Minimum Size of Lot:	
Area, nonresidential (square feet)	NR
Area per dwelling unit (square feet)	NR
Width (feet) (e)	40
Depth (feet)	NR
Minimum Yard Dimensions:	
Front (feet)	NR
Side	
One (feet)	NR(a)
Total of 2 on interior lot (feet)	NR(a)
Rear (feet)	NR
Maximum Height of Building:	
In stories	3
In feet	45
Minimum Usable Open Space on Lot:	
For each dwelling unit (square feet)	NR

NOTES:

- (a) If provided at least ten (10) feet per yard.
 - (b) One-half (½) the height of the building to which the yard is related, but not greater than twenty (20) feet.
 - (c) Each twenty-five (25) feet or one-half (½) the height of the building, whichever is greater.
 - (d) Twenty (20) square feet for each patient bed in a sanatorium, convalescent home or nursing home.
 - (e) Must be maintained from the minimum front yard depth to the rear lot line.
- 1 A floor area ratio (FAR) bonus of 0.8 is available in accordance with §345-16.
 - 2 A minimum of 575 sq. ft. of lot area per dwelling unit can be achieved through a Building Height and Floor Area Bonus Program in accordance with §345-16.
 - 3 A Floor Area Bonus of 0.5 available in accordance with §345-16.
 - 4 A minimum of 250 sq. ft. of lot area per dwelling unit can be achieved through a Building Height and Floor Area Bonus Program in accordance with §345-16.
 - 5 A minimum of 400 sq. ft. of lot area per dwelling unit can be achieved through a Building Height and Floor Area Bonus Program in accordance with §345-16.
 - 6 A building height bonus of 2 stories (30 feet) is available in accordance with §345-16.
 - 7 A building height bonus of 1 story (10 feet) is available in accordance with §345-16.

8 See §345-7.E.

9 A floor area bonus of 0.20 is available in accordance with §345-16. For any mixed use (commercial/residential) structure, a building height bonus of 2 stories (15 feet) is available in accordance with §345-16.

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

11 A minimum of 500 sq. ft. of lot area per dwelling unit can be achieved through a Building Height and Floor Area Bonus Program in accordance with §345-16.

NR = none required

SECTION 6: The Official Zoning Map of the Village of Port Chester is hereby amended to include the C-4R Gateway Retail District, comprising Section 136.64, Block 1, Lots 30, 33, 34, 35, 36, 38, 39, 40, and 61 of the Town of Rye Official Tax Map.

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

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

Dated: Rye Brook, New York
February 25, 2016

Full Environmental Assessment Form
Part 1 - Project and Setting

Instructions for Completing Part 1

Part 1 is to be completed by the applicant or project sponsor. 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; indicate whether missing information does not exist, or is not reasonably available to the sponsor; and, when possible, generally describe work or studies which would be necessary to update or fully develop that information.

Applicants/sponsors must complete all items in Sections A & B. In Sections C, D & E, most items contain an initial question that must be answered either “Yes” or “No”. If the answer to the initial question is “Yes”, complete the sub-questions that follow. If the answer to the initial question is “No”, proceed to the next question. Section F allows the project sponsor to identify and attach any additional information. Section G requires the name and signature of the project sponsor to verify that the information contained in Part 1 is accurate and complete.

A. Project and Sponsor Information.

Name of Action or Project:		
Project Location (describe, and attach a general location map):		
Brief Description of Proposed Action (include purpose or need):		
Name of Applicant/Sponsor:		Telephone:
		E-Mail:
Address:		
City/PO:	State:	Zip Code:
Project Contact (if not same as sponsor; give name and title/role):		Telephone:
		E-Mail:
Address:		
City/PO:	State:	Zip Code:
Property Owner (if not same as sponsor):		Telephone:
		E-Mail:
Address:		
City/PO:	State:	Zip Code:

B. Government Approvals

B. Government Approvals, Funding, or Sponsorship. (“Funding” includes grants, loans, tax relief, and any other forms of financial assistance.)

Government Entity	If Yes: Identify Agency and Approval(s) Required	Application Date (Actual or projected)
a. City Council, Town Board, or Village Board of Trustees <input type="checkbox"/> Yes <input type="checkbox"/> No		
b. City, Town or Village Planning Board or Commission <input type="checkbox"/> Yes <input type="checkbox"/> No		
c. City Council, Town or Village Zoning Board of Appeals <input type="checkbox"/> Yes <input type="checkbox"/> No		
d. Other local agencies <input type="checkbox"/> Yes <input type="checkbox"/> No		
e. County agencies <input type="checkbox"/> Yes <input type="checkbox"/> No		
f. Regional agencies <input type="checkbox"/> Yes <input type="checkbox"/> No		
g. State agencies <input type="checkbox"/> Yes <input type="checkbox"/> No		
h. Federal agencies <input type="checkbox"/> Yes <input type="checkbox"/> No		
i. Coastal Resources. <ul style="list-style-type: none"> <li data-bbox="121 829 1542 861">i. Is the project site within a Coastal Area, or the waterfront area of a Designated Inland Waterway? <input type="checkbox"/> Yes <input type="checkbox"/> No <li data-bbox="121 892 1542 924">ii. Is the project site located in a community with an approved Local Waterfront Revitalization Program? <input type="checkbox"/> Yes <input type="checkbox"/> No <li data-bbox="121 924 1542 955">iii. Is the project site within a Coastal Erosion Hazard Area? <input type="checkbox"/> Yes <input type="checkbox"/> No 		

C. Planning and Zoning

C.1. Planning and zoning actions.

Will administrative or legislative adoption, or amendment of a plan, local law, ordinance, rule or regulation be the only approval(s) which must be granted to enable the proposed action to proceed? Yes No

- **If Yes**, complete sections C, F and G.
- **If No**, proceed to question C.2 and complete all remaining sections and questions in Part 1

C.2. Adopted land use plans.

a. Do any municipally- adopted (city, town, village or county) comprehensive land use plan(s) include the site where the proposed action would be located? Yes No

If Yes, does the comprehensive plan include specific recommendations for the site where the proposed action would be located? Yes No

b. Is the site of the proposed action within any local or regional special planning district (for example: Greenway Brownfield Opportunity Area (BOA); designated State or Federal heritage area; watershed management plan; or other?) Yes No

If Yes, identify the plan(s):

c. Is the proposed action located wholly or partially within an area listed in an adopted municipal open space plan, or an adopted municipal farmland protection plan? Yes No

If Yes, identify the plan(s):

C.3. Zoning

a. Is the site of the proposed action located in a municipality with an adopted zoning law or ordinance. Yes No
If Yes, what is the zoning classification(s) including any applicable overlay district?

b. Is the use permitted or allowed by a special or conditional use permit? Yes No

c. Is a zoning change requested as part of the proposed action? Yes No

If Yes,

i. What is the proposed new zoning for the site? _____

C.4. Existing community services.

a. In what school district is the project site located? _____

b. What police or other public protection forces serve the project site?

c. Which fire protection and emergency medical services serve the project site?

d. What parks serve the project site?

D. Project Details

D.1. Proposed and Potential Development

a. What is the general nature of the proposed action (e.g., residential, industrial, commercial, recreational; if mixed, include all components)?

b. 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

c. Is the proposed action an expansion of an existing project or use? Yes No
i. If Yes, what is the approximate percentage of the proposed expansion and identify the units (e.g., acres, miles, housing units, square feet)? % _____ Units: _____

d. Is the proposed action a subdivision, or does it include a subdivision? Yes No
If Yes,

i. Purpose or type of subdivision? (e.g., residential, industrial, commercial; if mixed, specify types)

ii. Is a cluster/conservation layout proposed? Yes No

iii. Number of lots proposed? _____

iv. Minimum and maximum proposed lot sizes? Minimum _____ Maximum _____

e. Will proposed action be constructed in multiple phases? Yes No

i. If No, anticipated period of construction: _____ months

ii. If Yes:

- Total number of phases anticipated _____
- Anticipated commencement date of phase 1 (including demolition) _____ month _____ year
- Anticipated completion date of final phase _____ month _____ year

• Generally describe connections or relationships among phases, including any contingencies where progress of one phase may determine timing or duration of future phases: _____

f. Does the project include new residential uses? Yes No
 If Yes, show numbers of units proposed.

	<u>One Family</u>	<u>Two Family</u>	<u>Three Family</u>	<u>Multiple Family (four or more)</u>
Initial Phase	_____	_____	_____	_____
At completion	_____	_____	_____	_____
of all phases	_____	_____	_____	_____

g. Does the proposed action include new non-residential construction (including expansions)? Yes No
 If Yes,

i. Total number of structures _____

ii. Dimensions (in feet) of largest proposed structure: _____ height; _____ width; and _____ length

iii. Approximate extent of building space to be heated or cooled: _____ square feet

h. Does the proposed action include construction or other activities that will result in the impoundment of any liquids, such as creation of a water supply, reservoir, pond, lake, waste lagoon or other storage? Yes No
 If Yes,

i. Purpose of the impoundment: _____

ii. If a water impoundment, the principal source of the water: Ground water Surface water streams Other specify: _____

iii. If other than water, identify the type of impounded/contained liquids and their source. _____

iv. Approximate size of the proposed impoundment. Volume: _____ million gallons; surface area: _____ acres

v. Dimensions of the proposed dam or impounding structure: _____ height; _____ length

vi. Construction method/materials for the proposed dam or impounding structure (e.g., earth fill, rock, wood, concrete): _____

D.2. Project Operations

a. Does the proposed action include any excavation, mining, or dredging, during construction, operations, or both? Yes No
 (Not including general site preparation, grading or installation of utilities or foundations where all excavated materials will remain onsite)
 If Yes:

i. What is the purpose of the excavation or dredging? _____

ii. How much material (including rock, earth, sediments, etc.) is proposed to be removed from the site?

- Volume (specify tons or cubic yards): _____
- Over what duration of time? _____

iii. Describe nature and characteristics of materials to be excavated or dredged, and plans to use, manage or dispose of them. _____

iv. Will there be onsite dewatering or processing of excavated materials? Yes No
 If yes, describe. _____

v. What is the total area to be dredged or excavated? _____ acres

vi. What is the maximum area to be worked at any one time? _____ acres

vii. What would be the maximum depth of excavation or dredging? _____ feet

viii. Will the excavation require blasting? Yes No

ix. Summarize site reclamation goals and plan: _____

b. Would the proposed action cause or result in alteration of, increase or decrease in size of, or encroachment into any existing wetland, waterbody, shoreline, beach or adjacent area? Yes No
 If Yes:

i. Identify the wetland or waterbody which would be affected (by name, water index number, wetland map number or geographic description): _____

ii. Describe how the proposed action would affect that waterbody or wetland, e.g. excavation, fill, placement of structures, or alteration of channels, banks and shorelines. Indicate extent of activities, alterations and additions in square feet or acres:

iii. Will proposed action cause or result in disturbance to bottom sediments? Yes No

If Yes, describe: _____

iv. Will proposed action cause or result in the destruction or removal of aquatic vegetation? Yes No

If Yes:

- acres of aquatic vegetation proposed to be removed: _____
- expected acreage of aquatic vegetation remaining after project completion: _____
- purpose of proposed removal (e.g. beach clearing, invasive species control, boat access): _____
- _____
- proposed method of plant removal: _____
- if chemical/herbicide treatment will be used, specify product(s): _____

v. Describe any proposed reclamation/mitigation following disturbance: _____

c. Will the proposed action use, or create a new demand for water? Yes No

If Yes:

i. Total anticipated water usage/demand per day: _____ gallons/day

ii. Will the proposed action obtain water from an existing public water supply? Yes No

If Yes:

- Name of district or service area: _____
- Does the existing public water supply have capacity to serve the proposal? Yes No
- Is the project site in the existing district? Yes No
- Is expansion of the district needed? Yes No
- Do existing lines serve the project site? Yes No

iii. Will line extension within an existing district be necessary to supply the project? Yes No

If Yes:

- Describe extensions or capacity expansions proposed to serve this project: _____
- _____
- Source(s) of supply for the district: _____

iv. Is a new water supply district or service area proposed to be formed to serve the project site? Yes No

If Yes:

- Applicant/sponsor for new district: _____
- Date application submitted or anticipated: _____
- Proposed source(s) of supply for new district: _____

v. If a public water supply will not be used, describe plans to provide water supply for the project: _____

vi. If water supply will be from wells (public or private), maximum pumping capacity: _____ gallons/minute.

d. Will the proposed action generate liquid wastes? Yes No

If Yes:

i. Total anticipated liquid waste generation per day: _____ gallons/day

ii. Nature of liquid wastes to be generated (e.g., sanitary wastewater, industrial; if combination, describe all components and approximate volumes or proportions of each): _____

iii. Will the proposed action use any existing public wastewater treatment facilities? Yes No

If Yes:

- Name of wastewater treatment plant to be used: _____
- Name of district: _____
- Does the existing wastewater treatment plant have capacity to serve the project? Yes No
- Is the project site in the existing district? Yes No
- Is expansion of the district needed? Yes No

- Do existing sewer lines serve the project site? Yes No
- Will line extension within an existing district be necessary to serve the project? Yes No

 If Yes:

- Describe extensions or capacity expansions proposed to serve this project: _____

iv. Will a new wastewater (sewage) treatment district be formed to serve the project site? Yes No
 If Yes:

- Applicant/sponsor for new district: _____
- Date application submitted or anticipated: _____
- What is the receiving water for the wastewater discharge? _____

v. If public facilities will not be used, describe plans to provide wastewater treatment for the project, including specifying proposed receiving water (name and classification if surface discharge, or describe subsurface disposal plans):

vi. Describe any plans or designs to capture, recycle or reuse liquid waste: _____

e. Will the proposed action disturb more than one acre and create stormwater runoff, either from new point sources (i.e. ditches, pipes, swales, curbs, gutters or other concentrated flows of stormwater) or non-point source (i.e. sheet flow) during construction or post construction? Yes No
 If Yes:

- How much impervious surface will the project create in relation to total size of project parcel?
 _____ Square feet or _____ acres (impervious surface)
 _____ Square feet or _____ acres (parcel size)
- Describe types of new point sources. _____

- Where will the stormwater runoff be directed (i.e. on-site stormwater management facility/structures, adjacent properties, groundwater, on-site surface water or off-site surface waters)?

 - If to surface waters, identify receiving water bodies or wetlands: _____

 - Will stormwater runoff flow to adjacent properties? Yes No

iv. Does proposed plan minimize impervious surfaces, use pervious materials or collect and re-use stormwater? Yes No

f. Does the proposed action include, or will it use on-site, one or more sources of air emissions, including fuel combustion, waste incineration, or other processes or operations? Yes No
 If Yes, identify:

- Mobile sources during project operations (e.g., heavy equipment, fleet or delivery vehicles)

- Stationary sources during construction (e.g., power generation, structural heating, batch plant, crushers)

- Stationary sources during operations (e.g., process emissions, large boilers, electric generation)

g. Will any air emission sources named in D.2.f (above), require a NY State Air Registration, Air Facility Permit, or Federal Clean Air Act Title IV or Title V Permit? Yes No
 If Yes:

- Is the project site located in an Air quality non-attainment area? (Area routinely or periodically fails to meet ambient air quality standards for all or some parts of the year) Yes No
- In addition to emissions as calculated in the application, the project will generate:
 - _____ Tons/year (short tons) of Carbon Dioxide (CO₂)
 - _____ Tons/year (short tons) of Nitrous Oxide (N₂O)
 - _____ Tons/year (short tons) of Perfluorocarbons (PFCs)
 - _____ Tons/year (short tons) of Sulfur Hexafluoride (SF₆)
 - _____ Tons/year (short tons) of Carbon Dioxide equivalent of Hydroflouorocarbons (HFCs)
 - _____ Tons/year (short tons) of Hazardous Air Pollutants (HAPs)

h. Will the proposed action generate or emit methane (including, but not limited to, sewage treatment plants, landfills, composting facilities)? Yes No

If Yes:

i. Estimate methane generation in tons/year (metric): _____

ii. Describe any methane capture, control or elimination measures included in project design (e.g., combustion to generate heat or electricity, flaring): _____

i. Will the proposed action result in the release of air pollutants from open-air operations or processes, such as quarry or landfill operations? Yes No

If Yes: Describe operations and nature of emissions (e.g., diesel exhaust, rock particulates/dust): _____

j. Will the proposed action result in a substantial increase in traffic above present levels or generate substantial new demand for transportation facilities or services? Yes No

If Yes:

i. When is the peak traffic expected (Check all that apply): Morning Evening Weekend
 Randomly between hours of _____ to _____.

ii. For commercial activities only, projected number of semi-trailer truck trips/day: _____

iii. Parking spaces: Existing _____ Proposed _____ Net increase/decrease _____

iv. Does the proposed action include any shared use parking? Yes No

v. If the proposed action includes any modification of existing roads, creation of new roads or change in existing access, describe: _____

vi. Are public/private transportation service(s) or facilities available within 1/2 mile of the proposed site? Yes No

vii. Will the proposed action include access to public transportation or accommodations for use of hybrid, electric or other alternative fueled vehicles? Yes No

viii. Will the proposed action include plans for pedestrian or bicycle accommodations for connections to existing pedestrian or bicycle routes? Yes No

k. Will the proposed action (for commercial or industrial projects only) generate new or additional demand for energy? Yes No

If Yes:

i. Estimate annual electricity demand during operation of the proposed action: _____

ii. Anticipated sources/suppliers of electricity for the project (e.g., on-site combustion, on-site renewable, via grid/local utility, or other): _____

iii. Will the proposed action require a new, or an upgrade to, an existing substation? Yes No

l. Hours of operation. Answer all items which apply.

