



VILLAGE OF
PORT CHESTER

222 Grace Church Street, Port Chester, New York 10573

PH-01

AGENDA MEMO

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

BOT Meeting Date: 1/4/2016

Item Type: Continued Joint Public Hearing

Sponsor's Name:	Anthony Cerreto, Village Attorney
Sponsor's Name:	Jesica Youngblood, Village Planner

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

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

Summary

The owner/developer G&S (herein referred to as "Applicant") submitted an amended zoning petition on/or about October 1, 2015 that reduced the total square footage of allowed development to ~72,000 square feet (originally 90,000 sqft) for five (5) floors to

include ~79 upper-floor rental dwelling units comprised primarily of studios and one-bedroom units, ~12,000 square feet of ground-floor retail, parking requirements for the proposed multi-family residential component, amended bulk and density provisions, and a floor area ratio bonus program.

On November 2, 2015 the Board held a joint public hearing with the Planning Commission to consider the Applicant's petition in addition to receiving advisory comments from the Planning Commission. Specifically those comments echoed the Board's and centered around adequate parking and loading provisions, general traffic and circulation patterns, pedestrian safety, open space provisions, and bulk and density provisions.

Application Status*

Please refer to the attorney-client privileged communication from special counsel Mark Chertok, Esq. regarding application status. Further, Applicant has submitted a letter of adjournment for the matter to be continued at the January 19, 2016 meeting and is included in Board packets.

Comprehensive Plan Consistency

The Application declares the proposal "*is completely consistent the Land Use Strategies and recommendations for the Downtown North and South Main Street and Abendroth Avenue (west side) land area as set forth in the Village's 2012 Comprehensive Plan.*" The Comprehensive Plan includes "Retail D" in the Higher Intensity Planning Zone category and describes the adopted land use strategy for mixed-use development consisting of ground-floor retail and upper-floor residential with a maximum height of five (5) stories (pg. 140), thereby aligning the Application with the strategies and recommendations prescribed within the adopted Comprehensive Plan.

Attachments
<ul style="list-style-type: none">• None

PORT CHESTER ^{Westmore} NEWS AFFIDAVIT OF PUBLICATION

State of New York }
County of Westchester }

as Angelina Brescia, being duly sworn,
deposes and says that (s)he is the office manager of the
WESTMORE NEWS, a weekly newspaper published in the Village of
Port Chester, County of Westchester, State of New York, and the notice
of which the annexed is a printed copy was published in said newspaper
on the following dates of publication:

10/23/15 _____

Sworn to before me
this 23rd day of October 2015
Hope B. Vespià

Notary Public, Westchester County

Signed: Angelina Brescia

HOPE B. VESPIA
Notary Public, State of New York
No. 01VE5084028
Qualified in Westchester County
Commission Expires August 25, 2017

Public Notice

LEGAL NOTICE Village of Port Chester

A joint public hearing will be held by the Port Chester Board of Trustees with the Port Chester Planning Commission on November 2, 2015 at 7:00 P.M. at 350 North Main Street, to consider the amended petition as submitted by G&S Port Chester, LLC for respective zoning map and text amendments to the MUR Marina Redevelopment Project Renewal District ("MUR"), the associated urban renewal plans, and the Concept Development Plan for the Modified Marina Redevelopment Project to permit multi-family residential development with a floor area ratio bonus and the following bulk and density regulations:

a maximum height of 5 stories/70 feet, a maximum floor area ratio of 3.7; a minimum lot area per dwelling unit of 240 square feet; no front, side, or rear yard setback requirements; and no requirements for usable open space per unit, in a portion of the Project Area known and designated as Retail "D" and more fully described as Section 142.31, Block 1, Lots 3, 4, 5, 6, 20, 21, 22, 23 and 24 of the Town of Rye Official Tax Map as well as an interstitial right-of-way shown on said Map.

Date: October 21, 2015

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



December 31, 2015

Via Email: JYoungblood@portchesterny.com

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

Re: Rezoning Petition for Project Area known as "Retail D"
Tax Map Designation: Section 142.31, Block 1, Lot(s) 3, 4, 5, 6, 20, 21, 22, 23 and 24

Dear Mayor Pilla and Members of the Board:

On behalf of the Petitioner G&S Port Chester LLC, we respectfully request a short adjournment of the Public Hearing on the referenced matter until the Board of Trustees next meeting scheduled for January 19, 2016. This will better provide the Petitioner, Village staff and special SEQRA counsel an opportunity to prepare and review various aspects of the application.

Very truly yours,
Tartaglia Law Group, LLC

A handwritten signature in black ink, appearing to read 'Daniel D. Tartaglia', written over a horizontal line.

Daniel D. Tartaglia, Esq.

PORT CHESTER ^{Westmore} NEWS AFFIDAVIT OF PUBLICATION

State of New York }
County of Westchester }

as Angelina Breseia, being duly sworn, deposes and says that (s)he is the office manager of the WESTMORE NEWS, a weekly newspaper published in the Village of Port Chester, County of Westchester, State of New York, and the notice of which the annexed is a printed copy was published in said newspaper on the following dates of publication:

12/11/15 _____

Sworn to before me

this 14th day of December 20 15

Hope B. Vespia

Notary Public, Westchester County

Signed: Angelina Breseia

HOPE B. VESPIA
Notary Public, State of New York
No. 01VE5084028
Qualified in Westchester County
Commission Expires August 25, 2017

Public Notice

PUBLIC NOTICE

PUBLIC NOTICE is hereby given that the Board of Trustees of the Village of Port Chester, New York, will hold a **PUBLIC HEARING** on Monday, January 4, 2016, at 7:00 P.M. or thereafter in the Village Justice Courtroom, 350 North Main Street, Port Chester, New York, to consider the advisability of adopting a local law amending the official zoning map of the Village of Port Chester.

Address
52 Eldredge Street

Section, Block, Lot
142 61-1-5

Existing Zone
R2F

Proposed Zone
C1

A copy of the petition for the proposed zoning map amendment is available at the Village Clerk's office, Port Chester-Rye Brook Public Library, and online at the Village website www.portchesterny.com.

Date: December 11, 2015

/s/ Dave Thomas
Dave Thomas
Village Clerk
Village of Port Chester,
New York



Agency:

PORTCHESTER VILLAGE OF
 PORTCHESTER VILLAGE OF
 SUITE 305.
 PORT CHESTER NY 10573

Client:

PORTCHESTER VILLAGE OF
 SUITE 305.,222 GRACE CHURCH ST
 PORT CHESTER, NY 10573

Acct No: TJN-061202201

Acct: TJN-061202201

Ad #	Advertisement/Description	Zone	Items	# Col x # Lines	Cost
0000918982	PUBLICNOTICEPUBLICNOTICE HEREBYGIVENTHATTHE BOARDOFTRUSTEESOETH	TJN-Westchester	Legal Notices	1 col x 29 lines	\$58.00
			Affidavit of Publication Charge	1	\$30.00
			Tearsheet Charge		\$0.00
			<i>Subtotal:</i>		\$88.00
			Agency Commission	0	\$0.00
Net Total Due:					\$88.00

Run Dates: 12/11/15

The Journal News
 P. O. Box 822883
 Philadelphia, PA 19182-2883

AFFIDAVIT OF PUBLICATION
FROM



CECILIA HERNANDEZ

being duly sworn says that he/she is the principal clerk of THE JOURNAL

NEWS, a newspaper published in the County of Westchester and the State of New York, and the notice of which the annexed is a printed copy, was published in the newspaper area(s) on the date (s) below:

Zone:
Westchester

Run Dates:
12/11/15

A handwritten signature in cursive script, appearing to read 'Cecilia Hernandez', written over a horizontal line.

Signature

Sworn to before me, this 18th day of December 2015

A handwritten signature in cursive script, appearing to read 'Vilma Avelar', written over a horizontal line.

Notary Signature

Vilma Avelar
Notary Public State of New York
NO. 01AV6318411
Qualified in Westchester County
Commission Expires January 26, 2019

Legend:

WESTCHESTER:

Amawalk, Ardsley, Ardsley on Hudson, Armonk, Baldwin Place, Bedford, Bedford Hills, Brewster, Briardiff Manor, Bronxville, Buchanan, Carmel, Chappaqua, Cold Spring, Crompond, Cross River, Croton Falls, Croton on Hudson, Dobbs Ferry, Eastchester, Elmsford, Garrison, Goldens Bridge, Granite Springs, Greenburg, Harrison, Hartsdale, Hastings, Hastings on Hudson, Hawthorne, Irvington, Jefferson Valley, Katonah, Lake Peekskill, Larchmont, Lincolnale, Mahopac, Mahopac Falls, Mamaroneck, Millwood, Mohegan Lake, Montrose, Mount Kisco, Mount Vernon, New Rochelle, North Salem, Ossining, Patterson, Peekskill, Pelham, Pleasantville, Port Chester, Pound Ridge, Purchase, Purdys, Putnam Valley, Rye, Scarsdale, Shencrock, Shrub Oak, Somers, South Salem, Tarrytown, Thornwood, Tuckahoe, Valhalla, Verplanck, Waccabuc, White Plains, Yorktown Heights, Yonkers

ROCKLAND:

Blauvelt, Congers, Garnerville, Haverstraw, Hillburn, Monsey, Nanuet, New City, Nyack, Orangeburg, Palisades, Pearl River, Piermont, Pomona, Sloatsburg, Sparkill, Spring Valley, Stony Point, Suffern, Tallman, Tappan, Thiells, Tomkins Cove, Valley Cottage, West Haverstraw, West Nyack

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Address	Section, Block, Lot
52 Eldredge Street	142.61-1-5

Existing Zone	Proposed Zone
R2F	C1

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Date: December 11, 2015
/s/ Dave Thomas
Dave Thomas
Village Clerk
Village of Port Chester, New York 918982

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this 21st day of December 20 15
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Notary Public, Westchester County

Signed: Angelina Brescia

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amending the Village Code by adding a new chapter, Chapter 284, previously reserved, that would provide a uniform process for the review and consideration of an honorary name for an existing village street.

Interested persons are invited to attend and will be afforded the opportunity to be heard at this time. The

copy of the proposed local law is available at the Village Clerk's office or online at the Village website www.portchesterny.com.

Date: December 18, 2016

/s/ DAVID THOMAS

DAVID THOMAS

Village Clerk

Village of Port Chester,
New York



Agency:

PORTCHESTER VILLAGE OF
 PORTCHESTER VILLAGE OF
 SUITE 305.
 PORT CHESTER NY 10573

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

Date: December 18, 2016

/s/ DAVID THOMAS

DAVID THOMAS

Village Clerk

Village of Port Chester, New York 932414

December 15, 2015

Via Email

Jesica Youngblood
Director of Planning
Village of Port Chester
222 Grace Church Street
Port Chester, NY 10573

Re: Port North Main Street LLC - Rezoning Petition
Property Address: 531-601 N. Main Street, Port Chester, NY
Tax Map Designation: Section 136.064, Block 64.1, Lot(s) 61 and 33

Dear Ms. Youngblood:

Attached please find a Petition to amend the current C-4 zone to add, “retail store or personal service shop, services clearly incidental to retail sales on the premises or to personal services,” as Special Exception Use or in the alternative to create a new zoning district matching the current C-4 zone except for the addition of this proposed Special Exception Use and the establishment of specific retail use parking requirements where none currently exists.

The requested Special Exception Use is already principally permitted in the C-1, C-2, C-3, C-5, C-5T, CD, and PMU zone and is a SEU in the CDS, DW and W-2 zoning districts.

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

Respectfully Submitted,
Tartaglia Law Group, LLC



Daniel D. Tartaglia, Esq.

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

In the Matter of the Application of

PORT NORTH MAIN STREET LLC

PETITION

For amendments to § 345-50 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:

THE PETITIONER

1. The Petitioner is a limited liability company organized and existing under the laws of the State of New York, having an address at 95-25 Queens Blvd., Rego Park, NY 11374.

2. The Petitioner acquired the “Property” (described and defined below) by deed dated February 3, 2014, which deed was recorded in the Office of the Westchester County Clerk on February 27, 2014 as Control No. 540373480 (hereinafter referred to as “531 N. Main Street”); and deed dated February 3, 2014, which deed was recorded in the Office of the Westchester County Clerk on February 27, 2014 as Control No. 540383162 (hereinafter referred to as “601 N. Main Street”). A perimeter description of the Property is attached hereto as Exhibit “A.”

THE PROPERTY

3. The real property which is the subject of this Petition is an assemblage of 2 parcels known and designated on the tax assessment map of the Village as (a) Section 136.064, Block 64.1, Lot 61 and Section 136.064, Block 64.1, Lot 33 (531 N. Main Street), consisting of

approximately 9,348 square feet and (b) Section 136.064, Block 64.1, and Lot 61 (601 N. Main Street), consisting of approximately 12,466 square feet (collectively the “Property”).

4. The 531 N. Main Street parcel is comprised of an expansive blacktopped parking area and a small vacant boutique-type restaurant. The building, originally constructed and operated as a gas station, is a dimensionally non-compliant structure of approximately 1,235 square feet. This 9,348 square foot parcel is rectangular in shape, generally flat and comprised of 97% impervious surface. Vehicular access to the site currently is from two expansive 2-way curb cuts consistent with gasoline service stations.

5. 601 N. Main Street is comprised of an existing improved parking lot and a vacant bank branch and associated office building. The building, originally constructed as an auto body shop, is a dimensionally non-compliant structure of 4,153 square feet. The 12,466 square foot parcel is rectangular in shape and slopes slightly from N. Main Street toward the Byram River. The site is currently fully developed with a 14-space parking lot, site lighting, and drainage facilities.

6. The total lot area of the combined lots is 21,814 square feet.

CURRENT ZONING AND PROPERTY VICINITY

7. The Property is located in the “C-4” General Commercial Zoning District. It is also within the Local Waterfront Revitalization Program (LWRP) Brooksville sub-area and, as such, the applications will be subject to a LWRP Consistency Review before the Village’s Waterfront Commission. Both properties are within the FEMA flood plan zone “AE” as mapped on September 28, 2007.

8. There are no predominant land uses surrounding the Property. Currently, there is a mixed commercial area at the northeast corner of North Main Street and directly to the north of

both sites is the Village-owned William James Memorial Pump Station. Directly to the south is “The Home Store,” which has a showroom for retail sales of fabrics, window treatments, and home decorating accessories. Directly opposite the site, across the street, are an auto repair shop, auto dealership service facility with sales, and a tile and marble warehouse with a retail sales showroom. A location map is attached hereto as Exhibit “B.”

THE PROPOSED PROJECT

9. **601 N. Main Street.** This parcel is currently fully developed with a one-story 4,080 square foot office building with the entrance oriented to the north, together with a 14-space parking lot with site lighting, and drainage provided. The parking lot and associated improvements are to remain unchanged and the existing building interior and exterior are to be renovated with no change to the building footprint.

10. **531 N. Main Street.** It is proposed to demolish the existing building and construct a single-story 3,300 square foot building and an improved parking lot with 11 parking spaces. The proposed redevelopment of this property for retail use will add plantings to overall reduce the impervious surface on the lot by 1,525 square feet (16%), provide for storm-water management, site lighting, and a single 2-way curb cut.

11. Renderings of the proposed buildings are attached hereto as Exhibit “C.”

REQUESTED ZONING AMENDMENTS

12. To accommodate the Proposed Project, the Petitioner is requesting that the C-4 zoning district be amended to add “Retail store or personal service shop, services clearly incidental to retail sales on the premises or to personal services,” as a special exception use (“SEU”). This category of use is nothing new to the Village. This use is already principally

permitted in the C-1, C-2, C-3, C-5, C-5T, CD, and PMU zone and is a SEU in the CDS, DW and W-2 zoning districts.

