



VILLAGE OF
PORT CHESTER

222 Grace Church Street, Port Chester, New York 10573

RES - 02
BOT 10-17-2016

AGENDA MEMO

Department: Office of the Village Attorney

BOT Meeting Date: 10/17/2016

Item Type: Resolution

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

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

AUTHORIZING INTER-MUNICIPAL AGREEMENT FOR IMPLEMENTING NEW YORK STATE WATER QUALITY IMPROVEMENT PROJECT PROGRAM

Summary

Background:

The New York State Department of Environmental Conservation (“DEC”) supports water quality improvements through the Water Quality Improvement Project (WQIP) grant program. The WQIP program is a competitive, reimbursement grant program that uses State Environmental Protection Funds for projects that reduce polluted runoff, improve water quality and restore habitat in New York’s waterbodies.

The resolution will authorize the Village Manager to enter into an intermunicipal agreement to continue to implement a \$343,854.00 with 17 other Westchester municipalities. The grant will be used to more completely map the Village’s stormwater system. Previous grants have located out falls, catch basins and storm watersheds in the Village. With a contractor selected by a Request for Proposals (RFP), additional

data including direction of flow, type and size of pipe if known, and other relevant data will be collected in the field and added to the previously prepared maps and data bases. In addition, provision for adding more data required by DEC to be collected and reported, such as the frequency of cleaning and condition, will be done. This work will assist the Village in making its annual stormwater report as required by law.

The Village has a small in-kind contribution to the cost of the project, but there is no monetary expense. The project is expected to be completed by mid to late 2017.

Proposed Action

That the Board of Trustees adopt the Resolution

Attachments

--E-mail dated September 14, 2016 from Michael Ritchie to the Village Manager --Intermunicipal Agreement

AUTHORIZING INTER-MUNICIPAL AGREEMENT FOR IMPLEMENTING NEW YORK
STATE WATER QUALITY IMPROVEMENT PROJECT PROGRAM

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, with the Village of Sleepy Hollow assuming the role of lead agency, the Village of Port Chester and other municipalities in Westchester County agreed to participate as a stormwater consortium (“Consortium”) for the purpose of making application for grant funding from the New York State Department of Environmental Conservation (“DEC”) through the Water Quality Improvement Project Program (WQIP); and

WHEREAS, the Village of Sleepy Hollow has applied for and been approved for a WQIP grant (DEC01-C00077GG-335000) in the amount of \$343,854.00 to conduct stormwater mapping services so as to enhance the data base for mapping of stormwater infrastructure for all members of the Consortium; and

WHEREAS, it is beneficial to the Village of Port Chester to formalize its participation in the Consortium so as to share in the benefits of the grant. Now, therefore, be it

RESOLVED, that the Village of Port Chester hereby authorizes the Village Manager to enter into an intermunicipal agreement with the Village of Sleepy Hollow for the purpose of implementing the above referenced grant agreement with New York State Department of Environmental Conservation; and be it further

RESOLVED, that the Board acknowledges the terms of the agreement enabling the Village to provide in-kind services representing its municipal share in the amount of \$4,062.00 and providing salary and benefit information in connection with those services to the Village of Sleepy Hollow in a timely manner.

Approved as to Form:

Anthony M. Cerreto, Village Manager

Cerreto, Tony

From: Michae <mkrstritchie@gmail.com>
Sent: Wednesday, September 14, 2016 9:57 AM
To: Anthony Giaccio; Cerreto, Tony; Steers, Christopher; James M. Palmer; Chris Bradbury; Michal Nowak; Meredith Robson; Lorraine Kuhn; Michael Mills; Tony Capicotto; Francis A Frobel; Susan Maggiotto; Robert Yamuder; John Pierpont; Ed Brancati; Charlene Indelicato; Gary Gardner; Larry Schopfer; Michael Amodeo; Hector DiLeo; Dana Levenberg; Paul Fraioli; Peter Sciliano; Marcus Serrano; Eleanor M. Militana; Brent VanZandt; Vince Powell
Cc: Jim Maxwell; Dolph Rotfeld
Subject: Fwd:
Attachments: IMA for signature.doc

Attached is the IMA that goes with the reso sent yesterday. It commits you to provide the in-kind share of the cost for the completion of the Stormwater mapping project. There is no out of pocket cost to you. By providing a DPW staff person and a vehicle for the time it takes to collect the required data with salary and benefits you will more than cover it. You will need to furnish this salary and benefit information to the Project Manager on a timely basis.

Once you have adopted the resolution, had it certified, have the CEO sign the IMA and send both documents back to me. Any questions don't hesitate to be in touch. Thanks, Mike. My cell is 8442501

Sent from my iPad

Begin forwarded message:

From: Mike Ritchie <mkrstritchie@gmail.com>
Date: September 14, 2016 at 9:41:16 AM EDT
To: Mike Ritchie <mkrstritchie@gmail.com>



VILLAGE OF
PORT CHESTER

222 Grace Church Street, Port Chester, New York 10573

RES -03
BOT 10-17-2016

AGENDA MEMO

Department: Office of the Village Attorney

BOT Meeting Date: 10/17/2016

Item Type: Resolution

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

Description	Yes	No	Description	Yes	No
Fiscal Impact	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Public Hearing Required	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Funding Source:			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)

AUTHORIZING PAYMENT TO SPECIAL COUNSEL WITH REGARD TO MATTER OF GAMBLE v. VILLAGE OF PORT CHESTER

Summary

Background:

The Village of Port Chester was required to defend this personal injury lawsuit in the Supreme Court, Westchester County. The Village's general liability insurance company, Reliance Insurance Co., went insolvent during the pendency of the suit. The matter was subsequently settled.

