



VILLAGE OF
PORT CHESTER

222 Grace Church Street, Port Chester, New York 10573

AGENDA MEMO

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

BOT Meeting Date: 1/31/2017

Item Type: Public Hearing

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

Description	Yes	No	Description	Yes	No
Fiscal Impact	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Public Hearing Required	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Funding Source:			BID #		
Account #:			Strategic Plan Priority Area		
	Yes	No	Redeveloping United Hospital Site		
Agreement	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Manager Priorities		
Strategic Plan Related	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Planning & Zoning		

Agenda Title

Starwood/United Hospital: Public Hearing on Final Environmental Impact Statement and Proposed Zoning Amendments

Summary

At the request of the Board of Trustees, a public hearing regarding the FEIS and proposed zoning for the proposed development of the United Hospital Site was scheduled for January 31, 2017. **The Board should open the public hearing to solicit public comment.** *This does not represent an approval or adoption of any aspect of the project; rather it is a step in the SEQRA process that is not required but which the Board believes is appropriate and will facilitate further public comment.*

Background

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 Proposed Zoning Amendments is limited to the Project Site alone and includes revising the existing PMU District, with the significant change being to allow for an as of right FAR of 1.6 compared to the current 0.8, without the need for a density bonus.

The Board accepted as complete the Draft Environmental Impact Statement ("DEIS") for the Proposal on July 20, 2015 and held public hearing on the DEIS on August 27, 2015 and September 8, 2015.

On April 27, 2016, the Applicant submitted a preliminary Final Environmental Impact Statement ("pFEIS") and 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 fiscal and economic concerns and impacts to the school district. 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.

The Applicant submitted revised versions of the pFEIS, which Village staff and its consultants reviewed for SEQRA completeness. In addition, over the course of a number of Board meetings, policy issues such as community benefits agreements, affordable housing, housing preferences, apprenticeship programs, and wages have been discussed and Special Counsel Mark Chertok has continued to advise the Board on such issues. Further, there have been a multitude of meetings hosted by NYSDOT regarding traffic, with the City of Rye, Village of Rye Brook, representatives from the Applicant, and the Village and its consultants in attendance.

At the November 7, 2016 Board of Trustees meeting, the Applicant requested a special meeting to be scheduled to discuss the completeness of the pFEIS for November 29, 2016. The Board granted that request.

The Board held a special meeting on the completeness of the FEIS on November 29, 2016. Based upon that meeting, other comments from the public, Board of Trustees, staff and its consultants, and interested and involved agencies, the Applicant revised the FEIS.

A special meeting was held on January 10, 2017, in which the Board accepted as complete the FEIS and set a public hearing for January 31, 2017. A workshop on school-aged children and affordable housing was held at the Board's regularly scheduled meeting on January 17, 2017. A future workshop on the project is scheduled for February 6, 2017.

The January 10, 2017 accepted FEIS is available for review at the Village Clerk's office, the Library, and on the Village's website at:

http://www.portchesterny.com/Pages/PortChesterNY_Starwoodsite/index

Recommendation

The Board should open the public hearing to receive comments from the public.

Note that a public hearing is not required on the FEIS by SEQRA; rather, the Village has chosen to hold an additional public hearing to garner additional input from the public. Further, there is no formal comment period related to the FEIS or the public hearing being held on the FEIS. The Village, its staff, and consultants will review the comments provided at the public hearing to ensure that sufficient responses are provided in the record, whether that is in the extant FEIS or, if necessary, through supplemental responses.

Again note that acting on this matter would not involve approval or adoption of the proposed zoning by the Board. Such action would be considered after the Board adopts a Statement of Findings, which "consider[s] the relevant environmental impacts, facts and conclusions...weigh[s] and balance[s] relevant environmental impacts with social economic and other considerations...[and] provide[s] a rationale for the agency's decision." (6 NYCRR §617.11(d)). Village staff and Special Counsel will continue to provide guidance and direction to the Board during the adoption of Findings.

Finally, note that the Village's special counsel, Mark Chertok of Sive, Paget & Riesel, Peter Feroe from AKRF Inc., and Michael O'Rourke from Adler Consulting will be present to answer any questions from the Board of Trustees on this matter.