<p><i>i.</i> During Construction:</p> <ul style="list-style-type: none"> • Monday - Friday: _____ • Saturday: _____ • Sunday: _____ • Holidays: _____ 	<p><i>ii.</i> During Operations:</p> <ul style="list-style-type: none"> • Monday - Friday: _____ • Saturday: _____ • Sunday: _____ • Holidays: _____
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m. Will the proposed action produce noise that will exceed existing ambient noise levels during construction, operation, or both? Yes No
 If yes:
 i. Provide details including sources, time of day and duration:

ii. Will proposed action remove existing natural barriers that could act as a noise barrier or screen? Yes No
 Describe: _____

n.. Will the proposed action have outdoor lighting? Yes No
 If yes:
 i. Describe source(s), location(s), height of fixture(s), direction/aim, and proximity to nearest occupied structures:

ii. Will proposed action remove existing natural barriers that could act as a light barrier or screen? Yes No
 Describe: _____

o. Does the proposed action have the potential to produce odors for more than one hour per day? Yes No
 If Yes, describe possible sources, potential frequency and duration of odor emissions, and proximity to nearest occupied structures: _____

p. Will the proposed action include any bulk storage of petroleum (combined capacity of over 1,100 gallons) or chemical products 185 gallons in above ground storage or any amount in underground storage? Yes No
 If Yes:
 i. Product(s) to be stored _____
 ii. Volume(s) _____ per unit time _____ (e.g., month, year)
 iii. Generally describe proposed storage facilities: _____

q. Will the proposed action (commercial, industrial and recreational projects only) use pesticides (i.e., herbicides, insecticides) during construction or operation? Yes No
 If Yes:
 i. Describe proposed treatment(s):

ii. Will the proposed action use Integrated Pest Management Practices? Yes No

r. Will the proposed action (commercial or industrial projects only) involve or require the management or disposal of solid waste (excluding hazardous materials)? Yes No
 If Yes:
 i. Describe any solid waste(s) to be generated during construction or operation of the facility:
 • Construction: _____ tons per _____ (unit of time)
 • Operation : _____ tons per _____ (unit of time)
 ii. Describe any proposals for on-site minimization, recycling or reuse of materials to avoid disposal as solid waste:
 • Construction: _____

 • Operation: _____

iii. Proposed disposal methods/facilities for solid waste generated on-site:
 • Construction: _____

 • Operation: _____

s. Does the proposed action include construction or modification of a solid waste management facility? Yes No
 If Yes:
 i. Type of management or handling of waste proposed for the site (e.g., recycling or transfer station, composting, landfill, or other disposal activities): _____
 ii. Anticipated rate of disposal/processing:
 • _____ Tons/month, if transfer or other non-combustion/thermal treatment, or
 • _____ Tons/hour, if combustion or thermal treatment
 iii. If landfill, anticipated site life: _____ years

t. Will proposed action at the site involve the commercial generation, treatment, storage, or disposal of hazardous waste? Yes No
 If Yes:
 i. Name(s) of all hazardous wastes or constituents to be generated, handled or managed at facility: _____

 ii. Generally describe processes or activities involving hazardous wastes or constituents: _____

 iii. Specify amount to be handled or generated _____ tons/month
 iv. Describe any proposals for on-site minimization, recycling or reuse of hazardous constituents: _____

 v. Will any hazardous wastes be disposed at an existing offsite hazardous waste facility? Yes No
 If Yes: provide name and location of facility: _____

 If No: describe proposed management of any hazardous wastes which will not be sent to a hazardous waste facility:

E. Site and Setting of Proposed Action

E.1. Land uses on and surrounding the project site

a. Existing land uses.
 i. Check all uses that occur on, adjoining and near the project site.
 Urban Industrial Commercial Residential (suburban) Rural (non-farm)
 Forest Agriculture Aquatic Other (specify): _____
 ii. If mix of uses, generally describe:

b. Land uses and covertypes on the project site.

Land use or Covertypes	Current Acreage	Acreage After Project Completion	Change (Acres +/-)
• Roads, buildings, and other paved or impervious surfaces			
• Forested			
• Meadows, grasslands or brushlands (non-agricultural, including abandoned agricultural)			
• Agricultural (includes active orchards, field, greenhouse etc.)			
• Surface water features (lakes, ponds, streams, rivers, etc.)			
• Wetlands (freshwater or tidal)			
• Non-vegetated (bare rock, earth or fill)			
• Other Describe: _____ _____			

c. Is the project site presently used by members of the community for public recreation? Yes No
i. If Yes: explain: _____

d. Are there any facilities serving children, the elderly, people with disabilities (e.g., schools, hospitals, licensed day care centers, or group homes) within 1500 feet of the project site? Yes No
If Yes,
i. Identify Facilities:

e. Does the project site contain an existing dam? Yes No
If Yes:
i. Dimensions of the dam and impoundment:

- Dam height: _____ feet
- Dam length: _____ feet
- Surface area: _____ acres
- Volume impounded: _____ gallons OR acre-feet

ii. Dam's existing hazard classification: _____
iii. Provide date and summarize results of last inspection:

f. Has the project site ever been used as a municipal, commercial or industrial solid waste management facility, or does the project site adjoin property which is now, or was at one time, used as a solid waste management facility? Yes No
If Yes:
i. Has the facility been formally closed? Yes No

- If yes, cite sources/documentation: _____

ii. Describe the location of the project site relative to the boundaries of the solid waste management facility:

iii. Describe any development constraints due to the prior solid waste activities: _____

g. Have hazardous wastes been generated, treated and/or disposed of at the site, or does the project site adjoin property which is now or was at one time used to commercially treat, store and/or dispose of hazardous waste? Yes No
If Yes:
i. Describe waste(s) handled and waste management activities, including approximate time when activities occurred:

h. Potential contamination history. Has there been a reported spill at the proposed project site, or have any remedial actions been conducted at or adjacent to the proposed site? Yes No
If Yes:
i. Is any portion of the site listed on the NYSDEC Spills Incidents database or Environmental Site Remediation database? Check all that apply: Yes No
 Yes – Spills Incidents database Provide DEC ID number(s): _____
 Yes – Environmental Site Remediation database Provide DEC ID number(s): _____
 Neither database
ii. If site has been subject of RCRA corrective activities, describe control measures: _____

iii. Is the project within 2000 feet of any site in the NYSDEC Environmental Site Remediation database? Yes No
If yes, provide DEC ID number(s): _____
iv. If yes to (i), (ii) or (iii) above, describe current status of site(s):

v. Is the project site subject to an institutional control limiting property uses? Yes No

- If yes, DEC site ID number: _____
- Describe the type of institutional control (e.g., deed restriction or easement): _____
- Describe any use limitations: _____
- Describe any engineering controls: _____
- Will the project affect the institutional or engineering controls in place? Yes No
- Explain: _____

E.2. Natural Resources On or Near Project Site

a. What is the average depth to bedrock on the project site? _____ feet

b. Are there bedrock outcroppings on the project site? Yes No
 If Yes, what proportion of the site is comprised of bedrock outcroppings? _____%

c. Predominant soil type(s) present on project site: _____ %
 _____ %
 _____ %

d. What is the average depth to the water table on the project site? Average: _____ feet

e. Drainage status of project site soils: Well Drained: _____ % of site
 Moderately Well Drained: _____ % of site
 Poorly Drained _____ % of site

f. Approximate proportion of proposed action site with slopes: 0-10%: _____ % of site
 10-15%: _____ % of site
 15% or greater: _____ % of site

g. Are there any unique geologic features on the project site? Yes No
 If Yes, describe: _____

h. Surface water features.

i. Does any portion of the project site contain wetlands or other waterbodies (including streams, rivers, ponds or lakes)? Yes No

ii. Do any wetlands or other waterbodies adjoin the project site? Yes No
 If Yes to either *i* or *ii*, continue. If No, skip to E.2.i.

iii. Are any of the wetlands or waterbodies within or adjoining the project site regulated by any federal, state or local agency? Yes No

iv. For each identified regulated wetland and waterbody on the project site, provide the following information:

- Streams: Name _____ Classification _____
- Lakes or Ponds: Name _____ Classification _____
- Wetlands: Name _____ Approximate Size _____
- Wetland No. (if regulated by DEC) _____

v. Are any of the above water bodies listed in the most recent compilation of NYS water quality-impaired waterbodies? Yes No
 If yes, name of impaired water body/bodies and basis for listing as impaired: _____

i. Is the project site in a designated Floodway? Yes No

j. Is the project site in the 100 year Floodplain? Yes No

k. Is the project site in the 500 year Floodplain? Yes No

l. Is the project site located over, or immediately adjoining, a primary, principal or sole source aquifer? Yes No
 If Yes:
 i. Name of aquifer: _____

m. Identify the predominant wildlife species that occupy or use the project site: _____ _____ _____	
n. Does the project site contain a designated significant natural community? <input type="checkbox"/> Yes <input type="checkbox"/> No If Yes: <i>i.</i> Describe the habitat/community (composition, function, and basis for designation): _____ _____ <i>ii.</i> Source(s) of description or evaluation: _____ <i>iii.</i> Extent of community/habitat: <ul style="list-style-type: none"> • Currently: _____ acres • Following completion of project as proposed: _____ acres • Gain or loss (indicate + or -): _____ acres 	
o. Does project site contain any species of plant or animal that is listed by the federal government or NYS as endangered or threatened, or does it contain any areas identified as habitat for an endangered or threatened species? <input type="checkbox"/> Yes <input type="checkbox"/> No	
p. Does the project site contain any species of plant or animal that is listed by NYS as rare, or as a species of special concern? <input type="checkbox"/> Yes <input type="checkbox"/> No	
q. Is the project site or adjoining area currently used for hunting, trapping, fishing or shell fishing? <input type="checkbox"/> Yes <input type="checkbox"/> No If yes, give a brief description of how the proposed action may affect that use: _____ _____	
E.3. Designated Public Resources On or Near Project Site	
a. Is the project site, or any portion of it, located in a designated agricultural district certified pursuant to Agriculture and Markets Law, Article 25-AA, Section 303 and 304? <input type="checkbox"/> Yes <input type="checkbox"/> No If Yes, provide county plus district name/number: _____	
b. Are agricultural lands consisting of highly productive soils present? <input type="checkbox"/> Yes <input type="checkbox"/> No <i>i.</i> If Yes: acreage(s) on project site? _____ <i>ii.</i> Source(s) of soil rating(s): _____	
c. Does the project site contain all or part of, or is it substantially contiguous to, a registered National Natural Landmark? <input type="checkbox"/> Yes <input type="checkbox"/> No If Yes: <i>i.</i> Nature of the natural landmark: <input type="checkbox"/> Biological Community <input type="checkbox"/> Geological Feature <i>ii.</i> Provide brief description of landmark, including values behind designation and approximate size/extent: _____ _____ _____	
d. Is the project site located in or does it adjoin a state listed Critical Environmental Area? <input type="checkbox"/> Yes <input type="checkbox"/> No If Yes: <i>i.</i> CEA name: _____ <i>ii.</i> Basis for designation: _____ <i>iii.</i> Designating agency and date: _____	

e. Does the project site contain, or is it substantially contiguous to, a building, archaeological site, or district which is listed on, or has been nominated by the NYS Board of Historic Preservation for inclusion on, the State or National Register of Historic Places?	<input type="checkbox"/> Yes <input type="checkbox"/> No
If Yes:	
<i>i.</i> Nature of historic/archaeological resource: <input type="checkbox"/> Archaeological Site <input type="checkbox"/> Historic Building or District	
<i>ii.</i> Name: _____	
<i>iii.</i> Brief description of attributes on which listing is based: _____	
f. Is the project site, or any portion of it, located in or adjacent to an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory?	<input type="checkbox"/> Yes <input type="checkbox"/> No
g. Have additional archaeological or historic site(s) or resources been identified on the project site?	
If Yes:	
<i>i.</i> Describe possible resource(s): _____	
<i>ii.</i> Basis for identification: _____	
h. Is the project site within five miles of any officially designated and publicly accessible federal, state, or local scenic or aesthetic resource?	<input type="checkbox"/> Yes <input type="checkbox"/> No
If Yes:	
<i>i.</i> Identify resource: _____	
<i>ii.</i> Nature of, or basis for, designation (e.g., established highway overlook, state or local park, state historic trail or scenic byway, etc.): _____	
<i>iii.</i> Distance between project and resource: _____ miles.	
i. Is the project site located within a designated river corridor under the Wild, Scenic and Recreational Rivers Program 6 NYCRR 666?	<input type="checkbox"/> Yes <input type="checkbox"/> No
If Yes:	
<i>i.</i> Identify the name of the river and its designation: _____	
<i>ii.</i> Is the activity consistent with development restrictions contained in 6NYCRR Part 666?	
<input type="checkbox"/> Yes <input type="checkbox"/> No	

F. Additional Information

Attach any additional information which may be needed to clarify your project.

If you have identified any adverse impacts which could be associated with your proposal, please describe those impacts plus any measures which you propose to avoid or minimize them.

G. Verification

I certify that the information provided is true to the best of my knowledge.

Applicant/Sponsor Name _____ Date _____

Signature _____ Title _____



Village of Port Chester Waterfront Commission

222 Grace Church Street
Port Chester, NY 10573
Phone 914-937-6780



LWRP COASTAL ASSESSMENT FORM

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SITE IDENTIFICATION INFORMATION		
Application Name: Port North Main Street LLC	Application #:	Date Submitted: 03/03/2016
Site Address: No. 531-601 Street: North Main Street		
Property Location: <i>(Identify landmarks, distance from intersections, etc.)</i> Northeasterly side of North Main Street, parallel to the Byram River, south of the Williams James Pump Station		
Village of Port Chester Tax Map Designation: Section 136.064 Block 64.1 Lot(s) 33 and 61	Zoning Designation of Site: C4	
OWNER/APPLICANT INFORMATION		
Property Owner: Port North Main Street LLC	Phone #: 914-481-1880 Fax #: 914-206-4858	Email: ddt@tartagliaalawgroup.com
Owner Address: No. 95-25 Street: Queens Boulevard Town: Rego Park State: NY Zip: 11374		
Applicant (If different than owner):	Phone #: Fax #:	Email:
Applicant Address (If different than owner): No. Street: Town: State: Zip:		
PROJECT DESCRIPTION		
Describe the project, proposed use and operation thereof: Amend the Zoning Code to create a C4-R Gateway Retail District for the area along North Main Street from Terrace Avenue to the northern border of the District at or about Hillside Avenue and Riverside Avenue. Impose a parking restriction for retail uses within the C4-R District at one space per 300 square feet.		

CONSISTANCY WITH LWRP POLICIES

Actions to be undertaken within the Village's coastal area shall be evaluated for consistency in accordance with the following LWRP policy standards and conditions, which are derived from and further explained and described in Section III of the Village of Port Chester LWRP, a copy of which is on file in the Village Clerk's office and available for inspection during normal business hours. Agencies that undertake direct actions shall also consult with Section IV of the LWRP in making their consistency determination.