13. Petitioner also requests that the Zoning Code be amended to establish a specific retail use parking requirement where none currently exists of one car per 300 square feet of gross floor area. This parking requirement would be consistent with that adopted by the Board of Trustees for the Village Center Redevelopment Area (§345-57.2 B(5)a[8]c).

14. To give the Village more control over retail uses within the C-4 zoning district, the Petitioner proposes that the SEU criteria include: (a) that lot area be no less than 7,500 square feet; (b) floor area ratio not exceed .5; and (c) building height not exceed one story.

15. Alternatively, instead of amending the C-4 Zone as requested, the Board of Trustees may consider creating a new zone to be mapped and applicable to this N. Main Street corridor only that would match the uses and dimensional constraints and requirements of the C-4 Zone, with the exception of the requested Special Exception Use in Article 12 above and the parking requirements in Article 13 above.

PLANNING CRITERIA FOR PROJECT

16. The Proposed Project will act as a northern gateway to the Village and establish a consistent retail presence on separate parcels that have heretofore been used as offices and a restaurant.

17. The retail use proposed will be small in scale and bulk and therefore will be limited to supportive neighborhood retail for the convenience of the surrounding residential areas east of North Main Street.

18. The Proposed Project is outside the areas studied by the Village's most recent Comprehensive Plan. However, as stated earlier in this Petition it is within the Local Waterfront

Revitalization Program (LWRP) Brooksville sub-area and, as such, the applications will be subject to a LWRP Consistency Review before the Village's Waterfront Commission.

19. Due to the proposed SEU criteria, the requested zoning amendments will insure that the Village maintains adequate controls over the proposed retail use throughout the C-4 zoning area in the future.

20. The Petitioner is currently vetting the proposed Project before the Village of Port Chester Planning Commission by submission and review of a concept plan. A fully engineered site plan is not envisioned until action by the Board of Trustees on this re-zoning Petition.

COMPLIANCE WITH THE STATE ENVIRONMENTAL QUALITY REVIEW ACT

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

22. Accordingly, the Petitioner shall comply in all respects with the requirements of SEQRA regarding an Unlisted action. An Environmental Assessment Form prepared by Arconics Architecture, P.C. is being submitted herewith.

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

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

Dated: Rye Brook, New York
December 16, 2015



VILLAGE OF PORT CHESTER - PROJECTIONS

PRES - 02

Fiscal Year	GENERAL FUND (A)				SEWER FUND - BASE CASE (B)						A + B AFTER ISSUANCE TOTAL
	Current Total	\$5,041,420	\$3,423,500	GENERAL FUND TOTAL	Current Total	\$5,757,000	\$11,362,000	\$2,307,500	\$2,105,000	SEWER FUND TOTAL	
		BANs Issued 2016	Bond Issued 2021, 13 yrs			BANs Issued 2016-17	Bond Issued 2018, 26 yrs	BANs 2019	Bonds 2024, 25 yrs		
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)	
2016	3,762,126			3,762,126	416,469					416,469	4,178,595
2017	3,331,080	370,141		3,701,221	463,799	41,355				505,154	4,206,375
2018	3,334,108	384,804		3,718,912	463,805	126,355				590,160	4,309,072
2019	3,327,919	389,100		3,717,018	351,254		661,835			1,013,089	4,730,107
2020	3,313,081	399,761		3,712,842	349,171		661,835	34,613		1,045,619	4,758,460
2021	3,303,918	405,689		3,709,607	350,379		661,835	67,113		1,079,326	4,788,933
2022	2,902,678		315,826	3,218,504	351,271		661,835	74,125		1,087,231	4,305,735
2023	2,635,246		315,826	2,951,072	324,888		661,835	73,525		1,060,247	4,011,319
2024	2,207,173		315,826	2,522,999	275,342		661,835	77,925		1,015,102	3,538,101
2025	2,203,447		315,826	2,519,273	274,324		661,835		127,936	1,064,095	3,583,367
2026	1,212,595		315,826	1,528,420	219,444		661,835		127,936	1,009,215	2,537,635
2027	645,250		315,826	961,076	76,208		661,835		127,936	865,979	1,827,055
2028	467,879		315,826	783,704	23,986		661,835		127,936	813,757	1,597,462
2029			315,826	315,826			661,835		127,936	789,771	1,105,597
2030			315,826	315,826			661,835		127,936	789,771	1,105,597
2031			315,826	315,826			661,835		127,936	789,771	1,105,597
2032			315,826	315,826			661,835		127,936	789,771	1,105,597
2033			315,826	315,826			661,835		127,936	789,771	1,105,597
2034			315,826	315,826			661,835		127,936	789,771	1,105,597
2035							661,835		127,936	789,771	789,771
2036							661,835		127,936	789,771	789,771
2037							661,835		127,936	789,771	789,771
2038							661,835		127,936	789,771	789,771
2039							661,835		127,936	789,771	789,771
2040							661,835		127,936	789,771	789,771
2041							661,835		127,936	789,771	789,771
2042							661,835		127,936	789,771	789,771
2043							661,835		127,936	789,771	789,771
2044							661,835		127,936	789,771	789,771
2045									127,936	127,936	127,936
2046									127,936	127,936	127,936
2047									127,936	127,936	127,936
2048									127,936	127,936	127,936
2049									127,936	127,936	127,936
	32,646,500	1,949,494	4,105,733	38,701,727	3,940,339	167,710	17,207,708	327,300	3,198,400	24,841,457	63,543,184

Fiscal Year	Sewer Funding
10-11	1,085,500
13-14	1,700,000
14-15	2,000,000
15-16	2,757,000
16-17	3,000,000
17-18	2,150,000
18-19	2,307,500
	15,000,000

- (1) Current General Fund bonds and BANs outstanding.
- (2) \$5,041,420 general fund authorization for 2015-16 issued as BANs.
- (3) Amount to bond after principal payments while in BANs.
- (4) (1) + (2) + (3)
- (5) Current Sewer Fund bonds and BANs outstanding.
- (6) \$2,575,000 BAN in 2016 and \$3,000,000 BAN in 2017
- (7) Bonds issued in 2018 for all outstanding BANs, plus \$2,150,000 for 2018.
- (8) BANs issued in 2019 for remaining \$2,307,500, converted in 2024.
- (9) Bonds issued in 2024 for BANs issued 2019 in (8).
- (10) (5) + (6) + (7) + (8) + (9)
- (11) (4) + (10)



VILLAGE OF PORT CHESTER - PROJECTIONS

Fiscal Year	GENERAL FUND (A)				SEWER FUND - ALTERNATIVE (C)					A + C AFTER ISSUANCE TOTAL
	Current Total	BANs Issued	Bond Issued GENERAL FUND		Current Total	Bond Issued	BANs Issued	Bond Issued SEWER FUND		
		2016	2021, 13 yrs	TOTAL		2018, 25 yrs	2016-19	2021, 25 yrs	TOTAL	
	(1)	(2)	(3)	(4)	(12)	(13)	(14)	(15)	(16)	(17)
2016	3,762,126			3,762,126	416,469				416,469	4,178,595
2017	3,331,080	370,141		3,701,221	463,799		41,355		505,154	4,206,375
2018	3,334,108	384,804		3,718,912	463,805		126,355		590,160	4,309,072
2019	3,327,919	389,100		3,717,018	351,254	207,808	180,755		739,817	4,456,835
2020	3,313,081	399,761		3,712,842	349,171	207,808	281,193		838,172	4,551,014
2021	3,303,918	405,689		3,709,607	350,379	207,808	321,743		879,929	4,589,536
2022	2,902,678		315,826	3,218,504	351,271	207,808		581,578	1,140,658	4,359,162
2023	2,635,246		315,826	2,951,072	324,888	207,808		581,578	1,114,274	4,065,346
2024	2,207,173		315,826	2,522,999	275,342	207,808		581,578	1,064,728	3,587,727
2025	2,203,447		315,826	2,519,273	274,324	207,808		581,578	1,063,710	3,582,983
2026	1,212,595		315,826	1,528,420	219,444	207,808		581,578	1,008,831	2,537,251
2027	645,250		315,826	961,076	76,208	207,808		581,578	865,595	1,826,670
2028	467,879		315,826	783,704	23,986	207,808		581,578	813,373	1,597,077
2029			315,826	315,826		207,808		581,578	789,387	1,105,212
2030			315,826	315,826		207,808		581,578	789,387	1,105,212
2031			315,826	315,826		207,808		581,578	789,387	1,105,212
2032			315,826	315,826		207,808		581,578	789,387	1,105,212
2033			315,826	315,826		207,808		581,578	789,387	1,105,212
2034			315,826	315,826		207,808		581,578	789,387	1,105,212
2035						207,808		581,578	789,387	789,387
2036						207,808		581,578	789,387	789,387
2037						207,808		581,578	789,387	789,387
2038						207,808		581,578	789,387	789,387
2039						207,808		581,578	789,387	789,387
2040						207,808		581,578	789,387	789,387
2041						207,808		581,578	789,387	789,387
2042						207,808		581,578	789,387	789,387
2043						207,808		581,578	789,387	789,387
2044								581,578	581,578	581,578
2045								581,578	581,578	581,578
2046								581,578	581,578	581,578
2047										
2048										
2049										
	32,646,500	1,949,494	4,105,733	38,701,727	3,940,339	5,195,205	951,400	14,539,462	24,626,406	63,328,133

Fiscal Year	Sewer Funding
10-11	1,085,500
13-14	1,700,000
14-15	2,000,000
15-16	2,757,000
16-17	3,000,000
17-18	2,150,000
18-19	2,307,500
	15,000,000

- (1) Current General Fund bonds and BANs outstanding.
- (2) \$5,041,420 general fund authorization for 2015-16 issued as BANs for
- (3) Amount to bond after principal payments while in BANs.
- (4) (1) + (2) + (3)
- (12) Current Sewer Fund bonds and BANs outstanding.
- (13) Bonds issued in 2018 for 2013 (\$1.7) and 2015 (\$2.0) BANs.
- (14) BANs issued for 2015-16 through 2018-19 projects (\$2.757+\$3.0+\$2.15+\$2.3075)
- (15) Bonds issued in 2021 for BANs issued in (14).
- (16) (12) + (13) +(14) +(15)
- (17) (4) + (16)

2016 VILLAGE ELECTION CALENDAR

Day	Date	Description / Action	Related To:		
Friday	November 13, 2015	Last day for the village clerk to publish a notice designating the office(s) to be filled and the term(s) thereof.	Clerk		
Friday	November 13, 2015	First day village clerk may accept absentee ballot applications.	Clerk		Voter
Tuesday	December 29, 2015	First day that individuals may sign independent nominating petitions		Candidate	Voter
Tuesday	January 5, 2016 to January 12, 2016	First day political parties may publish notice of a party caucus in a newspaper (this date depends upon the date of the caucus).		Candidate	
Monday	January 11, 2016 to January 19, 2016	Last day to post and file notice of the party caucus in the offices of the village clerk and county board of elections (this date depends upon the scheduled date of the caucus).		Candidate	
Friday	January 15, 2016	Last day for the board of trustees to adopt a resolution providing that there will not be a village registration day.	Clerk		
Friday	January 15, 2016	Deadline for filing the second statement of campaign receipts and expenditures for the village primary.		Candidate	
Tuesday	January 19, 2016	Earliest date for holding a party caucus.		Candidate	
Tuesday	January 26, 2016	Last date for holding a party caucus.		Candidate	
Thursday	January 28, 2016	Last day to file a certificate of party nomination.	Clerk	Candidate	
Friday	January 29, 2016	Last day to file written objections to certificates of party nomination.	Clerk	Candidate	
Monday	February 1, 2016	Last day to file a certificate of acceptance or declination of a party nomination.	Clerk	Candidate	
Monday	February 1, 2016	Last day to file written specifications of objections to certificates of party nomination.	Clerk	Candidate	
Tuesday	February 2, 2016	First day to file an independent nominating petition.	Clerk	Candidate	
Wednesday	February 3, 2016	Last day to fill a vacancy caused by a declination of a party nomination.	Clerk	Candidate	
Thursday	February 4, 2016	Last day for the board of trustees to appoint election inspectors.	Clerk		
Friday	February 5, 2016	Deadline for filing the third statement of campaign receipts and expenditures for the village primary.		Candidate	
Tuesday	February 9, 2016	Last day to file independent nominating petitions for an office to be filled at the general village election.	Clerk	Candidate	
Wednesday	February 10, 2016	Last day to file written objections to independent nominating petitions.	Clerk	Candidate	
Tuesday	February 16, 2016	Last day to file written specifications of objections to independent nominating petitions.	Clerk	Candidate	
Tuesday	February 16, 2016	Deadline for filing the first statement of campaign receipts and expenditures for the village election.	Clerk	Candidate	
Tuesday	February 16, 2016	Last day to file certificate of acceptance or declination of an independent nomination for an office to be filled at the village election.	Clerk	Candidate	
Tuesday	February 16, 2016	Last day to file a certificate to fill a vacancy caused by declination of an independent nomination for an office to be filled at the general village election.	Clerk	Candidate	
Friday	March 4, 2016	Deadline for filing the second statement of campaign receipts and expenditures for the village election.	Clerk	Candidate	

2016 VILLAGE ELECTION CALENDAR

Day	Date	Description / Action	Related To:		
Friday	March 4, 2016	Last day individuals may register with the county board of elections to be eligible to vote in the village election.			Voter
Saturday	March 5, 2016	Last day for the village clerk to publish notice setting forth the (1) polling place in each district, (2) hours during which the polls are open (at least 12:00 noon to 9:00 p.m.), (3) names and addresses of candidates, offices, and term nominated for, and (4) abstract of any proposition.	Clerk		
Tuesday	March 8, 2016	Last day for the board of elections to provide a list of registered voters to the village clerk.	Clerk		
Tuesday	March 8, 2016	Last day for the village clerk to receive applications for absentee ballots to be mailed to qualified voters.	Clerk		Voter
Wednesday	March 9, 2016	Last day for the village clerk to mail absentee ballots to qualified voters.	Clerk		
Tuesday	March 15, 2015	Last day to open the voting machines for inspection by the candidates or their representatives. The candidates must be notified, in writing, of the opening of the machines.	Clerk	Candidate	
Friday	March 11, 2016	Last day for the village clerk to receive personal applications for an absentee ballot from applicant or applicant's agent. Upon receiving an application, the clerk must deliver the absentee ballot to the applicant or their agent named in the application.	Clerk		
Tuesday	March 15, 2016	The village election.	Clerk	Candidate	Voter
Tuesday	March 15, 2016	Village clerk must deliver the absentee ballots to the board of inspectors.	Clerk		
Wednesday	March 16, 2016	Inspectors must file a certificate of canvass of voters with the village clerk.	Clerk		
Wednesday	March 16, 2016	The board of trustees must meet to canvass the election returns when a village has more than one election district.	Clerk		
Thursday	March 17, 2016	The last day the clerk may, upon his or her own volition or upon the written request of any candidate, cause a re-canvass of the votes cast in the village election.	Clerk	Candidate	
Friday	March 18, 2016	Last day for the village clerk to notify the individuals that have been elected and must take an oath of office within 30 days after they take office.	Clerk		
Friday	March 18, 2016	The deadline by which the clerk must notify the county board of elections of the request for re canvass	Clerk		

Voter Education Plan: Monthly Coordinator Report #3

Reporting Period: November 1- 30, 2015

Narrative by Voter Education Coordinator Belia Gomez-Tagle

The following represents the tasks that I have undertaken in order to meet the requirements set by the Department of Justice Decree. As the Coordinator of the Voter Education program I:

1. Continue to work with the Village Clerk to increase my understanding of the electoral process.
2. Continue to encourage people and distribute NY Voter Registration forms to get ready to vote when I go to any meeting, restaurant or store in Port Chester. I address all PTA or PTO meetings and leave registration forms in all the main offices of each school.
3. Went to the Latino U College Access event where I met some of the stakeholders and spoke about the program.
4. Attended the Labor Council for Latin American Advancement LCLAA Gala and spoke in front of more than 200 people about our program. I will send any communications to its President.
5. Continue to oversee and translate documents needed e.g. informational flyer for the first forum, election dates informational flyer, and candidate-qualifying forum dates.
6. Outreach to Don Bosco Community Center, Corpus Christi Church Holy Rosary Church, Assembly of God World Vision, Carver Center, JFK School, Edison School and Middle School to secure these facilities for the forums. The Senior Community Center has been reserved for the first forum on the Trustees candidacy requirements, early voting and cumulative voting system.
7. Attended the Upstate Network for Immigrant Rights UNIR board meeting at Carver Center. Some of the leaders are working on "Language Access" campaign. Other community leaders are interested in doing a campaign on Real ID. I introduced myself and explained my job to them and talked about Cumulative voting system and early voting. I got their contact information so they would

spread the word about our voting program. I will send flyers and any communications via e-mail.