The Village thereafter made claim against the insurance company which was liquidated under the supervision of the State of Pennsylvania. Joseph A. Maria, P.C. the defense counsel for the Village in the suit, has been assisting the Village to collect on the claim.

Through Attorney Maria's efforts, the Village has obtained a distribution from Reliance in liquidation in the amount of \$48,630.61.

AM-V2015-04

This resolution would authorize payment to Attorney Maria for his efforts.

Proposed Action

That the Board of Trustees adopt the Resolution

Attachments

---Correspondence from Joseph A. Maria, P.C.

AUTHORIZING PAYMENT TO SPECIAL COUNSEL IN THE MATTER OF GAMBLE v.
VILLAGE OF PORT CHESTER

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, an action was filed by Ellen and Jason Gamble against the Village of Port Chester for significant personal injuries sustained on January 29, 2000 due to a sidewalk fall on snow/ice in front of Fire Headquarters; and

WHEREAS, during the course of the Village's general liability insurance company, Reliance Insurance Company, went insolvent; and

WHEREAS, all parties of interest, including the New York Department of Insurance, were placed on notice; and

WHEREAS, the State determined that the usual fund for coverage in such events was not available to the Village; and

WHEREAS, this matter was defended by special counsel, Joseph A. Maria, P.C., White Plains, New York which resulted in a settlement of \$225,000 which was paid by the Village of Port Chester; and

WHEREAS, the Village filed a proof of claim with Reliance for reimbursement of this amount; and

WHEREAS, the Village's claim was considered among the many other claims as part of the liquidation of Reliance in the State of Pennsylvania where it was chartered; and

WHEREAS, through the efforts of Attorney Maria, the Village has received another distribution of \$48,630.61; and

WHEREAS, Attorney Maria has presented an invoice in the amount of ten percent of the distribution for his collection services. Now, therefore, be it

RESOLVED, that the Board of Trustees hereby authorizes payment to Joseph A. Maria, P.C., 301 Old Tarrytown Road, White Plains, New York, 10603 in the amount of \$4,860.00 for collection services in the matter of Gamble v. Village of Port Chester, to be made from General Ledger Code 1420.400 Legal-Contractual.

Approved as to Form:

Anthony M. Cerreto, Village Attorney

Joseph A. Maria

JOSEPH A. MARIA, P.C.

ATTORNEYS AT LAW

Frances D. Marinelli • Edward A. Frey

301 Old Tarrytown Road
White Plains, New York 10603
Telephone: 914-684-0333
Facsimile: 914-684-9772

March 2, 2016

VILLAGE OF PORT CHESTER

Anthony M. Cerreto, Esq.
Village Attorney, Village of Port Chester
222 Grace Church Street
Port Chester, NY 10573

MAR 30 2016

RECEIVED

VA

Re: Iozzo vs Port Chester
Our File: 30-0984

Dear Mr. Cerreto:

We have been attempting to collect money from the liquidation of Reliance Insurance Company located in Pennsylvania. At this time we have been able to collect another \$48,630.61.

As you are aware we have not been billing you on the trial. I think perhaps the fair way to resolve this since there is a tremendous amount of work involved is for us to merely take 10% of each check we receive from here on out.

Therefore enclosed is an invoice for \$4,860.00. I think that this is more than fair as most attorneys would charge one-third however I am always hopeful that we can continue at some point in time as the policies change from time to time to do business with the Village of Port Chester. As you are aware we have a perfect record with the Village and our billing was certainly lower than any other counsel in Westchester County.

Thanking you in advance for your anticipated cooperation.

Very truly yours,

JOSEPH A. MARIA, P.C.


By: Joseph A. Maria, Esq.

JAM/dj
encl.

Joseph A. Maria

JOSEPH A. MARIA, P.C.

ATTORNEYS AT LAW

Frances D. Marinelli • Edward A. Frey

301 Old Tarrytown Road
White Plains, New York 10603
Telephone: 914-684-0333
Facsimile: 914-684-9772
E-mail: JMariaPC@optonline.net

March 2, 2016

Anthony Cerreto, Esq.
Village of Port Chester
10 Pearl Street
Port Chester, NY 10573

Re: Santa G. Iozzo v. Village of Port Chester
Our File No. 30-0984

PROFESSIONAL SERVICES RENDERED

Attorney Fee (10%) re collection from
Liquidation of Reliance Insurance -
\$48,630.61