*YES indicates that the proposed project/action is consistent with the applicable policy,
NO indicates that the proposed project/action is inconsistent with the applicable policy,
NOT APPLICABLE indicates that it does not apply.*

Restore, revitalize and redevelop deteriorated and underutilized waterfront areas for commercial, industrial, cultural, recreational, public access and other compatible uses (Policies 1, 1A, 1B, 1C, 1D and 1E). Yes No
 Not Applicable

Facilitate the siting of water dependent uses on or near coastal waters (Policy 2). Yes No
 Not Applicable

Encourage the development and enhancement of those traditional uses and activities which have provided the Village a unique maritime identity (Policy 4). Yes No
 Not Applicable

Ensure that development occurs where adequate public infrastructure is available (Policy 5). Yes No
 Not Applicable

Streamline development permit procedures (Policy 6). Yes No
 Not Applicable

Protect fish and wildlife resources from hazardous wastes and other contaminating pollutants (Policy 8). Yes No
 Not Applicable

Maintain and expand the recreational use of existing fish and wildlife resources while ensuring protection of renewable fish and wildlife resources (Policy 9). Yes No
 Not Applicable

Maintain and expand commercial fishing resources to promote commercial fishing opportunities (Policy 10). Yes No
 Not Applicable

<p>Minimize flooding and erosion hazards through proper siting of buildings and structures; construction of carefully selected, long-term structural measures; and the use of appropriate nonstructural means (Policies 11, 13, 14, 15 and 17).</p>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Not Applicable
<p>Public funds shall be used for erosion protection structures only where necessary and in an appropriate manner (Policy 16).</p>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Not Applicable
<p>Safeguard vital economic, social and environmental interests in the coastal area when major actions are undertaken (Policy 18).</p>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Not Applicable
<p>Protect, maintain, and improve public access to the shoreline and to water-related recreational resources, while protecting natural and historic resources and adjacent land uses and providing a continuous public walkway along the foreshore of the Byram River (Policies 19, 20 and 20A).</p>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Not Applicable
<p>Encourage, facilitate and prioritize water-dependent and water-enhanced recreational resources and facilities near coastal waters, with priority given to those near access to existing public transportation and areas where the use of the shore is severely restricted by existing development (Policy 21).</p>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Not Applicable
<p>Encourage the development of water-related recreational resources and facilities, as multiple uses, in appropriate locations within the shore zone (Policy 22).</p>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Not Applicable
<p>Protect, restore and enhance historic resources (Policy 23).</p>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Not Applicable
<p>Protect and enhance scenic and aesthetic resources (Policy 25).</p>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Not Applicable
<p>Site and construct energy facilities in a manner which will be compatible with the environment and contingent upon the need for a shorefront location and in such a manner as to avoid adverse environmental impacts when in operation (Policies 27 and 29).</p>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Not Applicable

Protect coastal waters from direct and indirect discharge of pollutants (Policies 30, 31, 33, 34, 35, 36 and 37).	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Not Applicable
Ensure that dredging and dredge spoil disposal are undertaken in a manner protective of natural resources (Policies 15 and 35).	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input checked="" type="checkbox"/> Not Applicable
Ensure that any transportation, handling or disposal of hazardous wastes and effluent is undertaken in a manner which will not adversely affect the environment (Policy 39).	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> Not Applicable
Protect air quality in accordance with state and federal air quality standards (Policies 41 and 42).	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Not Applicable
Preserve and protect tidal and freshwater wetlands (Policy 44).	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> Not Applicable

DETERMINATION OF CONSISTENCY

To be filled out by the Waterfront Commission

- This project/action is consistent with LWRP Policies and Conditions
- This project/action is NOT consistent with LWRP Policies and Conditions

The following changes to the project/action are recommended to ensure consistency with the LWRP:

Waterfront Commission Chairman

Date

Gregg Gregory, Chairman



Village of Port Chester Planning Commission

Anthony Baxter
Michael Brescio
Peter Coperine
Joseph Montesano
Christopher Summa
Michael Scarola
Constance Phillips, Secretary

Port North Main Street Zoning Petition

The Village of Port Chester's Planning Commission discussed Port North Main Street's zoning petition during the January 25, 2016 Planning Commission meeting. Below are the Commission's comments to the Board of Trustees regarding the proposed inclusion of retail and personal service uses by special exception, special exception criteria, amended dimensional regulations, and a retail parking requirement for the North Main C4 District.

- Consider traffic and circulation impacts of retail uses along this corridor. Retail uses generally generate trips on a fairly even basis throughout the day, in comparison to other land uses which generate a concentrated number of trips during particular times during the day.
- Retail should be context appropriate. Consider implementing special exception criteria to restrict the types of permitted retail based on desired character of the District.
- Utilize the waterfront and incorporate the Byram River, as stated in the Comprehensive Plan, where possible and practical. Also consider the sensitivities presented by the River and address environmental impacts to the waterfront wherever possible.
- Aesthetics, building orientations, and overall appearance should fit in with the "gateway" nature of the District.

Before making any decisions regarding the proposed zoning change, the Waterfront Commission must also provide comments to the Board of Trustees and evaluate the petition for waterfront consistency. Additional comments from Westchester County and the Town of Greenwich will be forthcoming once this petition moves to a public hearing.



Village of Port Chester Waterfront Commission

222 Grace Church Street
Port Chester, NY 10573
Phone 914-937-6780



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Property Location: <i>(Identify landmarks, distance from intersections, etc.)</i> Northeasterly side of North Main Street, parallel to the Byram River, south of the Williams James Pump Station		
Village of Port Chester Tax Map Designation: Section 136.064 Block 64.1 Lot(s) 33 and 61	Zoning Designation of Site: C4	
OWNER/APPLICANT INFORMATION		
Property Owner: Port North Main Street LLC	Phone #: 914-481-1880 Fax #: 914-206-4858	Email: ddt@tartagliaalawgroup.com
Owner Address: No. 95-25 Street: Queens Boulevard Town: Rego Park State: NY Zip: 11374		
Applicant (If different than owner):	Phone #: Fax #:	Email:
Applicant Address (If different than owner): No. Street: Town: State: Zip:		
PROJECT DESCRIPTION		
Describe the project, proposed use and operation thereof: Amend the Zoning Code to create a C4-R Gateway Retail District for the area along North Main Street from Terrace Avenue to the northern border of the District at or about Hillside Avenue and Riverside Avenue. Impose a parking restriction for retail uses within the C4-R District at one space per 300 square feet.		

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*YES indicates that the proposed project/action is consistent with the applicable policy,
NO indicates that the proposed project/action is inconsistent with the applicable policy,
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Facilitate the siting of water dependent uses on or near coastal waters (Policy 2). Yes No
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Encourage the development and enhancement of those traditional uses and activities which have provided the Village a unique maritime identity (Policy 4). Yes No
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Ensure that development occurs where adequate public infrastructure is available (Policy 5). Yes No
 Not Applicable

Streamline development permit procedures (Policy 6). Yes No
 Not Applicable

Protect fish and wildlife resources from hazardous wastes and other contaminating pollutants (Policy 8). Yes No
 Not Applicable

Maintain and expand the recreational use of existing fish and wildlife resources while ensuring protection of renewable fish and wildlife resources (Policy 9). Yes No
 Not Applicable

Maintain and expand commercial fishing resources to promote commercial fishing opportunities (Policy 10). Yes No
 Not Applicable

<p>Minimize flooding and erosion hazards through proper siting of buildings and structures; construction of carefully selected, long-term structural measures; and the use of appropriate nonstructural means (Policies 11, 13, 14, 15 and 17).</p>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Not Applicable
<p>Public funds shall be used for erosion protection structures only where necessary and in an appropriate manner (Policy 16).</p>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Not Applicable
<p>Safeguard vital economic, social and environmental interests in the coastal area when major actions are undertaken (Policy 18).</p>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Not Applicable
<p>Protect, maintain, and improve public access to the shoreline and to water-related recreational resources, while protecting natural and historic resources and adjacent land uses and providing a continuous public walkway along the foreshore of the Byram River (Policies 19, 20 and 20A).</p>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Not Applicable
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<p>Protect, restore and enhance historic resources (Policy 23).</p>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Not Applicable
<p>Protect and enhance scenic and aesthetic resources (Policy 25).</p>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Not Applicable
<p>Site and construct energy facilities in a manner which will be compatible with the environment and contingent upon the need for a shorefront location and in such a manner as to avoid adverse environmental impacts when in operation (Policies 27 and 29).</p>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Not Applicable

Protect coastal waters from direct and indirect discharge of pollutants (Policies 30, 31, 33, 34, 35, 36 and 37). Yes No
 Not Applicable

Ensure that dredging and dredge spoil disposal are undertaken in a manner protective of natural resources (Policies 15 and 35). Yes No
 Not Applicable

Ensure that any transportation, handling or disposal of hazardous wastes and effluent is undertaken in a manner which will not adversely affect the environment (Policy 39). Yes No
 Not Applicable

Protect air quality in accordance with state and federal air quality standards (Policies 41 and 42). Yes No
 Not Applicable

Preserve and protect tidal and freshwater wetlands (Policy 44). Yes No
 Not Applicable

DETERMINATION OF CONSISTENCY

To be filled out by the Waterfront Commission

- This project/action is consistent with LWRP Policies and Conditions
 This project/action is NOT consistent with LWRP Policies and Conditions

The following changes to the project/action are recommended to ensure consistency with the LWRP:


Waterfront Commission Chairman

3/30/16
Date



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 & Economic Development
cc: Christopher Steers, Village Manager; Tony Cerreto, Village Attorney
Date: March 31, 2016
Re: Port North Main Street Rezoning Review

Members of the Board,

This memorandum provides a summary of the Department of Planning & Economic Development's review of the Port North Main Street Rezoning Amended Petition (the "Amended Petition"), submitted by Port North Main Street, LLC (the "Applicant").

Background:

On October 6, 2015, the "Applicant" filed site plan applications for 531 and 601 North Main Street to convert the existing buildings to retail use. Recognizing that retail is currently not a permitted use in the C4 General Commercial Zoning District in which the properties are located, the Applicant concurrently filed a petition on December 15, 2015 for a proposed zoning text amendment to Village Code Chapter 345, to allow retail as a special exception use within all or part of the C4 District, to provide a parking standard for retail use, and to provide specific special exception criteria (the "Original Petition"). The Original Petition also offered an alternative to create a new zoning district in the North Main Street area of the Village. The Applicant made a presentation to the Board of Trustees on the Original Petition at the January 19, 2016 Board meeting. At the January 19, 2016 Board meeting, the Board accepted the Original Petition for consideration and review, referred the matter to the Planning Commission and Waterfront Commission for their review and comments, and declared their intent to be Lead Agency under the New York State Environmental Quality Review Act ("SEQRA").

At its January 25, 2016 meeting, the Planning Commission held a public meeting on the zoning and provided comments, as encapsulated in the January 25, 2016 Planning Commission meeting minutes. The Planning Commission did not comment on the site plans, as the zoning change is necessary first for that review to occur. The Planning Commission's comments included:

- Consider traffic and circulation impacts of retail uses along this corridor. Retail uses generally generate trips on a fairly even basis throughout the day, in comparison to other land uses which generate a concentrated number of trips during particular times during the day.
- Retail should be context appropriate. Consider implementing special exception criteria to restrict the types of permitted retail based on desired character of the District.

- Utilize the waterfront and incorporate the Byram River, as stated in the Comprehensive Plan, where possible and practical. Also consider the sensitivities presented by the River and address environmental impacts to the waterfront wherever possible.
- Aesthetics, building orientations, and overall appearance should fit in with the “gateway” nature of the District.

Based upon the Planning Commission’s comments and an initial review by the Department of Planning & Economic Development, the Applicant filed the Amended Petition on February 26, 2016, which requests the creation of a new C4-R Gateway Retail District that is similar to the C4 District except that:

- Retail would be permitted as a special exception use, approved by the Planning Commission
- Such use would have specific lot and bulk controls
- Such use would abide by both the general Planning Commission special exception criteria and specific C4-R retail special exception criteria
- A parking standard of 1 space per 300 gross square feet of floor area would be provided for retail stores or personal service stores within the C4-R District

Analysis:

- **Consistency with 2012 Village Comprehensive Plan:** The area proposed for rezoning to the C4-R District is not within any Planning Intensity Zones identified in the Comprehensive Plan. The rezoning, however, is consistent with a number of the Comprehensive Plan’s recommendations, including:
 - *Economic Development 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.
 - *Economic Development 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.
 - *Economic Development Recommendation #3:* Increase Port Chester’s retail capture rate by improving the profitability of commercial businesses and recruiting new establishments based on market demand.
- **LWRP Consistency:** At the March 30, 2016 Waterfront Commission meeting, the Waterfront Commission voted that the Amended Petition is consistent with the currently adopted 1992 (with 1999 amendments) Local Waterfront Revitalization Program (“LWRP”).
- **SEQRA Review:** The Board of Trustees determined that the Amended Petition (the “Proposed Action” in SEQRA terms) is an Unlisted Action. Per 617 and the instructions to filling out the various Full Environmental Assessment Form (“EAF”) forms, the EAF Part 1 sets the project and setting is the responsibility of an applicant or project sponsor. The EAF Part 2 is designed to help the lead agency inventory all potential resources that could be affected by a proposed project or action and is the responsibility of the lead agency. Following that guidance, the

Applicant provided a Full EAF Part 1. As the Amended Petition is a zoning petition on its own, only certain questions within the EAF Part 1 are necessary to answer. The Applicant had previously provided an EAF Part 1 as part of its site plan application to the Planning Commission. That EAF Part 1 will be utilized by the Planning Commission, should the project move forward, to evaluate the site plan under SEQRA as part of the site plan approval process. To that end, the Department of Planning & Economic Development's suggests that the EAF Part 1 has been completed sufficiently by the Applicant. Attached please find a draft of a completed EAF Part 2, prepared by the Department of Planning & Economic Development. Similar to the EAF Part 1, as this is a zoning petition, most of the listed resources are not anticipated to be impacted as a result of the rezoning. The draft EAF Part 2 identifies the following resources that may be impacted by the Amended Petition:

- *Transportation* – As a new use will be introduced to the area, implementation of the proposed action may result in an increase of traffic and movements in the northern portion of North Main Street.
- *Community Plans* – As a new use will be introduced to the area, potentially making it a more desirable area, secondary growth impacts may result from implementation of the proposed action.
- *Community Character* – As a new use will be introduced to the area, potentially establishing the area as a gateway into the Village, demand for additional community services, may result from implementation of the proposed action.

It should be stressed that the limited number of resources evaluated as part of the rezoning SEQRA review in no way is indicative or should restrict the environmental evaluation of resources such as flooding, traffic, noise, air, and aesthetic resources that may be impacted by a site-specific application (as part of the site plan approval process), should the rezoning move forward.

Next Steps:

After the Board of Trustees opens and then closes the public hearing, the Department of Planning & Development will prepare a draft EAF Part 3 for the Board of Trustees' consideration, based upon the above analysis of the EAF Parts 1 and 2, as well as any comments or testimony received during the public hearing. The EAF Part 3 provides the reasons in support of the SEQRA determination of significance. Based on the analysis in EAF Part 3, the Board of Trustees would then decide whether to require an environmental impact statement to further assess the proposed action or whether available information is sufficient to conclude that the proposed action will not have a significant adverse environmental impact.

EAF Part 2

Full Environmental Assessment Form
Part 2 - Identification of Potential Project Impacts

Project :

Date :

Part 2 is to be completed by the lead agency. Part 2 is designed to help the lead agency inventory all potential resources that could be affected by a proposed project or action. We recognize that the lead agency’s reviewer(s) will not necessarily be environmental professionals. So, the questions are designed to walk a reviewer through the assessment process by providing a series of questions that can be answered using the information found in Part 1. To further assist the lead agency in completing Part 2, the form identifies the most relevant questions in Part 1 that will provide the information needed to answer the Part 2 question. When Part 2 is completed, the lead agency will have identified the relevant environmental areas that may be impacted by the proposed activity.

