



VILLAGE OF
PORT CHESTER

222 Grace Church Street, Port Chester, New York 10573

AGENDA MEMO

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

BOT Meeting Date: 8/2/2016

Item Type: Discussion / Resolution

Sponsor's Name: Eric Zamft, Director of Planning & Economic Development

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 #		
Account #:			Strategic Plan Priority Area		
			Redeveloping the United Hospital Site		
	Yes	No			
Agreement	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Manager Priorities		
Strategic Plan Related	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Planning & Zoning		

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

Starwood/United Hospital Development: Final Environmental Impact Statement and Related Items, Including Community Benefits Agreement

Summary

As noted previously, the Board of Trustees serves as the Lead Agency under the State Environmental Quality Review Act (SEQRA) for PC 406 BPR LLC and PC 999 High Street Corp.'s (the "Applicant") proposal to redevelop the United Hospital site (the "Proposal"). The Proposal includes and is predicated upon changing the current PMU Planned Mixed Use Zoning on the Site. The current proposal for such zoning change is termed the "Proposed Revised Zoning" as it differs from the Applicant's original zoning proposals.

On April 27, 2016, the Applicant submitted a preliminary Final Environmental Impact Statement (“pFEIS”) and Proposed Revised Zoning for the Board’s consideration, which were intended by the Applicant to reflect the comments received during the DEIS public hearing, comment period, preliminary review by Village staff and its consultants, and the discussions at the two special workshops held: April 6, 2016 on traffic and April 26, 2016 on economics/zoning. The pFEIS was submitted as a working document in order to receive further input from the Village, staff, consultants, and the public prior to its acceptance as complete.

To that end, the Board held public hearings on the pFEIS on May 24, 2016 and June 1, 2016 and held a written comment period open until June 17, 2016. In addition, the pFEIS was referred to the Planning Commission and the Westchester County Planning Board for their review and recommendation. Since that time, the Applicant has collected the comments and revised the document to address such comments, as well as additional analyses requested by the Village and its consultants.

The Applicant, on July 25, 2016, submitted a FEIS for consideration by the Village. Copies of both volumes of the FEIS were provided to the Board, the Village Clerk, the Village Manager, the Village Attorney, the Department of Planning & Economic Development, Village consultants, the Library, the City of Rye and its traffic consultant, the Village of Rye Brook, the School District, and NYSDOT. Electronic copies of the document are available on the Village’s website at:

http://www.portchesterny.com/Pages/PortChesterNY_Webdocs/projects

The next step is for Village staff and its consultants, and the Board, to review this document and for the Board to determine its “completeness”, meaning does the FEIS 1) include all substantive comments, 2) respond to such comments in a satisfactory manner, 3) complete all requested studies and analyses, and 4) otherwise complies with the requirements of 6 NYCRR 617.9(b).

Therefore, based upon this submittal, the following steps are anticipated to occur:

1. Village staff and its consultants review the FEIS for adequacy and completeness.
2. Should it be determined that the FEIS is adequate and complete, at a future Board meeting, the Board would declare the FEIS adequate and complete, refer the FEIS and Proposed Revised Zoning to the Planning Commission and Westchester County Planning Board for review, and set a public hearing on the FEIS and Proposed Revised Zoning.
3. The Board may also wish to hold a work session on specific topics, for example traffic. This could occur prior to the public hearing noted below.
4. Hold a public hearing on the FEIS and Proposed Revised Zoning and collect public comment.
5. Direct Village staff and its consultants to draft Environmental Findings.
6. Consider and adopt Environmental Findings; this would end the SEQRA process.
7. Should it wish to, adopt the Proposed Revised Zoning; this would end the re-zoning process.

Should the property be rezoned, future steps would include: 1) Site Plan Review by the Board; and 2) Consideration of request for a PILOT by the Port Chester Industrial Development Agency (PCIDA).

At the request of Trustee Ferrara and seconded by Trustee Didden, a resolution stating the Village's stance on a Community Benefits Agreement will be discussed. Mark Chertok and Peter Feroe will be present at the meeting to discuss the process and related items, including the Community Benefits Agreement.