8. The Village Clerk and I met Rev. Bruce Baker from All Souls Church and Ken Manning Chairman of the Chamber of Commerce. Mr. Manning offered to include our flyers on the website to help us get the word out. Rev Baker invited me to participate in different events. Next step is to send him the flyer via e-mail and in person if possible.
9. Attended 12pm Mass and reception for Rev. Morales Corpus Christi Church Holy Rosary Church and spoke with Rev. Pat Angelucci and Sister Maruja about our program and the possibility of bringing our educational program to the Corpus Christi Holy Rosary community. Next step is to bring some flyers for the church.
10. Attended almost all BOE meetings and PTA or PTO meetings where I spoke about our program of Early voting and Cumulative voting system. I will continue distributing flyers and any communication print or via oral.
11. Attended some of the stakeholders board meetings (League of Women Voters Latino Network board, NAACP, Council of Community Services etc). I sent already the candidate qualifying forum's flyer so they can help us to get the word out.
12. Attended almost all parenting leadership programs (Second Cup of Coffee, "Latinos en Acción" and Parenting leadership program at Edison) to keep my engagement and update them with information and the forum dates. Some of the mothers are going to help me distribute flyers on December 11th.
13. Spoke in front of approximately 50 people at the "Dreamers Among US, Immigration ad Education" at the Temple Beth Abraham. I will continue sending our flyers.
14. Met with Blanca Lopez from the Human Development Services of Westchester to talk about strategies on how to get the vote out. She invited me to her meetings on housing and immigration where I distributed registration forms and spoke to attendees. Next step is to distribute our next flyer and communications.
15. Attended prayer groups and services in different churches to keep my engagement with the groups and keep updating them about our forums. I

distributed flyers. The next step is to distribute the flyer with all the forum locations and dates as soon as it is authorized.

16. Secured sites for the educational and qualification process for candidacy forums.

The schedule is as follows:

December 29th, Tues @ 6:30 pm · English and Spanish Forum - important information for potential candidates on the candidate qualifying process · Port Chester Senior Center, 222 Grace Church Street, Port Chester, NY 10573

January 7th, Thurs @ 6:30 pm · English and Spanish Forum - important information for potential candidates on the candidate qualifying process · Don Bosco Community Center, 22 Don Bosco Place, Port Chester, NY 10573

January 16th, Sat @1:00 pm - English and Spanish Educational Forum · Assembly of God World Vision Church, 225 King Street, Port Chester, NY 10573

January 20th, Wed @ 6:30pm · English and Spanish Educational Forum · Carver Center, 400 Westchester Avenue, Port Chester, NY 10573

February 9th, Tues @ 6:30pm · English and Spanish Educational Forum · John F. Kennedy Magnet School, 40 Olivia Street, Port Chester, NY 10573

March 2nd, Wed @ 4:30pm · English and Spanish Educational Forum · Library of Port Chester Middle School, 113 Bowman Avenue, Port Chester, NY 10573

March 8th, Tues @ 6:30pm · English and Spanish Educational Forum · Thomas A. Edison Elementary School, 113 Rectory Street, Port Chester, NY 10573

Respectfully submitted,

Belia Gomez-Tagle

Voter Education Coordinator



Port Chester VOTES

Voter Education Program Calendar of Events

The Village of Port Chester is committed to educating the public on important changes for the March 15th Board of Trustee Election. As part of that commitment, the Village will be holding the following educational forums and candidate qualifying forum to provide information on early voting, cumulative voting and an explanation of the candidate qualifying process.

December 29th, Tues @ 6:00 pm · English and Spanish Forum - important information for potential candidates on the candidate qualifying process · **Port Chester Senior Center, 222 Grace Church Street, Port Chester, NY 10573**

January 7th, Thurs @ 6:30 pm · English and Spanish Forum - important information for potential candidates on the candidate qualifying process · **Don Bosco Community Center, 22 Don Bosco Place, Port Chester, NY 10573**

January 16th, Sat @ 1:00 pm - English and Spanish Educational Forum · **Assembly of God World Vision Church, 225 King Street, Port Chester, NY 10573**

January 20th, Wed @ 6:30pm · English and Spanish Educational Forum · **Carver Center, 400 Westchester Avenue, Port Chester, NY 10573**

February 9th, Tues @ 6:30pm · English and Spanish Educational Forum · **John F. Kennedy Magnet School, 40 Olivia Street, Port Chester, NY 10573**

March 5th, Sat @ 4:30pm · English and Spanish Educational Forum · **Corpus Christi Community Center, 136 S. Regent Street, Port Chester, NY 10573**

March 8th, Tues @ 6:30pm · English and Spanish Educational Forum · **Thomas A. Edison Elementary School, 113 Rectory Street, Port Chester, NY 10573**

*All Forums will have a Spanish translator available
Dates and Times subject to change



En Port Chester **VOTAMOS**

Programa Educativo para Votar Calendario de Eventos

La Villa de Port Chester se ha comprometido a educar al público sobre los cambios importantes para la elección de la Junta de Síndicos de 15 de marzo. Como parte de ese compromiso, la Villa presentará los siguientes foros educativos y foros sobre la calificación de candidatos para diseminar información sobre votación anticipada, votación cumulativa y una explicación sobre el proceso en cómo calificar para candidato.

29 de diciembre, martes @ 6:00pm · Foro Educativo en inglés- español e información importante para candidatos potenciales sobre el proceso de calificación como candidato. **Centro Comunitario para las Personas de la Tercera Edad de Port Chester (Senior Community Center), 222 Grace Church St. Port Chester, NY 10573**

7 de enero, jueves @ 6:30pm · Foro Educativo en inglés- español e información importante para candidatos potenciales sobre el proceso de calificación como candidato · **Centro Comunitario Don Bosco, 22 Don Bosco Place, Port Chester, NY 10573**

16 de enero, sábado @ 1:pm · Foro Educativo en inglés y español · **Iglesia de la Asamblea de Dios Vision Mundial, 201 King St, Port Chester, NY 10573**

20 de enero, miércoles @ 6:30pm · Foro Educativo en inglés y español · **Centro Comunitario de Carver, 400 Westchester Ave. Port Chester, NY 10573**

9 de febrero, martes @ 6:30pm · Foro Educativo en inglés y español · **Escuela John F. Kennedy, 40 Olivia Street, Port Chester, NY 10573**

5 de marzo, sábado @ 4:30pm · Foro Educativo en inglés y español · **Centro Comunitario de la Iglesia de Corpus Christi, 136 S. Regent St., Port Chester, NY 10573**

*Un traductor inglés- español estará disponible
Fechas y horarios sujetos a cambios

Candidate Qualifying Presentation

March 15th Village Board of
Trustee Elections



Port Chester
VOTES

Introduction

The information presented in this candidate qualifying informational forum is designed to provide individuals interested in running for the Board of Trustees election on March 15th, 2016, with detailed information regarding the process, timing and requirements for qualification as a candidate. The foregoing does not constitute legal or election advice. If you have any specific questions relating to the qualifying process, please contact the State Board of Elections at (518) 474-6220 or consult an attorney. Also visit the State Board of Election's website on candidate qualifying for more information

<http://www.elections.ny.gov/RunningOffice.html>



Port Chester
VOTES

Role of the Village Clerk for Village Election

The clerk is responsible for:

- Obtaining necessary supplies and forms for the election
- Publishing required notices
- Distributing absentee ballot applications and absentee ballots
- Accepting all forms required to be filed
- Preparing the polling place and preparing the ballot
- Training the inspectors
- Notifying the candidates who have been elected to office

Visit our website at portchestervotes.org



Port Chester
VOTES

Qualifications for Holding Office

There are THREE qualifications:

- 18 Years Old
- United States Citizen
- Resident of the Village

(BY THE DATE OF THE ELECTION- March 15th)

[...Before you run for office.](#)

[\(http://howtorunforoffice.org/\)](http://howtorunforoffice.org/)



Port Chester
VOTES

The Nomination Process

Two Ways Candidate Can Get On the Ballot:

1. Nominated By Political Party at a Caucus or
2. Nominated By Independent Body by Petition



Port Chester
VOTES

The Nomination Process

Party Configurations

- “Any Political Organization That at the Last Preceding Election For Governor Polled at Least 50,000 Votes For Its Candidate For Governor”
- Five party lines in Port Chester: Democrat, Republican, Independence, Conservative & Working Families



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The Nomination Process

Party Caucus

- WHAT: Meeting of Political Party Members Who Are Village Residents at Which Candidates Are Nominated For Village Office, meetings are open to the public, only said Party Members can participate.
- WHO PARTICIPATES: Any Village Resident That is an Enrolled Member of a Party
- WHEN: 56-49 Days before the Election



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The Nomination Process

Caucus Dates

- 1/19/16 - Earliest date for holding party caucus (56 days)
- 1/26/16 - Last date for party caucus (49 days)

*NOTE: Village Does NOT Pay For the Costs of the Party Caucuses

*NOTE: Party Rules and Procedures Control whether to have a caucus



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The Nomination Process

Notice Requirements

- Party must post & file a notice of the caucus with the Village Clerk and County Board of Elections at least 10 days prior to the caucus.
- Notice must also be published at least once in a “newspaper of general circulation” at least one week, but not more than two weeks before the caucus.
- Alternative to publishing notice of the caucus in a newspaper, party may post notice of caucus in 6 public places in the Village at least 10 days before the day of the caucus.
- Notice must specify the time, place and purpose of the caucus including the offices for which candidates will be nominated.



Port Chester
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The Nomination Process

What happens at a Caucus?

- Caucus Can Nominate Non-Party Members
- Procedure usually follows Roberts Rules of Order
- Candidate Nominations, Seconds, Speeches and Votes
- After Caucus Party Must File Certificate of Nomination
- Candidate must accept nomination and file Certificate of Acceptance



Port Chester
VOTES

The Nomination Process: Independent Nominations

- Candidate Nominated Via Independent Nominating Petition
- Only Way to Get On Ballot if Not Running On Party Line
- Who Can Sign an Independent Nominating Petition?

Must Be:

- Village Resident
- Registered to Vote AND
- Has Not Already Signed a Petition For Same Position or Participated in Caucus
(NY Election Law §15-108)



Port Chester
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The Nomination Process: Independent Nominations

Independent Nominating Petitions Number of Signatures Required in Port Chester

(NY Election Law §15-108 P. 6)

Population	5000+
Minimum Number of Signers	100



Port Chester
VOTES

The Nomination Process: Independent Nominations

Independent Party Name & Emblem

All Independent Petitions Must Have Name and Emblem – (name must be in English, and must not include the name, part of the name, or abbreviation of any existing political party.)

CANNOT Use:

- Any Party Name
- Religious Emblem/Insignia
- Flag
- Portrait of Any Person
- Coin/Currency
- The Words American, United States, National, New York State, Empire State

(NY Election Law §15-108 P. 5)



Port Chester
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The Nomination Process: Independent Nominations

Independent Party Name & Emblem

- Proper to Use
 - Animals
 - Anchor
 - Any Other Proper Symbol
- What if Candidate Does Not Select Name or Emblem?
 - Clerk Then Chooses One If Candidate Will Not
- What if Two Petitions Are Filed With Similar Name/Emblem?
 - The petition filed first is allowed to use the selected name and emblem, while the other petitioners must select other names or emblems.



Port Chester
VOTES

Important Dates for Filing Petitions & Nominations (Party and Independent)

PARTY NOMINATIONS

1/21/16 – 1st day to file certificate of party nomination

1/28/16 – Last day to file certificate of party nomination

2/1/16 - Last day to file a certificate of acceptance or declination of a party nomination.

2/3/16 – Last day to fill a vacancy caused by a declination of a party nomination

INDEPENDENT PETITIONS & NOMINATIONS

12/29/15 – 1st day that individuals may sign independent nominating petitions

2/2/16 – 1st day to file an independent nominating petition

2/9/16 - Last day to file an independent nomination petition

2/16/16 – Last day to fill a vacancy due to declination



Port Chester
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Important Notes on Filing

- Nomination and petition forms must be received on time:
 - 5 P.M. By Last Day to File (Must Stay Open Until 5P.M. on 2/9/16) OR
 - Postmarked by Midnight of Filing Deadline
- Petitions Over 10 Pages Must Have Cover Sheet
- Candidate's name is listed on ballot as it is listed on the Certificate of Acceptance, names that contain more than 15 letters may be listed in an abbreviated form.

Party Nomination – 1/28/16

Independent Nomination – 2/9/16



Port Chester
VOTES

Accepting/Declining Village Nominations

- Village Clerk Must Notify Nominees That They Must File Certificate of Acceptance in Clerk's Office
- Independent Petition Nomination:
 - MUST File Within 3 Days of Last Day to File Petition
Failure to File= DECLINE
- Party Caucus Nomination:
 - Candidate Must File Within 3 Days of Last Day to File, BUT
 - Enrolled Member Does NOT Need to File Acceptance
- Declination= Committee to Fill Vacancies



Port Chester
VOTES

Challenges to Nomination

- Challenger must file WRITTEN objection with the Village Clerk's Office no later than one (1) day after the last date to file the petition with the Village Clerk
- MUST file written specifications to objections within 2 days of filing objection
 - Failure to File= Objection Tossed Out
- Village Clerk Then Notifies Challenged Candidates & County Board of Elections, Turns Material Over
- County Renders Decision, Village Clerk Notifies Interested Parties
- Challenger if not satisfied with decision can file with Court



Port Chester
VOTES

Financial Filings

- February 16, 2016– Deadline for filing the first statement of campaign receipts and expenditures for the Village Election.
- March 4, 2016 – Deadline for filing the second statement of campaign receipts and expenditures for the Village Election.
- April 11, 2016– Deadline for filing the third statement campaign receipts and expenditures for the Village Election.

***Packages of the required financial forms and Financial Handbook are available**



Port Chester
VOTES

Required Forms

The following are the New York State Board of Elections legal forms that are required to be filed with the Village Clerk.

These forms must be filed in English:

- Certificate of Nomination
- Certificate of Acceptance
- Independent Petition
- Cover Sheet for Independent Petition
- Campaign Financial Disclosure Form
- Committee Registration/Treasurer and Bank Information
- Committee Authorization Status
- Candidate's Authorization For A Committee to Make Campaign Financial Disclosures



Port Chester
VOTES

Additional Resources

New York State Board of Elections

www.elections.ny.gov/INDEX.html

phone (518) 474-6220

fax (518) 473-8315

Village of Port Chester Election Websites

portchestervotes.org

Phone: (914) 939-5202



Port Chester
VOTES

25 Jordan Ct
Poughquag NY 12570
845-629-3893

Angelo Nanna

Mr Thomas,

December 15, 2015

The voting machines from the Village of Port Chester's March 2015's election were inspected and found to be still sealed. After we receive notification that the Village of Port Chester's clerks office has all the paper work. Strips,seals,keys. We will then be able to zero, set-up, install strips, seal, lower and certify.