If the lead agency is a state agency **and** the action is in any Coastal Area, complete the Coastal Assessment Form before proceeding with this assessment.

Tips for completing Part 2:

- Review all of the information provided in Part 1.
- Review any application, maps, supporting materials and the Full EAF Workbook.
- Answer each of the 18 questions in Part 2.
- If you answer “**Yes**” to a numbered question, please complete all the questions that follow in that section.
- If you answer “**No**” to a numbered question, move on to the next numbered question.
- Check appropriate column to indicate the anticipated size of the impact.
- Proposed projects that would exceed a numeric threshold contained in a question should result in the reviewing agency checking the box “Moderate to large impact may occur.”
- The reviewer is not expected to be an expert in environmental analysis.
- If you are not sure or undecided about the size of an impact, it may help to review the sub-questions for the general question and consult the workbook.
- When answering a question consider all components of the proposed activity, that is, the “whole action”.
- Consider the possibility for long-term and cumulative impacts as well as direct impacts.
- Answer the question in a reasonable manner considering the scale and context of the project.

1. Impact on Land			
Proposed action may involve construction on, or physical alteration of, the land surface of the proposed site. (See Part 1. D.1)		<input type="checkbox"/> NO	<input type="checkbox"/> YES
<i>If “Yes”, answer questions a - j. If “No”, move on to Section 2.</i>			
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may involve construction on land where depth to water table is less than 3 feet.	E2d	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may involve construction on slopes of 15% or greater.	E2f	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may involve construction on land where bedrock is exposed, or generally within 5 feet of existing ground surface.	E2a	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may involve the excavation and removal of more than 1,000 tons of natural material.	D2a	<input type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may involve construction that continues for more than one year or in multiple phases.	D1e	<input type="checkbox"/>	<input type="checkbox"/>
f. The proposed action may result in increased erosion, whether from physical disturbance or vegetation removal (including from treatment by herbicides).	D2e, D2q	<input type="checkbox"/>	<input type="checkbox"/>
g. The proposed action is, or may be, located within a Coastal Erosion hazard area.	B1i	<input type="checkbox"/>	<input type="checkbox"/>
h. Other impacts: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>

2. Impact on Geological Features The proposed action may result in the modification or destruction of, or inhibit access to, any unique or unusual land forms on the site (e.g., cliffs, dunes, minerals, fossils, caves). (See Part 1. E.2.g) <input type="checkbox"/> NO <input type="checkbox"/> YES <i>If "Yes", answer questions a - c. If "No", move on to Section 3.</i>			
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. Identify the specific land form(s) attached: _____ _____	E2g	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may affect or is adjacent to a geological feature listed as a registered National Natural Landmark. Specific feature: _____	E3c	<input type="checkbox"/>	<input type="checkbox"/>
c. Other impacts: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>

3. Impacts on Surface Water The proposed action may affect one or more wetlands or other surface water bodies (e.g., streams, rivers, ponds or lakes). (See Part 1. D.2, E.2.h) <input type="checkbox"/> NO <input type="checkbox"/> YES <i>If "Yes", answer questions a - l. If "No", move on to Section 4.</i>			
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may create a new water body.	D2b, D1h	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may result in an increase or decrease of over 10% or more than a 10 acre increase or decrease in the surface area of any body of water.	D2b	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may involve dredging more than 100 cubic yards of material from a wetland or water body.	D2a	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may involve construction within or adjoining a freshwater or tidal wetland, or in the bed or banks of any other water body.	E2h	<input type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may create turbidity in a waterbody, either from upland erosion, runoff or by disturbing bottom sediments.	D2a, D2h	<input type="checkbox"/>	<input type="checkbox"/>
f. The proposed action may include construction of one or more intake(s) for withdrawal of water from surface water.	D2c	<input type="checkbox"/>	<input type="checkbox"/>
g. The proposed action may include construction of one or more outfall(s) for discharge of wastewater to surface water(s).	D2d	<input type="checkbox"/>	<input type="checkbox"/>
h. The proposed action may cause soil erosion, or otherwise create a source of stormwater discharge that may lead to siltation or other degradation of receiving water bodies.	D2e	<input type="checkbox"/>	<input type="checkbox"/>
i. The proposed action may affect the water quality of any water bodies within or downstream of the site of the proposed action.	E2h	<input type="checkbox"/>	<input type="checkbox"/>
j. The proposed action may involve the application of pesticides or herbicides in or around any water body.	D2q, E2h	<input type="checkbox"/>	<input type="checkbox"/>
k. The proposed action may require the construction of new, or expansion of existing, wastewater treatment facilities.	D1a, D2d	<input type="checkbox"/>	<input type="checkbox"/>

I. Other impacts: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>
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4. Impact on groundwater The proposed action may result in new or additional use of ground water, or may have the potential to introduce contaminants to ground water or an aquifer. <input type="checkbox"/> NO <input type="checkbox"/> YES (See Part 1. D.2.a, D.2.c, D.2.d, D.2.p, D.2.q, D.2.t) <i>If "Yes", answer questions a - h. If "No", move on to Section 5.</i>			
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may require new water supply wells, or create additional demand on supplies from existing water supply wells.	D2c	<input type="checkbox"/>	<input type="checkbox"/>
b. Water supply demand from the proposed action may exceed safe and sustainable withdrawal capacity rate of the local supply or aquifer. Cite Source: _____	D2c	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may allow or result in residential uses in areas without water and sewer services.	D1a, D2c	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may include or require wastewater discharged to groundwater.	D2d, E2l	<input type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may result in the construction of water supply wells in locations where groundwater is, or is suspected to be, contaminated.	D2c, E1f, E1g, E1h	<input type="checkbox"/>	<input type="checkbox"/>
f. The proposed action may require the bulk storage of petroleum or chemical products over ground water or an aquifer.	D2p, E2l	<input type="checkbox"/>	<input type="checkbox"/>
g. The proposed action may involve the commercial application of pesticides within 100 feet of potable drinking water or irrigation sources.	E2h, D2q, E2l, D2c	<input type="checkbox"/>	<input type="checkbox"/>
h. Other impacts: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>

5. Impact on Flooding The proposed action may result in development on lands subject to flooding. <input type="checkbox"/> NO <input type="checkbox"/> YES (See Part 1. E.2) <i>If "Yes", answer questions a - g. If "No", move on to Section 6.</i>			
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may result in development in a designated floodway.	E2i	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may result in development within a 100 year floodplain.	E2j	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may result in development within a 500 year floodplain.	E2k	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may result in, or require, modification of existing drainage patterns.	D2b, D2e	<input type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may change flood water flows that contribute to flooding.	D2b, E2i, E2j, E2k	<input type="checkbox"/>	<input type="checkbox"/>
f. If there is a dam located on the site of the proposed action, is the dam in need of repair, or upgrade?	E1e	<input type="checkbox"/>	<input type="checkbox"/>

g. Other impacts: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>
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6. Impacts on Air			
The proposed action may include a state regulated air emission source. (See Part 1. D.2.f., D.2.h, D.2.g) <i>If "Yes", answer questions a - f. If "No", move on to Section 7.</i>		<input type="checkbox"/> NO	<input type="checkbox"/> YES
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. If the proposed action requires federal or state air emission permits, the action may also emit one or more greenhouse gases at or above the following levels: i. More than 1000 tons/year of carbon dioxide (CO ₂) ii. More than 3.5 tons/year of nitrous oxide (N ₂ O) iii. More than 1000 tons/year of carbon equivalent of perfluorocarbons (PFCs) iv. More than .045 tons/year of sulfur hexafluoride (SF ₆) v. More than 1000 tons/year of carbon dioxide equivalent of hydrochloroflourocarbons (HFCs) emissions vi. 43 tons/year or more of methane	D2g D2g D2g D2g D2g D2h	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>
b. The proposed action may generate 10 tons/year or more of any one designated hazardous air pollutant, or 25 tons/year or more of any combination of such hazardous air pollutants.	D2g	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may require a state air registration, or may produce an emissions rate of total contaminants that may exceed 5 lbs. per hour, or may include a heat source capable of producing more than 10 million BTU's per hour.	D2f, D2g	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may reach 50% of any of the thresholds in "a" through "c", above.	D2g	<input type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may result in the combustion or thermal treatment of more than 1 ton of refuse per hour.	D2s	<input type="checkbox"/>	<input type="checkbox"/>
f. Other impacts: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>

7. Impact on Plants and Animals			
The proposed action may result in a loss of flora or fauna. (See Part 1. E.2. m.-q.) <i>If "Yes", answer questions a - j. If "No", move on to Section 8.</i>		<input type="checkbox"/> NO	<input type="checkbox"/> YES
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may cause reduction in population or loss of individuals of any threatened or endangered species, as listed by New York State or the Federal government, that use the site, or are found on, over, or near the site.	E2o	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may result in a reduction or degradation of any habitat used by any rare, threatened or endangered species, as listed by New York State or the federal government.	E2o	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may cause reduction in population, or loss of individuals, of any species of special concern or conservation need, as listed by New York State or the Federal government, that use the site, or are found on, over, or near the site.	E2p	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may result in a reduction or degradation of any habitat used by any species of special concern and conservation need, as listed by New York State or the Federal government.	E2p	<input type="checkbox"/>	<input type="checkbox"/>

e. The proposed action may diminish the capacity of a registered National Natural Landmark to support the biological community it was established to protect.	E3c	<input type="checkbox"/>	<input type="checkbox"/>
f. The proposed action may result in the removal of, or ground disturbance in, any portion of a designated significant natural community. Source: _____	E2n	<input type="checkbox"/>	<input type="checkbox"/>
g. The proposed action may substantially interfere with nesting/breeding, foraging, or over-wintering habitat for the predominant species that occupy or use the project site.	E2m	<input type="checkbox"/>	<input type="checkbox"/>
h. The proposed action requires the conversion of more than 10 acres of forest, grassland or any other regionally or locally important habitat. Habitat type & information source: _____	E1b	<input type="checkbox"/>	<input type="checkbox"/>
i. Proposed action (commercial, industrial or recreational projects, only) involves use of herbicides or pesticides.	D2q	<input type="checkbox"/>	<input type="checkbox"/>
j. Other impacts: _____		<input type="checkbox"/>	<input type="checkbox"/>

8. Impact on Agricultural Resources			
The proposed action may impact agricultural resources. (See Part 1. E.3.a. and b.)		<input type="checkbox"/> NO	<input type="checkbox"/> YES
<i>If "Yes", answer questions a - h. If "No", move on to Section 9.</i>			
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may impact soil classified within soil group 1 through 4 of the NYS Land Classification System.	E2c, E3b	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may sever, cross or otherwise limit access to agricultural land (includes cropland, hayfields, pasture, vineyard, orchard, etc).	E1a, E1b	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may result in the excavation or compaction of the soil profile of active agricultural land.	E3b	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may irreversibly convert agricultural land to non-agricultural uses, either more than 2.5 acres if located in an Agricultural District, or more than 10 acres if not within an Agricultural District.	E1b, E3a	<input type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may disrupt or prevent installation of an agricultural land management system.	E1 a, E1b	<input type="checkbox"/>	<input type="checkbox"/>
f. The proposed action may result, directly or indirectly, in increased development potential or pressure on farmland.	C2c, C3, D2c, D2d	<input type="checkbox"/>	<input type="checkbox"/>
g. The proposed project is not consistent with the adopted municipal Farmland Protection Plan.	C2c	<input type="checkbox"/>	<input type="checkbox"/>
h. Other impacts: _____		<input type="checkbox"/>	<input type="checkbox"/>

9. Impact on Aesthetic Resources The land use of the proposed action are obviously different from, or are in sharp contrast to, current land use patterns between the proposed project and a scenic or aesthetic resource. (Part 1. E.1.a, E.1.b, E.3.h.) <i>If "Yes", answer questions a - g. If "No", go to Section 10.</i>				<input type="checkbox"/> NO	<input type="checkbox"/> YES
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur		
a. Proposed action may be visible from any officially designated federal, state, or local scenic or aesthetic resource.	E3h	<input type="checkbox"/>	<input type="checkbox"/>		
b. The proposed action may result in the obstruction, elimination or significant screening of one or more officially designated scenic views.	E3h, C2b	<input type="checkbox"/>	<input type="checkbox"/>		
c. The proposed action may be visible from publicly accessible vantage points: i. Seasonally (e.g., screened by summer foliage, but visible during other seasons) ii. Year round	E3h	<input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>		
d. The situation or activity in which viewers are engaged while viewing the proposed action is: i. Routine travel by residents, including travel to and from work ii. Recreational or tourism based activities	E3h E2q, E1c	<input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>		
e. The proposed action may cause a diminishment of the public enjoyment and appreciation of the designated aesthetic resource.	E3h	<input type="checkbox"/>	<input type="checkbox"/>		
f. There are similar projects visible within the following distance of the proposed project: 0-1/2 mile 1/2 -3 mile 3-5 mile 5+ mile	D1a, E1a, D1f, D1g	<input type="checkbox"/>	<input type="checkbox"/>		
g. Other impacts: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>		

10. Impact on Historic and Archeological Resources The proposed action may occur in or adjacent to a historic or archaeological resource. (Part 1. E.3.e, f. and g.) <i>If "Yes", answer questions a - e. If "No", go to Section 11.</i>				<input type="checkbox"/> NO	<input type="checkbox"/> YES
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur		
a. The proposed action may occur wholly or partially within, or substantially contiguous to, any buildings, archaeological site or district which is listed on or has been nominated by the NYS Board of Historic Preservation for inclusion on the State or National Register of Historic Places.	E3e	<input type="checkbox"/>	<input type="checkbox"/>		
b. The proposed action may occur wholly or partially within, or substantially contiguous to, an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory.	E3f	<input type="checkbox"/>	<input type="checkbox"/>		
c. The proposed action may occur wholly or partially within, or substantially contiguous to, an archaeological site not included on the NY SHPO inventory. Source: _____	E3g	<input type="checkbox"/>	<input type="checkbox"/>		

d. Other impacts: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>
e. If any of the above (a-d) are answered “Moderate to large impact may occur”, continue with the following questions to help support conclusions in Part 3:			
i. The proposed action may result in the destruction or alteration of all or part of the site or property.	E3e, E3g, E3f	<input type="checkbox"/>	<input type="checkbox"/>
ii. The proposed action may result in the alteration of the property’s setting or integrity.	E3e, E3f, E3g, E1a, E1b	<input type="checkbox"/>	<input type="checkbox"/>
iii. The proposed action may result in the introduction of visual elements which are out of character with the site or property, or may alter its setting.	E3e, E3f, E3g, E3h, C2, C3	<input type="checkbox"/>	<input type="checkbox"/>

11. Impact on Open Space and Recreation			
The proposed action may result in a loss of recreational opportunities or a reduction of an open space resource as designated in any adopted municipal open space plan. (See Part 1. C.2.c, E.1.c., E.2.q.) <i>If “Yes”, answer questions a - e. If “No”, go to Section 12.</i>		<input type="checkbox"/> NO	<input type="checkbox"/> YES
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may result in an impairment of natural functions, or “ecosystem services”, provided by an undeveloped area, including but not limited to stormwater storage, nutrient cycling, wildlife habitat.	D2e, E1b E2h, E2m, E2o, E2n, E2p	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may result in the loss of a current or future recreational resource.	C2a, E1c, C2c, E2q	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may eliminate open space or recreational resource in an area with few such resources.	C2a, C2c E1c, E2q	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may result in loss of an area now used informally by the community as an open space resource.	C2c, E1c	<input type="checkbox"/>	<input type="checkbox"/>
e. Other impacts: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>

12. Impact on Critical Environmental Areas			
The proposed action may be located within or adjacent to a critical environmental area (CEA). (See Part 1. E.3.d) <i>If “Yes”, answer questions a - c. If “No”, go to Section 13.</i>		<input type="checkbox"/> NO	<input type="checkbox"/> YES
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may result in a reduction in the quantity of the resource or characteristic which was the basis for designation of the CEA.	E3d	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may result in a reduction in the quality of the resource or characteristic which was the basis for designation of the CEA.	E3d	<input type="checkbox"/>	<input type="checkbox"/>
c. Other impacts: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>