\$ 4,863.00

DUE: \$ 4,863.00

PLEASE REMIT PAYMENT UPON RECEIPT

RELIANCE INSURANCE COMPANY
(IN LIQUIDATION)
THREE PARKWAY
PHILADELPHIA, PA 19102-1376

60-160/433

CHECK DATE

01/22/2016

CHECK NUMBER

000006159

PAY...FORTY EIGHT THOUSAND SIX HUNDRED THIRTY DOLLARS 61 CENTS

TO
THE
ORDER
OF:

VILLAGE OF PORT CHESTER
222 GRACE CHURCH ST
PORT CHESTER, NY 10573

\$****48,630.61

Errol S. Baithing

THE BANK OF NEW YORK MELLON
PITTSBURGH, PENNSYLVANIA

⑈0000006159⑈ ⑆043301601⑆ 012⑈1662⑈

RELIANCE INSURANCE COMPANY
(IN LIQUIDATION)
THREE PARKWAY
PHILADELPHIA, PA 19102-1376



JOSEPH A. MARIA, P.C. 461 0769-3-3-MAAD
301 OLD TARRYTOWN RD
WHITE PLAINS, NY 10603-2825



PAYMENT SUMMARY

VENDOR NO: 00000000005037
VOUCHER NO: 000006159

PHONE NUMBER:
VOUCHER DATE: 01/22/16

Check Amount Total: \$48,630.61

This check is partial payment on the Notice(s) of Determination (NODs) issued to you by the Liquidator of Reliance Insurance Co. as approved by the Commonwealth Court of PA (Ct). The Ct approved a distribution of 65% of allowed NOD amounts. However, if your Proof of Claim (POC) was made under an aggregate policy, a Ct approved safety factor may be applied pursuant to PA statute. Detail regarding each POC/NOD eligible for this distribution is provided below.

Proof of Claim (POC) Detail:

Note: BW = Y means Federal Income Tax withheld on the Dist. Amt.

POC ID	Allowed Amount	Gross Dist. Amt	BW	Prior Paid	Claimant Name
000734868	\$194,522.43	\$48,630.61	N	\$77,808.97	VILLAGE OF PORT

(Detach Here)



VILLAGE OF
PORT CHESTER

222 Grace Church Street, Port Chester, New York 10573

RES - 04
BOT 10-17-2016

AGENDA MEMO

Department

BOT Meeting Date

Item Type

Sponsor's Name

Description	Description
Fiscal Impact <input type="checkbox"/>	Public Hearing Required <input type="checkbox"/>
Funding Source <input type="text" value="N/A"/>	Bid <input type="text" value="N/A"/>
Account <input type="text" value="N/A"/>	Strategic Plan Priority Area <input type="text" value="N/A"/>
Agreement <input type="checkbox"/>	Manager Priorities <input type="text" value="N/A"/>
Stategic Plan Related <input type="checkbox"/>	

Agenda Heading Title

ACCEPTANCE AND APPROVING THE ELECTION OF NEW ACTIVE MEMBERS OF THE PORT CHESTER FIRE DEPARTMENT

Summary

ACCEPTANCE AND APPROVING THE ELECTION OF NEW ACTIVE MEMBERS OF THE PORT CHESTER FIRE DEPARTMENT

Proposed Action

That the Board adopt the Resolution

Attachment

RESOLUTION

**ACCEPTANCE AND APPROVAL OF WUILBER MALDONADO AS AN
ACTIVE MEMBER OF PUTNAM ENGINE & HOSE CO. NO.2**

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, at the October 5, 2016 meeting of PUTNAM ENGINE & HOSE CO.
NO. 2 the company held an election for a new active member; and

WHEREAS, Wuilber Maldonado has been elected to be a new active member.

Now, therefore, be it

RESOLVED, that the Board of Trustees hereby accepts and approves the election of
Wuilber Maldonado to PUTNAM ENGINE & HOSE CO. NO. 2, as an active member of the
Port Chester Fire Department, conditioned upon passing the required medical examination.

Approved as to Form:

Anthony M. Cerreto, Village Attorney

RESOLUTION

**ACCEPTANCE AND APPROVAL OF JOSHUA LOPEZ AS AN ACTIVE
MEMBER OF PUTNAM ENGINE & HOSE CO. NO.2**

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, at the October 5, 2016 meeting of PUTNAM ENGINE & HOSE CO.
NO. 2 the company held an election for a new active member; and

WHEREAS, Joshua Lopez has been elected to be a new active member. Now,
therefore, be it

RESOLVED, that the Board of Trustees hereby accepts and approves the election of
Joshua Lopez to PUTNAM ENGINE & HOSE CO. NO. 2, as an active member of the Port
Chester Fire Department, conditioned upon passing the required medical examination.

Approved as to Form:

Anthony M. Cerreto, Village Attorney

RESOLUTION

**ACCEPTANCE AND APPROVAL OF MARTIN HERNANDEZ AS AN ACTIVE
MEMBER OF HARRY HOWARD HOOK & LADDER CO. NO.1**

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, at the October 4, 2016 meeting of Harry Howard Hook & Ladder Co.
No. 1 the company held an election for a new active member; and

WHEREAS, Martin Hernandez has been elected to be a new active member.