Angelo Nanna



VILLAGE OF
PORT CHESTER

222 Grace Church Street, Port Chester, New York 10573

AGENDA MEMO

Department: Office of the Village Attorney

BOT Meeting Date: 1/4/2016

Item Type: Presentation

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

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

TOWING AND BOOTING UPDATE

Summary

Background:

The Board of Trustees most recently adopted a local law that licenses towing and booting companies with regard to commercial and multi-family properties in the Village.

Since that time, the Police Department has been working with the assistance of the Village Attorney's office for a January 2016 roll-out of the law.

The attached sets forth the actions that have been undertaken in this regard.

Proposed Action

That the Board of Trustees adopt the Resolution

Attachments
Memo from the Village Attorney



Village of Port Chester

Office of the Village Attorney

MEMORANDUM

TO: Mayor and Board of Trustees

THRU: Christopher D. Steers

FROM: Anthony M. Cerreto

DATE: December 31, 2015

RE: Towing/Booting Law

For your information, in anticipation of the roll out of the booting/towing law in January, 2016, Village staff have:

- provided the State Division of Criminal Justice Services a copy of the law for their final approval
- created license application
- developed license identification car
- established a dedicated e-mail address for notification by towing/booting companies
- mailed out post-cards to affected property owners and stakeholder, developed flyer and added content to Village's web-page as part of outreach efforts

The Chief of Police has assigned lead responsibility to the Traffic Sergeant for the implementation and enforcement of the law.

In the coming weeks, it is expected that the Police Department will be meeting in-person with potential licensees and property owners to discuss the licensing process.

The Chief will be available at the Board's January 4, 2016 meeting to make a short presentation and answer any questions you may have.



VILLAGE OF PORT CHESTER

222 Grace Church Street, Port Chester, New York 10573

AGENDA MEMO

Department: Office of the Village Clerk

BOT Meeting Date: 1/4/2016

Item Type: Resolution

Sponsor's Name: David Thomas, Village Clerk

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

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

Designation of Village 2016 Election

Summary

Background:

For villages whose March elections are conducted by the Village of Port Chester, last day (Friday, January 15, 2016) for the board of trustees to submit to the county board of elections a list of polling places within the village.

Proposed Action

That the Board of Trustees adopt the Resolution

Attachments

RESOLUTION
DESIGNATION OF VILLAGE 2016 ELECTION

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

RESOLVED, that the annual Election for the Village of Port Chester, New York, to be called and held pursuant to the Charter of the Village of Port Chester, New York, be held on the 15 day of March, 2016, between the hours of 7:00 A.M. and 9:00 P.M., and that such Election shall be called and held at the following polling places within the Village of Port Chester, NY:

The Polling Place for the qualified voters of Port Chester who reside within the limits of the **Fifth Election District** of the Town of Rye shall be in the Don Bosco Center, Don Bosco Place, in said Village.

The Polling Place for the qualified voters of Port Chester who reside within the limits of the **Sixth Election District** of the Town of Rye shall be in the Don Bosco Center, Don Bosco Place, in said Village.

The Polling Place for the qualified voters of Port Chester who reside within the limits of the **Seventh Election District** of the Town of Rye shall be in the Don Bosco Center, Don Bosco Place, in said Village.

The Polling Place for the qualified voters of Port Chester who reside within the limits of the **Eighth Election District** of the Town of Rye shall be in the John F. Kennedy School, Olivia Street, in said Village.

The Polling Place for the qualified voters of Port Chester who reside within the limits of the **Ninth Election District** of the Town of Rye shall be in the John F. Kennedy School, Olivia Street, in said Village.

The Polling Place for the qualified voters of Port Chester who reside within the limits of the **Tenth Election District** of the Town of Rye shall be in the Corpus Christi School, South Regent Street, in said Village.

The Polling Place for the qualified voters of Port Chester who reside within the limits of the **Eleventh Election District** of the Town of Rye shall be in the Carver Center, 400 Westchester Avenue, in said Village.

The Polling Place for the qualified voters of Port Chester who reside within the limits of the **Twelfth Election District** of the Town of Rye shall be in the Park Avenue School, Park Avenue, in said Village.

The Polling Place for the qualified voters of Port Chester who reside within the limits of the **Thirteenth Election District** of the Town of Rye shall be in St. George Orthodox Church of Westchester, Irving Avenue, in said Village.

The Polling Place for the qualified voters of Port Chester who reside within the limits of the **Fourteenth Election District** of the Town of Rye shall be in St. George Orthodox Church of Westchester, Irving Avenue, in said Village.

The Polling Place for the qualified voters of Port Chester who reside within the limits of the **Fifteenth Election District** of the Town of Rye shall be in St. George Orthodox Church of Westchester, Irving Avenue, in said Village.

The Polling Place for the qualified voters of Port Chester who reside within the limits of the **Sixteenth Election District** of the Town of Rye shall be in the Don Bosco Center, Don Bosco Place, in said Village.

The Polling Place for the qualified voters of Port Chester who reside within the limits of the **Seventeenth Election District** of the Town of Rye shall be in the Brooksville Gardens Senior Citizens Apts., Terrace Avenue, in said Village.

The Polling Place for the qualified voters of Port Chester who reside within the limits of the **Eighteenth Election District** of the Town of Rye shall be in the Edison School, Rectory Street, in said Village.

The Polling Place for the qualified voters of Port Chester who reside within the limits of the **Nineteenth Election District** of the Town of Rye shall be in the Park Avenue School, Park Avenue, in said Village.

The Polling Place for the qualified voters of Port Chester who reside within the limits of the **Twenty-Fifth Election District** of the Town of Rye shall be in the King Street School, King Street, in said Village.

Approved as to Form:

Anthony M. Cerreto, Village Attorney

ROLL CALL

AYES:

NOES:

ABSENT:

DATE:



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

AGENDA MEMO

Department: Office of the Village Treasurer

BOT Meeting Date: 1/4/2016

Item Type: Resolution

Sponsor's Name: Leonie Douglas, Village Treasurer

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

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

\$5,625,000 PUBLIC IMPROVEMENT REFUNDING 2016 SERIAL BOND

Summary

Background: A review and an analysis were made of the Village's outstanding Bond issues and it was determined by the Village's Financial Advisor that two serial bonds, 2006A & 2007A that were issued at an interest rate of 4 and 3.75 percent would save the Village approximately \$286,000 in interest rate if refunded. It is therefore the recommendation of the Village Treasurer and Village Manager that the Village Board adopts the attached Bond Refunding Bond Resolution in the amount of \$5,625,000.

Proposed Action

That the Board of Trustees adopt the Resolution

Attachments

Refunding Summary Analysis

SQUIRE PATTON BOGGS (US) LLP

30 Rockefeller Plaza
New York, NY 10112

Office: +1.212.872.9800
Fax: +1.212.872.9815

Lauren M. Trialonas
T +1 212 872 9862
lauren.trialonas@squirepb.com

December 22, 2015

VIA EMAIL

Ms. Leonie Douglas
Village Clerk-Treasurer
Village of Port Chester
10 Pearl Street
Port Chester, New York 10573

Re: Village of Port Chester, New York
Refunding Bond Resolution

Dear Leonie:

Enclosed please find extracts from minutes of a meeting of the Board of Trustees of the Village of Port Chester, New York (the "Village") containing a refunding bond resolution authorizing the refunding of all or a portion of the Village's outstanding Series 2006A serial bonds and Series 2007A serial bonds. Upon the adoption of the resolution by at least two-thirds of the voting strength of the Board of Education, please have the extract page completed and the Village Clerk's certificate completed, signed and sealed. The resolution and the attached estoppel notice should then be published in the Village's official newspaper.

We will require receipt of a certified copy of the extracts containing the resolution and the newspaper affidavit of publication of the resolution and estoppel notice. The bond resolution and estoppel notice must be published at least 20 days before the refunding bonds are issued.

Please call me if you have any questions.

Very truly yours,

Lauren Trialonas

cc: Kenneth W. Bond, Esq.
Beth Ferguson

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

(Refunding Bond Resolution – Series 2006A and Series 2007A)

A regular meeting of the Board of Trustees of the Village of Port Chester, located in the county of Westchester, State of New York, was held at _____, New York, on January 4, 2016 at ____ o'clock, ____M. (Prevailing Time), at which meeting a quorum was at all times present and acting. There were:

PRESENT:

ABSENT:

ALSO PRESENT:

* * * * *

Trustee _____ presented the following bond resolution and moved that it be adopted. The motion was seconded by Trustee_____. The Board of Trustees was polled. The motion was adopted by a vote of ____ affirmative votes (being at least two-thirds of the voting strength of the Board of Trustees of the Village with ____ negative votes and ____ votes absent.

REFUNDING BOND RESOLUTION, DATED JANUARY 4, 2016, AUTHORIZING THE ISSUANCE OF REFUNDING SERIAL BONDS OF THE VILLAGE OF PORT CHESTER, IN THE COUNTY OF WESTCHESTER, STATE OF NEW YORK, PURSUANT TO SECTION 90.10 OF THE LOCAL FINANCE LAW OF THE STATE OF NEW YORK, PROVIDING FOR OTHER MATTERS AND MAKING CERTAIN DETERMINATIONS IN RELATION THERETO AND PROVIDING FOR THE PAYMENT OF THE BONDS TO BE REFUNDED THEREBY.

WHEREAS, the Village of Port Chester, located in the county of Westchester, State of New York (the “Village”) previously issued \$3,096,000 principal amount of Public Improvement Serial Bonds, Series 2006A (the “Series 2006A Bonds”) pursuant to a certificate of determination of the Village Treasurer (sometimes referred to herein as the “Chief Fiscal Officer”), which Series 2006A Bonds are dated September 15, 2006 and matured or mature in annual installments on September 15, in each of the years 2007-2026, inclusive, as follows:

\$41,000 in the year 2007,
\$105,000 in the year 2008,
\$110,000 in the year 2009,
\$115,000 in the year 2010,
\$120,000 in the year 2011,
\$125,000 in the year 2012,
\$130,000 in the year 2013,
\$140,000 in the year 2014,
\$145,000 in the year 2015,
\$150,000 in the year 2016,
\$155,000 in the year 2017,
\$165,000 in the year 2018,
\$170,000 in the year 2019,
\$180,000 in the year 2020,
\$185,000 in the year 2021,
\$195,000 in the year 2022,
\$205,000 in the year 2023,
\$215,000 in the year 2024,
\$220,000 in the year 2025, and
\$225,000 in the year 2026,

WHEREAS, the Series 2006A Bonds were authorized pursuant to several serial bond resolutions duly adopted by the Board of Trustees of the Village on July 19, 2006 for the objects or purposes described therein and delegated to the Chief Fiscal Officer the power to prescribe the terms, form and contents of and to sell and deliver such serial bonds of the Village; and

WHEREAS, \$2,065,000 aggregate principal amount of the Series 2006A Bonds currently remain outstanding and unredeemed as of the date hereof; and

WHEREAS, it is hereby determined to be in the public interest of the Village to refund all or a portion of the outstanding Series 2006A Bonds, by the issuance of the refunding bonds authorized herein pursuant to Section 90.10 of the Local Finance Law (the “Series 2006A Refunding Bonds”); and

WHEREAS, the Village previously issued \$6,569,000 principal amount of Public Improvement Serial Bonds Series 2007A (the “Series 2007A Bonds”) pursuant to a certificate of determination of the Village Treasurer (sometimes referred to herein as the “Chief Fiscal Officer”), which Series 2007A Bonds are dated September 15, 2007 and matured or mature in annual installments on August 1 in each of the years 2008-2024, inclusive, as follows:

\$169,000 in the year 2008
\$285,000 in the year 2009
\$300,000 in the year 2010
\$310,000 in the year 2011
\$325,000 in the year 2012
\$335,000 in the year 2013
\$350,000 in the year 2014
\$370,000 in the year 2015
\$385,000 in the year 2016
\$400,000 in the year 2017
\$420,000 in the year 2018
\$435,000 in the year 2019
\$455,000 in the year 2020
\$475,000 in the year 2021
\$500,000 in the year 2022

\$515,000 in the year 2023, and
\$540,000 in the year 2024,

WHEREAS, the Series 2007A Bonds were authorized pursuant to several serial bond resolutions duly adopted by the Board of Trustees of the Village on March 5, 2007, July 2, 2007 and July 16, 2007 for the objects or purposes described therein and delegated to the Chief Fiscal Officer the power to prescribe the terms, form and contents of and to sell and deliver such serial bonds of the Village; and

WHEREAS, \$4,125,000 aggregate principal amount of the Series 2007A Bonds currently remain outstanding and unredeemed as of the date hereof; and

WHEREAS, it is hereby determined to be in the public interest of the Village to refund all or a portion of the outstanding Series 2007A Bonds, by the issuance of the refunding bonds authorized herein pursuant to Section 90.10 of the Local Finance Law (the “Series 2007A Refunding Bonds”); and

NOW, THEREFORE BE IT RESOLVED BY THE BOARD OF TRUSTEES OF THE VILLAGE OF PORT CHESTER, IN THE COUNTY OF WESTCHESTER, STATE OF NEW YORK (BY THE AFFIRMATIVE VOTE OF NOT LESS THAN TWO-THIRDS OF THE VOTING STRENGTH OF BOARD OF TRUSTEES OF THE VILLAGE), AS FOLLOWS:

Section 1. For the purpose of refunding all or a portion of the \$2,065,000 outstanding principal amount of the Series 2006A Bonds and all or a portion of the outstanding \$4,125,000 Series 2007A Bonds providing moneys which, together with the interest earned from the investment of certain of the proceeds of the refunding bonds herein authorized shall be sufficient to pay: (i) the refunded principal amount of the Series 2006A Bonds and the Series 2007A Bonds (collectively, the “Refunded Bonds”); (ii) the aggregate amount of the unmatured interest payable

on the Refunded Bonds to and including the date on which any series of the Refunded Bonds which are callable are to be redeemed prior to their respective maturities in accordance with the Refunding Financial Plan (as hereinafter defined) and attached hereto as Exhibit B; (iii) the costs and expenses incidental to the issuance of the Series 2006A Refunding Bonds and the Series 2007A Refunding Bonds (collectively, the "Refunding Bonds") as hereinafter authorized and as described in Exhibit A, including without limitation, the development of the Refunding Financial Plan, costs and expenses of executing and performing the terms and conditions of the Escrow Contract (as hereinafter defined), and any securities supply contract, the premium with respect to any bond insurance policy or policies acquired with respect to the Refunding Bonds (as defined below), discount or compensation of underwriters, fees of bond counsel and financial advisors, rating agency fees, printing and service agency fees and expenses, and fees and charges of the Escrow Holder (as hereafter described); and (iv) the redemption premium, if any, to be paid on any series of the Refunded Bonds which are to be called prior to their respective maturities; there are hereby authorized to be issued in one or more series not exceeding \$6,200,000 aggregate principal amount of refunding serial bonds of the Village pursuant to the provisions of Section 90.10 of the Local Finance Law, it being anticipated that the par amount of Refunding Bonds actually to be issued will be approximately \$5,625,000 as provided in Section 4 hereof. The proposed principal amounts and dates of maturity of such Refunding Bonds are set forth in the Refunding Financial Plan attached hereto.

Section 2. It is hereby determined pursuant to Section 90.10 that:

(a) the maximum amount of the Refunding Bonds authorized to be issued pursuant to this resolution does not exceed the limitation imposed by subdivision 1 of paragraph (b) of Section 90.10 of the Local Finance Law with respect to each series of the Refunded Bonds;

(b) the aggregate amount of estimated present value savings computed in accordance with subparagraph (a) of subdivision 2 of paragraph b of Section 90.10 of the Local Finance Law is not expected to be less than three percent (3.0%) of debt service on the Refunded Bonds paid to stated maturity.