13. Impact on Transportation The proposed action may result in a change to existing transportation systems. <input type="checkbox"/> NO <input type="checkbox"/> YES (See Part 1. D.2.j) <i>If "Yes", answer questions a - f. If "No", go to Section 14.</i>			
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. Projected traffic increase may exceed capacity of existing road network.	D2j	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may result in the construction of paved parking area for 500 or more vehicles.	D2j	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action will degrade existing transit access.	D2j	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action will degrade existing pedestrian or bicycle accommodations.	D2j	<input type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may alter the present pattern of movement of people or goods.	D2j	<input type="checkbox"/>	<input type="checkbox"/>
f. Other impacts: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>

14. Impact on Energy The proposed action may cause an increase in the use of any form of energy. <input type="checkbox"/> NO <input type="checkbox"/> YES (See Part 1. D.2.k) <i>If "Yes", answer questions a - e. If "No", go to Section 15.</i>			
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action will require a new, or an upgrade to an existing, substation.	D2k	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action will require the creation or extension of an energy transmission or supply system to serve more than 50 single or two-family residences or to serve a commercial or industrial use.	D1f, D1q, D2k	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may utilize more than 2,500 MWhrs per year of electricity.	D2k	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may involve heating and/or cooling of more than 100,000 square feet of building area when completed.	D1g	<input type="checkbox"/>	<input type="checkbox"/>
e. Other Impacts: _____ _____			

15. Impact on Noise, Odor, and Light The proposed action may result in an increase in noise, odors, or outdoor lighting. <input type="checkbox"/> NO <input type="checkbox"/> YES (See Part 1. D.2.m., n., and o.) <i>If "Yes", answer questions a - f. If "No", go to Section 16.</i>			
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may produce sound above noise levels established by local regulation.	D2m	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may result in blasting within 1,500 feet of any residence, hospital, school, licensed day care center, or nursing home.	D2m, E1d	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may result in routine odors for more than one hour per day.	D2o	<input type="checkbox"/>	<input type="checkbox"/>

d. The proposed action may result in light shining onto adjoining properties.	D2n	<input type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may result in lighting creating sky-glow brighter than existing area conditions.	D2n, E1a	<input type="checkbox"/>	<input type="checkbox"/>
f. Other impacts: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>

16. Impact on Human Health			
The proposed action may have an impact on human health from exposure to new or existing sources of contaminants. (See Part 1.D.2.q., E.1. d. f. g. and h.) <i>If "Yes", answer questions a - m. If "No", go to Section 17.</i>		<input type="checkbox"/> NO	<input type="checkbox"/> YES
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action is located within 1500 feet of a school, hospital, licensed day care center, group home, nursing home or retirement community.	E1d	<input type="checkbox"/>	<input type="checkbox"/>
b. The site of the proposed action is currently undergoing remediation.	E1g, E1h	<input type="checkbox"/>	<input type="checkbox"/>
c. There is a completed emergency spill remediation, or a completed environmental site remediation on, or adjacent to, the site of the proposed action.	E1g, E1h	<input type="checkbox"/>	<input type="checkbox"/>
d. The site of the action is subject to an institutional control limiting the use of the property (e.g., easement or deed restriction).	E1g, E1h	<input type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may affect institutional control measures that were put in place to ensure that the site remains protective of the environment and human health.	E1g, E1h	<input type="checkbox"/>	<input type="checkbox"/>
f. The proposed action has adequate control measures in place to ensure that future generation, treatment and/or disposal of hazardous wastes will be protective of the environment and human health.	D2t	<input type="checkbox"/>	<input type="checkbox"/>
g. The proposed action involves construction or modification of a solid waste management facility.	D2q, E1f	<input type="checkbox"/>	<input type="checkbox"/>
h. The proposed action may result in the unearthing of solid or hazardous waste.	D2q, E1f	<input type="checkbox"/>	<input type="checkbox"/>
i. The proposed action may result in an increase in the rate of disposal, or processing, of solid waste.	D2r, D2s	<input type="checkbox"/>	<input type="checkbox"/>
j. The proposed action may result in excavation or other disturbance within 2000 feet of a site used for the disposal of solid or hazardous waste.	E1f, E1g E1h	<input type="checkbox"/>	<input type="checkbox"/>
k. The proposed action may result in the migration of explosive gases from a landfill site to adjacent off site structures.	E1f, E1g	<input type="checkbox"/>	<input type="checkbox"/>
l. The proposed action may result in the release of contaminated leachate from the project site.	D2s, E1f, D2r	<input type="checkbox"/>	<input type="checkbox"/>
m. Other impacts: _____ _____			

17. Consistency with Community Plans			
The proposed action is not consistent with adopted land use plans. (See Part 1. C.1, C.2. and C.3.) <i>If “Yes”, answer questions a - h. If “No”, go to Section 18.</i>		<input type="checkbox"/> NO	<input type="checkbox"/> YES
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action’s land use components may be different from, or in sharp contrast to, current surrounding land use pattern(s).	C2, C3, D1a E1a, E1b	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action will cause the permanent population of the city, town or village in which the project is located to grow by more than 5%.	C2	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action is inconsistent with local land use plans or zoning regulations.	C2, C2, C3	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action is inconsistent with any County plans, or other regional land use plans.	C2, C2	<input type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may cause a change in the density of development that is not supported by existing infrastructure or is distant from existing infrastructure.	C3, D1c, D1d, D1f, D1d, E1b	<input type="checkbox"/>	<input type="checkbox"/>
f. The proposed action is located in an area characterized by low density development that will require new or expanded public infrastructure.	C4, D2c, D2d D2j	<input type="checkbox"/>	<input type="checkbox"/>
g. The proposed action may induce secondary development impacts (e.g., residential or commercial development not included in the proposed action)	C2a	<input type="checkbox"/>	<input type="checkbox"/>
h. Other: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>

18. Consistency with Community Character			
The proposed project is inconsistent with the existing community character. (See Part 1. C.2, C.3, D.2, E.3) <i>If “Yes”, answer questions a - g. If “No”, proceed to Part 3.</i>		<input type="checkbox"/> NO	<input type="checkbox"/> YES
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may replace or eliminate existing facilities, structures, or areas of historic importance to the community.	E3e, E3f, E3g	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may create a demand for additional community services (e.g. schools, police and fire)	C4	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may displace affordable or low-income housing in an area where there is a shortage of such housing.	C2, C3, D1f D1g, E1a	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may interfere with the use or enjoyment of officially recognized or designated public resources.	C2, E3	<input type="checkbox"/>	<input type="checkbox"/>
e. The proposed action is inconsistent with the predominant architectural scale and character.	C2, C3	<input type="checkbox"/>	<input type="checkbox"/>
f. Proposed action is inconsistent with the character of the existing natural landscape.	C2, C3 E1a, E1b E2g, E2h	<input type="checkbox"/>	<input type="checkbox"/>
g. Other impacts: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>



Robert P. Astorino
County Executive

County Planning Board

February 29, 2016

Eric Zamft, AICP, Director
Department of Planning & Economic Development
Village of Port Chester
222 Grace Church Street
Port Chester, NY 10573

Subject: **Referral File No: PCH 16-002B — Zoning Text Amendment and Lead Agency:
Permit Retail Uses, Port North Main Street**

Dear Mr. Zamft:

The Westchester County Planning Board has received a notice of intent to be Lead Agency, pursuant to the NYS Environmental Quality Review Act (SEQR), for a petition for a proposed amendment to the text of the Port Chester zoning code so as to amend the C4 District to allow as a special exception use “retail store or personal service shop, services clearly incidental to retail sales on the premises or to personal services.” The proposed special exception use would only apply to lots north of Terrace Avenue in the existing C4 District. Alternatively, the petition requests creation of a new district that would have these provisions.

If the proposed zoning amendment is approved, the applicant intends to seek site plan approval to redevelop two lots located at 601 North Main Street and 531 North Main Street with retail store, office and parking.

We have no objection to the Port Chester Board of Trustees assuming Lead Agency status for this review.

We have reviewed the rezoning petition under the provisions of Section 239 L, M and N of the General Municipal Law and Section 277.61 of the County Administrative Code and we find the proposed zoning amendment to be a matter for local determination in accordance with Village’s planning and zoning policies. We will reserve comment on the proposal’s site plan until a later date if the zoning amendment is approved.

Thank you for calling this matter to our attention.

Respectfully,
WESTCHESTER COUNTY PLANNING BOARD

For:
By: 
Edward Buroughs, AICP
Commissioner

EEB/KE



Department of
Transportation

ANDREW M. CUOMO
Governor

MATTHEW J. DRISCOLL
Commissioner

TODD WESTHUIS, P.E.
Acting Regional Director

March 3, 2016

Eric Zamft
Director of Planning & Economic Development
222 Grace Church Street, Room 202
Port Chester, NY 10573

Re: **NYSDOT SEQR #: 16-051**
C-4R Gateway Retail; Route 1
Port Chester; Westchester County

Dear Mr. Zamft:

The New York State Department of Transportation is in receipt of the Full Environmental Assessment Form, along with Lead Agency Designation request, dated February 23, 2016. The Department consents to the Village Board of Trustees assuming the role of Lead Agency for review of the referenced proposal.

All proposed work within the NYSDOT Right-of-Way requires a Highway Work Permit (HWP). A detailed engineering review is necessary and required for issuance of a HWP. The HWP applicant should be directed to contact the local NYSDOT-HWP Engineer to initiate a review process. Please contact:

Christopher Lee P.E., Permit Engineer
NYS Department of Transportation
Saw Mill River Road (Rt. 9A & Dana Rd.)
Valhalla, NY 10595
Phone (914) 592-1589

The applicant should also be encouraged to review the permit process and all required HWP forms on the NYSDOT website (<https://www.dot.ny.gov/index>). In particular, please submit the PERM 33-COM as part of the submission.

Lead Agency approval under SEQR is required in advance of permitting.

Please submit subsequent plans and documents for this project as well as those for any future development proposals in digital (PDF.) – CD, DVD or Thumb drive.

Very truly yours,

Michael P. Manning
SEQRA Unit

cc: M. Sassi, P.E. Regional Highway Work Permit Coordinator
C. Lee, Permit Engineer, Residency 8-9
Westchester County Dept of Planning
Gary Gianfrancesco

NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

Division of Environmental Permits, Region 3
21 South Putt Corners Road, New Paltz, NY 12561-1620
P: (845) 256-3054 | F: (845) 255-4659
www.dec.ny.gov

March 24, 2016

Eric Zampft
Village of Port Chester
222 Grace Church Street
Port Chester, NY 10573

RE: SEQR Review: Port North Main Street – Zoning Petition
Project ID: **6328**
Town of Rye, Westchester County

Dear Mr. Zampft:

We have reviewed the SEQR lead agency coordination request for the above referenced project which our office received on February 26, 2016 and offer the following comments.

LEAD AGENCY DESIGNATION

The New York State Department of Environmental Conservation (DEC) has no objection to the Village of Portchester Board of Trustees assuming lead agency status for this project.

DEPARTMENT JURISDICTION

Protection of Waters

There are no waterbodies that appear on our regulatory maps at the location/project site you identified. If there are no waterbodies present at the project site, then no Protection of Waters permit is required.

If a permit is not required, please note: the project sponsor is still responsible for ensuring that work shall not pollute any stream or waterbody. Care shall be taken to stabilize any disturbed areas promptly after construction, and all necessary precautions shall be taken to prevent contamination of the stream or waterbody by silt, sediment, fuels, solvents, lubricants, or any other pollutant associated with the project.

Freshwater Wetlands

The project/site is not within a New York State protected Freshwater Wetland and no Freshwater Wetland permit is required.

State-listed Species

No records of sensitive resources were identified by this review.

The absence of data does not necessarily mean that rare or state-listed species, natural communities or other significant habitats do not exist on or adjacent to the proposed site. Rather, our files currently do not contain information which indicates their presence. For most sites, comprehensive field surveys have not been conducted. We cannot provide a definitive statement on the presence or absence of all rare or state-listed species or significant natural communities. Depending on the nature of the project and the conditions at the project site, further information from on-site surveys or other sources may be required to fully assess impacts on biological resources.

SPDES (State Pollutant Discharge Elimination System) Stormwater Permit

Regarding erosion/sedimentation control requirements: stormwater discharges require a SPDES Stormwater Permit from DEC if they either:

- occur at industrial facilities and contain either toxic contaminants or priority pollutants OR
- result from construction projects involving the disturbance of 5000 square feet or more of land within the NYC Department of Environmental Protection (NYCDEP) East of Hudson Watershed or for proposed disturbance of one acre or more of land outside the NYCDEP Watershed

Projects requiring a SPDES Stormwater Permit may be covered by one of two Statewide General Permits or may require an individual permit. For information on stormwater and the general permits, see the DEC website at <http://www.dec.ny.gov/chemical/8468.html> or contact the Department's Division of Water, at 914-428-2505. For a description of steps to authorization by a Statewide General Permit, see the DEC website at <http://www.dec.ny.gov/chemical/43133.html#Steps>.

If this project requires a SPDES Stormwater Permit and qualifies for the General Permit, and the project site is within an MS4 (Municipal Separate Storm Sewer System) area, a Stormwater Pollution Prevention Plan (SWPPP) must be reviewed and accepted by the municipality and the MS-4 Acceptance Form must be submitted to DEC.

This project is not within the NYCDEP East of Hudson Watershed or appear to involve disturbance of 1 acre or more and, therefore, does not appear to require a SPDES Stormwater Permit. However, if changes to project plans result in disturbance exceeding one acre, the project may be covered by one of two Statewide General Permits or may require an individual permit.

Please note that this letter only addresses the requirements for the following permits from DEC:

- Protection of Waters Freshwater Wetlands State-Listed Species
 SPDES Stormwater

ADDITIONAL COMMENTS

Coastal Management Zone

The project is located within the Coastal Management Zone.

If DEC has individual permit approvals for this project, then we will review it in accordance with Coastal Management Program requirements. If the SPDES Stormwater General Permit is the only Department permit needed for this project, then we will not undertake Coastal Management Program

review. For more information about the Coastal Zone Management Program, please contact the NYS Department of State Office of Communities and Waterfronts at 518-474-6000.

Critical Environmental Area (CEA)


Please be aware that a portion of the proposed project is located within Long Island Sound Critical Environmental Area (CEA) designated by Westchester County. The potential impacts of the proposed project on this CEA should be evaluated during the review of the project pursuant to SEQR.

Other

Other permits from DEC or other agencies may be required for projects conducted on this property now or in the future. Also, regulations applicable to the location subject to this determination occasionally are revised and you should, therefore, verify the need for permits if your project is delayed or postponed. This determination regarding the need for permits will remain effective for a maximum of one year unless you are otherwise notified. Applications may be downloaded from our website at www.dec.ny.gov under "Programs" then "Division of Environmental Permits."

Please contact this office if you have questions regarding the above information. Thank you.

Sincerely,



Jean McAvoy
Region 3, Division of Environmental Permits
Telephone: 845/256-3165
Email: jean.mcavoy@dec.ny.gov

Project :

Date :

Full Environmental Assessment Form
Part 3 - Evaluation of the Magnitude and Importance of Project Impacts
and
Determination of Significance

Part 3 provides the reasons in support of the determination of significance. The lead agency must complete Part 3 for every question in Part 2 where the impact has been identified as potentially moderate to large or where there is a need to explain why a particular element of the proposed action will not, or may, result in a significant adverse environmental impact.

Based on the analysis in Part 3, the lead agency must decide whether to require an environmental impact statement to further assess the proposed action or whether available information is sufficient for the lead agency to conclude that the proposed action will not have a significant adverse environmental impact. By completing the certification on the next page, the lead agency can complete its determination of significance.

Reasons Supporting This Determination:

To complete this section:

- Identify the impact based on the Part 2 responses and describe its magnitude. Magnitude considers factors such as severity, size or extent of an impact.
- Assess the importance of the impact. Importance relates to the geographic scope, duration, probability of the impact occurring, number of people affected by the impact and any additional environmental consequences if the impact were to occur.
- The assessment should take into consideration any design element or project changes.
- Repeat this process for each Part 2 question where the impact has been identified as potentially moderate to large or where there is a need to explain why a particular element of the proposed action will not, or may, result in a significant adverse environmental impact.
- Provide the reason(s) why the impact may, or will not, result in a significant adverse environmental impact
- For Conditional Negative Declarations identify the specific condition(s) imposed that will modify the proposed action so that no significant adverse environmental impacts will result.
- Attach additional sheets, as needed.