Proposed Action
<ul style="list-style-type: none">• Open Public Hearing

Attachment
<ul style="list-style-type: none">• Proposed Local Law

Village of Port Chester, New York

Local Law No. ____ 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 THE PLANNED MIXED USE DISTRICT

SECTION 1: Purpose and Intent

The Village recently concluded a Comprehensive Plan (Adopted 12-17-2012) process which resulted in three tax parcels (Section 141.52, Block 1, Lots 2, 2.1 and 2.4) being rezoned from Two Family Residence (R2F) to Planned Mixed Use (PMU). The PMU District consists of property containing a hospital campus and associated residential workforce apartment building – bounded on the south by the Boston Post Road and High Street, on the west by High Street and Interstate 287, on the north by Abendroth Park, and on the east by the Boston Post Road. Access to Interstate 95 is also in close proximity.

The Village Board of Trustees created the PMU District to encourage a mixed use development, including a variety of commercial, office, residential and community facility uses. While the PMU District permits this mix of uses (and others as indicated in the Schedule of Regulations for Non-Residential District in Chapter 345), it only allows for a Floor Area Ratio of 0.8, which would result in an approximate potential build-out of up to ±536,660 square feet in the PMU District. The Village Board of Trustees, after it completed its environmental review of the PMU District in the Village of Port Chester Environmental Findings as part of the adoption of the Village’s Comprehensive Plan, adopted the current PMU District Section 345-62 with the understanding that future “rezoning and redevelopment of the site and concomitant detailed, comprehensive site-specific environmental review under SEQRA could result in modifications to this district.” The Board now desires to implement the proposed amendments to Section 345-62 to promote the permitted mix of uses in this area, to enhance the character of the Village’s “gateway” and to foster the redevelopment of the property included within the PMU District consistent with the Comprehensive Plan.

This local law will allow for an as of right FAR of 1.4, excluding any incentive density increases which may be granted to allow a FAR of up to 1.6, compared to the current 0.8, as well as uses as of right as opposed to the existing PMU District text which prescribes FAR by use and requires a stringent bonus program and/or variances to achieve additional FAR. The Board finds and determines that this local law is consistent with the Village’s Comprehensive Plan which encourages the redevelopment of the property to accommodate a mixed-use “gateway” project.

SECTION 2: The Code of the Village of Port Chester, New York, Chapter 345, “Zoning,” Article XI, is hereby amended to read as follows:

ARTICLE II Definitions

Amend §345-2B, in part, as follows:

GREEN ROOF

A building roof that is engineered to be covered with low-maintenance growing plants that: insulate in winter, cool the building in summer, reduce solar absorption, reduce precipitation runoff from roof surfaces, and improve interior heating, ventilating and air conditioning (HVAC) efficiency.

PERVIOUS PAVING

A hard surface with load bearing capacity engineered to allow for the passage of water through it. The surface may be comprised of paving blocks with open corners, lattices or edges or asphalt/concrete mixes without “fines.”

PLAZA

An area predominantly open to the sky that is generally open to the public and used for passive recreational activities and relaxation. Plazas are paved areas typically provided with amenities, such as seating, drinking and ornamental fountains, art, trees, and landscaping for use by pedestrians.

[RESEARCH INSTITUTE OR LABORATORY

A building for experimentation in pure or applied research design, development and production of prototype machines or devices or of new products and uses accessory thereto. With respect to the application of this chapter, such "research institute or laboratory" shall meet the standards of a nonnuisance industry.]

RESEARCH INSTITUTE OR LABORATORY

A structure that contains research, development, and testing laboratories that do not involve the mass manufacture, fabrication, processing, or sale of products. Such uses shall not be detrimental to the environment through the release of dust, smoke, fumes, odor, noise, or vibration and shall not create and unsafe risk of fire or explosion given the location of the use, the building in which it is located, and the nature of the surrounding uses and structures.

ARTICLE IV Supplementary Regulations

Amend § 345-16, in part, as follows:

B. General regulations.

- (1) The bonus program is available in the C2 Main Street Business, C5 Train Station Mixed Use, C5T Downtown Mixed Use Transitional[, PMU Planned Mixed Use], and DW2 Downtown Design Waterfront Districts. (See Schedule of Regulations for Nonresidence Districts, Attachment 3B.) by special exception only, and is subject to approval by the Village Board of Trustees.
- (3) Projects in the C5 Train Station Mixed Use[.] and C5T Downtown Mixed Use Transitional[, and PMU Planned Mixed Use] Districts are permitted to use both the

building height and floor area options. (See Schedule of Regulations for Nonresidence Districts, Attachment 3B.)