(c) The Board of Trustees is hereby authorized and directed to enter into an escrow contract (the "Escrow Contract") with a bank or trust company located and authorized to do business in this State as the Board of Trustees shall designate (the "Escrow Holder") for the purpose of having the Escrow Holder act, in connection with the Refunding Bonds, as the escrow holder to perform the services described in Section 90.10 of the Local Finance Law. In addition, the Escrow Contract may include a forward supply or purchase contract or agreement as part thereof or as a separate agreement for the provision of acquiring obligations of the United States of America or unconditionally guaranteed by the United States of America or other obligations or instruments qualified under Section 90.10 of the Local Finance Law or may be necessary for the completion of the Refunding Financial Plan. The Escrow Contract shall contain such terms and conditions as shall be necessary or required, including terms and conditions required for the completion of the Refunding Financial Plan, including provisions for the Escrow Holder, without further authorization or direction from the Board of Trustees of the Village, except as otherwise provided therein, including, without limitation, (i) to make all required payments of principal, interest and any redemption premiums to appropriate paying agents with respect to the Refunded Bonds, (ii) to pay costs and expenses incidental to the issuance of the Refunding Bonds, including the development of the Refunding Financial Plan, and of executing and performing the terms and conditions of the Escrow Contract by the Escrow Holder, (iii) at the appropriate time or times, to cause to be given on behalf of the Village in the manner provided by law the notice of redemption

authorized to be given pursuant to Section 8 hereof, and (iv) to invest the moneys held by the Escrow Holder pursuant to the terms of the Escrow Contract and consistent with the provisions of the Refunding Financial Plan. The Escrow Contract shall be irrevocable and shall constitute a covenant with the owners of the Refunding Bonds.

(d) The proceeds, inclusive of any premium, from the sale of the Refunding Bonds, immediately upon receipt, shall be placed in escrow by the Village with the Escrow Holder pursuant to the terms of the Escrow Contract. All moneys held by the Escrow Holder shall be invested only in direct obligations of the United States of America, in obligations the principal of and interest on which are unconditionally guaranteed by the United States of America or in obligations or instruments qualified under Section 90.10 of the Local Finance Law, which obligations or instruments shall mature or be subject to redemption at the option of the Escrow Holder not later than the respective dates when such moneys will be required to make payments in accordance with the Escrow Contract and the Refunding Financial Plan. Any such moneys remaining in the custody of the Escrow Holder after the performance in full of the Escrow Contract by the Escrow Holder shall be returned to the Village and shall be applied by the Village Treasurer to the payment of the principal of or interest on the Refunding Bonds then outstanding, to the payment of any amounts required to be paid to the United States of America in connection of with the refunding of the Refunding Bonds or to the payment of or reimbursement for the costs of issuance or other administrative costs incurred in connection with the issuance of the Refunding Bonds. In connection with the investment of moneys held by the Escrow Holder under the Escrow Contract, the Village Treasurer is authorized to execute on behalf of the Village any forward purchase or supply contract for the purchase or supply of the securities described in this subsection

(d) at a date subsequent to the delivery of the Refunding Bonds, as is needed to accomplish the purposes of the Refunding Financial Plan.

Section 3. It is hereby determined that the maximum period or periods of probable usefulness permitted by law at the time of the issuance of the Refunded Bonds for each of the objects or purposes for which the Refunded Bonds were issued is no less than as shown in the Certificates of Determination of the Village Treasurer incorporated by reference herein and made a part of this resolution taking into account the earlier of the original date of issuance of any such series of serial bonds or bond anticipation notes funded by such series of Refunded Bonds; and

Section 4. The financial plan for the refunding authorized by this resolution (the "Refunding Financial Plan"), showing the sources and amounts of all moneys required to accomplish such refunding, the estimated present value of the total debt service savings and the basis for the computation of the aforesaid estimated present value of total debt service savings, are set forth in Exhibit B attached hereto and made a part hereof. The Refunding Financial Plan has been prepared based upon the assumption that the Refunding Bonds will be issued in the aggregate principal amount of \$5,625,000 if fully issued and will mature, be of such terms, and bear such interest as set forth in the Refunding Financial Plan. The Board of Trustees of the Village recognizes that the principal amount of the Refunding Bonds, the series, maturities, terms, interest rate or rates borne by the Refunding Bonds, the provisions for redemption thereof prior to maturity and whether or not all of the Refunding Bonds will be insured, and the resulting present value savings are likely to vary from such assumptions and that the Refunding Financial Plan will likely vary from that attached hereto as Exhibit B. The Village Treasurer is hereby authorized and directed to determine the principal amount of the Refunding Bonds to be issued, the series and designation or designations thereof, the time or times of the sale thereof, the maturities and terms

thereof, the provisions relating to the redemption of the Refunding Bonds prior to maturity, if any, the rate or rates of interest to be borne thereby, whether or not the Refunding Bonds will be insured in whole or in part or uninsured, and to prepare, or cause to be provided, a final Refunding Financial Plan, all in accordance herewith, and all powers in connection therewith may be exercised by the Village Treasurer; provided, that the terms of the Refunding Bonds to be issued, including the rate or rates of interest borne thereby, shall comply with the requirements of Section 90.10 of the Local Finance Law. The Board of Trustees shall file a copy of a certificate determining the details of the Refunding Bonds and the final Refunding Financial Plan with the Village Clerk within ten (10) days after the delivery of the Refunding Bonds, as herein provided.

Section 5. The faith and credit of the Village are hereby irrevocably pledged to the payment of the principal of and interest on the Refunding Bonds as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on the Refunding Bonds becoming due and payable in such year. To the extent that the same are not paid from other sources, there shall be annually levied on all the taxable real property in the Village a tax sufficient to pay the principal of and interest on the Refunding Bonds as the same become due and payable.

Section 6. Proceeds from the sale of the Refunding Bonds, including any accrued interest and, together with interest earned thereon, which shall be required for the payment of the principal of and interest on the Refunded Bonds, including any redemption or call premiums, in accordance with the Refunding Financial Plan, shall be irrevocably committed and pledged to such purpose and the owners of the Refunded Bonds shall have a lien upon such moneys and the investments thereof held by the Escrow Holder. The pledge and lien provided by this resolution shall become valid and binding upon the issuance of the Refunding Bonds and the moneys and investments held by the

Escrow Holder shall immediately be subject thereto without any further act. Such pledge and lien shall be valid and binding against all parties having claims of any kind in tort, contract, equity, at law or otherwise against the Village irrespective of whether such parties have notice thereof. Neither this resolution, the Escrow Contract, nor any other instrument relating to such pledge and lien, need be filed or recorded.

Section 7. In accordance with the terms of the Refunded Bonds and the provisions of Section 53.00 and of paragraph (h) of Section 90.10 of the Local Finance Law, and subject only to the issuance of the Refunding Bonds, as herein authorized, the Village hereby elects to call in and redeem (i) all or a portion of the Series 2006A Bonds maturing on and after September 15, 2017 on September 15, 2016 and (ii) all or a portion of the Series 2007A Bonds maturing on and after August 1, 2018 on August 1, 2017. The sum to be paid therefor on such redemption dates shall be the par value thereof plus the redemption premium, if any, as provided in the issuance proceedings for the Refunded Bonds and the accrued interest to such redemption date. The Escrow Holder is hereby authorized and directed to cause notice of such call for redemption to be given in the name of the Village in the manner and within the times provided in the issuance proceedings for the Refunded Bonds. Such notice of redemption shall be in substantially the form attached to the Escrow Contract. Upon the issuance of the Refunding Bonds, the election to call in and redeem the applicable portion of the Refunded Bonds and direction to the Escrow Holder to cause notice thereof to be given as provided in this paragraph shall become irrevocable, provided that this paragraph may be amended from time to time as may be necessary in order to comply with the notice, requirements of paragraph (a) of Section 53.00 of the Local Finance Law, or any successor law thereto. It is hereby determined that with respect to the series of Refunded Bonds to be called in and redeemed as provided in this Section 7, it is to the financial advantage of the Village not to

charge, impose and collect or receive from registered owners of the Refunded Bonds mailing, shipping, insurance or other similar charges in connection with such redemption or calls. Accordingly, pursuant to paragraph (c) of Section 70.00 of the Local Finance Law, no such charges shall be so charged, collected or received by the Chief Fiscal Officer, as fiscal agent.

Section 8. The Refunding Bonds may be sold at either a private or competitive sale and the Village Treasurer is hereby authorized to execute a purchase contract on behalf of the Village for the private sale of the Refunding Bonds, provided that the terms and conditions of such sale shall be approved by the State Comptroller and further provided that, prior to the issuance of the Refunding Bonds the Board of Trustees shall have filed with the Village Clerk a certificate approved by the State Comptroller pursuant to subdivision 2 of paragraph (g) of Section 90.10 of the Local Finance Law setting forth the present value savings to the Village resulting from the issuance of the Refunding Bonds. In connection with such sale, the Board of Trustees of the Village hereby authorizes the preparation of an Official Statement and approves its use in connection with such sale, and further consents to the distribution of a Preliminary Official Statement prior to the date said Official Statement is executed and available for distribution, all in accordance with applicable State and Federal securities laws, rules and regulations.

Section 9. The Board of Trustees of the Village hereby appoints the law firm of Squire Patton Boggs (US) LLP of New York, New York, as bond counsel in connection with the issuance and sale of the Refunding Bonds. The Board of Trustees of the Village hereby appoints the firm of Capital Markets Advisors, LLC of Hopewell Jct., New York, as financial advisor in connection with the issuance and sale of the Bonds. The power to appoint the Escrow Holder, as that term is referred to herein, and a senior managing underwriter for the sale of the Refunding Bonds if sold at

private sale, is hereby delegated to the Village Treasurer of the Village, as chief fiscal officer of the Village.

Section 10. Each of the Refunding Bonds authorized by this resolution shall contain the recital of validity prescribed by Section 52.00 of the Local Finance Law and the Refunding Bonds shall be general obligations of the Village, payable as to both principal and interest by a general tax upon all the taxable real property within the Village, without limitation as to rate or amount.

Section 11. The Village Treasurer, pursuant to Sections 50.00, 90.00, 90.10 and 168.00 of the Local Finance Law, and all other officers, employees and agents of the Village are hereby authorized and directed for and on behalf of the Village to execute and deliver all certificates and other documents, perform all acts and do all things required or contemplated to be executed, performed or done by this resolution or any document or agreement approved hereby, including to correct or amend the documents and certificates authorized to complete the transactions contemplated by this resolution.

Section 12. All other matters pertaining to the terms, issuance and sale of the Refunding Bonds consistent with the provisions of Section 90.10 of the Local Finance Law shall be determined by the Village Treasurer and the powers in connection therewith not otherwise heretofore delegated thereto are hereby delegated to the Village Treasurer.

Section 13. The Village intends to issue the obligations authorized by this resolution to finance the costs of the purposes described herein for the completion of the Refunding Financial Plan. The Village covenants for the benefit of the holders of the Refunding Bonds that it will not make any use of (a) the proceeds of the Refunding Bonds, any funds reasonably expected to be used to pay the principal of or interest on the Refunding Bonds or any other funds of the Village, and (b) the purposes financed with the proceeds of the Refunding Bonds, which would cause the interest on

which to become subject to Federal income taxation under the Internal Revenue Code of 1986, as amended (the “Code”) (except for the federal alternative minimum tax imposed on corporations by Section 55 of the Code), or subject the Village to any penalties under Section 148 of the Code, and that it will not take any action or omit to take any action with respect to the Refunding Bonds or the proceeds thereof, if such action or omission would cause the interest on the Refunding Bonds to become subject to Federal income taxation under the Code (except for the federal alternative minimum tax imposed on corporations by Section 55 of the Code), or subject the Village to any penalties under Section 148 of the Code. The foregoing covenants shall remain in full force and effect notwithstanding the defeasance of the Refunding Bonds or any other provision hereof until the date which is sixty (60) days after the final maturity date or earlier prior redemption date thereof. The proceeds of the Refunding Bonds may be applied to reimburse expenditures or commitments made for the purposes on or after a date which is not more than sixty (60) days prior to the adoption date of this resolution by the Village.

Section 14. For the benefit of the holders and beneficial owners from time to time of the Refunding Bonds, the Village agrees, in accordance with and as an obligated person with respect to the Refunding Bonds under, Rule 15c2-12 promulgated by the Securities Exchange Commission pursuant to the Securities Exchange Act of 1934 (the “Rule”), to provide or cause to be provided such financial information and operating data, financial statements and notices, in such manner, as may be required for purposes of the Rule. In order to describe and specify certain terms of the Village’s continuing disclosure agreement for that purpose, and thereby to implement that agreement, including provisions for enforcement, amendment and termination, the Village Treasurer is authorized and directed to sign and deliver, in the name and on behalf of the Village, the commitment authorized by subsection 6(c) of the Rule (the “Commitment”) to be

placed on file with the Village Clerk, which shall constitute the continuing disclosure agreement made by the Village for the benefit of holders and beneficial owners of the Refunding Bonds in accordance with the Rule, with any changes or amendments that are not inconsistent with this resolution and not substantially adverse to the Village and that are approved by the Village Treasurer on behalf of the Village, all of which shall be conclusively evidenced by the signing of the Commitment or amendments thereto. The agreement formed, collectively by this paragraph and the Commitment, shall be the Village's continuing disclosure agreement for purposes of the Rule, and its performance shall be subject to the availability of funds and their annual appropriation to meet costs the Village would be required to incur to perform thereunder. The Village Treasurer is further authorized and directed to establish procedures in order to ensure compliance by the Village with its continuing disclosure agreement, including the timely provision of information and notices. Prior to making any filing in accordance with the agreement or providing notice of the occurrence of any material event, the Village Treasurer shall consult with, as appropriate, the Village Attorney and bond counsel or other qualified independent special counsel to the Village and shall be entitled to rely upon any legal advice provided by the Village Attorney or such bond counsel or other qualified independent special counsel in determining whether a filing should be made.

Section 15. The validity of the Refunding Bonds may be contested only if such obligations are authorized for objects or purposes for which the Village is not authorized to expend money, or the provisions of law which should be complied with at the date of the publication of this resolution, are not substantially complied with, and an action, suit or proceeding contesting such validity, is commenced within twenty (20) days after the date of publication, or if said obligations are authorized in violation of the provisions of the Constitution of New York.

Section 16. When this bond resolution takes effect, it shall be published in full by the Village Clerk, together with a notice in substantially the form prescribed by Section 81.00 of the Local Finance Law, and such publication shall be in The Journal News, a newspaper having a general circulation in the Village and which is hereby designated as the official newspaper of the Village for such purpose.

Section 17. This bond resolution shall take effect immediately upon its adoption by the Board of Trustees of the Village.

Village of Port Chester, New York

Exhibit A to the Refunding Bond Resolution,

Dated January 4, 2016,

of the Village of Port Chester

in the County of Westchester, State of New York

\$5,625,000 Public Improvement Refunding Serial Bonds, Series 2016 - Estimated Debt Service

<u>Maturity Date</u>	<u>Principal Amount</u>
8/1/2016	\$85,000
8/1/2017	240,000
8/1/2018	660,000
8/1/2019	665,000
8/1/2020	680,000
8/1/2021	690,000
8/1/2022	710,000
8/1/2023	720,000
8/1/2024	745,000
8/1/2025	215,000
8/1/2026	215,000

Exhibit B to the Refunding Bond Resolution,

dated January 4, 2016

of the Village of Port Chester,

County of Westchester, State of New York

Refunding Financial Plan

I, **DAVID THOMAS**, Clerk of the Village of Port Chester, located in the County of Westchester, State of New York (the "Village"), HEREBY CERTIFY as follows:

1. A regular meeting of the Board of Trustees of the Village was duly held on January 4, 2016, and minutes of such meeting have been duly recorded in the Minute Book kept by me in accordance with law for the purpose of recording the minutes of meetings of the Board of Trustees of the Village.