Now, therefore, be it

RESOLVED, that the Board of Trustees hereby accepts and approves the election of
Martin Hernandez to Harry Howard Hook & Ladder Co. No. 1, as an active member of the
Port Chester Fire Department, conditioned upon passing the required medical examination.

Approved as to Form:

Anthony M. Cerreto, Village Attorney

RESOLUTION

**ACCEPTANCE AND APPROVAL OF PETER DILEO AS AN ACTIVE
MEMBER OF HARRY HOWARD HOOK & LADDER CO. NO.1**

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, at the October 4, 2016 meeting of Harry Howard Hook & Ladder Co.
No. 1 the company held an election for a new active member; and

WHEREAS, Peter DiLeo has been elected to be a new active member. Now,
therefore, be it

RESOLVED, that the Board of Trustees hereby accepts and approves the election of
Peter DiLeo to Harry Howard Hook & Ladder Co. No. 1, as an active member of the Port
Chester Fire Department, conditioned upon passing the required medical examination.

Approved as to Form:

Anthony M. Cerreto, Village Attorney



VILLAGE OF
PORT CHESTER

222 Grace Church Street, Port Chester, New York 10573

RES - 05
 BOT 10-17-2016

AGENDA MEMO

Department: Office of the Village Attorney

BOT Meeting Date: 10/17/2016

Item Type: Resolution

Sponsor's Name: Select Sponsor's Name.

	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:			RFP #		
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)

RESOLUTIONS

REGARDING A PROPOSED DRAFT LOCAL LAW FOR SUBSEQUENT INTRODUCTION AMENDING THE CODE OF THE VILLAGE OF PORT CHESTER, CHAPTER 345 "ZONING", WITH REGARD TO AN ALTERNATE METHOD OF ESTABLISHING A LEGAL NONCONFORMING USE

Summary

Background:

Here are two resolutions to go with the proposed local law that the Board asked for at its last meeting. Should the Board wish to advance this law it must be first referred to the Planning Commission and Zoning Board of Appeals for their report. Should the Board want to give staff specific direction to make certain policy changes to the law there is a resolution for the Board to give such direction.

Proposed Action

Adopt the resolution

Attachments	
Resolution	

RESOLUTION

REFFERAL TO PLANNING COMMISSION AND ZONING BOARD OF APPEALS FOR STUDY AND REPORT ON A LOCAL LAW AMENDING THE CODE OF THE VILLAGE OF PORT CHESTER, CHAPTER 345 "ZONING", WITH REGARD TO AN ALTERNATE METHOD OF ESTABLISHING A LEGAL NONCONFORMING USE

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 Board of Trustees wishes to provide an opportunity for property owners to legally establish a nonconforming use that has not been established by a duly issued certificate of occupancy; and

WHEREAS, the Board has directed staff to draft a local law that sets forth an administrative process for the Building Inspector and Zoning Board of Appeals to determine and deem a particular use as a legal nonconforming use under certain, narrow circumstances; and

WHEREAS, as a legal nonconforming use, the subject use would be allowed to continue, but could not be enlarged or expanded and would be subject to all further limitation as provided for in the Zoning Regulation; and

WHEREAS, the Board of Trustees wishes to advance this proposed legislation; and

WHEREAS, §345-34(D) requires the Board of Trustees to referred to the planning commission for report before a public hearing may be held; and

WHEREAS, this amendment would affect the Zoning Board of Appeals the Board wishes to refer this proposed legislation to the Zoning Board of Appeals for report.

NOW, THEREFORE BE IT,

RESOLVED, that the Board of Trustees hereby makes an official referral to the Planning Commission and Zoning Board of Appeals, to consider the advisability of adopting a local law amending the code of the Village of Port Chester, Chapter 345 "Zoning," with regard to an alternate method of establishing a legal non-conforming use.

Approved as to Form:

Anthony M. Cerreto, Village Attorney

ROLL CALL

AYES:

NOES:

ABSENT:

DATE:

RESOLUTION

SPECIFIC DIRECTION TO VILLAGE ATTORNEY TO MAKE CERTAIN CHANGES TO A PROPOSED DRAFT LOCAL LAW FOR SUBSEQUENT INTRODUCTION AMENDING THE CODE OF THE VILLAGE OF PORT CHESTER, CHAPTER 345 "ZONING", WITH REGARD TO AN ALTERNATE METHOD OF ESTABLISHING A LEGAL NONCONFORMING USE

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 Board of Trustees is considering a local law amending the code of the Village of Port Chester, Chapter 345 "Zoning," with regard to an alternate method of establishing a legal nonconforming use.

NOW, THEREFORE BE IT,

RESOLVED, that the Board of Trustees hereby directs staff to make the following changes, the aforementioned proposed local law: _____

Approved as to Form:

Anthony M. Cerreto, Village Attorney

ROLL CALL

AYES:

NOES:

ABSENT:

DATE:

Village of Port Chester, New York

Local Law No. I-__ of the year 2016

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

A LOCAL LAW AMENDING THE CODE OF THE VILLAGE OF PORT CHESTER,
CHAPTER 345 "ZONING", WITH REGARD TO AN ALTERNATE METHOD OF
ESTABLISHING A LEGAL NONCONFORMING USE

SECTION 1: Purpose and Intent.