C. Bonus floor area option.

- (1) In the C2 Main Street Business, C5 Train Station Mixed Use, C5T Downtown Mixed Use Transitional[, PMU Planned Mixed Use], and DW2 Downtown Design Waterfront Districts, additional development potential in the form of floor area can be earned for a project when the project includes any of the specified provisions listed herein. The bonus floor area amount is additional to the maximum floor area ratio in the respective district. (See Schedule of Regulations for Nonresidence Districts, Attachment 3B.)

D. Bonus building height option.

- (1) Bonus building height is also earned in the C5 Train Station Mixed Use, and C5T Downtown Mixed Use Transitional[, and PMU Planned Mixed Use] Districts in addition to the bonus floor area achieved through the provisions established in this section. Bonus height is in addition to the maximum building height in the respective district, as established in the Schedule of Regulations for Nonresidence Districts, Attachment 3B. Bonus height is earned by contributing to any of the three provisions specified in § 345-16C(3), (4) and (5) above.

ARTICLE IX Use and Dimensional Regulations for Nonresidence Districts

Amend Article IX, Schedule of Regulations for Nonresidence Districts (Attachment 3A), in part, as shown on revised Attachment 3A attached to this Local Law.

Amend Article IX, Schedule of Regulations for Nonresidence Districts (Attachment 3B), in part, as shown on revised Attachment 3B attached to this Local Law, and as follows:

NOTES:

9 [A floor area bonus of 0.2 is available in accordance with § 345-16. For any mixed-use (commercial/residential) structure, a building height bonus of two stories (15 feet) is available in accordance with § 345-16.] The standards contained in the Schedules of Regulations for Nonresidence Districts shall apply to a PMU site as a whole.

ARTICLE X Special Exception Use Regulations

Add a new § 345-59(D)(3) as follows:

- (1) Notwithstanding the above, the Board of Trustees shall have jurisdiction for all applications for all special exception uses within the PMU District, with the exception of wireless telecommunications facilities. When a wireless telecommunication facility is proposed as part of a site plan or site plan amendment and no other use or site plan element is proposed or amended, the Planning Commission shall have jurisdiction pursuant to Article XVIII. When a wireless telecommunication facility is proposed as part of a site plan or site plan amendment and other uses or site plan elements are proposed or amended, the Board of Trustees shall have jurisdiction.

ARTICLE XI Planned Mixed Use District

§ 345-62. PMU Planned Mixed Use District

A. Purpose of district.

- (4) It is the purpose of the Planned Mixed Use (PMU) District to provide an opportunity for appropriately scaled and context-sensitive redevelopment to replace the decommissioned hospital located at 406 Boston Post Road [(Section 141.052, Block 1, Lot 2, and Section 141.052, Block 1, Lot 2.4)] and/or the adjacent twelve-story residential apartment building located at 999 High Street [(Section 141.052, Block 1, Lot 2.1)], which together comprise the largest remaining potential development site in the Village, at approximately 15 acres, and a prominent gateway to the Village.
- (5) This section provides the criteria and design standards so that high-quality, mixed-use development, including a variety of commercial, office, residential, and community facility uses, may be planned and developed in a unified and architecturally appropriate manner. The mixed-use development shall encourage active pedestrian uses through appropriately designed, furnished, lighted, and planted streetscapes and open spaces.
- (3) This section creates an incentive zoning program, similar to the one contained in §345-16, but tailored to the type of integrated mixed-use development envisioned for the PMU District in the 2012 Village of Port Chester Comprehensive Plan (“Comprehensive Plan”). It provides a mechanism for the community to receive one or more defined community benefits that would not otherwise be provided in exchange for an Applicant receiving additional development density.
- (4) The development standards contained in this section shall apply to the “PMU site”, known as Section 141.052, Block 1, Lot 2, and Section 141.052, Block 1, Lot 2.4 and Section 141.052, Block 1, Lot 2.1 on the Boundary Survey titled Topographic Survey, prepared by Barrett, Bonacci & Van Weele, PC and dated August 5, 2014 and revised through January 17, 2015, available in the Village Clerk’s office.

