

MEETING HELD APRIL 18, 2016

A meeting of the Board of Trustees of the Village of Port Chester, New York, was held on Monday, April 18, 2016 in the Court Room of the Police Headquarters Building, 350 North Main Street, Port Chester, New York, with Mayor Dennis Pilla presiding.

Present in addition to Mayor Pilla were Trustees Bart Didden, Francis Ferrara, Gene Ceccarelli, and Gregory Adams

Also present were: Village Attorney Tony Cerreto; Village Treasurer, Leonie Douglas; Village Clerk, David Thomas; Chief of Police, Richard Conway; Director of Planning, Eric Zamft; Intern Assistant to the Village Attorney, David Kenny; Fire Chief, Ed Quinn

On motion of TRUSTEE ADAMS, seconded by TRUSTEE DIDDEN, the meeting was declared opened at 6:07 p.m.

ROLL CALL

AYES: Trustees Didden, Ferrara, Ceccarelli, Adams and Mayor Pilla

NOES: None

ABSENT: Trustee Brakewood and Marino

Trustee Brakewood arrive at 6:27 p.m.

BUDGET WORKSHOP

Ms. Robin Lettieri, Director of the Port Chester-Rye Brook Library joined for the Budget Workshop. The Library budget is a 1% increase over last year. Our programs of \$61,000 includes a \$50,000 donation from a patron. The budget increases employee increases. Operating expenses are split 65% to Port Chester and 35% to Rye Brook. The Capital Budget is split 50/50.

Village Manager Steers commented this is the fourth workshop and we should have one or two more. The overall budget is over \$38MM. We have a fund balance of \$291,000. To come under the cap we had to make department cuts. He spoke of the Tax Cap and what is available to us.

Village Manager Steers reviewed the Office of the Village Attorney and the duties and budget for that office. David Kenny and Ed Brancati are very familiar with labor laws.

Prosecutor Frank Cervinka commented on the life cycle once a code violation gets into that office. An average case starts with the Notice of Violation. If they do not correct this then they are brought into court. That starts with a plan to get them into compliance. Permits are issued and once the work is completed and approved a Certificate of Compliance (Occupancy) is issued. The average case is 12 to 18 months. If a homeowner is not in compliance the matter will go before the court. At this time there are over 300 cases.

Mr. Max DiFabio commented that the case load moves along. They have the resources available.

PUBLIC HEARING REGARDING THE DEDICATION OF NELLA WAY TO THE VILLAGE OF PORT CHESTER

On motion of TRUSTEE DIDDEN, seconded by TRUSTEE BRAKEWOOD, the Public Hearing was declared Open.

ROLL CALL

AYES: Trustees Didden, Ferrara, Brakewood, Ceccarelli, Adams and Mayor Pilla

NOES:

ABSENT: Trustee Marino

Mr. Ronald Sure, Board of Commons of Nella Way, commented we are in favor of having the Village adopt Nella Way.

Mr. Richard Abel commented that now Nella Way is maintained by the commons. How much will this cost the Village residents?

Ms. Goldie Solomon commented we should follow the agenda.

On motion of TRUSTEE BRAKEWOOD, seconded by TRUSTEE FERRARA, the Public Hearing was adjourned to May 2nd.

ROLL CALL

AYES: Trustees Didden, Ferrara, Brakewood, Ceccarelli, Adams and Mayor Pilla

NOES:

ABSENT: Trustee Marino

PROPOSED MOTION FOR EXECUTIVE SESSION

On motion of TRUSTEE CECCARELLI, seconded by TRUSTEE BRAKEWOOD, the Board of Trustees adjourned into a Budget Workshop and then into Executive Session to discuss

1. Particular Persons in the Building Department
2. Employment of particular persons in Code Enforcement

ROLL CALL

AYES: Trustees Didden, Ferrara, Brakewood, Ceccarelli, Adams and Mayor Pilla

NOES:

ABSENT: Trustee Marino

Included in Executive Session were Village Manager Steers, Village Attorney Anthony Cerreto, Human Resources Consultant Ed Brancati and Village Clerk Dave Thomas.

At 7:35 p.m. the Executive Session was closed.