Village staff will continue to provide updates on the process.

Attachments
None

**ADOPTION OF RESOLUTION REGARDING COMMUNITY BENEFIT
AGREEMENTS PERTAINING TO TO THE PROPOSED REZONING AND
REDEVELOPMENT OF THE FORMER UNITED HOSPITAL SITE BY PC406 BPR,
LLC and PC 999 HIGH STREET CORP.**

On motion of TRUSTEE _____ seconded by TRUSTEE _____, the

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

WHEREAS, on April 21, 2014, the Board of Trustees (herein referred to as “Village Board”) adopted a resolution accepting the petition of PC406 BPR, LLC and PC 999 High Street Corp. (together, the “Applicant”) for consideration of proposed zoning text and map amendments to the Village Code, Chapter 345 relating to a proposed Southern Gateway Mixed Use Overlay District or, in the alternative, to a text amendment modifying Article XI of the existing Zoning Regulation, Section 345-62 (the “Proposed Zoning Amendments”); and

WHEREAS, the Applicant seeks to develop 406-408 Boston Post Road and 999 High Street (the former United Hospital site) for a mixed multi-family residential and commercial use development, consisting of 500 dwelling units designed to appeal to the “Millennial” demographic age group, together with 230 age-restricted dwelling units, as well as 90,000 square feet of retail space, an approximately 138-room hotel and between 100,000 and 200,000 square feet of market-based office space geared towards accommodating wellness and out-patient medical uses (the “Proposed Action”); and

WHEREAS, the Village Board is the designated Lead Agency under the State Environmental Quality Review (“SEQR”) Act of the State of New York; and

WHEREAS, the Village Board determined that the Proposed Action is a Type I Action pursuant to the SEQR and the regulations at 6 NYCRR Part 617 and issued a Positive Declaration that the Proposed Action may have a significant impact on the environmental, and required the Applicant to prepare an Environmental Impact Statement (“EIS”); and

WHEREAS, after the Applicant had submitted a proposed Scoping Outline for the Draft EIS (“DEIS”), which was circulated for public review and comment and was the subject of a public scoping session, the Village Board adopted a Final Draft EIS Scoping Outline on August 18, 2014; and

WHEREAS, the Applicant submitted a preliminary DEIS (pDEIS) on December 31, 2014 to the Village Clerk; and

WHEREAS, the Village Board, after considering the Completeness Memorandum, dated January 28, 2015, prepared by the Village Board’s independent consultants retained, determined by Resolution adopted on February 17, 2015, that such pDEIS was not adequate with respect to its scope and content for the purpose of commencing public review; and

WHEREAS, the Applicant submitted a revised pDEIS on April 21, 2015 to the Village Clerk;

WHEREAS, the Village Board, after considering the Completeness Memorandum of the pDEIS by its independent consultants, dated June 10, 2015, determined by Resolution adopted on June 15, 2015, that such pDEIS was not adequate with respect to its scope and content for the purpose of commencing public review; and

WHEREAS, the Applicant submitted a revised pDEIS to the Village Board’s independent consultants between June 23 and June 25, 2015; and

WHEREAS, the Village Board’s independent consultants provided a draft completeness memorandum, dated June 28, 2015 to the Applicant; and

WHEREAS, the Applicant submitted a revised pDEIS to the Village and its consultants and to the Village Clerk on July 1, 2015; and

WHEREAS, the Village Board’s independent consultants provided the Village Board with a Completeness Memorandum, dated July 8, 2015; and

WHEREAS, the Applicant submitted a revised pDEIS to the Village and its consultants and to the Village Clerk on July 14, 2015; and

WHEREAS, the Village Board’s independent consultants provided the Village Board with a Completeness Memorandum, dated July 16, 2015, and annexed hereto as Exhibit A, which recommended that the July 14, 2016 DEIS be accepted as adequate with respect to its scope and content for the purpose of commencing public review; and