B. Uses. The creation of a mixed-use development on the PMU site shall be comprised of one or a combination of the following uses[:]. No uses shall include a drive-thru window.

- (1) Permitted principal uses.
 - (a) Multifamily dwellings containing efficiency, one-bedroom and two-bedroom units only[:; age-restricted housing (e.g., 55+); convalescent home or nursing home].
 - (b) [Hotel or motel] Age-restricted housing (e.g., 55+).
 - (c) [Bar or tavern; catering or events establishment; cabaret; table service restaurant, no drive-in, open-front, fast-food or curbs-service types] Convalescent home or nursing home.
 - (d) [Assembly hall; membership club; fraternal organization or similar social institution not operated for a profit] Hotel or motel.
 - (e) [Health club, including racquetball facilities and indoor swimming pools; commercial indoor athletic training facility; bowling alley] Limited service hotel.

- (f) [Theater] Bar or tavern.
 - (g) [Retail store or personal service shop] Catering or events establishment.
 - (h) [Office; office building; bank, excluding drive-in] Cabaret.
 - (i) [Off-street parking lot or garage for motor vehicles; minimum requirements shall be in accordance with § 345-14] Restaurant including outdoor seating, no drive-in restaurant.
 - (j) [Ground-floor office as accessory use to multifamily development] Fast Food restaurant including outdoor seating and/or kiosk, no drive-in window.
 - (k) Assembly hall, membership club, fraternal organization or similar social institution not operated for a profit.
- (l) Health club, including racquetball facilities and indoor swimming pools.
- (m) Commercial indoor athletic training facility.
- (n) Bowling alley.
- (o) Theater.
- (p) Retail or personal services.
- (q) Office.
- (r) Medical and dental offices including x-ray and therapy rooms;
- (s) Bank.
- (t) Home professional office.
- (u) Off-street parking lot or garage for motor vehicles.
- (v) Research institute or laboratory.
- (w) Uses operated by the Port Chester-Rye Brook Library, or Port Chester-Rye Union Free School District.

(2) Permitted accessory uses.

- (a) Private garage or private off-street parking area[, in accordance with § 345-14].
- (b) Signs, in accordance with [§ 345-15] the requirements of this section.
- (c) Plazas accessible to the public.

(3) Special exception uses:

(a) Board of Trustees

- [(a)] (i) Church or other place of worship, parish house, rectory, Sunday school, convent, seminary; customary accessory structure or use, including cultural, recreational or athletic facility, meeting room or similar accessory structure or use related to a school, church or other place of worship.
- [(b)] (ii) Hospital; [medical and dental offices;] ethical pharmacy.
- [(c)] (iii) School, elementary or high, public, private or parochial, having a curriculum equivalent to that ordinarily given in public schools; nursery school, day camp or day-care center.
- [(e)] Funeral home.]
- [(f)] Radio or television station studio; excluding transmission tower.]
- [(g)] (iv) Veterinary hospital or board and care of small animals.

(b) Planning Commission

(i) Wireless Telecommunication Facilities

C. Dimensional standards and requirements.

(1) Dimensional standards shall apply to the PMU site as a whole, as defined in §345-62A(4) above. All buildings and site coverage within the “PMU site” shall count toward calculations of floor area ratio (FAR), site coverage and all other dimensional requirements. For purposes of calculating FAR, site coverage, building coverage, and other dimensional requirements, the “lot area” for the PMU is considered to be the total area of the PMU site.

[(1)] ~~(2)~~ The maximum floor area ratio (FAR) for all uses shall be ~~[0.80]~~ 1.4, excluding any incentive density increases which may be granted pursuant to the [requirements set forth in § 345-67, with approval by the Village Board of Trustees] provisions of paragraph (E), below.

[(2)] The maximum floor area ratio (FAR) for hotel/conference uses shall be 0.40.]

[(3)] The maximum floor area ratio (FAR) for commercial uses shall be 0.20.]

[(4)] The maximum floor area ratio (FAR) for residential uses shall be 0.20.]

[(5)] The maximum floor area ratio (FAR) for age-restricted (e.g. 55+) and/or assisted-living uses shall be 0.30.]