The purpose and intent of this local law is to provide the opportunity for property owners to legally establish a nonconforming use that has not been established by a duly issued certificate of occupancy. The law sets forth an administrative process for the Building Inspector and Zoning Board of Appeals to determine and deem a particular use as a legal nonconforming use under certain, narrow circumstances. As a legal nonconforming use, the subject use would be allowed to continue, but could not be enlarged or expanded and would be subject to all further limitation as provided for in the Zoning Regulation.

SECTION 2: The Code of the Village of Port Chester, Chapter 345, Zoning, Article IV entitled "Supplementary Regulations", is hereby amended to read as follows:

§345-13 Nonconforming uses and nonconforming buildings and structures.

I. Alternate Method of Legal Nonconformity. This section affords potential relief to property owners who can establish a nonconforming use preexisted continuously and without interruption for a period of 10 years or more immediately preceding January 1, 2010.

(1) Application. A property owner who believes their property may be eligible to be deemed a non-conforming use under this section may make application for a Certificate of Nonconformity to the Building Department on a form provided by same. Such application must provide documentary proof as described below in 345-13(I)(2). The applicant must mail a copy of such application to all property owners, with properties adjoining the subject property by regular mail and provide proof of same within five (5) days of filing said application. Proof of mailing may be in the form of an affidavit. No fee shall be charged for the application.

(2) Eligibility. To be eligible the applicant must have owned the property prior to January 1, 2010, and provide documentation from the Village or any other satisfactory documentation as to ownership and the existence of the use and/or structure continuously and without interruption for at least a ten year period immediately preceding January 1, 2010.

a) Documentation must include verified tax records showing said use and/or structure pre-existing as aforesaid with proof of property tax payments made supporting such use. Additional satisfactory documentation may include but not be limited to:

- Paid Property Tax Receipts
- Utility Bills
- Building Permits
- Leases
- Building Department Search Responses (Records)
- Other Tax Assessor Property Recorded Documents
- Other Governmental Records

b.) Properties and/or pre-existing uses that can exhibit the paid tax receipts and any verifiable combination of documentation as aforementioned shall be deemed eligible for such nonconforming status. Such determination shall be made by the Building Inspector.

(3) If the Building Inspector receives an objection from an adjoining property owner, the Building Inspector shall deny the matter on this ground and refer the matter to the Zoning Board of Appeals, for a public hearing and final determination on a full record.

(4) If it is found that all of the aforementioned eligibility requirements stated herein are satisfied, the Building Inspector or Zoning Board of Appeals, as the case may be, may issue a Certificate of Nonconformity, and deem such use a nonconforming use. Upon receipt of a Certificate of Nonconformity the property owner shall be eligible to file a building permit for use purposes. The Certificate of Nonconformity does not relieve the subject property's building(s), structure(s), and or improvements from complying with the State Uniform Fire Prevention Code or other building code, as well as Chapter 151 of the Code of the Village of Port Chester, before a building permit may be issued. Upon the closing of the building permit, and any other required permits, the Building Inspector shall issue a certificate of occupancy to legalize the nonconforming use.

(5) If an application is denied by the Building Inspector, such applicant may make appeal the Zoning Board of Appeals, provided such appeal is made within sixty (60) days of such denial.

(6) An applicant is not eligible under this section if the use in question was or is currently the subject of code enforcement action, which shall include the issuance of a notice of violation and/or appearance ticket.

SECTION 3: Severability

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

SECTION 4: Effective Date

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



VILLAGE OF
PORT CHESTER

222 Grace Church Street, Port Chester, New York 10573

AGENDA MEMO

Department: Office of the Village Attorney

BOT Meeting Date: 10/17/2016

Item Type: Resolution

Sponsor's Name: Select Sponsor's Name.

	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:			RFP #		
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)

RESOLUTION

REFERRING CERTAIN CORRESPONDENCE TO STAFF FOR
APPROPRIATE ACTION

Summary

Background:

The Board of Trustees was presented with correspondences at the October 17, 2017 meeting, and through this resolution directs staff to act upon certain correspondences.

Proposed Action

Adopt the resolution

Attachments

Resolution

RESOLUTION

REFERRING CERTAIN CORRESPONDENCE TO STAFF FOR APPROPRIATE ACTION

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 Board has been presented with certain correspondences at its October 17, 2016 meeting, and wishes to direct staff to act upon the correspondences.

NOW, THEREFORE BE IT,

RESOLVED, that the Board of Trustees hereby refers the Correspondences # _____ given to the Board at the October 17 2016 meeting, and directs staff to act upon such correspondences as appropriate.

Approved as to Form:

Anthony M. Cerreto, Village Attorney

ROLL CALL

AYES:

NOES:

ABSENT:

DATE:

PARK COMMISSION
Village of Port Chester, New York

October 5, 2016

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

Dear Mayor Pilla and the Board of Trustees:

At the Park Commission held September 14, 2016 a discussion was held on the unfavorable conditions in Rec Park.