On motion by TRUSTEE BRAKEWOOD, seconded by TRUSTEE FERRARA, the Board of Trustees voted to ADD ON an appointment of a person to the position of Building Inspector

ROLL CALL

AYES: Trustees Didden, Ferrara, Brakewood, Ceccarelli, Adams and Mayor Pilla

NOES: None

ABSENT: Trustee Marino

On motion by TRUSTEE FERRARA, seconded by TRUSTEE CECCARELLI, the Board of Trustees confirmed the appointment of Mr. Kevin Donohue to the position of Building Inspector at a salary of \$115,000.

AYES: Trustees Didden, Ferrara, Brakewood, Ceccarelli, Adams and Mayor Pilla

NOES: None

ABSENT: Trustee Marino

Mr. Kevin Donohue was introduced to the community. He previously did the Code for New York State.

ADD-ON RESOLUTION

APPOINTMENT OF KEVIN DONOHUE AS BUILDING INSPECTOR

On motion of TRUSTEE FERRARA, seconded by TRUSTEE BRAKEWOOD, the Resolution was adopted by the Board of Trustees of the Village of Port Chester, NY

ROLL CALL

AYES: Trustees Didden, Ferrara, Brakewood, Ceccarelli, Adams and Mayor Pilla

NOES: None

ABSENT: Trustee Marino

DATE: April 18, 2016

DEMOLITION OF 201 GRACE CHURCH STREET AND INSTALLATION OF PARKING LOT

Jerry Terranova, Chairman of the Parks Commission, commented that more residents are using the Parks. He commented on the Park bathrooms. Columbus Park's bathroom needs upgrading. New bathrooms are needed in Rec Park (there is one available port-a-potty). At Edgewood Park you are getting estimates with blacktop with dry wells. The Park Commission wants parking on the left and open space on the right. The bathroom should be in the center as far back as you can get it. We do not want it close to the field and we do not want pumps in there. The police were sent a letter regarding someone dumping garbage in Lyon Park. We have not heard if any action was taken. The parks could use some new trees.

PUBLIC HEARING: DOG TETHERING – LOCAL LAW

Ms. Dina Goren of the Dog Park Group commented on having a Local Law. This is a way to improve the lives of dogs and other animals. The existing laws state that tethering is inhumane. The center for disease control said that tethered dogs are more likely to bite. Psychological damage can occur by continuous chaining. Most people comply by building a fence or kennel. Research on guard dogs says that tethering makes dogs aggressive, not protective.

PUBLIC COMMENTS ON THE PUBLIC HEARING

Ms. Goldie Solomon commented dogs need to be taken care of.

Mr. Richard Abel said this is a great law. Except, it reads Animals include every living creature except a human being.

Mr. Black commented this is more of a moral issue. This is something necessary because the creatures affected by this are not here. This gives the police a tool which they currently don't have. The Village should publish this on their website.

Ms. Linda Tortorino commented this is a good tool. It should be on the website and through the police department.

Ms. Doris Bailey-Reavis commented there are dogs that walk not leashed. People should have to leash their dogs as they walk through the Village.

Mr. Richard Abel commented on #6 of the Law which specifically refers to dogs. It should be changed to read Animal.

Trustee Ferrara commented that this has not passed on a state level. Mr. Brakewood replied that there are a lot of rural areas in upstate New York where people will tie their dogs out on a regular basis.

On motion of TRUSTEE DIDDEN, seconded by TRUSTEE FERRARA, the public hearing was declared closed.

ROLL CALL

AYES: Trustees Didden, Ferrara, Brakewood, Ceccarelli, Adams and Mayor Pilla

NOES: None

ABSENT: Trustee Marino

On motion of TRUSTEE BRAKEWOOD, seconded by TRUSTEE DIDDEN, the Tether Law in Port Chester was adopted by the Board of Trustees of Port Chester, NY

**Village of Port Chester, New York
Local Law No. I-1 of the year 2016**

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

A LOCAL LAW AMENDING THE CODE OF THE VILLAGE OF PORT CHESTER, CHAPTER 136 “ANIMALS”, WITH REGARD TO ANIMAL TETHERING

SECTION 1: Purpose and Intent

The Board of Trustees hereby finds that animal owners will sometimes tie their animals to a stationary object out of doors for a short period of time. The Board further finds that some owners, however, leave their animals tied to a stationary object outside for long periods of time; in some cases, all day. The Board finds that tethers, chains and other such restraints can injure animals, as the restraints may tangle or catch on other objects. The Board further finds that animals left tied to an object outside for prolonged periods may not have sufficient food, water or shelter from inclement weather, and are more likely to bark and cause disturbances. The Board finds that existing State law does not sufficiently address the issue of animal tethering. In support, the Board takes notice of the bills that have been successively introduced in the State Legislature to amend the Agricultural and Markets Law on this subject. Unfortunately, these bills have not advanced through the legislative process to enactment. Given state inaction on the subject, and acting under the authority of Municipal Home Rule Law, Section 10, subd.1(i) and (ii)a(12), the Board finds and determines that reasonable restrictions at the local level are therefore necessary and appropriate to protect the well-being of persons and property in the Village.