[(6)] The maximum floor area ratio (FAR) for community facility uses shall be 0.10.]

(3) The minimum FAR for all non-residential uses shall be 25%.

[(7)] ~~(4)~~ The maximum site coverage (buildings, access roads and parking, but excluding walkways) shall be ~~[70]~~ 90%.

[(8)] ~~(5)~~ The maximum building height [for hotel uses] shall be the lesser of eight stories or [85] 115 feet.

(6) A minimum of 100 square feet per dwelling unit of usable open space shall be provided on the site.

[(9)] The maximum building height for mixed use (commercial/residential) structures shall be five stories or 55 feet. A maximum building height of eight stories or 85 feet shall be allowable by special exception, subject to approval by the Board of Trustees and excluding any incentive density increases which may be granted pursuant to the requirements set forth in § 345-67.]

[(10)] A building height bonus of two stories or 15 feet over the maximum building height allowable by special exception is available pursuant to the requirements set forth in § 345-16, with approval by the Village Board of Trustees.]

[(11)] With respect to mixed use (commercial/residential) structures, the ground floor space shall consist only of commercial uses; upper floor space shall consist only of residential uses.]

D. [Approvals. The Village Board of Trustees is hereby authorized to grant site plan approval under Article V, Administration and Enforcement and special exception use approval under Article X, Special Exception Use Regulations.] Parking and loading.

(1) Off street parking and loading areas shall be designed and located based on a site-wide plan approved as part of a site plan approval.

- (2) In order to soften the appearance of parking lots, parking lots shall be landscaped with groundcover, grasses, or low shrubs.
- (3) The Board of Trustees, pursuant to its authority under §345-62.G, may reduce the number of off-street parking and loading spaces required by §345-14 based upon a finding that, owing to the combination of uses proposed, adherence to the off-street parking and loading standards in §345-14 would result in the construction of unnecessary off-street parking spaces. This finding must be based on a shared parking/loading analysis completed by the Applicant and approved by the Board of Trustees at its discretion as determined during the site plan approval process. Shared parking and loading approvals shall be conditions of site plan approval and will be enforceable on all subsequent owners of property within the PMU site.

E. Zoning Incentives and Community Benefits Program.

- (1) Owing to the existing conditions of the lots within the PMU District and the unique nature of the integrated mixed-use development envisioned for the PMU District by the Comprehensive Plan, an in accordance with §7-703 of the Village Law of the State of New York, the Village finds it necessary to provide for a system of zoning incentives in exchange for specific community benefits.
- (2) Applicants for new development within the PMU district shall earn additional development potential in the form of additional FAR by providing one or more community benefits as described below.
- (3) In no cases shall the maximum FAR for a site, including additional floor area granted pursuant to this section, be more than 1.60.
- (4) Applicants making a monetary contribution in the amount of \$1,000,000 to one or more of the following Village community benefit funds shall be eligible for up to an additional 0.2 FAR:
 - (a) The Village Housing Rehabilitation Program
 - (b) The Village Open Space Fund
 - (c) The Village Job-Training Fund
 - (d) The Village Affordable Housing Fund
- (5) In accordance with §7-703h of the Village Law of the State of New York, the funds listed in §345-62(E)(4) shall be kept by the Village as dedicated funds in a separate account to be used only for their respective purposes of housing rehabilitation, open space, job-training, and affordable housing.

F. Design Criteria. In order to implement the vision of an integrated mixed-use development envisioned by the Comprehensive Plan, the following design requirements shall apply to all development within the PMU District. Applications for site plan approval shall include specific design standards, to be approved by the Board of Trustees, which implement these requirements.

- (1) Projects shall consider all contiguous lots proposed to be included within a proposed development as one 'site' and the site plan shall reflect this integrated design concept.
- (2) Projects shall feature an interior street grid and limit the use of dead end streets.