Determination of Significance - Type 1 and Unlisted Actions

SEQR Status: Type 1 Unlisted

Identify portions of EAF completed for this Project: Part 1 Part 2 Part 3

Upon review of the information recorded on this EAF, as noted, plus this additional support information

and considering both the magnitude and importance of each identified potential impact, it is the conclusion of the _____ as lead agency that:

A. This project will result in no significant adverse impacts on the environment, and, therefore, an environmental impact statement need not be prepared. Accordingly, this negative declaration is issued.

B. Although this project could have a significant adverse impact on the environment, that impact will be avoided or substantially mitigated because of the following conditions which will be required by the lead agency:

There will, therefore, be no significant adverse impacts from the project as conditioned, and, therefore, this conditioned negative declaration is issued. A conditioned negative declaration may be used only for UNLISTED actions (see 6 NYCRR 617.d).

C. This Project may result in one or more significant adverse impacts on the environment, and an environmental impact statement must be prepared to further assess the impact(s) and possible mitigation and to explore alternatives to avoid or reduce those impacts. Accordingly, this positive declaration is issued.

Name of Action:

Name of Lead Agency:

Name of Responsible Officer in Lead Agency:

Title of Responsible Officer:

Signature of Responsible Officer in Lead Agency:

Date:

Signature of Preparer (if different from Responsible Officer)

Date:

For Further Information:

Contact Person:

Address:

Telephone Number:

E-mail:

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

Chief Executive Officer of the political subdivision in which the action will be principally located (e.g., Town / City / Village of)

Other involved agencies (if any)

Applicant (if any)

Environmental Notice Bulletin: <http://www.dec.ny.gov/enb/enb.html>

LOCAL LAW NO. I-1 of 2016

A LOCAL LAW AMENDING THE CODE OF THE VILLAGE OF PORT CHESTER, CHAPTER 345, "ZONING", TO ESTABLISH A NEW GATEWAY RETAIL ("C4-R") ZONING DISTRICT AND TO CHANGE THE OFFICIAL ZONING MAP THEREFOR

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

SECTION 1: Purpose and Intent

The current C4 General Commercial District designation for the northern portion of North Main Street presents a limitation on realizing the area as a gateway to the Village of Port Chester. The new C4-R Gateway Retail District will facilitate a greater mix of uses, including retail., and promote the continued economic revitalization of the Village. The C4-R District regulations are designed to provide better visual and/or physical access to the Byram River, which is one of the defining characteristics of the area and currently underutilized as a public asset.

SECTION 2: The Code of the Village of Port Chester, Chapter 345, Article IV, Section 345-14 is hereby amended as follows:

Section 345-14C Schedule of Off-Street Parking Space Requirements.

..

(2) For Nonresidential Uses

Uses	Number of Spaces Required
-------------	----------------------------------

....

<u>Retail stores or personal service stores within the C4-R District</u>	<u>1 per 300 square feet of gross floor area.</u>
--	---

SECTION 3: The Code of the Village of Port Chester, Chapter 345. Article IX, is hereby amended as follows::

Section 345-50.3. C4-R Gateway Retail District

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

SECTION 4: The Code of the Village of Port Chester, Chapter 345, Article X, Section 345-59 is hereby amended

Section 345-59.D. Jurisdiction to hear specific applications is as follows:

....

(2) Planning Commission

...

(u) Retail store or personal service shop within the C4-R District

SECTION 5: The Code of the Village of Port Chester, Chapter 345, Article X, Section 345-61, is hereby amended as follows:

...

Y. Retail store or personal service shop within the C4-R District

In addition to the general standards, set forth in Sections 345-59 and 345-60, for the granting of a special exception use, the Planning Commission shall also consider the following: On parcels adjacent to the Byram River, access shall be provided and/or the site plan and on-site landscaping shall be designed to provide a view scape of the river, to the extent practicable, via viewsheds through parking lots and other non-improved areas of the site.

SECTION 6: The Code of the Village of Port Chester, Chapter 345, Attachment 3A, Schedule of Regulations for Nonresidence Districts, Part 1, Use Regulations and Attachment 3B Schedule of Regulations for Nonresidence Districts Part 2, Dimensional Regulations. is hereby amended as follows per the annexed:

ZONING

345 Attachment 3A

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

Type of Use	Districts														
	C1 Neighborhood Retail §345-47	C2 Main Street Business §345-48	C3 Office and Commercial §345-49	C4 General Commercial §345-50	C4-R Gateway Retail §345-50.3	C5 Train Station Mixed Use §345-50.1	C5T Downtown Mixed Use Transitional §345-50.2	CD Design Shopping Center §345-51	CDS Special Designed Commercial §345-52	PD Design Professional Building §345-53	DW Design Waterfront §345-54	DW2 Downtown Design Waterfront §345-54.1	M1 Light Industrial §345-55	M2 General Industrial §345-561	PMU Planned Mixed Use §345-57
Residential Uses															
1 Family Dwelling	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
2 Family Dwelling	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
Multifamily Dwelling	X	SE	X	X	X	SE	SE	X	X	X	SE	SE	X	X	P
Multifamily Dwelling (floors above first floor)	X	SE	X	X	X	P	P	X	X	X	SE	SE	X	X	P
Residential Community Facilities															
Church or other Place of Worship, Parish House, Rectory, Sunday School, Convent, Seminary	SE	SE	SE	SE	SE	SE	SE	SE	X	X	SE	SE	SE	SE	SE
General Community Facilities															
Assembly Hall	X	SE	SE	SE	SE	SE	SE	X	X	X	X	X	X	X	P
Convalescent home or nursing home	X	X	SE	X	X	X	X	X	X	X	SE	SE	X	X	P
Hospital	X	SE	SE	X	X	SE	SE	X	X	X	X	X	X	X	SE
Medical and dental offices, not including operating room or community X-ray or therapy room	X	SE	P	X	X	SE	SE	P	P	P	X	X	X	X	SE
Membership club, fraternal organization or similar social institution not operated for a profit	X	P	SE	SE	SE	P	P	X	X	X	SE	SE	X	X	P
Nursery school, day camp or day care center	SE	SE	SE	X	X	SE	SE	X	X	X	X	X	X	X	SE
Public utility facility	X	SE	SE	SE	SE	SE	SE	X	X	X	SE	SE	P	P	SE
School, elementary or high, public, private, or parochial, having a curriculum equivalent to that ordinarily given in public schools.	X	SE	X	X	X	SE	SE	X	X	X	SE	SE	X	X	SE
Medical and dental offices including X-ray and therapy room	X	SE	X	X	X	SE	SE	X	X	X	X	X	X	X	SE
Business Uses															
Automobile repair garage	X	X	X	SE	SE	X	X	X	X	X	X	X	X	X	X
Bank, excluding drive-in	P	P	P	P	P	P	P	P	P	P	SE	SE	P	P	P
Bar or Tavern	X	P	X	X	X	P	P	X	X	X	X	X	X	X	P
Bowling Alley	X	SE	SE	SE	SE	SE	SE	P	P	X	X	X	X	X	P
Cabaret	X	P	X	X	X	P	P	X	X	X	X	X	X	X	P
Catering and Events Establishment	X	P	X	X	X	P	P	X	X	X	X	X	P	P	P
Commercial Indoor Athletic Training Facility	X	SE	X	X	X	SE	SE	X	X	X	X	X	X	P	P
Drive-in establishments other than restaurant, or circus, carnival, or other outdoor amusements	X	X	SE	SE	SE	X	X	SE	SE	X	X	X	X	X	X
Drive-in and fast-food restaurant	X	X	X	SE	SE	X	X	X	X	X	X	X	X	X	X
Food processing shop	X	X	X	SE	SE	X	X	X	X	X	X	X	X	X	X
Funeral Home	SE	SE	SE	SE	SE	SE	SE	X	X	X	X	X	X	X	SE
Gasoline Station	X	X	X	SE	SE	X	X	X	X	X	X	X	SE	SE	X
Health Club, including racquetball facilities and indoor swimming pools	X	P	P	P	P	P	P	P	P	X	X	X	X	X	P
Heating, air conditioning, plumbing, electrical, and similar construction businesses, excluding open storage of materials	X	X	X	P	P	X	X	X	X	X	SE	X	P	P	X

**Village of Port Chester
Schedule of Regulations for Nonresidence Districts
Part 1, Use Regulations (Cont'd)**

Type of Use	Districts														
	C1 Neighborhood Retail §345-47	C2 Main Street Business §345-48	C3 Office and Commercial §345-49	C4 General Commercial §345-50	C4-R Gateway Retail §345-50.3	C5 Train Station Mixed Use §345-50.1	C5T Downtown Mixed Use Transitional §345-50.2	CD Design Shopping Center §345-51	CDS Special Designed Commercial §345-52	PD Design Professional Building §345-53	DW Design Waterfront §345-54	DW2 Downtown Design Waterfront §345-54.1	M1 Light Industrial §345-55	M2 General Industrial §345-561	PMU Planned Mixed Use §345-57
Hotel or Motel	X	P	P	X	<u>X</u>	P	P	P	X	X	SE	SE	X	X	P
Hotel, Motel (floors above first floor)	X	P	P	X	<u>X</u>	P	P	P	X	X	SE	SE	X	X	P
Hotel, limited service	X	P	SE	X	<u>X</u>	P	P	SE	X	X	SE	SE	X	X	P
Marina or yacht club	X	X	X	X	<u>X</u>	X	X	X	X	X	SE	SE	X	X	X
Theater	X	P	P	X	<u>X</u>	P	P	X	X	X	SE	SE	P	P	P
Motor Vehicle Sales lot, motor vehicle salesroom and accessory repair shop	X	X	X	SE	<u>SE</u>	X	X	X	X	X	X	X	X	X	X
Office, Office Building	P	SE	P	P	<u>P</u>	SE	SE	P	P	P	SE	SE	P	P	P
Office, Office Building (floors above first floor)	P	P	P	P	<u>P</u>	P	P	P	P	P	SE	SE	P	P	P
Off-street parking lot or garage for motor vehicles, but not including storage of used or new motor vehicles for sale or hire; minimum requirements shall be in accordance with § 345-14.	X	P	P	P	<u>P</u>	P	P	X	X	X	SE	SE	X	X	P
Pawnshops	X	X	X	X	<u>X</u>	X	X	X	X	X	X	X	SE	SE	X
Radio or television station studio, excluding transmission tower	X	SE	P	P	<u>P</u>	SE	SE	X	X	X	SE	SE	P	P	SE
Radio or television station studio excluding transmission tower (floors above first floor)	X	P	P	P	<u>P</u>	P	P	X	X	X	SE	SE	P	P	SE
Shooting ranges with accessory sales of guns and equipment	X	X	X	X	<u>X</u>	X	X	X	X	X	X	X	X	P	X
Table-service restaurant, no drive-in, open front, fast food, or curb-service types	P	P	P	P	<u>P</u>	P	P	P	P	X	SE	SE	X	X	P
Tax Preparation Office	X	P	X	X	<u>X</u>	P	P	X	X	X	SE	SE	X	X	P
Retail store or personal service shop, services clearly incidental to retail sales on the premises or to personal services	P	P	P	X	<u>SE</u>	P	P	P	SE	X	SE	SE	X	X	P
Veterinary hospital or board and care of small animals	X	SE	X	SE	<u>SE</u>	SE	SE	X	X	X	SE	SE	X	X	SE
Wholesale business, storage building or warehouse	P	X	X	P	<u>P</u>	X	X	X	X	X	SE	SE	P	P	X
Industrial uses															
Cold storage plant, ice plant, bottling central distribution station, light or power plant, or garbage or sewage disposal facility	X	X	X	X	<u>X</u>	X	X	X	X	X	X	X	X	P	X
Creamery, ice cream plant or bakery plant	X	X	X	P	<u>P</u>	X	X	X	X	X	SE	SE	P	P	X
Laundry or dry-cleaning plant	X	X	X	X	<u>X</u>	X	X	X	X	X	SE	SE	P	P	X
Nonnuisance industry, provided that in nonindustrial districts equipment is used that has a rating of no more than 5 horsepower	X	X	X	P	<u>P</u>	X	X	X	X	X	SE	SE	P	P	X
Open storage of equipment or materials	X	X	X	X	<u>X</u>	X	X	X	X	X	X	X	X	SE	X
Printing plant	X	X	P	P	<u>P</u>	X	X	X	X	X	SE	SE	P	P	X
Research laboratory, provided that is shall not be obnoxious by reason of dissemination of smoke, dust, fumes, noise or vibration, or hazardous from fire waste materials or the creation of excessive demands upon municipal services	X	X	SE	SE	<u>SE</u>	X	X	X	X	X	SE	SE	P	P	X
Accessory Uses															
X	X	P	X	X	<u>X</u>	X	X	P	X	X	X	X	X	X	X
Customary accessory structure or use, including cultural, recreational, or athletic facility, meeting room or similar accessory structure or use related to a school, church, or other place of worship	P	P	P	P	<u>P</u>	P	P	P	P	P	SE	SE	P	P	SE
Ethical Pharmacy	X	SE	X	X	<u>X</u>	SE	SE	P	X	P	X	X	X	X	SE
Ground-floor office as accessory use to multifamily development	X	SE	X	X	<u>X</u>	SE	SE	X	X	X	SE	SE	X	X	P
Private garage or private off-street parking area, in accordance with § 345-14	P	P	P	P	<u>P</u>	P	P	P	SE	P	SE	SE	P	P	P
Sign, in accordance with § 345-15	P	P	P	P	<u>P</u>	P	P	P	P	P	SE	SE	P	P	P

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

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

	Districts															
	C1 Neighborhood Retail § 345-47	C2 Main Street Business § 345-48	C3 Office & Commercial § 345-49	C4 General Commercial § 345-50	C4-R Gateway Retail § 345-50.3	C5 Train Station Mixed Use § 345-50.1	C5T Downtown Mixed Use Transitional District § 345-50.2	CD Design Shopping Center § 345-51	CDS Special Designed Commercial § 345-52	PD Design Professional Building § 345-53	DW Design Waterfront § 345-54	DW2 Downtown Design Waterfront § 345-54.1	M1 Light Industrial § 345-55	M2 General Industrial § 345-56	PMU Planned Mixed Use § 345-57	
Maximum Floor Area Ratio (See definition, § 345-2)	1.0	3.2 ¹	3.0	2.0	2.0	4.0 ³	4.0 ³	1.0	1.0	1.0	1.6	2.4 ¹⁰	1.0	2.0	0.8 ⁹	
Maximum Floor Area Ratio For 1 Story	0.35	NR	0.60	NR	0.50	NR	NR	0.35	NR	NR	0.40	NR	0.50	0.70	See §345-62	
Minimum Size of Lot:																
Area, nonresidential (square feet)	NR	NR	NR	NR	NR	NR	NR	21,780	65,340	21,780	10,000	NR	NR	NR		
Area per dwelling unit (square feet)	NR	750 ²	NR	NR	NR	400 ⁴	575 ⁵	NR	NR	NR	750	600 ¹¹	NR	NR		
Width (feet) (e)	40	40	40	40	40	40	40	40	NR	40	40	40	40	40		
Depth (feet)	NR	NR	NR	NR	NR	NR	NR	NR	NR	NR	NR	NR	NR	NR		
Minimum Yard Dimensions:																
Front (feet)	NR	NR	10	10	NR	NR	NR	30	60	10	20	5	25	10		
Side (feet)										-						
1	NR(a)	NR(a)	(b)	NR(a)	NR(a)	NR(a)	NR(a)	30	50	20	(c)	5	20	10		
Total of 2 on interior lot	NR(a)	NR(a)	(b)	NR(a)	NR(a)	NR(a)	NR(a)	60	100	40	(c)	10	40	20		
Rear (feet)	30	20	20	20	NR	20	20	30	50	30	30	25	20	20		
Maximum Height of Building:																
In stories	2½	5	5	3	3	8 ⁶	5 ⁷	3	3	5	4	4	2	8		
In feet	35	60	60	45	45	90 ⁶	60 ⁷	45	45	60	50	50	40	70		
Minimum Usable Open Space on Lot:																
For each dwelling unit (square feet)	1,200	50 ⁸	NR(d)	NR	NR	50 ⁸	50 ⁸	NR	NR	100(d)	50 ⁸	50 ⁸	NR	NR	100	

NOTES:

- (a) If provided at least 10 feet per yard.
- (b) One-half the height of the building to which the yard is related, but not greater than 20 feet.
- (c) Each 25 feet or ½ the height of the building, whichever is greater.
- (d) For each patient bed in a sanatorium, convalescent home or nursing home: 20 feet.
- (e) Must be maintained from the minimum front yard depth to the rear lot line.