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

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

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

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the Village, this ___ day of January, 2016.

(SEAL)

DAVID THOMAS
Village Clerk
Village of Port Chester, New York

VILLAGE OF PORT CHESTER
COUNTY OF WESTCHESTER, NEW YORK

ESTOPPEL NOTICE

The resolution published herewith was adopted by the Board of Trustees of the Village of Port Chester, located in the County of Westchester, State of New York (the "Village") on January 4, 2016. The validity of the obligations authorized by such resolution may be hereafter contested only if such obligations were authorized for an object or purpose for which the Village is not authorized to expend money or if the provisions of law which should have been complied with as of the date of publication of this notice, were not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of publication of this resolution, or such obligations were authorized in violation of the provisions of the Constitution of the State of New York.

Date: _____, 2016

/s/ _____
DAVID THOMAS
Village Clerk
Village of Port Chester, New York

Village of Port Chester

Westchester County, New York

\$5,625,000 Public Improvement Refunding Serial Bonds, 2016

Prevailing 'Aa' Rates plus 25 bps - 12.1.15

Refunding Summary

Dated 02/15/2016 | Delivered 02/15/2016

	2006 Bonds	2007 Bonds	Issue Summary
Sources Of Funds			
Par Amount of Bonds	\$2,035,000.00	\$3,590,000.00	\$5,625,000.00
Total Sources	\$2,035,000.00	\$3,590,000.00	\$5,625,000.00
Uses Of Funds			
Total Underwriter's Discount (0.750%)	15,262.50	26,925.00	42,187.50
Costs of Issuance	30,751.11	54,248.89	85,000.00
Deposit to Net Cash Escrow Fund	1,988,808.70	3,506,317.69	5,495,126.39
Rounding Amount	177.69	2,508.42	2,686.11
Total Uses	\$2,035,000.00	\$3,590,000.00	\$5,625,000.00

Flow of Funds Detail

State and Local Government Series (SLGS) rates for Date of OMP Candidates	12/01/2015	12/01/2015	12/01/2015
Primary Purpose Fund Solution Method	Net Funded	Net Funded	Net Funded
Total Cost of Investments	\$1,988,808.70	\$3,506,317.69	\$5,495,126.39
Interest Earnings @ 0.634%	5,105.06	34,082.31	39,187.37
Total Draws	\$1,993,913.76	\$3,540,400.00	\$5,534,313.76

PV Analysis Summary (Net to Net)

Net PV Cashflow Savings @ 2.017%(AIC)	138,299.22	117,022.44	255,871.82
Contingency or Rounding Amount	177.69	2,508.42	2,686.11
Net Present Value Benefit	\$138,476.91	\$119,530.86	\$258,557.93
Net PV Benefit / \$5,255,000 Refunded Principal	7.231%	3.579%	4.920%
Net PV Benefit / \$5,625,000 Refunding Principal	6.805%	3.330%	4.597%

Bond Statistics

Average Life	6.029 Years	5.403 Years	5.629 Years
Average Coupon	2.1404804%	1.9518823%	2.0249561%
Net Interest Cost (NIC)	2.2648858%	2.0907039%	2.1581920%
Bond Yield for Arbitrage Purposes	2.0165585%	2.0165585%	2.0165585%
True Interest Cost (TIC)	2.2646891%	2.0941114%	2.1597628%
All Inclusive Cost (AIC)	2.1295346%	1.9457926%	2.0165585%

Village of Port Chester

Westchester County, New York

\$5,625,000 Public Improvement Refunding Serial Bonds, 2016

Prevailing 'Aa' Rates plus 25 bps - 12.1.15

Debt Service Schedule

Date	Principal	Coupon	Interest	Total P+I
08/01/2016	85,000.00	0.630%	47,401.53	132,401.53
02/01/2017	-	-	51,131.50	51,131.50
08/01/2017	240,000.00	1.030%	51,131.50	291,131.50
02/01/2018	-	-	49,895.50	49,895.50
08/01/2018	660,000.00	1.250%	49,895.50	709,895.50
02/01/2019	-	-	45,770.50	45,770.50
08/01/2019	665,000.00	1.440%	45,770.50	710,770.50
02/01/2020	-	-	40,982.50	40,982.50
08/01/2020	680,000.00	1.630%	40,982.50	720,982.50
02/01/2021	-	-	35,440.50	35,440.50
08/01/2021	690,000.00	1.820%	35,440.50	725,440.50
02/01/2022	-	-	29,161.50	29,161.50
08/01/2022	710,000.00	2.000%	29,161.50	739,161.50
02/01/2023	-	-	22,061.50	22,061.50
08/01/2023	720,000.00	2.190%	22,061.50	742,061.50
02/01/2024	-	-	14,177.50	14,177.50
08/01/2024	745,000.00	2.340%	14,177.50	759,177.50
02/01/2025	-	-	5,461.00	5,461.00
08/01/2025	215,000.00	2.470%	5,461.00	220,461.00
02/01/2026	-	-	2,805.75	2,805.75
08/01/2026	215,000.00	2.610%	2,805.75	217,805.75
Total	\$5,625,000.00	-	\$641,177.03	\$6,266,177.03

Yield Statistics

Bond Year Dollars	\$31,663.75
Average Life	5.629 Years
Average Coupon	2.0249561%
Net Interest Cost (NIC)	2.1581920%
True Interest Cost (TIC)	2.1597628%
Bond Yield for Arbitrage Purposes	2.0165585%
All Inclusive Cost (AIC)	2.0165585%

IRS Form 8038

Net Interest Cost	2.0249561%
Weighted Average Maturity	5.629 Years

Village of Port Chester

Westchester County, New York

\$5,625,000 Public Improvement Refunding Serial Bonds, 2016

Prevailing 'Aa' Rates plus 25 bps - 12.1.15

Debt Service Comparison

Date	Total P+I	Existing D/S	Net New D/S	Old Net D/S	Savings
05/31/2016	-	3,000.00	3,000.00	42,456.88	39,456.88
05/31/2017	183,533.03	567,625.00	751,158.03	780,138.76	28,980.73
05/31/2018	341,027.00	410,000.00	751,027.00	774,336.26	23,309.26
05/31/2019	755,666.00	-	755,666.00	779,376.26	23,710.26
05/31/2020	751,753.00	-	751,753.00	775,387.51	23,634.51
05/31/2021	756,423.00	-	756,423.00	780,368.76	23,945.76
05/31/2022	754,602.00	-	754,602.00	779,240.63	24,638.63
05/31/2023	761,223.00	-	761,223.00	786,903.13	25,680.13
05/31/2024	756,239.00	-	756,239.00	783,353.13	27,114.13
05/31/2025	764,638.50	-	764,638.50	788,590.63	23,952.13
05/31/2026	223,266.75	-	223,266.75	233,818.76	10,552.01
05/31/2027	217,805.75	-	217,805.75	229,640.63	11,834.88
Total	\$6,266,177.03	\$980,625.00	\$7,246,802.03	\$7,533,611.34	\$286,809.31

PV Analysis Summary (Net to Net)

Gross PV Debt Service Savings	255,871.82
Net PV Cashflow Savings @ 2.017%(AIC)	255,871.82
Contingency or Rounding Amount	2,686.11
Net Present Value Benefit	\$258,557.93
Net PV Benefit / \$5,255,000 Refunded Principal	4.920%
Net PV Benefit / \$5,625,000 Refunding Principal	4.597%

Refunding Bond Information

Refunding Dated Date	2/15/2016
Refunding Delivery Date	2/15/2016

Village of Port Chester

Westchester County, New York

\$5,625,000 Public Improvement Refunding Serial Bonds, 2016

Prevailing 'Aa' Rates plus 25 bps - 12.1.15

Summary Of Bonds Refunded

Issue	Maturity	Type	of Bond	Coupon	Maturity Value	Call Date	Call Price
Dated 9/15/2006 Delivered 9/15/2006							
2006 Bonds	09/15/2017	Serial	Coupon	4.100%	155,000	09/15/2016	100.000%
2006 Bonds	09/15/2018	Serial	Coupon	4.100%	165,000	09/15/2016	100.000%
2006 Bonds	09/15/2019	Serial	Coupon	4.125%	170,000	09/15/2016	100.000%
2006 Bonds	09/15/2020	Serial	Coupon	4.125%	180,000	09/15/2016	100.000%
2006 Bonds	09/15/2021	Serial	Coupon	4.125%	185,000	09/15/2016	100.000%
2006 Bonds	09/15/2022	Serial	Coupon	4.125%	195,000	09/15/2016	100.000%
2006 Bonds	09/15/2023	Serial	Coupon	4.125%	205,000	09/15/2016	100.000%
2006 Bonds	09/15/2024	Serial	Coupon	4.125%	215,000	09/15/2016	100.000%
2006 Bonds	09/15/2025	Serial	Coupon	4.125%	220,000	09/15/2016	100.000%
2006 Bonds	09/15/2026	Serial	Coupon	4.125%	225,000	09/15/2016	100.000%
Subtotal	-	-	-	-	\$1,915,000	-	-
	-	-	-	-	-	-	-
Dated 9/15/2007 Delivered 9/15/2007							
2007 Bonds	08/01/2018	Serial	Coupon	4.000%	420,000	08/01/2017	100.000%
2007 Bonds	08/01/2019	Serial	Coupon	4.000%	435,000	08/01/2017	100.000%
2007 Bonds	08/01/2020	Serial	Coupon	4.000%	455,000	08/01/2017	100.000%
2007 Bonds	08/01/2021	Serial	Coupon	4.000%	475,000	08/01/2017	100.000%
2007 Bonds	08/01/2022	Serial	Coupon	4.000%	500,000	08/01/2017	100.000%
2007 Bonds	08/01/2023	Serial	Coupon	4.000%	515,000	08/01/2017	100.000%
2007 Bonds	08/01/2024	Serial	Coupon	4.000%	540,000	08/01/2017	100.000%
Subtotal	-	-	-	-	\$3,340,000	-	-
Total	-	-	-	-	\$5,255,000	-	-



VILLAGE OF
PORT CHESTER

222 Grace Church Street, Port Chester, New York 10573

AGENDA MEMO

Department: Office of the Village Attorney

BOT Meeting Date: 1/4/2016

Item Type: Resolution

Sponsor's Name: Richard F. Conway, Chief of Police

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

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

REQUESTING ASSISTANCE FROM NEW YORK STATE DELEGATION TO INTRODUCE
 LEGISLATION ON BEHALF OF THE VILLAGE OF PORT CHESTER WITH REGARD TO
 COURT SECURITY

Summary

Background:

Unlike cities, villages in New York State are charged with providing security in their local courts.

The Chief of Police has identified the need for the Village to obtain special state legislation so that court security personnel are accorded peace officer status.

The resolution would formally make the request on Port Chester's state legislative delegation to introduce such legislation.

The Chief will be available to discuss this matter.

Proposed Action

That the Board of Trustees adopt the Resolution

Attachments

Memo from the Chief of Police

REQUESTING ASSISTANCE FROM NEW YORK STATE DELEGATION TO INTRODUCE
LEGISLATION ON BEHALF OF THE VILLAGE OF PORT CHESTER WITH REGARD TO
COURT SECURITY

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 provides security to the Port Chester Justice Court; and

WHEREAS, the Port Chester Justice Court is the fifth-busiest court in Westchester
County; and

WHEREAS, the Chief of Police recommends that the Village of Port Chester secure
special legislation with regard to the court security officers at the Justice Court., Now, therefore,
be it

RESOLVED, that the Board of Trustees hereby authorizes the Mayor to forward
correspondence to State Senator George Latimer and Assemblyman Steve Otis requesting their
assistance in introducing special legislation amending Criminal Procedure Law, Section 2.10 that
would confer peace officer status to the uniformed court officers at the Port Chester Justice
Court.

Approved as to Form:

Anthony M. Cerreto, Village Attorney



VILLAGE OF
PORT CHESTER

222 Grace Church Street, Port Chester, New York 10573

AGENDA MEMO

Department: Office of the Village Attorney

BOT Meeting Date: 1/4/2016

Item Type: Resolution

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

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

TAX CERTIORARI SETTLEMENT

18-20 OLIVIA STREET

Summary

Background:

The Town of Rye has submitted a proposed settlement of a tax certiorari proceeding for property improved by a four-family dwelling located at 18-20 Olivia Street for the 2012-2014 tax years.

The proposed refund by the Village exceeds the \$3,500 threshold established by the Board therefore requiring your action.

Proposed Action

That the Board of Trustees adopt the Resolution

[AM-V20140930](#)

Attachments
Back-up provided by the Assessor

TAX CERTIORARI SETTLEMENT
18-20 OLIVIA STREET

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, Nestor and Patricia Cascire filed certiorari proceedings for review of tax assessments fixed by the Town of Rye upon property located at: 18-20 Olivia Street, also known as Section 142.37, Block 1, Lot 11 on the Tax Map of the Town of Rye for the tax assessment years 20012 through-2014; and

WHEREAS, these proceedings are on the trial calendar in the Westchester Supreme Court; and

WHEREAS, after conferences with the Court, the Town of Rye has advised that the parties have proposed to settle these proceedings, with a total refund due of \$4,892.00, statutory interest being waived, as follows:

Year	Original Assessment.	New Assessment.	Amount of Reduction
2012	\$631,000	\$395,000	\$236,000
2013	\$520,000	\$405,000	\$115,000
2014	\$511,700	\$101,700	\$101,700

RESOLVED, that the Village of Port Chester hereby determines that it has no objection to the Town of Rye's proposed settlement of tax certiorari proceedings brought by Nestor and Patricia Cacsire with regard to property located at 18-20 Olivia Street, Port Chester, also designated as Section 142.37, Block 1, Lot 14 on the Tax Map of the Town of Rye.

Approved as to Form:

Anthony M. Cerreto, Village Attorney

Revised



FISCAL IMPACT MEMO

TO: Rye Town Board; Paul Noto, Esq.; Anthony Cerreto, Esq. (VPC)
Jeffrey Binder, Esq.

FROM: Denise S. Knauer, IAO, Town Assessor

DATE: May 13, 2015

RE: Tax Certiorari Settlement
18-20 Olivia Street (142.37-1-11)
Nestor & Patricia Cacsire v. Town of Rye



Attorney Jeffrey Binder and I settled the above-referenced certiorari matter and a resolution for approval will be on the May 19, 2015 Town Board meeting agenda. Furthermore, because the **estimated** village tax refund is ~\$2,341, this settlement is subject to the Port Chester Village Board approval.

The subject property is a 3224 square foot a 4-family built in 1922. An exterior inspection of the property was made on May 7, 2015 and it was observed to be less than average condition.

The petitioner's attorney submitted a 2011 appraisal done for JPM Chase with a value of \$370,000. The petitioner's 2012 Schedule E was also supplied; based on 70% of the gross rental income and a 10% cap rate, a value estimate of ~\$424,000 was calculated.

Please note the value of a 4-family dwelling falls into a “gray area.” Although it is considered non-homestead/commercial, it is acceptable and common practice to value it based on the sales comparison/market approach.

There have been only 7 useable 4-family sales listed on the MLS from 1/1/11 to 5/7/15. Of those, the average cap rate was 10% (assuming 30% expenses). The sales prices ranged from a low of \$376,000 in 2013 to a high of \$495,000 in 2014. The later sale, however, is **6000 square feet**, roughly 46% larger than the subject’s 3224 square feet.

All of the above were considered in the negotiation of the reductions outlined in the following chart:

Roll Year	Assessment	Petitioner Value (On Petition)	Petitioner Indicated Reduction (\$)	Petitioner Indicated Reduction (%)	Consent Judgment [CJ] (Reduced AVs)	CJ \$ Reduct.	CJ % Reduct.
2012	\$631,000	\$370,000	\$261,000	41%	395,000	236,000	37%
2013	\$520,000	\$370,000	\$150,000	29%	405,000	115,000	22%
2014	\$511,700	\$370,000	\$141,700	28%	410,000	101,700	20%

The estimated tax refunds are outlined on the spreadsheet that follows on the next page.