As you know Rec Park is located on Locust Avenue and is not only used by the people in the neighborhood but for baseball, bocce and impromptu soccer. At this time there is no water fountain and only one port-a-potty for personal use. The baseball field is used for those who graduate from the Little League program (13, 14 and 15 year olds). This field is used by Port Chester Recreation and PCYBL for the Battle of the Borders as well as Pro Swing teams and Westchester Baseball Academy teams which are comprised of Port Chester children and well as those from other local villages.

On a recent inspection by members of the Commission we found grass overgrown in the infield as well as two holes in the ground which was to be the batting box as well as the netting down in the batting cage. The parents of the leagues cut the grass and place it in bags and take it away. After this inspection DPW did go and clean the infield and added clay in the batter's box.

The Commission is aware that in the Rec Department's three to five year Capital Plan, Heather Krakowski noted the field is unplayable, needs to be reclaimed and also the safety issues be remedied.

The Commission is aware that we are making nice progress in Port Chester but that Rec Park is the only park for senior boys to play ball and it is in deplorable condition. We are asking for your support in upgrading the conditions of this park to not only make the field playable but for the enjoyment of local residents. Thank you for your attention to this matter.

Very truly yours,

Jerry Ferranova
Chairman

Cc: C. Steers
T. Cerreto
H. Krakowski

Emailed Village Clerk for next
BOT Agenda

CORR- 02
BOT 10-17-2016



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

VILLAGE OF PORT CHESTER

OCT 04 2016

RECEIVED

M

Oct. 3 2016

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

Dear Honorable Dennis Pilla & Board of Trustees

The American Legion is Completing Plans for Veterans Day Ceremonies. We are in the process of contracting Bands, Wreathes, and Color Guard for ceremonies at Veterans Memorial Park On Sunday November 13, 2016 at 11 A.M. After ceremonies the Legion will have food and beverages for all to enjoy

We respectfully request that the Village of Port Chester appropriation of One Thousand Dollars (1,000) for the 2016 year, be made out to the American Legion at the above address.

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

Sincerely

Bill Chiappetta
Adjutant Post 93
Port Chester, NY. 10573
914-819-2945

CORR-03
BOT 10-17-2016



PUTNAM ENGINE & HOSE CO., NO.2

Organized October 4, 1854

Incorporated May 17, 1954

P.O. Box 933, Port Chester, NY 10573

October 6, 2016

VIA EMAIL & REGULAR MAIL

VILLAGE OF PORT CHESTER

VILLAGE CLERK

222 Grace Church Street

Port Chester, NY 10573

Attn: Vita Sileo

Dear Ms. Sileo:

As of our October 2016 meeting, the Putnam Engine & Hose, Company No.2, has voted into the company the following two new members:

Wuilber Maldonado
211 William Street, Apt. 1C
Port Chester, NY 10573

Joshua Lopez
21 Gilbert Place
Port Chester, NY 10573

Sincerely yours,
PUTNAM ENGINE & HOSE COMPANY, NO. 2



Frank Cervinka
Secretary

Enclosures



Companies:

Reliance Engine & Hose
No. 1

Putnam Engine & Hose
No. 2

Fire Department
Village of Port Chester

WESTCHESTER COUNTY, N. Y.



Headquarters: Westchester Avenue and Ponings Street

Harry Howard Hook &
Ladder No. 1
Port Chester Fire Patrol
& Rescue Co., No. 1, Inc.
Mellor Engine & Hose Co.
No. 3
Washington Engine & Hose
Co. No. 4
Brooksville Engine & Hose
Co. No. 5

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

The Putnam Engine & Hose, Co. 2 respectfully reports that at a meeting held

on Oct. 5, 2016 favorable action was taken on the following:

X Elected active members WILBER MALDONADO + JOSHUA LOPEZ

Elected active exempt members _____

Elected honorary members _____

Members resigned _____

Members expelled _____

Members suspended _____

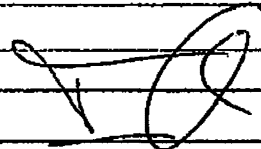
Members died _____

Badges returned (numbers) _____

Remarks: _____

Secretary,

Address:


Frank Cernik
P.O. Box 933 Port Chester NY
10573

TRAFFIC COMMISSION
Village of Port Chester

October 6, 2016

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

Dear Mayor Pilla & the Board of Trustees:

At the October 5, 2016 meeting of the Traffic Commission a discussion was held regarding an additional handicap parking space in front of the police station/court house.

With the constant flow of traffic to the court and parking violations bureau this additional handicap space will alleviate those in need of such a space to have to walk a distance to the building.

On the motion of John Pauletti, seconded by Andrew Maturro, a unanimous decision was made to recommend the placement of an additional handicap space directly behind the existing handicap space.

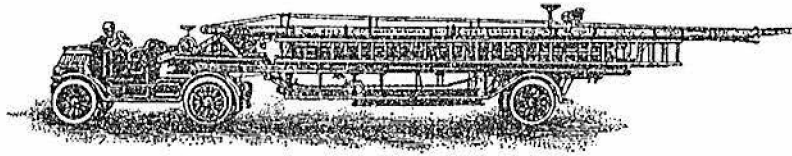
The Commission recommends that you approve this request for the additional handicap space.

Sincerely,

Joseph Gianfrancesco, Jr.