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

² A minimum of 575 square feet of lot area per dwelling unit can be achieved through a building height and floor area bonus program in accordance with §345-16.

³ A floor area bonus of 0.5 is available in accordance with §345-16.

⁴ A minimum of 250 square feet of lot area per dwelling unit can be achieved through a building height and floor area bonus program in accordance with §345-16.

⁵ A minimum of 400 square feet of lot area per dwelling unit can be achieved through a building height and floor area bonus program in accordance with §345-16.

⁶ A building height bonus of two stories (30 feet) is available in accordance with §345-16.

⁷ A building height bonus of one story (10 feet) is available in accordance with §345-16.

⁸ See §345-7.E.

⁹ A floor area bonus of 0.20 is available in accordance with §345-16. For any mixed-use (commercial/residential) structure, a building height bonus of two stories (15 feet) is available in accordance with §345-16.

¹⁰ A floor area bonus of 0.2 is available in accordance with §345-16.

¹¹ A minimum of 500 square feet of lot area per dwelling unit can be achieved through a building height and floor area bonus program in accordance with §345-16.

NR = none required

SECTION 7: Official Zoning Map

The Official Zoning Map of the Village of Port Chester is hereby amended to permit the following properties to be changed from a C-4 Zoning District to a C-4R Gateway Retail District and be thereafter be subject to the requirements and regulations of such latter district as described in the Village Code, Chapter 345, and Zoning Regulation:

Section 136.64, Block 1, Lots 30, 33, 34, 35, 36, 38, 39, 40, and 61 of the Town of Rye Official Tax Map.

SECTION 8: 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 9: Effective Date

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

RESOLUTION

FINDINGS OF THE VILLAGE OF PORT CHESTER BOARD OF TRUSTEES WITH REGARDS TO THE CONSISTENCY OF THE PORT NORTH MAIN STREET AMENDED PETITION WITH THE VILLAGE'S ADOPTED 1992 LOCAL WATERFRONT REVITALIZATION PLAN

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 October 6, 2015, Port North Main Street LLC (the "Applicant") filed site plan applications for 531 and 601 North Main Street to convert the existing buildings to retail use; and

WHEREAS, recognizing that retail is currently not a permitted use in the C4 General Commercial Zoning District in which the properties are located, the Applicant concurrently filed a petition on December 15, 2015 for a proposed zoning text amendment to Village Code Chapter 345, to allow retail as a special exception use within all or part of the C4 District, to provide a parking standard for retail use, and to provide specific special exception criteria (the "Original Petition"); and

WHEREAS, based upon the comments from the Planning Commission and an initial review by the Department of Planning & Economic Development, the Applicant filed an amended petition to specifically request a proposed zoning text amendment to Village Code Chapter 345, to create a new C4-R Gateway Retail District from Terrace Avenue north along North Main Street to the Connecticut border, create a retail parking standard for the C4-R District, designate permitted and special exception uses and lot and bulk controls for such district, and establish special exception criteria for retail uses (the "Amended Petition"); and

WHEREAS, pursuant to Chapter 332 of the Village Code and in congruence with the Village of Port Chester's current (1992, as amended in 1999) Local Waterfront Revitalization Program ("LWRP") regulations, the Village of Port Chester Waterfront Commission ("Waterfront Commission") is responsible for evaluating the proposed action against the policies and purposes of the adopted LWRP and provide such determination to the Lead Agency (the Board of Trustees).

WHEREAS, as part of its petition submission, the Applicant provided a Coastal Assessment Form for review by the Waterfront Commission; and

WHEREAS, at the March 30, 2016 Waterfront Commission meeting the Waterfront Commission voted that the petition was consistent with the 1992 LWRP; and

WHEREAS, the LWRP, under Section 5.3, provides the management structure necessary to implement the LWRP, including the ability for Village agencies to issue their own findings; and

WHEREAS, the LWRP, under Section 5.3.C states that the Board's findings should be based upon the Waterfront Commission's recommendation, the Coastal Assessment Form, and other pertinent information;

WHEREAS, the Board has considered such information in its review.

NOW, THEREFORE, be it

RESOLVED, that the Board of Trustees hereby finds that the Amended Petition is consistent with the LWRP, adopted in 1992 and amended in 1999.

Approved as to Form:

Village Attorney, Anthony Cerreto

RESOLUTION

ADOPT A NEGATIVE DECLARATION UNDER STATE ENVIRONMENTAL QUALITY REVIEW ACT (SEQRA) WITH REGARD TO THE PETITION OF PORT NORTH MAIN STREET LLC

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 October 6, 2015, Port North Main Street LLC (the “Applicant”) filed site plan applications for 531 and 601 North Main Street to convert the existing buildings to retail use; and

WHEREAS, recognizing that retail is currently not a permitted use in the C4 General Commercial Zoning District in which the properties are located, the Applicant concurrently filed a petition on December 15, 2015 for a proposed zoning text amendment to Village Code Chapter 345, to allow retail as a special exception use within all or part of the C4 District, to provide a parking standard for retail use, and to provide specific special exception criteria (the “Original Petition”); and

WHEREAS, at the January 19, 2016 Board meeting, the Board accepted the Original Petition for consideration and review, referred the matter to the Planning Commission and Waterfront Commission for their review and comments, found that the Proposed Action is an Unlisted Action pursuant to the New York State Environmental Quality Review Act (“SEQRA”) and the regulations at 6 NYCRR Part 617, and noticed its intent to serve as Lead Agency for the purposes of a coordinated review to interested and involved agencies; and

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

WHEREAS, the Planning Commission held a public meeting on January 25, 2016 on the zoning and provided comments, as encapsulated in the January 25, 2016 Planning Commission meeting minutes; and

WHEREAS, based upon the Planning Commission’s comments and an initial review by the Department of Planning & Economic Development, the Applicant filed an amended petition to specifically request a proposed zoning text amendment to Village Code Chapter 345, to create a new C4-R Gateway Retail District from Terrace Avenue north along North Main Street to the Connecticut border, create a retail parking standard for the C4-R District, designate permitted and special exception uses and lot and bulk controls for such district, and establish special exception criteria for retail uses (the “Amended Petition”); and

WHEREAS, all involved agencies advised that they did not object to the Board's designation as Lead Agency or more than 30 days had elapsed since notification of the Board's notice of intent; and

WHEREAS, at a duly noticed meeting on March 7, 2016, the Board accepted the Amended Petition, declared itself as Lead Agency under SEQRA, and scheduled a public hearing for April 4, 2016; and

WHEREAS, the Amended Petition submitted by the Applicant included a Full Environmental Assessment Form ("EAF") Part 1, pursuant to SEQRA; and

WHEREAS, the Amended Petition submitted by the Applicant also included a Coastal Assessment Form ("CAF"); and

WHEREAS, at the March 30, 2016 Waterfront Commission meeting, the Waterfront Commission issued a determination that the Amended Petition was consistent with the LWRP, adopted in 1992 and amended in 1999; and

WHEREAS, the Board held a public hearing on the Amended Petition on April 4, 2016; and

WHEREAS, at the April 18, 2016 Board meeting, the Board adopted findings that the Amended Petition was consistent with the LWRP, adopted in 1992 and amended in 1999; and

WHEREAS, staff has recommended that the Board of Trustees adopt a determination that the Proposed Action would not have a significant adverse environmental impact; and

WHEREAS, the Board has reviewed and carefully considered the EAF Parts 1, 2, and 3, CAF, board and public comments, and the recommendations of its staff.

NOW, THEREFORE, be it

RESOLVED, that the Board of Trustees hereby determines that the Proposed Action will not have a significant adverse impact on the environment for the reasons set forth in the accompanying Negative Declaration, which is incorporated hereto and made a part hereof; and be it further

RESOLVED, that the Village Clerk is directed to undertake all filings and service of this Resolution pursuant to the regulations governing SEQRA at 6 NYCRR 617.12.

Approved as to Form:

Village Attorney, Anthony Cerreto

RESOLUTION

ADOPTING LOCAL LAW NO. _ OF 2016 AMENDING THE CODE OF THE VILLAGE OF PORT CHESTER, CHAPTER 345, "ZONING", TO ESTABLISH A NEW GATEWAY RETAIL ("C4-R") ZONING DISTRICT AND TO CHANGE THE OFFICIAL ZONING MAP THEREFOR

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 October 6, 2015, Port North Main Street LLC (the "Applicant") filed site plan applications for 531 and 601 North Main Street to convert the existing buildings to retail use; and

WHEREAS, recognizing that retail is currently not a permitted use in the C4 General Commercial Zoning District in which the properties are located, the Applicant concurrently filed a petition on December 15, 2015 for a proposed zoning text amendment to Village Code Chapter 345, to allow retail as a special exception use within all or part of the C4 District, to provide a parking standard for retail use, and to provide specific special exception criteria (the "Original Petition"); and

WHEREAS, based upon the comments from the Planning Commission and an initial review by the Department of Planning & Economic Development, the Applicant filed an amended petition to specifically request a proposed zoning text amendment to Village Code Chapter 345, to create a new C4-R Gateway Retail District from Terrace Avenue north along North Main Street to the Connecticut border, create a retail parking standard for the C4-R District, designate permitted and special exception uses and lot and bulk controls for such district, and establish special exception criteria for retail uses (the "Amended Petition"); and

WHEREAS; the Board held a public hearing on the Amended Petition on April 4, 2016 upon, among other things, the question of enactment of Local Law No. _ of 2016, being a Local Law amending the official zoning map and the text of Chapter 345, Article XVI of the Village Code (Zoning) as set forth on Exhibit "A" which is on file with the Village Clerk's Office of the Village of Port Chester; and

WHEREAS, at the April 18, 2016 Board meeting, the Board adopted findings that the Amended Petition was consistent with the LWRP, adopted in 1992 and amended in 1999; and

WHEREAS, the Board determined that the Proposed Action will not have a significant adverse impact on the environment as described in the Negative Declaration; and

WHEREAS, the Board adopted the Negative Declaration on April 18, 2016.

NOW, THEREFORE, be it

RESOLVED, by the Village of Port Chester Board of Trustees that Local Law No. _ of 2016, is hereby enacted as follows and effective upon its filing with the New York State Department of State:

LOCAL LAW NO. _ of 2016

A local law amending the text of Chapter 345 of the Village Code to create a new C4-R Gateway Retail District from Terrace Avenue north along North Main Street to the Connecticut border, create a retail parking standard for the C4-R District, designate permitted and special exception uses and lot and bulk controls for such district, and establish special exception criteria for retail uses.

Approved as to Form:

Village Attorney, Anthony Cerreto



VILLAGE OF
PORT CHESTER

222 Grace Church Street, Port Chester, New York 10573

AGENDA MEMO

Department: Justice Court

BOT Meeting Date: 4/18/2016

Item Type: Resolution

Sponsor's Name: Regina Hill, Court Clerk

Description	Yes	No	Description	Yes	No
Fiscal Impact	x <input type="checkbox"/>	<input type="checkbox"/>	Public Hearing Required	<input type="checkbox"/>	x <input type="checkbox"/>
Funding Source: Bail Related Forfeitures Account #:1.1.2611			BID #		
			Strategic Plan Priority Area		
			N/A		
Agreement	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Manager Priorities		
Strategic Plan Related	<input type="checkbox"/>	<input checked="" type="checkbox"/>	N/A		

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

2016 Unclaimed Bail

Summary

Resolution to accept the 2016 Unclaimed bail to Port Chester General Fund.
 (Bail 6 years or older)

Proposed Action

That the Board of Trustees adopt the Resolution

Attachments

Copy of Check #25597 for \$9,659

RESOLUTION

TO ACCEPT UNCLAIMED BAIL MONIES FROM THE VILLAGE JUSTICE COURT
TO THE GENERAL FUND

On motion of TRUSTEE _____, seconded by TRUSTEE _____,

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

WHEREAS, the Village's Independent Auditor has recommended, consistent with the opinion issued by the State Comptroller (80-515), that bail monies which are unclaimed and outstanding in excess of six years be transferred to the Village's General Fund. Now, therefore be it

RESOLVED, that the Board of Trustees of the Village of Port Chester, New York hereby authorizes the Village Treasurer to accept payment in the amount of \$9,659 from the Village Justice Court and record such payment as Revenue – Bail Related Forfeitures, in the FY 2015-16 General Fund Budget.

APPROVED AS TO FORM:

Village Attorney
Anthony Cerreto

25597

VILLAGE OF PORT CHESTER
VILLAGE JUSTICES' BOND ACCT.
350 NORTH MAIN STREET
PORT CHESTER, NY 10573

DATE 4-12-16

1-2/210

PAY
TO THE
ORDER OF

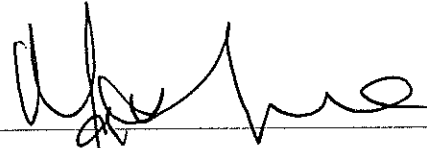
Port Chester General Fund

\$ 9,659-

Nine Thousand Six Hundred Fifty-Nine⁰⁰/100

DOLLARS  Security Features
Included
Check on Back

CHASE
JPMorgan Chase Bank, N.A.
www.Chase.com



FOR 2016 Unclear bu 1

⑆025597⑆ ⑆021000021⑆

01212113⑆

EXECUTIVE DIRECTOR: Andrea Kocsis, LCSW
DEPUTY DIRECTOR: Kathy Pandekakes

Received
APR 4 2016
Village Clerk
VILLAGE OF PORT CHESTER

March 14, 2016

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

Re: Redevelopment of the United Hospital Site

Dear Mayor and Board of Trustees:

As a member of the Board of Directors for Human Development Services of Westchester (HDSW), a not for profit organization administering community revitalization and housing programs in the Village of Port Chester, I am writing to express my support for responsible development at the United Hospital site.

HDSW has been involved in promoting responsible housing in Port Chester for more than 40 years, and has seen both positive and negative development affect this community and its residents. As this redevelopment opportunity arises, I hope that you and the Board will emphasize the needs of our community to the developer by addressing the following concerns:

- A plan for a 20 percent of the project's units to be affordable for working Port Chester families or for Starwood to pay for the construction of an equal number of units at a separate site within the Village.
- A guarantee that all jobs for building and running the project will be good, safe jobs, offering ample training opportunities, and at least area-standard wages and benefits.
- Adequate funding given to the Port Chester schools to ensure this project does not exacerbate the overcrowding that our students and educators already struggle with.
- The hiring of an independent monitor to supervise clean up and mitigation at the hospital site, which is contaminated with hazardous materials, including PCBs, human waste and asbestos.

These are measures that responsible developers have adopted at other projects without sacrificing the opportunity for sizeable returns on their investments. Please make sure that the United Hospital redevelopment truly benefits Port Chester.

Respectfully submitted,





The American Legion
Port Chester Post 93
Department of New York
78 Pearl Street
Port Chester, NY 10573
Unity and Service for America

VILLAGE OF PORT CHESTER

APR 05 2016

RECEIVED

March 26, 2016

Honorable Mayor Denis Pilla
& Board Of Trustees, Village of Port Chester
222 Grace Church Street
Port Chester, NY. 10573

Dear Honorable Mayor and Trustees:

The American Legion is completing plans for the 2016 Memorial Day Ceremonies and parade.

We are in the process of contracting for wreaths, flags ,flowers, for the ceremonies at Veterans Memorial Park, Marina, our Eight War Memorials And for decorations of Veterans' Graves in various cemeteries.

We respectfully Request that the Village of Port Chester appropriation of \$1,500 Dollars for the 2016 year be mailed to the above address with" the check made out to the American Legion"

As directed by the three local Governments (Rye Brook, Port Chester Rye Town) all bills must be paid by the American Legion.