The local law also imposes a progressive penalty schedule to deter repeated violations and proscribes criminal and civil penalties to aid in enforcement.

SECTION 2: The Code of the Village of Port Chester, Chapter 136, is hereby amended to include a new article, Article IV entitled “Animal Tethering”, to read as follows:

§136-30 Definitions

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

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

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

Tethering- to restrain an animal by tying the animal to any object or structure, including, but not limited to a house, tree, fence, post, garage, or shed, by any means, including, but not limited to a chain, rope, cord, leash or running line. This shall not include using a leash for walking purposes

§136-31 Prohibitions.

(A) It shall be unlawful for a responsible party to tether an animal while outdoors, except when all of the following conditions are met:

1. The responsible party is physically present on the premises while the animal is tethered;
2. The tether is connected to the animal with a collar or a body harness made of nylon or leather (no choke or pinch collars allowed);
3. The tether has the following properties:
 - a. it must be at least five (5) times the length of the animal’s body, as measured from the tip of the nose to the base of the tail, however in no event shall the tether be long enough to allow the animal to move outside the responsible party’s property;
 - b. it terminates at both ends with a swivel;
 - c. it is not weighted;
 - d. it is free of tangles;
4. The animal is tethered so as to prevent injury, strangulation, or entanglement;
5. The animal is not outside during inclement weather;

6. The animal has access to shade by natural or artificial means to protect the dog from direct sunlight at all times when exposure to sunlight is likely to threaten the health of the animal;
7. The animal has access to water and food;
8. The animal is a least six (6) months of age;
9. The animal is not sick or injured;
10. Pulley, running line or trolley systems are at least fifteen (15) feet in length and are less than seven (7) feet above ground, however in no event shall the tether be long enough to allow the animal to move outside the responsible party's property;
11. If there are multiple animals, each animal is tethered separately, in a manner in which they cannot become entangled;
12. The animal is not tethered for more than 2 hours in a continuous 12 hour period.

§136-32 Enforcement

- (A) Any person who violates the provisions of this section or any of the rules promulgated thereunder shall, for a first offense, be guilty of a violation punishable by a fine no more than \$250, provided that such person shall be issued a written warning instead of such fine for such first offense where such animal was not injured as a result of being restrained in violation of this section. For a second offence, within a continuous twelve-month period, be guilty of a violation punishable by a fine no more than \$500. For a third, or any subsequent offense, within a continuous twelve-month period starting from the first offense, such person shall be guilty of a class B misdemeanor punishable by a fine no more than \$500 or by imprisonment no more than three months, or both.
- (B) In addition to such penalties, any person who violates this section may be liable for a civil penalty of not less than \$250.
- (C) Violations of this section may be supported by evidence including, but not limited to, time-stamped photographs and video, records of complaints, and sworn witness statements.
- (D) The Village Attorney shall be authorized to bring a proceeding, against a responsible party(ies), in court of competent jurisdiction to enforce this law.

SECTION 3: Severability

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

SECTION 4: Effective Date

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

ROLL CALL

AYES: Trustees Didden, Ferrara, Brakewood, Ceccarelli, Adams and Mayor Pilla

NOES: None

ABSENT: Trustee Marino

DATE: April 18, 2016

PUBLIC HEARING: CAPITOL THEATRE ZONING AMENDMENT

On motion of TRUSTEE BRAKEWOOD, seconded by TRUSTEE DIDDEN, the public hearing was declared open.

ROLL CALL

AYES: Trustees Didden, Ferrara, Brakewood, Ceccarelli, Adams and Mayor Pilla

NOES: None

ABSENT: Trustee Marino

Village Planning Director Eric Zamft commented on the Capitol Theatre's petition to amend the Code of the Village of Port Chester, specifically the Zoning Code relating to Parking to remove the off-street parking requirement for cabarets, catering establishments and theaters in the C5 District. We recommended that a parking workshop be conducted.