- (3) Adequate facilities for pedestrians and bicycles shall be provided and the site plan shall demonstrate that adequate and safe circulation for pedestrians and bicyclists exists within the site and between the site and the surrounding land area.
- (4) Facilities for alternative modes of transportation, including mass-transit, pedestrian, and bicycles, shall be integrated into the site design to the maximum extent practicable.
- (5) Commercial uses shall front the street-level along Boston Post Road.
- (6) Public access to Abendroth Park shall be provided to the maximum extent practicable.
- (7) Street-level architecture shall re-inforce the importance of the pedestrian and public realms. Ribbon windows are discouraged, while windows that are distinguished from the shaft of the building through the use of arches, pediments, mullions, and other treatments are encouraged.
- (8) Facades visible from Boston Post Road and Interstate 287 (I-287) shall reflect the architectural significance of their location within the site and their significance as a gateway into the Village of Port Chester.
- (9) Sites shall contain a variety of building design types to avoid excessive similarity in visual appearance.
- (10) Buildings shall be architecturally broken up vertically into a base (first-floor only), middle, and top. Likewise, buildings should be broken up architecturally into bays. These sections should be defined by building articulation or change in materials. No solid expanse of wall may exceed 30 feet in length.
- (11) Architectural elements such as cornices, belt courses, corbelling, molding, string courses, ornamentation, changes in material or color, and other sculpturing of the base shall be provided to add special interest.
- (12) Vinyl siding of any type or grade shall be prohibited on any building façade.
- (13) Parking structures shall be screened from Boston Post Road and any primary internal roadways with building uses or shall include architectural materials, elements, and treatments that are consistent with the design and quality of the proximate buildings. No vehicles shall be visible from the Boston Post Road or any primary internal roadway, except at the entrances to the structure. Where residential buildings face onto garage facades within 100', garage spandrels facing those residential buildings shall be high enough (at least 30") to block light from car headlights.
- (14) Ramps servicing levels of parking shall be internal and not visible from Boston Post Road and any primary internal roadway.
- (15) Rooftop mechanical equipment shall be screened.
- (16) Wireless antennae shall be screened, appropriately masked or otherwise be "stealthed".
- (17) The streetscape, including any open space, shall be appropriately furnished to facilitate the goals of the PMU District, including the activation of the site for pedestrian use. A specific palette of street tree, lighting, sidewalk, and furnishing components shall be submitted by an Applicant for site plan approval and shall be approved by the Board of Trustees.

- (18) Signs within the PMU District shall be of varied types, sizes, and styles. A consistent approach to signage that favors expressions of tenant identity is encouraged. Allowed signage types include, but are not limited to, flat mounted signs, awning signs, canopy signs, blade signs, flags and banners, wall signs, window signs, entry embeds, sidewalk signs (menu boards) and temporary signs.
- (19) Applications for site plan approval shall include a sign management plan, which details the types, sizes, locations, and illumination of signs that are proposed to be permitted in the various portions of the PMU site. Signs may be of any durable material and shall be of a high level of craftsmanship. Signs shall be limited to a business' name, logo or three-dimensional symbol and brief descriptive tagline (i.e., restaurant and bar, homemade ice cream). The sign management plan shall be reviewed and subject to the approval of the Board of Trustees.

G. Green Building and Site Planning. The intent of this subsection is to identify new and refer to the existing green building regulations within the Code of the Village of Port Chester. All new development within the PMU District shall adhere to the regulations contained in this subsection.

- (1) Any application for new commercial, mixed-use, or multi-family buildings shall provide a completed Leadership in Energy and Environmental Design for Neighborhood Development (LEED-ND) checklist, Enterprise Green Communities checklist, Institute of Sustainable Infrastructure (ISI) Envision checklist, or equivalent green project checklist acceptable to the Director of Planning and Economic Development or his/her designee.
- (2) All new development shall conform to Chapter 281, Stormwater Management, of the Code of the Village of Port Chester.
- (3) All new development shall conform to the applicable requirements set forth in the most current version of the New York State Stormwater Design Manual, as interpreted by the Village of Port Chester, especially Chapter 5, Green Infrastructure Practices.
- (4) Energy- and water-efficient fixtures and building technologies shall be incorporated that meet the requirements of the New York State Energy Code.
- (5) Pervious paving shall be permitted on all sites.
- (6) Green roofs shall be permitted for all building types.
- (7) The recycling of construction waste shall be required.

H. Site Plan Approval

- (1) The Board of Trustees shall be the approving agency for site plan applications and modifications within the PMU District, excluding special exception permits for wireless telecommunication facility only applications.
- (2) The Board of Trustees, in exercising this authority, will follow the procedures and criteria in §345-23(C), (D), and (E), except that a Pre-Submission Conference (§345-23(C)) need not be held if an Environmental Impact Statement had previously been prepared that contemplated a site plan substantially similar to the plan being submitted for approval.
- (3) All site plan applications shall adhere to the submission procedures as listed in §345-23(C) and contain the information listed in §345-23(F) and comply with the standards of §345-23(G) and (H).