Sincerely,

William Chiappetta

William Chiappetta

Adjutant

914-819-2945



The American Legion
Port Chester Post 93
Department of New York
78 Pearl Street
Port Chester, NY 10573
Unity and Service for America

VILLAGE OF PORT CHESTER

APR 05 2016

RECEIVED

MARCH 26, 2016

Honorable Mayor PILLA
& Board Of Trustees, Village of Port Chester
222 Grace Church Street
Port Chester, NY. 10573

Dear Honorable Mayor and Trustees:

The American Legion is completing plans for the 2016 Memorial Day Ceremonies and parade on Monday May 30 2016. We will hold ceremonies at Memorial Park at the corner of Westchester Ave and No Regent St At.11:00 A.M. with a parade to follow at 12:00P.M.

We are asking for permission from the board of trustees of the village of Port Chester to hold said ceremonies and parade to start on the top of Westchester Ave. and proceed down Westchester Ave to Broad St.

Sincerely,

Bill Chiappetta

Bill Chiappetta
Adjutant
914-819-2945



The American Legion
Port Chester Post 93
Department of New York
78 Pearl Street
Port Chester, NY 10573
914-937-5562
Unity and Service for America

ANNUAL MEMORIAL DAY OBSERVANCES AND PARADE MONDAY, MAY 30 2016

Of Port Chester Rye Brook Town of Rye

THE DAY WILL BEGIN AT 8:45 A.M.

WITH A MEMORIAL SERVICE AT THE VILLAGE MARINA TO HONOR THOSE SERVICEMEN WHO SERVED AND DIED AT SEA, COLOR GUARD TEAM FIREING AND FLOWERS WILL BE STREWN UPON THE WATER THEN TAPS WILL BE PLAYED

AT 9:00 A.M. COLOR GUARD AND FIREING TEAM THEN TAPS AT WILLIAM JAMES MEMORIAL GATEWAY PARK ON NO. MAIN ST

AT 9:15 A.M. COLOR GUARD AND FIREING TEAM THEN TAPS AT VIETNAM WAR MEMORIAL AND POLICE MEMORIAL LYONS PARK CORNER OF KING ST AND PUTNAM AVE

AT 9:30 A.M. COLOR GUARD AND FIREING TEAM THEN TAPS AT SPANISH WAR MEMORIAL IN SUMMER FIELD PARK KING ST AND WILLET AVE

AT 9:45 A.M. COLOR GUARD AND FIREING TEAM THEN TAPS AT CIVIL WAR MEMORIAL CORNER POST RD AND PEARL ST

AT 10:00 A.M. FIREING TEAM AT AMERICAN LEGION POST 93 ON PEARL ST

AT 10:30 A.M. COLOR GUARD AND FIREING TEAM THEN TAPS AT PORT CHESTER FIRE DEPT HEADQUATERS ON WESTCHESTER AVE

AT 10:45 A.M. COLOR GUARD AND FIREING TEAM THEN TAPS AT KOREAN WAR MEMORIAL AT CRAWFORD PARK OFF RIDGE ST RYE BROOK .

AT 11 A.M. CEREMONIES WILL BEGIN AT VETARNS MEMORIAL PARK AT NORTH REGENT AND WESTCHESTER AVE. AFTER CEREMONIES THERE WILL BE A PARADE DOWN WESTCHESTER AVE

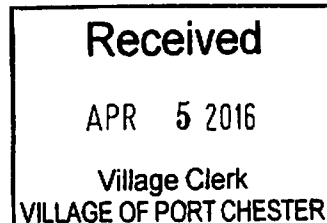
William P. Chiappetta
Adjutant
914-819-2945

CORR -03
BOT 4-18-16

Washington Engine & Hose Co. #4, Inc.
PORT CHESTER FIRE DEPARTMENT
PORT CHESTER, NEW YORK

April 2, 2016

Village Clerk
Village of Port Chester
222 Grace Church St
Port Chester NY 10573



Dear Village Clerk:

Please note the action of Washington E&H Co #4 in accepting the resignation of Joseph Galasso from active membership in Washington E&H. Our Officers have recovered the Village's badge (#2044) and will return it to the Clerks office.

Sincerely,

A handwritten signature in black ink, appearing to read "P. Cregan", with a long horizontal flourish extending to the right.

Paul Cregan
Secretary



Gregg Gregory, Chairman

Village of Port Chester Planning Commission

Anthony Baxter
Peter Coperine
Ciro Cuono
Joseph Montesano
Christopher Summa
Michael Scarola

To: Board of Trustees
From: Planning Commission
Date: March 28, 2016
Re: Parking and Mobility Study

Over the past decade, Port Chester as a whole and particularly the downtown area have seen a rebirth. Despite having a mix of off- and on-street parking in the downtown area, there is a perception that there is limited available parking and that the current and potential future growth of the Village will only exacerbate the problem.

Most, if not all, applicants before the Planning Commission have sought some sort of relief with regard to parking or have proposed alternative layouts for the parking areas on-site. On a case-by-case basis, an applicant can argue that parking is sufficient and such relief/alternative would not have an impact. This has led to a situation where, we believe, the Village needs a comprehensive, holistic review of parking in our downtown and Port Chester as a whole.

Therefore, we, the Planning Commission, understand that the Board of Trustees and IDA have broached the idea of a parking and mobility study. We strongly encourage the Board to pursue such a study and would like to be a partner in the evaluation.

Respectfully,

Gregg Gregory
Planning Commission Chairman

cc: C. Steers
T. Cerreto
E. Zamft
C. Phillips



Gregg Gregory, Chairman

Village of Port Chester Planning Commission

Anthony Baxter
Peter Coperine
Ciro Cuono
Joseph Montesano
Christopher Summa
Michael Scarola

To: Board of Trustees
From: Planning Commission
Date: March 28, 2016
Re: Burying the Overhead Wires

In recent years, municipalities across New York State and the United States have asked the question: Can we bury our overhead utility lines? Not only is it an aesthetic issue, but, as we have seen from storms over the years, it can be a safety and service issue as well. Although the answer differs from place to place, in many instances the municipality has undertaken an evaluation of the feasibility of such relocation.

The Planning Commission is currently considering an application by an Applicant seeking relief from their final site plan approval condition to bury the lines on Abendroth Avenue in front of the Mariner development. Although the application is for the area just in front of the Mariner, the Planning Commission has concerns for that particular location and the larger downtown area.

The Village was able to successfully bury the overhead wires on both North and South Main Street, beginning in the 1980s. A taxing district was established to pay for the costs associated with the work, and it is our recollection that the disturbances to businesses were kept to a minimum. Federal CDBG funding was also likely used to help pay for the associated costs.

In fact, Chapter 312 of the Village Code, Underground Utilities, notes the Village's policy to bury utilities in redevelopment areas. It can be argued that Abendroth Avenue has the potential to be Port Chester's "second Main Street", along with Westchester Avenue. Therefore, the Planning Commission recommends that the Board of Trustees evaluate the feasibility of burial of the overhead wires in the rest of the downtown area: the area east of the railroad trestle, south of Mill Street to Westchester Avenue, along King Street, Abendroth Avenue, Adee Street, Willett Avenue, Highland Street, and Mill Street. Consolidated Edison has been part of the discussions with the Mariner and they likely can be re-engaged to be a partner in such evaluation.

Respectfully,


Gregg Gregory
Planning Commission Chairman

cc: C. Steers
T. Cerreto
E. Zamft
C. Phillips

CORR -06

BOT 4-18-16

Received

APR 11 2016

Village Clerk
VILLAGE OF PORT CHESTER



Mellor Engine & Hose Co. No 3, Inc.

P.O. BOX 575
PORT CHESTER, NEW YORK 10573

Gregg Gregory, *President*
Daniel Romanello, *Vice President*
John Colucci, *Treasurer*
Donna Gordiski, *Secretary*

Luis Marino, *Captain*
Leslie J. Murphy, *1st Lieutenant*
Scott Sprague, *2nd Lieutenant*
Frank Gordiski, *Sergeant*
Peter Mutz, *Chief Driver*

April 2016

Village of Port Chester
Village Clerk
222 Grace Church Street
Port Chester, NY 10573

To whom it may concern:

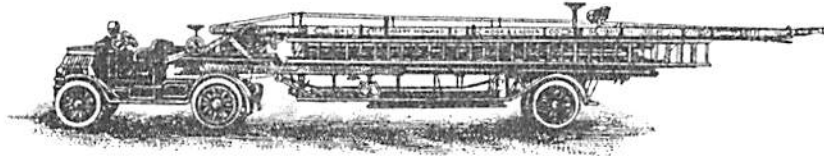
Erwin Penala-Diaz has been removed from the rollcall of Mellor Engine & Hose Co. #3.
Please remove him from active rolls.
His badge will be returned to the Village in a timely fashion.

Sincerely,

Donna Gordiski
Donna C. Gordiski
Secretary

CORR - 07

BOT 4-18-16



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

April 5, 2016

Hon Mayor Dennis Pilla and
Members of the Village Board of Trustees
Village of Port Chester
222 Grace Church Street
Port Chester, NY 10573
Attn: Mr. David Thomas – Village Clerk



Re: Election of New Member
Ronald Georgio

Dear Mayor Pilla & Members of the Board:

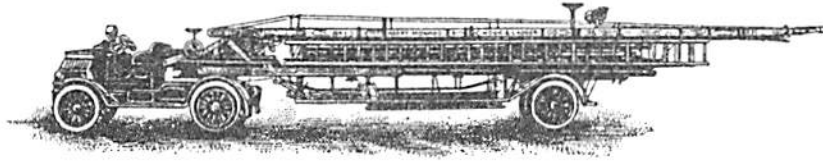
The purpose of this letter is to inform you that on April 5, 2016, at the regularly scheduled monthly meeting of the Company, the members of Harry Howard Hook & Ladder Company #1 voted for the acceptance of the following new member to active membership in our Company:

Ronald Georgio
73 Stephen Dr
Pleasantville, NY 10570

Sincerely,

NEIL J. PAGANO
Secretary

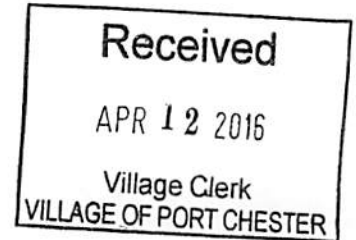
CORR -08
BOT 4-18-16



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

April 7, 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: Brett Atkinson – Badge # 2192
Dropped from the Rolls

Dear Mayor Pilla & Members of the Board

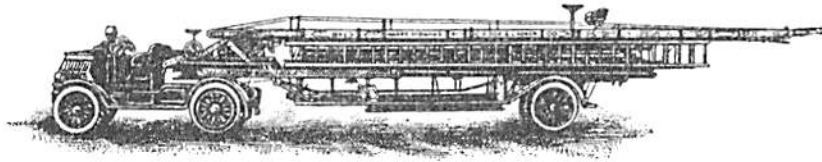
The purpose of this letter is to inform you that on April 5, 2016, at the regularly scheduled monthly meeting of the Company, the members of Harry Howard Hook & Ladder Company #1 unanimously voted to accept the resignation of Brett Atkinson because of his educational commitments.

Brett Atkinson
21 Spezzano Drive
Riverside, CT 06878

Sincerely,

NEIL J. PAGANO
Secretary

CORR - 09
BOT 4-18-16



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

April 5, 2016

Hon Mayor Dennis Pilla and
Members of the Village Board of Trustees
Village of Port Chester
222 Grace Church Street
Port Chester, NY 10573
Attn: Mr. David Thomas – Village Clerk

Received
APR 12 2016
Village Clerk
VILLAGE OF PORT CHESTER

Re: Election of New Member
Gersom Reyes

Dear Mayor Pilla & Members of the Board:

The purpose of this letter is to inform you that on April 5, 2016, at the regularly scheduled monthly meeting of the Company, the members of Harry Howard Hook & Ladder Company #1 voted for the acceptance of the following new member to active membership in our Company:

Gersom Reyes
8 Fox Island Rd
Port Chester, NY 10573

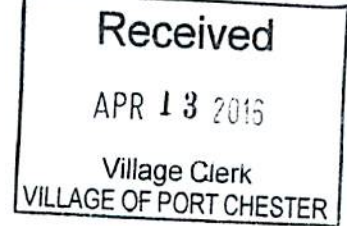
Sincerely,

NEIL J. PAGANO
Secretary

EXECUTIVE DIRECTOR: Andrea Kocsis, LCSW
DEPUTY DIRECTOR: Kathy Pandekakes

March 14, 2016

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



Re: Redevelopment of the United Hospital Site

Dear Mayor and Board of Trustees:

As a member of the Board of Directors for Human Development Services of Westchester (HDSW), a not for profit organization administering community revitalization and housing programs in the Village of Port Chester, I am writing to express my support for responsible development at the United Hospital site.

HDSW has been involved in promoting responsible housing in Port Chester for more than 40 years, and has seen both positive and negative development affect this community and its residents. As this redevelopment opportunity arises, I hope that you and the Board will emphasize the needs of our community to the developer by addressing the following concerns:

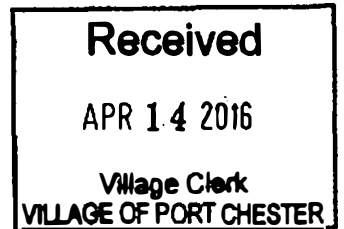
- A plan for a 20 percent of the project's units to be affordable for working Port Chester families or for Starwood to pay for the construction of an equal number of units at a separate site within the Village.
- A guarantee that all jobs for building and running the project will be good, safe jobs, offering ample training opportunities, and at least area-standard wages and benefits.
- Adequate funding given to the Port Chester schools to ensure this project does not exacerbate the overcrowding that our students and educators already struggle with.
- The hiring of an independent monitor to supervise clean up and mitigation at the hospital site, which is contaminated with hazardous materials, including PCBs, human waste and asbestos.

These are measures that responsible developers have adopted at other projects without sacrificing the opportunity for sizeable returns on their investments. Please make sure that the United Hospital redevelopment truly benefits Port Chester.

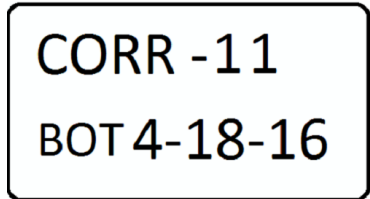
Respectfully submitted,

A handwritten signature in cursive script that reads "Sobel Perry".

PARK COMMISSION
Port Chester, New York



April 14, 2016



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

Dear Mayor Pilla and Board of Trustees:

At the Park Commission meeting held April 13, 2016 the subject of the condition of Village parks was discussed. This Commission feels priority attention should be given to both Recreation (Rec) Park and Columbus Park.

The bathrooms in Rec Park are non-existent with one available porta potty available for use. The season has again begun where baseball is prevalent in this park with scheduled games as well as tournaments. We respectfully ask that something be done to alleviate this problem. New bathrooms are definitely needed.

Columbus Park bathrooms also require attention. As you are aware this is a much used park with soccer as well as many families enjoying the facility. Appropriate work to upgrade the bathrooms will be much appreciated.

Thank you for your help in solving these problems.

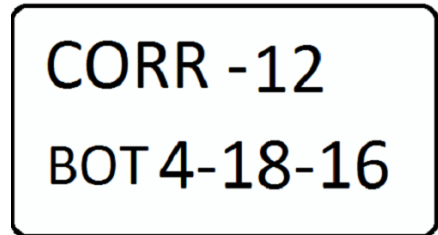
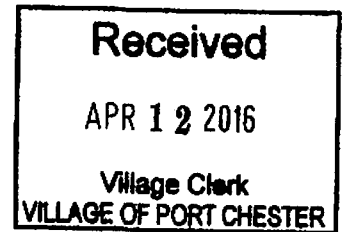
Sincerely,

Jerry Terranova

Jerry Terranova
Chairman

cc: C. Steers

Gerald Donahue
88 Hobart Ave
Port Chester, NY 10573



April 12, 2016

Mayor Dennis Pilla
222 Grace Church Street
Port Chester, NY 10573

Dear Mr. Mayor,

It was recently brought to my attention that my term as a member of the Port Chester Park Commission has expired.

I would like to continue my membership on that commission, and would like to request you and the Board of Trustees approve my re-appointment.

Very truly yours,

A handwritten signature in black ink, appearing to read "Gerald Donahue".

Gerald Donahue