WHEREAS, the Village Board, after carefully considering the revised DEIS submitted on July 14, 2015 and the Completeness Memorandum dated July 16, the Village Board determined that said DEIS submitted on July 14, 2015 was adequate with respect to its scope and content for the purpose of commencing public review, and was therefore accepted for aforesaid purpose; and

WHEREAS, the Village Board held a combined public hearing on the DEIS and the Proposed Zoning Amendments (the proposed zoning text and map amendments to the Village Code, Chapter 345 relating to a proposed Southern Gateway Mixed Use Overlay District, and on the alternative text amendment modifying Article XI of the existing Zoning Regulation, Section 345-62) (the “Combined Public Hearing”), on August 27,

September 8, September 21 and October 5, 2016, and provided for the submission of written comments until October 30, 2016; and

WHEREAS, the Applicant submitted a preliminary Final Environmental Impact Statement (“peas”) to the Village Board on April 28, 2016, and iterations thereof, which pFEIS has been reviewed and commented on by the Village’s independent experts in addition to the Board itself; and

WHEREAS, the Village Board held a public hearing on the Proposed Zoning Amendments and the April 28, 2016 pFEIS on May 24 and June 1, 2016, and provide for the submission of any written comments by June 17, 2016; and

WHEREAS, among the comments received by the Village Board on the DEIS and the pFEIS were suggestions that the Village Board enter into a Community Benefit Agreement (“CBA”) with the Applicant and one or more community groups to address certain issues the commenters associated with the Proposed Action, including but not limited to a “living wage” for workers hired for construction or operations if the Proposed Action is approved and implemented; the asserted loss of affordable housing associated with the demolition of 999 High Street associated with the Proposed Action; impacts on the Port Chester-Rye Union Free School District (“School District”) from students from the residential components of the Proposed Action; and oversight of the remediation of hazardous materials associated with construction of the proposed development; and

WHEREAS, the pFEIS submitted by the Applicant on July 25, 2016 addresses most of the issues raised by comments related to a CBA, including affordable housing, impacts on the School District, and remediation of hazardous materials; and

WHEREAS, special counsel to the Village Board has advised the Board with respect to the appropriateness of the Board entering into such an agreement with the Applicant, or requiring the Applicant to entire into one or more such agreements with a community group.

NOW, THEREFORE, BE IT RESOLVED THAT:

1. On advice of counsel, the Village Board will not enter into a CBA with the Applicant with respect to the Proposed Action.
2. The Village Board has no objection to the Applicant entering into such an agreement with one or more community groups, but the Board, individual Board members or other Village representatives will not participate in any such discussions or negotiations.
3. The Village Board will not consider the Applicant’s declination to discuss and/or entry into such an agreement in making its determination on the Proposed Action.

Approved as to form:

Anthony M. Cerreto, Village Attorney



DSC - 06
BOT 8-2-2016

Received
JUL 29 2016
Village Clerk
VILLAGE OF PORT CHESTER

GRAMATAN MANAGEMENT, INC.

July 27 2016

The Mayor and Board of Trustees
Village of Port Chester
222 Grace Church Street
Port Chester, NY 10573
Attn: Clerk's Office

Re: Temporary Parking Permit for Off-Street Parking on Westchester Avenue for 370 Westchester Avenue Co-op Residents

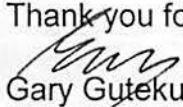
Dear Mayor and Board of Trustees:

The 370 Westchester Ave Corp. is planning sealcoating and line stripe the building's parking lot in August. **The work is planned for Monday and Tuesday, August 22 and 23 or tentative on Monday and Tuesday August 29 and 30.**

This work will be displacing about 130 cars of our residents for 2 days, one night. We would like your permission to park resident's cars on both sides of Westchester Avenue in front of 370 Westchester Ave during this period while work is being performed.

If you have any question please contact me at (914) 654-1414 x16

Thank you for your consideration and I look forward to hearing from you.


Gary Gutekunst
Managing Agent