(4) The Board of Trustees shall refer the site plan application to the Planning Commission for its review and recommendation.

I. Severability. Conflicts with Other Provisions.

(1) If any clause, sentence, paragraph, subdivision, section or other part of this Article shall for any reason be adjudged by any court of competent jurisdiction to be unconstitutional or otherwise invalid, such judgment shall not affect, impair or invalidate the remainder of this Article, and it shall be construed to have been the legislative intent to enact this Article without such unconstitutional or invalid parts therein.

(2) If any portion of this Article is found to be in conflict with any other provision of any other local law or ordinance of the Code of the Village of Port Chester, the provision which establishes the higher standard shall prevail.

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 to full force and effect.

SECTION 4: Effective Date

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

Underlining denotes additions. Bracketing denotes [deletions].

Zoning
345 Attachment 3A
Village of Port Chester
Schedule of Regulations for Nonresidence Districts
Part 1, Use Regulations

[Amended 10-7-2002 by LL No. 18-2002; 11-3-2003 by LL No 9-2003; 1-19-2005 by LL No. 1-2005; 3-23-2006 by LL No. 6-2006; 6-1-2009 by LL No. 8-2009; 3-7-2011 by LL No. 4-2011; 3-18-2013 by LL No. 4-2013]

KEY:
P = Permitted Use
SE = Special Exception Use
X = Prohibited Use

Type of Use	PMU Planned Mixed-Use §345-57
Residential Uses	
1-family dwelling	x
2-family dwelling	x
Multifamily dwelling	[P] x
Multifamily dwelling (floors above first floor)	P
<u>Multifamily dwellings containing efficiency, one-bedroom and two-bedroom units only</u>	<u>P</u>
<u>Age-restricted housing (e.g. 55+)</u>	<u>P</u>
Residential Community Facilities	
Church or other place of worship, parish house, rectory, Sunday school, convent, seminary	SE
General Community Facilities	
Assembly hall	P
Convalescent home or nursing home	P
Hospital	SE
<u>Uses operated by the Port Chester-Rye Brook Library, or Port Chester-Rye Union Free School District</u>	<u>P</u>
Medical and dental offices, not including operating room or community x-ray or therapy room	[SE] P
Membership club, fraternal organization or similar social institution not operated for profit	P
Nursery school, day camp or day-care center	SE
Public utility facility	SE
School, elementary or high, public, private or parochial, having a curriculum equivalent to that ordinarily given in public schools	SE
Medical and dental offices including x-ray and therapy room	[SE] P
<u>Wireless Telecommunication Facilities</u>	<u>SE</u>
Business uses	
Automobile repair garage	x
Bank, excluding drive-in	P
Bar or tavern	P
Bowling alley	P
Cabaret	P
Catering and events establishment	P

Underlining denotes additions. Bracketing denotes [deletions].

Commercial indoor athletic training facility	P
Drive-in establishments other than restaurant, or circus, carnival or other outdoor amusements	x
Drive-in and fast-food restaurants	x
<u>Fast Food restaurant including outdoor seating and/or kiosk, no drive-in window.</u>	<u>P</u>
Food-processing shop	x
Funeral home	[SE] x
Gasoline station	x
Health club, including racquetball facilities and indoor swimming pools	P
Heating, air-conditioning, plumbing, electrical and similar construction businesses, excluding open storage of materials	x
<u>Home professional office</u>	<u>P</u>
Hotel or motel	P
Hotel, motel (floors above first floor)	P
Hotel, limited service	P
Marina or yacht club	x
<u>Restaurant including outdoor seating, no drive-in restaurant</u>	<u>P</u>
Theater	P
Motor vehicle sales lot, motor vehicle salesroom and accessory repair shop	x
Office, office building	P
Office, office building (floors above first floor)	P
Off-street parking for motor vehicles, but not including storage of used or new motor vehicles for sale or hire; minimum requirements shall be in accordance with §345-14	P
Pawnshops	x
Radio or television station studio, excluding transmission tower	[SE] x
Radio or television station studio, excluding transmission tower (floors above first floor)	[SE] x
Shooting ranges with accessory sales of guns and equipment	x
Table-service restaurant, no drive-in, open front, fast-food or curb-service types	P
Tax preparation office	P
Retail store or personal service shop, services clearly incidental to retail sales on the premises or to personal services	P
Veterinary hospital or board and care of small animals	SE
Wholesale business, storage building or warehouse	x
<u>Ethical pharmacy</u>	<u>SE</u>
Industrial Uses	
Cold storage plant, ice plant, bottling central distribution station, light or power plant or garbage or sewage disposal facility	x
Creamery, ice cream plant or bakery plant	x
Laundry or dry-cleaning plant	x
Non-nuisance industry, provided that in nonindustrial districts equipment is used that has a rating of no more than 5 horsepower	x