DSK 5/18/2015 16:02

Section/Block/Lot: 142.37-1- 4-Unit Dwelling

Address: 18-20 Olivia St, Village of Port Chester

Petitioner: Cacsire, Nestor & Patricia

Notes: 3224 Sq Ft 4-Family Built in 1922

LEVY YEAR	ASSMT YEAR	Vlg	Assmnt Reduced From	Assmnt Reduced To	Diff. (Refund Based On)	TOWN		COUNTY		VILLAGE		PCSD		
						RATE NON-Homestead	Tax Refund	RATE	Tax Refund	RATE NON-Homestead	Tax Refund	RATE NON-Homestead	Tax Refund	
2012	2014	VPC	631,000	395,000	236,000	0.065856	\$ 15.54	3.591478	\$ 847.59	10.385189	\$ 2,450.90	23.046478	\$ 5,438.97	
2013	2013	VPC	520,000	405,000	115,000	0.063407	\$ 7.29	3.650718	\$ 419.83	11.174217	\$ 1,285.03	24.38619	\$ 2,804.41	
2014	2012	VPC	511,700	410,000	101,700	0.054768	\$ 5.57	3.535149	\$ 359.52		\$ -		\$ -	
TOTALS:						\$ 28.40			\$ 1,626.95		\$ 3,735.94		\$ 8,243.38	
												GRAND TOTAL:		<u>\$ 13,634.67</u>

**These refunds are estimates subject to final calculation by Tax Receiver, Treasurer, and/or Comptroller. Differences may be due to rounding.*

DSK 8/21/2015 13:09

Notes: Initial settlement reso was prepared for the May 2015 Twn Bd Mtg.

Section/Block/Lot: 142.37-14-Unit Dwelling

Address: 18-20 Olivia St, Village of Port Chester

Petitioner: Cacsire, Nestor & Patricia

Notes: 3224 Sq Ft 4-Family Built in 1922

Levy Year	ASSMT YEAR	Vlg	Assmnt Reduced From	Assmnt Reduced To	Diff. (Refund Based On)	TOWN		COUNTY		VILLAGE		PCSD		School Refund with ESTIM. Addt'l 2015-16 Refund
						RATE NON-Homestead	Tax Refund	RATE	Tax Refund	RATE NON-Homestead	Tax Refund	RATE NON-Homestead	Tax Refund	
2013	2012	VPC	631,000	395,000	236,000	0.065856	\$ 16	3.591478	\$ 848	10.385189	\$ 2,451	23.046478	\$ 5,439	5,438.97
2014	2013	VPC	520,000	405,000	115,000	0.063407	\$ 7	3.650718	\$ 420	11.174217	\$ 1,285	24.38619	\$ 2,804	2,804.41
2015	2014	VPC	511,700	410,000	101,700	0.054768	\$ 6	3.535149	\$ 360	11.367334	\$ 1,156	24.75		2,517.08
TOTALS:							\$ 28		\$ 1,627		\$ 4,892		\$ 8,243	10,760.46
												GRAND TOTAL:	\$ -	

*These refunds are estimates subject to final calculation by Tax Receiver, Treasurer, and/or Comptroller. Differences may be due to rounding.

Aaron Elliott

247 Seymour Road
Apartment 1L
Port Chester, NY 10573

December 15, 2015

Village of Port Chester

222 Grace Church Street

Port Chester, New York 10573

Dear Mayor Pilla and the Port Chester Board of Trustees,

This is a letter to express my intentions to join the Beautification Committee of Port Chester. I am a new resident of the city and a graduate student. I am looking for volunteer opportunities to fill my civic duty.

Sincerely yours,



Aaron Elliott

Jaclyn Lieto

247 Seymour Road
Apartment 1L
Port Chester, NY 10573

December 15, 2015

Village of Port Chester

222 Grace Church Street

Port Chester, New York 10573

Dear Mayor Pilla and the Port Chester Board of Trustees,

This is a letter to express my intentions to join the Beautification Committee of Port Chester. I am a new resident of the city and a music teacher in Mamaroneck. I am looking forward to helping the committee make Port Chester beautiful.

Sincerely yours,

Jaclyn Lieto

CORR-03

Received

DEC 16 2015

Village Clerk
VILLAGE OF PORT CHESTER

Ingrid Martinez
171 Grand Street
White Plains, NY 10601
(914) 468-6400

December 16, 2015

Village Of Port Chester
Clerks Office
222 Grace Church Street
Port Chester, NY 10573

To Whom It May Concern,

I am writing on behalf of my client La Fortuna Deli Corp. and the 30 Day notification for purposes of the Liquor Authority application.

I mistakenly filled it out in error and would like it if you could please exchange that original notification by the one, which is being submitted today with this letter. I would really appreciate it if you would please grant my client the extension of the waiver so that he doesn't have to wait any additional days to submit the liquor application to the Liquor Authority.

Respectfully,



Ingrid Martinez
Representative

OFFICE USE ONLY		
<input type="radio"/> Original	<input type="radio"/> Amended	Date _____

1. Date Notice was Sent: (mm/dd/yyyy)

2. Select the type of Application that will be filed with the Authority for an On-Premises Alcoholic Beverage License

- New Application Renewal Alteration Corporate Change

This 30-Day Advance Notice is Being Provided to the Clerk of the following Local Municipality or Community Board

3. Name of Municipality or Community Board

Applicant/Licensee Information

4. License Serial Number, if not a New Application: Expiration Date, if not a New Application:

5. Applicant or Licensee Name:

6. Trade Name (if any):

7. Street Address of Establishment:

8. City, Town or Village: ,NY Zip Code:

9. Business Telephone Number of Applicant/Licensee:

10. Business Fax Number of Applicant/Licensee:

11. Business E-mail of Applicant/Licensee:

**For New applicants, provide description below using all information known to date.
For Alteration applicants, attach complete description and diagram of proposed alteration(s).
For Current Licensees, set forth approved Method of Operation only.
Do Not Use This Form to Change Your Method of Operation.**

12. Type(s) of Alcohol sold or to be sold: ("X" One) Beer Only Wine & Beer Only Liquor, Wine & Beer

13. Extent of Food Service: ("X" One) Restaurant (Sale of food primarily; Full food menu; Kitchen run by chef) Tavern/Cocktail Lounge/Adult Venue/Bar (Alcohol sales primarily; Meets legal minimum food availability requirements)

14. Type of Establishment: ("X" all that apply)

Recorded Music Live Music Disc Jockey Juke Box Karaoke Bar Stage Shows

Patron Dancing (small scale) Cabaret, Night Club (Large Scale Dance Club) Catering Facility

Capacity of 600 or more patrons Topless Entertainment Restaurant Hotel

Recreational Facility (Sports Facility/Vessel) Club (e.g. Golf Club/Fraternal Org.) Bed & Breakfast

Seasonal Establishment

15. Licensed Outdoor Area: ("X" all that apply)

None Patio or Deck Rooftop Garden/Grounds Freestanding Covered Structure

Sidewalk Cafe Other (specify):

State of New York
Executive Department
Division of Alcoholic Beverage Control
State Liquor Authority

OFFICE USE ONLY		
<input type="radio"/> Original	<input type="radio"/> Amended	Date _____

**Standardized NOTICE FORM for Providing 30-Day Advanced Notice to a
Local Municipality or Community Board**
(Page 2 of 2 of Form)

16. List the floor(s) of the building that the establishment is located on:

17. List the room number(s) the establishment is located in within the building, if appropriate:

18. Is the premises located with 500 feet of three or more on-premises liquor establishments? Yes No

19. Will the license holder or a manger be physically present within the establishment during all hours of operation? Yes No

20. Does the applicant or licensee own the building in which the establishment is located? ("X" One) Yes (If Yes SKIP 21-24) No

Owner of the Building in Which the Licensed Establishment is Located

21. Building Owner's Full Name:

22. Building Owner's Street Address:

23. City, Town or Village: State: Zip Code:

24. Business Telephone Number of Building Owner:

**Attorney Representing the Applicant in Connection with the Applicant's License Application Noted as Above for the
Establishment Identified in this Notice**

25. Attorney's Full Name:

26. Attorney's Street Address:

27. City, Town or Village: State: Zip Code:

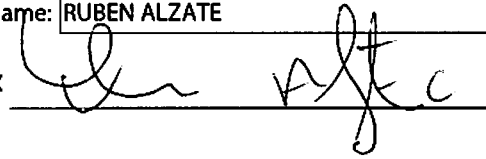
28. Business Telephone Number of Attorney:

29. Business Email Address of Attorney:

I am the applicant or hold the license or am a principal of the legal entity that holds or is applying for the license. Representations in this form are in conformity with representations made in submitted documents relied upon by the Authority when granting the license. I understand that representations made in this form will also be relied upon, and that false representations may result in disapproval of the application or revocation of the license.

By my signature, I affirm - under **Penalty of Perjury** - that the representations made in this form are true.

30. Printed Name: Title

Signature: X 

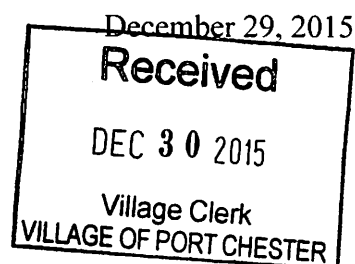
THE LAW OFFICE OF

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

Handwritten signature or scribble.

VILLAGE OF PORT CHESTER
Board of Trustees

The Capitol Theatre, LLC/Capitol Enterprises, Inc.

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

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

January 4, 2016

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

INDEX

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

The Capitol Theatre, LLC/Capitol Enterprises, Inc.

January 4, 2016

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

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

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

In the Matter of the Petition of

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

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

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

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

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

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

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

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

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

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

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

DATED: February , 2016

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

In the Matter of the Petition of

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

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

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

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

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

THE PETITIONER

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

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

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

THE PROPERTY AND CURRENT ZONING

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

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

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

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

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

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

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

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

EXISTING CONDITIONS

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

REQUESTED TEXT AMENDMENT

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

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

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

Existing Code:

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

Proposed Code:

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

JUSTIFICATION FOR TEXT AMENDMENT

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

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

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

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

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

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

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

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

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

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

VILLAGE OF PORT CHESTER COMPREHENSIVE PLAN

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

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

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

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

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

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

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

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

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

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

Resources stating:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

[emphasis added] at Page 156.

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

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

CONCLUSION

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

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

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

RELIEF REQUESTED

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

Dated: December 29, 2015
White Plains, New York

Respectfully submitted,



~~Anthony R. Tirone~~

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

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

EXHIBIT A

Official Zoning Map

Village of Port Chester New York



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

ZONING DISTRICTS

SINGLE FAMILY RESIDENTIAL

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

TWO-FAMILY RESIDENTIAL

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

MULTI-FAMILY RESIDENTIAL

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

PLANNED RESIDENTIAL

- PRD Planned Residential Development

COMMERCIAL

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

OFFICE

- PD Design Professional Building

INDUSTRIAL

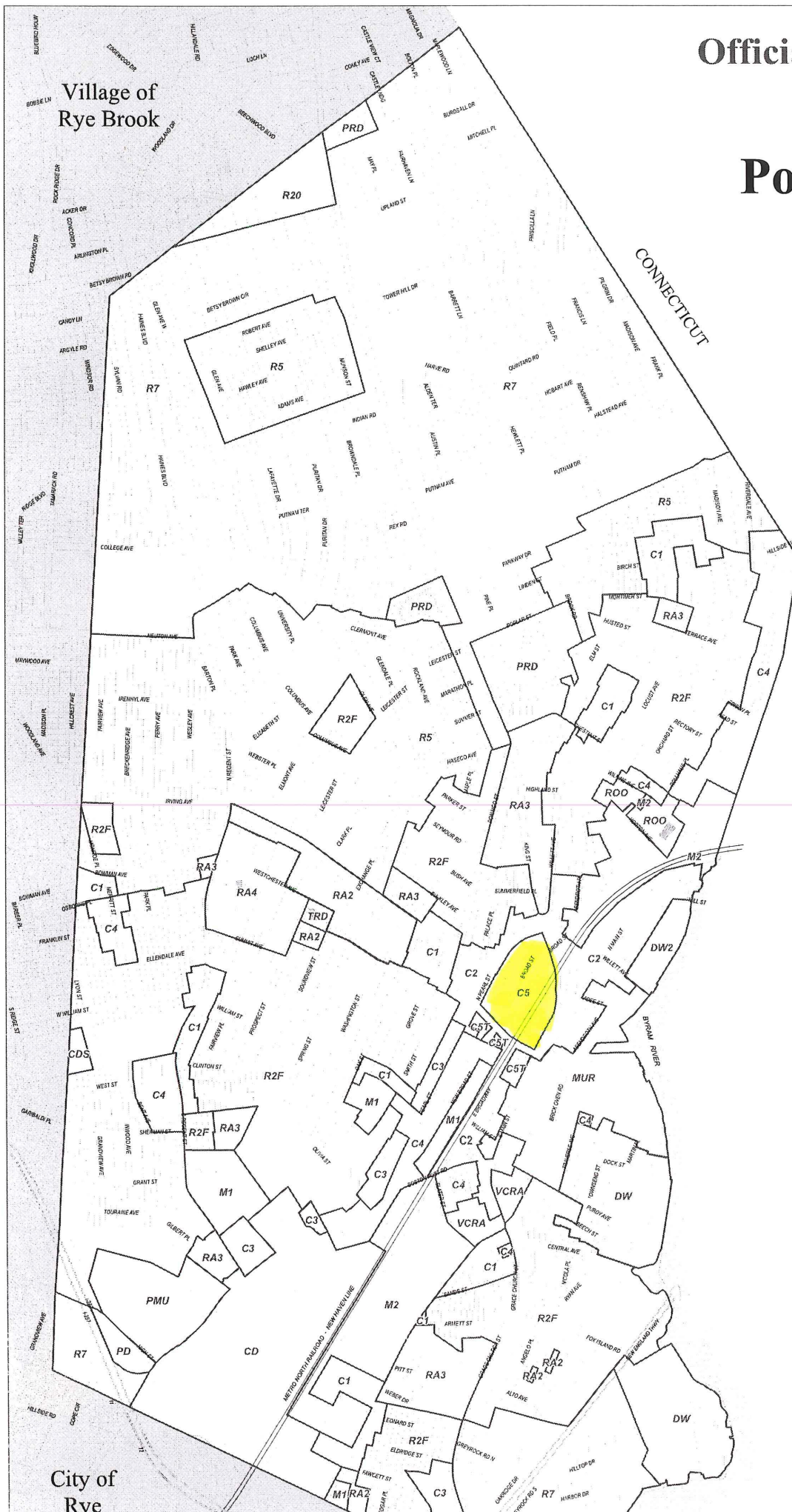
- M1 Light Industrial
- M2 General Industrial