Joseph Gianfrancesco, Jr.

Cc: C. Steers
T. Cerreto
V. Masucci



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

October 5, 2016

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

Re: **Election of New Member**
Martin Hernandez

Dear Mayor Pilla & Members of the Board:

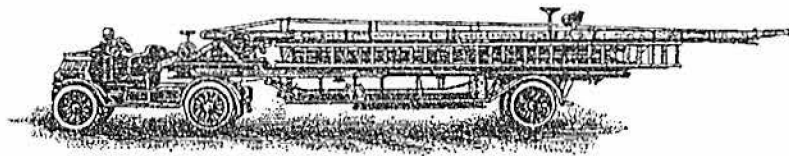
The purpose of this letter is to inform you that on October 4, 2016, at the regularly scheduled monthly meeting of the Company, the members of Harry Howard Hook & Ladder Company #1 voted for the acceptance of Mr. Martin Hernandez who resides at 205 Riverdale Ave Apt 2R, Yonkers, NY 10705 to active membership in our Company.

Sincerely,

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

NEIL J. PAGANO
Secretary

cc: Mr. Martin Hernandez
205 Riverdale Ave Apt 2R,
Yonkers, NY 10705



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

October 5, 2016

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

Re: **Election of New Member**
Peter DiLeo

Dear Mayor Pilla & Members of the Board:

The purpose of this letter is to inform you that on October 4, 2016, at the regularly scheduled monthly meeting of the Company, the members of Harry Howard Hook & Ladder Company #1 voted for the acceptance of Mr. Peter DiLeo who resides at 23 West Glen Avenue, Port Chester, NY 10573 to active membership in our Company.

Sincerely,

A handwritten signature in black ink, appearing to read "Neil J. Pagano". The signature is fluid and cursive, written over a white background.

NEIL J. PAGANO
Secretary

cc: Mr. Peter DiLeo
23 West Glen Avenue
Port Chester, NY 10573

**Longview Owners, Inc.
315-325 King Street
Port Chester, NY 10573**

October 10, 2016

Via e-mail

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

Re: Temporary Parking Accommodation

Dear Mayor Pilla, Members of the Board of Trustees, Village Manager, and Village Clerk:

I am writing on behalf of the shareholders and residents of Longview Owners, Inc., a cooperative corporation with premises located at 315-325 King Street, Port Chester, NY 10573 ("Longview").

Longview is the owner of two apartment buildings located at the above address, which consist of a total of 180 residences. The property is managed by Ferrara Management Group, Inc. Each apartment unit is assigned a parking space on the premises.

Longview has contracted Xinos Construction Corporation ("Xinos") to replace the roofs on both the 315 and 325 King Street buildings. In order to perform said roofing work and to insure the safety of our residents and visitors, Xinos has erected sidewalk bridges on the premises, which are taking up a substantial portion of the service driveways to and courtyards of each of the two buildings.

Xinos has advised us that for the next and final phase of the construction, it needs to erect additional sidewalk bridging on the east side of the building located at 325 King Street, which is precisely where our on premise parking lot is located. This additional sidewalk bridging will temporarily take away ten (10) parking spaces, prohibiting some of our residents to park their vehicles in their assigned spaces during that time.

As we have not been able to come up with any alternate solution to our upcoming parking limitations we hereby respectfully request that the Board of Trustees and staff consider granting permission to Longview to park no more than ten (10) vehicles on King Street between Highland Street and Chestnut Street - thereby temporarily waiving the overnight parking restriction - for the period starting October 17 through November 14, 2016,

Board of Trustees
Village of Port Chester
October 10, 2016
Page 2

We much appreciate the Board of Trustees' review and consideration at its earliest convenient date, and look forward to a prompt, and hopefully favorable, response. For the new trustees and staff members a similar, but much broader request was granted approximately eight (8) years ago while we were having our parking lot resurfaced. In the interest of time, I kindly ask that you contact me via e-mail or via my mobile number 914.262.8155 with your approval or with any questions. Thank you very much.

Respectfully,

Board of Directors
Longview Owners, Inc


By: James De Filippo 10/10/2016
President

cc: Ferrara Management Group, Inc.
80 Business Park Drive
Suite 307
Armonk, NY 10504
914.523.6541
jdibono@ferraramgmt.com

CORR-07
BOT 10-17-2016



Companies:

Reliance Chemical & Hose
No. 1

Putnam Steamer & Hose
No. 2

Fire Department

Village of Port Chester

WESTCHESTER COUNTY, N. Y.



Headquarters: Westchester Avenue and Boningo Street

Received

OCT 11 2016

Harry Howard Hook &
Ladder No. 1

Village Clerk

Fire Police No. 1

Mellor Hose No. 1

Washington Engine & Hose
No. 4

Brooksville Hose No. 5

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

The fire Parol + Rescue Co. 1 respectfully reports that at a meeting held on 4 October 16 favorable action was taken on the following:

Elected active members.....

Elected honorary members.....

Members resigned.....

Members expelled D. Santo, Justin 98 Lakeview Ave

Members suspended Scarsdale, NY. 10583

Members died.....

Badges returned (numbers).....