Underlining denotes additions. Bracketing denotes [deletions].

Open storage of equipment or materials	x
Printing plant	x
Research laboratory, provided that it shall not be obnoxious by reason of dissemination of smoke, dust, fumes, noise or vibration or hazardous from fire waste materials or the creation of excessive demands upon municipal services	[x] <u>P</u>
Accessory Uses	
CD accessory garden center	x
Customary accessory structure or use, including cultural, recreational or athletic facility, meeting room or similar accessory structure or use related to a school, church or other place of worship	SE
[Ethical pharmacy]	[SE]
Ground-floor office as accessory use to multifamily development	P
<u>Plazas accessible to the public</u>	<u>P</u>
Private garage or private off-street parking area, in accordance with §345-14	P
Sign, in accordance with §345-[15] <u>62</u>	P

Underlining denotes additions. Bracketing denotes [deletions].

**Zoning
345 Attachment 3B
Village of Port Chester
Schedule of Regulations for Nonresidence Districts
Part 2, Dimensional Regulations**

[Amended 4-12-1977 by L.L., No/7-1977; 10-18-1978 by L.L., No. 11-1982 by L.L., No. 25-1982; 12-3-1987 by L.L., No. 20-1987; 4-27-1988 by L.L., No. 6-1988; 3-18-2013 by L.L., No. 4-2013]

KEY
NR= none required

	PMU Planned Mixed-Use §345-62 ⁹
Maximum Floor Area Ratio (See definition in §345-2)	[0.8] <u>$L_1^{1/2}$</u>
Maximum Floor Area Ration for 1 Story	
Minimum Size of Lot:	
Area, Nonresidential (square Feet	NR
Area per dwelling unit (square feet)	see § 345-62
Width (feet)	
Minimum Yard Dimensions:	
Front (feet)	
Side (feet)	
1	
Total of 2 on interior lot	
Rear	
Maximum Height of Building	
In stories	
In feet	
Minimum Usable Open Space on Lot:	
For each dwelling unit (square feet)	

Notes:

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

- 1 A floor area ratio (FAR) bonus of 0.8 is available in accordance with §345-16.
- 2 A minimum of 575 square feet of lot area per dwelling unit can be achieved through a building height and floor area bonus program in accordance with § 345-16.
- 3 A floor area bonus of 0.5 is available in accordance with § 345-16.
- 4 A minimum of 250 square feet of lot area per dwelling unit can be achieved through a building height and floor area bonus program in accordance with § 345-16.
- 5 A minimum of 400 square feet of lot area per dwelling unit can be achieved through a building height and floor area bonus program in accordance with § 345-16.
- 6 A building height bonus of two stories (30 feet) is available in accordance with § 345-16.
- 7 A building height bonus of one story (10 feet) is available in accordance with § 345-16.
- 8 See § 345-16.
- 9 [A floor area bonus of 0.2 is available in accordance with § 345-16. For any mixed-use (commercial/residential) structure, a building height bonus of two stories (15 feet) is available with § 345-16.] The standards contained in the Schedules of Regulations for Nonresidence Districts shall apply to a PMU site as a whole.
- 10 A floor area bonus 0.2 is available in accordance with § 345-16.
- 11 A minimum of 500 square feet of lot area per dwelling unit can be achieved through a building height and floor area bonus program in accordance with § 345-16.
- 12 A floor area bonus of 0.2 is available in accordance with § 345-62.