WATERFRONT

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

MIXED USE & OTHER

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



Village of
Rye Brook

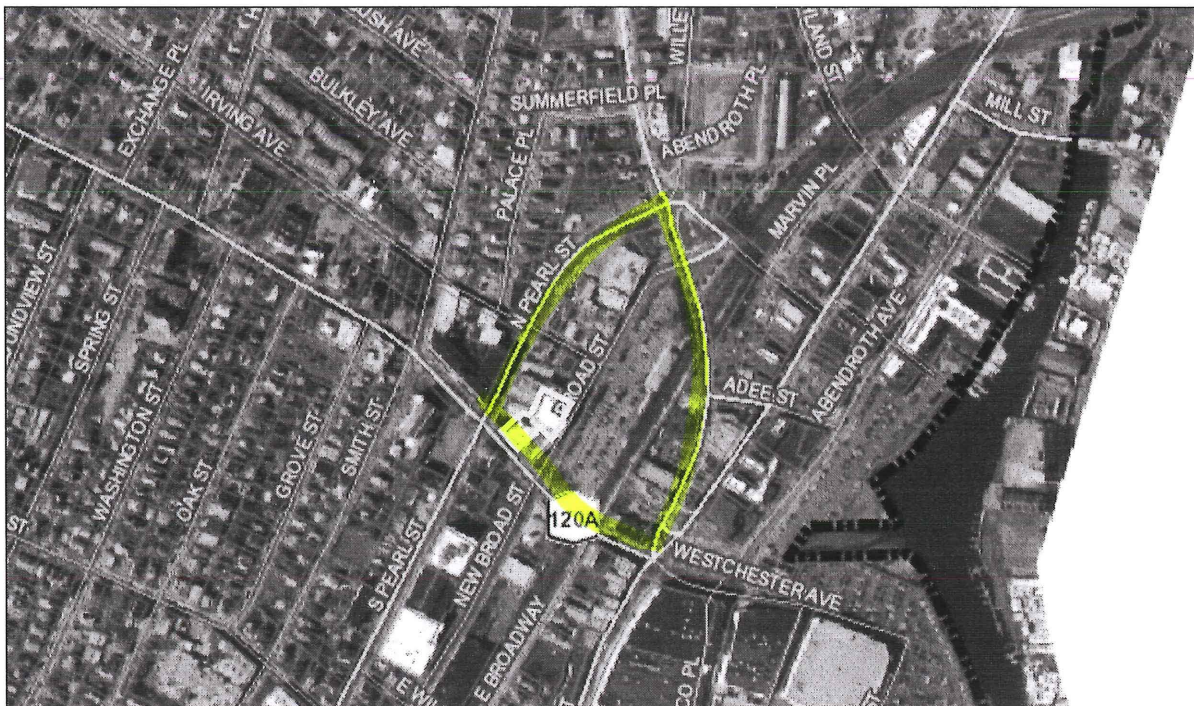
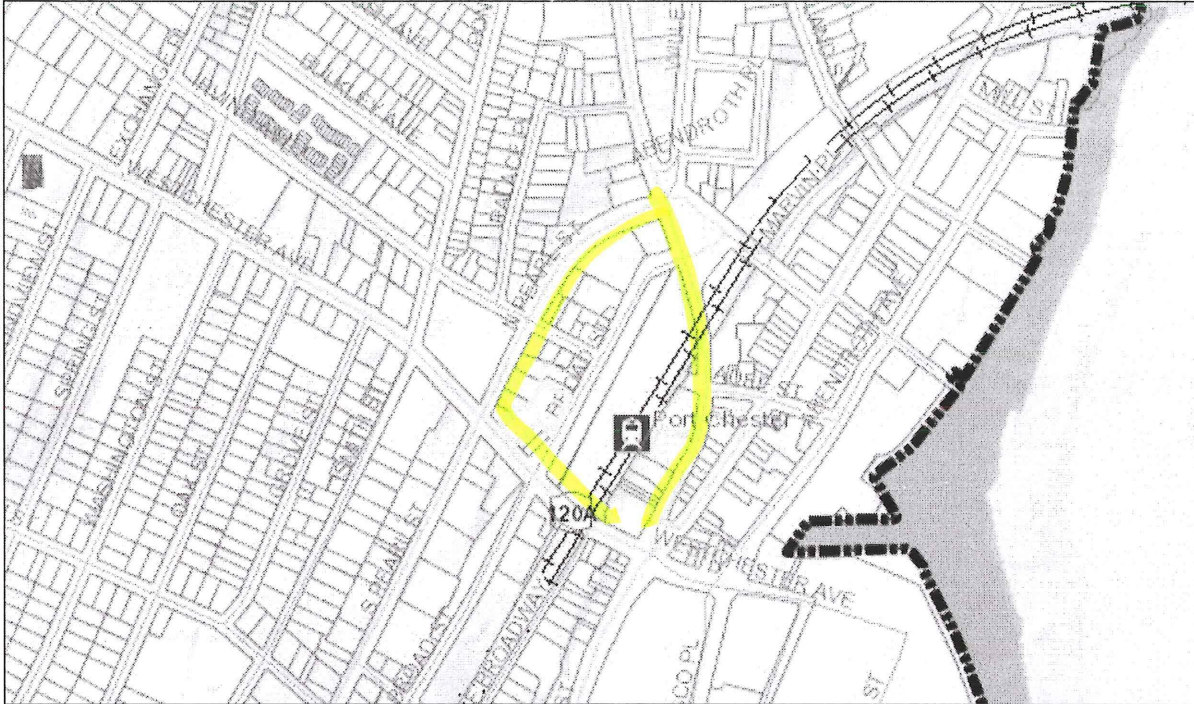
City of
Rye

Tax Parcel Maps

Address: 151 Westchester Ave

Print Key: 142.30-2-19

SBL: 14203000020190000000



Disclaimer:

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

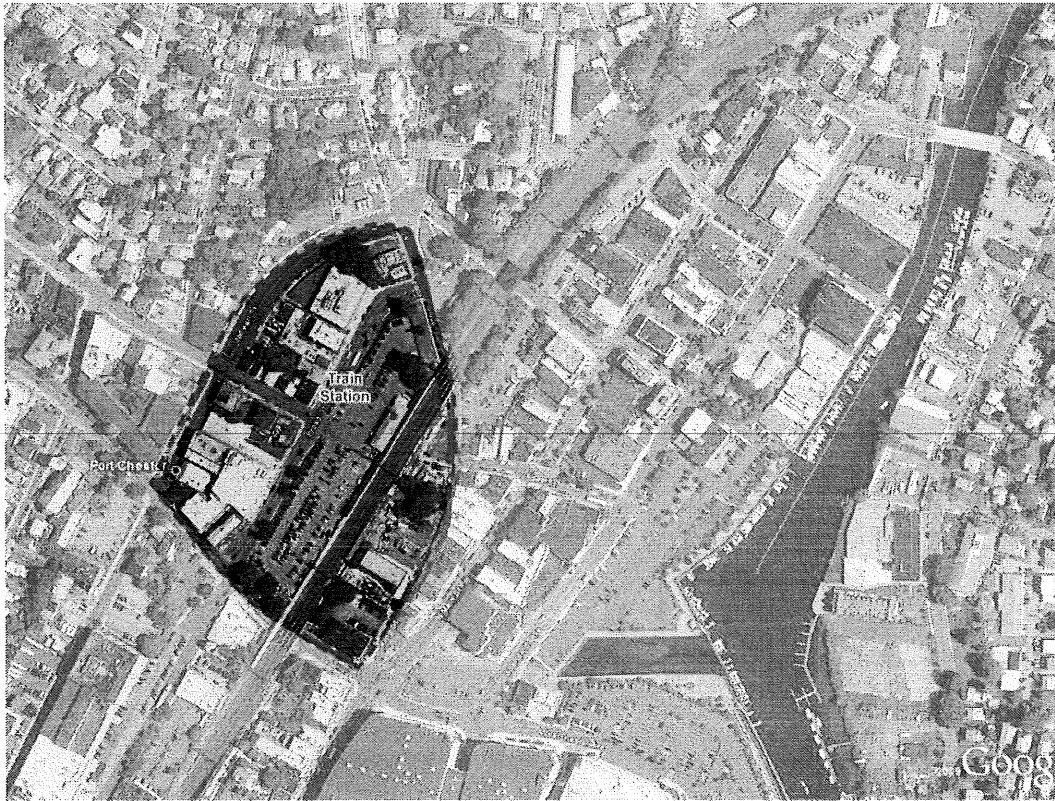
13.4 LAND USE STRATEGIES: HIGHER INTENSITY PLANNING ZONES

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

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

1. Downtown/Train Station

Figure 13-6
Downtown/Train Station Subarea



Existing Conditions

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

EXHIBIT B

THE LAW OFFICE OF

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

202 MAMARONECK AVENUE, SUITE 500
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. 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

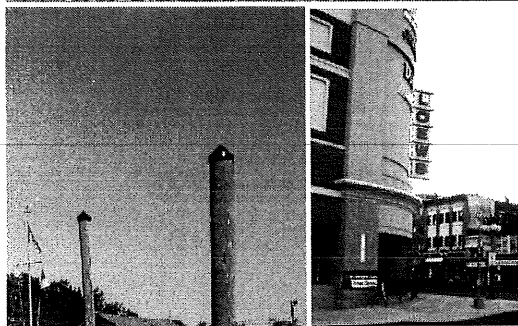
ID#	Location	Spaces	Weekday Utilization	Weekday Mid-Day Unused Spaces	Weekend Utilization	Evening Unused Spaces
Public Access Spaces						
3	Irving Avenue	49	25%	37	100%	0
4	Oak/Grove Street	95	40%	57	75%	24
7	New Broad Street	60	80%	12	3%	58
9	King/Willet Street	6	80%	1	0%	6
11	East Broadway	15	7%	14	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
<i>Subtotal - Public Access Spaces</i>		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
<i>Subtotal - Mixed Access Spaces</i>		2,240		951		1,046
TOTAL SPACES		2,923		1,297		1,262

p: permitted spaces

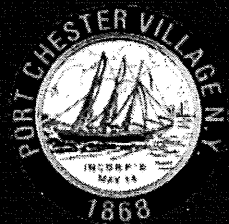
m: metered spaces

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

Village of Port Chester
Christopher J. Russo, *Village Manager*
Christopher D. Steers, *Assistant Village Manager*
Joan Mancuso, *Village Clerk*
Anthony M. Cerreto, *Village Attorney*
Christopher Gomez, AICP, *Director of Planning and Development*
Patrick Cleary, AICP, PP, *Village Planner*
Dolph Rotfeld, P.E., *Village Engineer*

Comprehensive Plan Advisory Committee

Hattie Adams	Christopher McCants*
Doris Bailey-Reavis	Neil Pagano
Gene Ceccarelli	Evelyn Petrone
Gerardo Espinoza	Marvin Ravikoff
Jay Feinsod*	Michael Scarola
Greg Gregory	Frank Strauch
Joseph D. Kenner*	Gregg Wasser*
Blanca Lopez	Robert Weinberg
Luis Marino*	

BFJ Planning
Frank Fish, *FAICP, Principal*
Sarah Yackel, *AICP, Associate Principal*
Michael Keane, *AICP, Senior Planner*

Urbanomics
Regina Armstrong, *Principal*
Tina Lund, *AICP, Senior Associate*

We wish to acknowledge the work previously prepared by:

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

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

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

*Former Committee Member

VILLAGE OF PORT CHESTER COMPREHENSIVE PLAN

Village of Port Chester,
New York

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

Prepared by:
BFJ Planning
115 Fifth Avenue
New York, NY 10003
212.353.7474
www.bfjplanning.com

In association with:
Urbanomics

Adopted by the
Board of Trustees on:

December 17, 2012

1.0 INTRODUCTION AND VISION

1.1 WHAT IS A COMPREHENSIVE PLAN?

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

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

1.2 THE PLANNING PROCESS

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

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

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

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

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

1.3 PLAN VISION AND GOALS

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

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

4.0 LAND USE AND REGULATORY CONTROLS

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

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

4.1 LAND USE

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

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

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

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

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

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

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

10.0 HISTORIC AND CULTURAL RESOURCES

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

10.1 HISTORICAL RESOURCES

A. Historical Societies

Port Chester Historical Society

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

Westchester County Historical Society

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

B. National Register of Historic Places

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

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

Bush-Lyon Homestead

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

Capitol Theater

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

Port Chester Post Office

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

Life Savers Building

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

St. Peter's Episcopal Church

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

10.3 RECOMMENDATIONS

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

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

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

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

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

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

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

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

12.3 RECOMMENDATIONS

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

14.0 REGULATORY CONTROLS

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

14.1 REGULATORY CONTROLS

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

Zoning

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

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

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

14.4 REGULATORY CONTROLS: HIGHER INTENSITY PLANNING ZONES

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

1. Downtown/Train Station

Existing Zoning

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

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

Zoning Recommendations

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

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

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

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

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

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

Existing Zoning

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

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

Zoning Recommendations

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

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

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

3. Central Waterfront

Existing Zoning

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

Zoning Recommendations

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

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

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

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

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

Short Environmental Assessment Form

Short Environmental Assessment Form

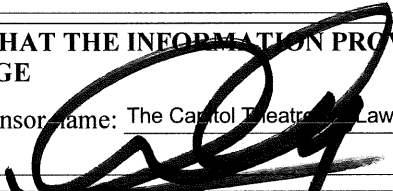
Part 1 - Project Information

Instructions for Completing

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

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

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

<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>		

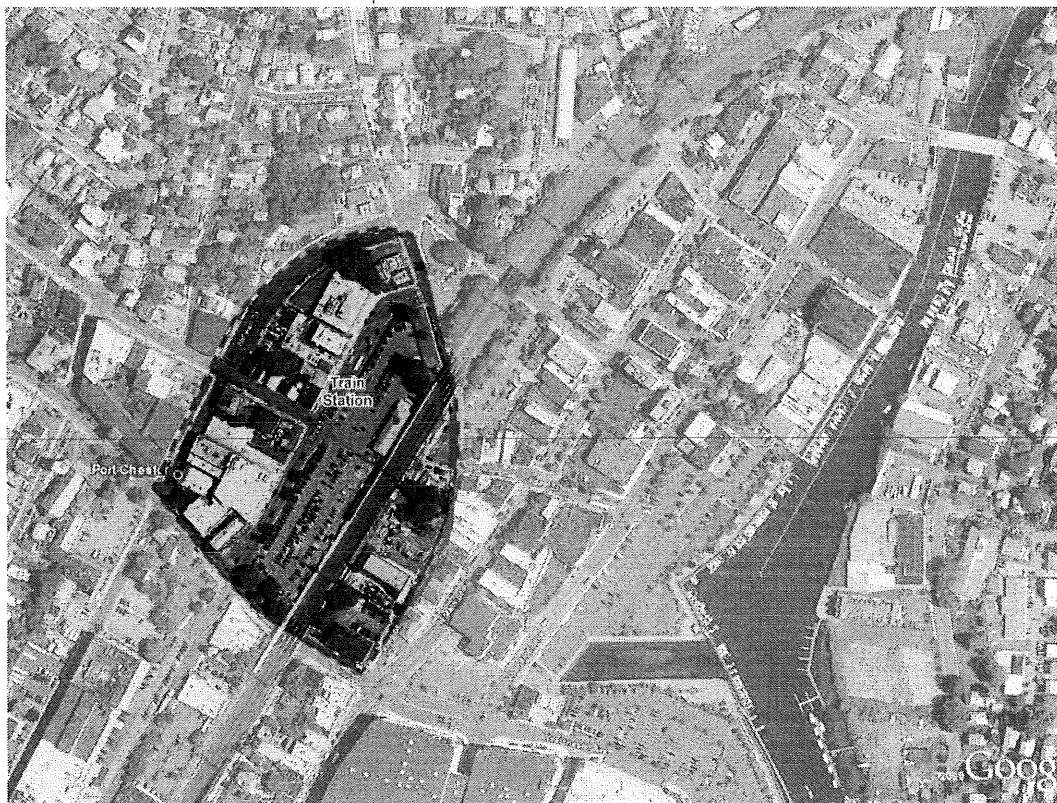
13.4 LAND USE STRATEGIES: HIGHER INTENSITY PLANNING ZONES

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.

Project: Date:

Short Environmental Assessment Form
Part 2 - Impact Assessment

Part 2 is to be completed by the Lead Agency.

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

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

Project: _____
 Date: _____

Short Environmental Assessment Form
Part 3 Determination of Significance

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

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

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

PRINT FORM