Remarks Member delinquent and in violation of

Company By-Laws,

James K. Mitchell
Secretary.
James K. Mitchell



Nardo Associates
550 Mamaroneck Ave.
Suite 504
Harrison, NY 10528

CORR- 08
BOT 10-17-2016

Village of Port Chester Board of Trustee's
222 Grace Church Street
Port Chester, NY 10573

October 4, 2016

Re: Landmark Condominium Association
Parking Garage - Maintenance

Dear Village of Port Chester Board of Trustees,

We are writing to request The Board's consideration and assistance in providing overnight on-street parking from October 11, 2016 through November 18, 2016 on any of the following roads: Locust Avenue, Orchard Street, Highland Street, Wilkins Avenue.

The work will consist of routine maintenance on the top deck of the parking garage. We will be repairing surface cracks, applying waterproofing, and restriping the parking spaces. The project will take approximately 30 days. There will be only a few days when all vehicles that will be displaced. The work is being done in three phases as to minimize the number of cars that being displaced at any given time.

We will make every effort to see that the work is completed in as short a period of time as possible.

We appreciate your understanding in this matter and apologize for any inconvenience it may cause.

Thank you, and should you have any questions or require any further assistance please do not hesitate to contact me.

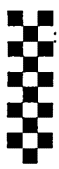
Joe Nardo

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

Nardo & Associates
Managing Agent – Landmark Condominium Association

Nardo & Associates

550 Mamaroneck Ave. Suite 504 • Harrison, NY 10528
T: (914) 288-5020 • F: (914) 290-4899 • office@nardoassoc.com



FAX

Date: 10/10/2016

Pages including cover sheet: 2

To:	
Phone	
Fax Number	+1 (914) 9373169

From:	Joe Nardo
	Nardo Associates
	550 Mamaroneck Ave - 504
	Harrison
	NY 10528
Phone	19142885020
Fax Number	(914) 290-4899

NOTE:

Ciro Cuono, P.E.

CORR- 09
BOT 10-17-2016

August 28, 2016

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

Reference: Resignation - Planning Commission
Village of Port Chester, NY

Dear Mayor Pilla;

I am writing to resign my position on the Port Chester Planning Commission.

The reason for my resignation is that my family and I have purchased a home in White Plains so we will be moving out of the community.

We will be moving in November so I will be available to serve on the Planning Commission through the end of October.

It has been a pleasure to participate as a member of the Planning Commission.

I will maintain my office here in Port Chester and will continue to be active in the community.

Respectfully,



Ciro Cuono, P.E

Address:
325 King Street
Apartment 4i
Port Chester, NY 10573

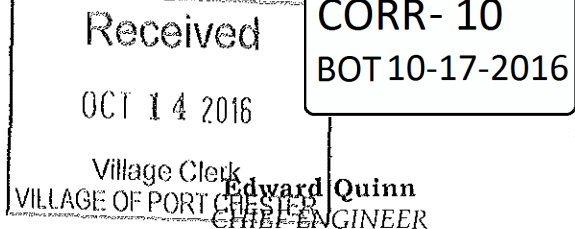
Telephone: (914) 522-2625
Email: ccuono@optonline.net

Village of Port Chester



New York

OFFICE OF THE CHIEF
PORT CHESTER FIRE DEPARTMENT
209 Westchester Avenue
Port Chester, NY 10573
CHIEF'S OFFICE: 914-939-8574



Michael DeVittorio
FIRST ASSISTANT ENGINEER

Enrico Casterella
SECOND ASSISTANT ENGINEER

October 13, 2016
Port Chester, NY

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

Re: False Alarms

Dear Sirs:

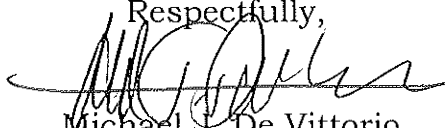
Ongoing false alarms at certain locations continue to plague the department leading to the department having to respond needlessly to the same locations on a regular basis. This is a dangerous situation for the residents of the village as it puts an undue burden on our membership causing morale problems within the department and places the general public in danger due to unnecessary responses by both apparatus and personal vehicles of our members through the streets of the village. This is not a new problem and has had to be addressed in the past by the creation of Chapter 126 of the Code of the Village of Port Chester.

Unfortunately, this chapter has rarely been enforced as far as the Fire Department is concerned since it was adopted and has not been enforced at all within the last 20 years at least, to our knowledge. This has allowed habitual offenders to abuse the privilege of having an alarm system.

We would like to take this opportunity to ask that the Alarm Review Board be reconstituted and a plan be drawn up, both to update and enforce Chapter 126 of the Village Code. We would also like to revisit the fine structure to make it more relevant in the current fiscal world, after all when these fines

were established a cup of coffee could be had for a quarter, they must be updated to have any relevance in the modern world. This reinstatement of enforcement can only be a benefit to both the fire department and the village.

Please feel free to contact me for any further questions or background information that the board may need.

Respectfully,

Michael J. De Vittorio
First Assistant Engineer

Cc: Village Manager C. Steers
Chief Engineer E. Quinn
Second Assistant Engineer R. Castarella
Village Attorney A. Cerreto
File