Mr. Greg Del Rio of the RBA Group observed the conditions in the downtown area on a weekday show and on a weekend show. The Capitol has three available lots at \$20 parking. There is also public parking up to 9:00 p.m. for the regular parking fee. An idea was shared parking with an office complex. He showed a slide preview of the study area. He spoke of Parking Management Goals and Best Practices and Shared Parking.

Attorney Tirone spoke of parking in the area of the Capitol Theatre.

PUBLIC COMMENTS ON THE PUBLIC HEARING: CAPITOL THEATRE ZONING AMENDMENT

Ms. Goldie Solomon commented that at certain times there are attendants at parking lots with signs for a \$20 Event Parking fee.

Mr. John Reavis commented on parking in general. This has not identified some of the other issues. On many nights that area is full of cars for people to go to the Capitol Theater or to get something to eat. There are strategic problems on King Street and Willett Avenue. People don't want to pay \$20 for parking.

Attorney Tirone commented this amendment is only for a specific zone, the C5 district.

Ms. Doris Reavis commented soon The Castle will be open and those people and their guests will need parking. The new building on North Pearl needs guest spaces.

Mr. Dan Tartaglia commented the Capitol is an asset to Port Chester and every restaurant. There is plenty of parking but the reality is that once this is passed the leases will stop. For the downtown to work we need to have parking for employees. The Marina parking lot is the prime structure.

Mr. Richard Abel commented on the differences in parking during the day and evening. This zoning change affects the Capitol Theater. What happens if the Capitol decides to have events during the day?

Trustee Brakewood commented that this is the C5 (train station) district. We have space to build parking garages.

On motion of TRUSTEE DIDDEN, seconded by TRUSTEE BRAKEWOOD, the Public Hearing on the Capitol Theatre Zoning Amendment was declared closed.

ROLL CALL

AYES: Trustees Didden, Ferrara, Brakewood, Ceccarelli, Adams and Mayor Pilla

NOES: None

ABSENT: Marino

There was not enough available material for a resolution. This will be brought up at the May 2nd meeting

PUBLIC COMMENTS AFTER THE PUBLIC HEARING

Ms. Goldie Solomon commented Port Chester should have city status. Our taxes should come down.

Mr. Reavis commented on the *Westmore News* the executive session covered a particular person. This has been moved to the end of the meeting. The Board deals with issues when you don't have enough information. We need more people working in the community who can provide the Board with proper information.

On motion of TRUSTEE BRAKEWOOD, seconded by TRUSTEE ADAMS, the Budget Workshop was reopened.

ROLL CALL

AYES: Trustees Didden, Ferrara, Brakewood, Ceccarelli, Adams and Mayor Pilla

NOES: None

ABSENT: Marino

Village Manager Steers discussed the Sewer Rent Project. He showed the Sewer Improvement Project Summary. Part of the process was building a Debt Service Reserve.

Village Treasurer spoke on the Sewer Improvement Project Summary. We have completed about 33% of the project.

Mr. Steers commented some of this was to capture some of the dollars that was not being utilized for the system. This took some of the burden off the taxpayer.

Mr. Tartaglia commented on how long it takes to get an appointment with the Building Department.

Village Treasurer Douglas commented that we will save about 50% after the installation of LED street lighting.

On motion of TRUSTEE FERRARA, seconded by TRUSTEE CECCARELLI, the Budget Hearing was closed.

ROLL CALL

AYES: Trustees Didden, Ferrara, Brakewood, Ceccarelli, Adams and Mayor Pilla

NOES: None

ABSENT: Marino

RESOLUTIONS

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

On motion of Trustee FERRARA, seconded by Trustee BRAKEWOOD, the following resolution was adopted by the Board of Trustees of the Village of Port Chester, New York:

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

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

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

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

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

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

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

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

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

NOW, THEREFORE, be it

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

Approved as to Form:

Village Attorney, Anthony Cerreto

AYES: Trustees Didden, Ferrara, Brakewood, Ceccarelli, Adams and Mayor Pilla

NOES: None

ABSENT: Trustee Marino

DATE: April 18, 2016

RESOLUTION

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

On motion of Trustee CECCARELLI, seconded by Trustee FERRARA, the following resolution was adopted by the Board of Trustees of the Village of Port Chester, New York:

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

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

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

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

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

WHEREAS, based upon the Planning Commission's comments and an initial review by the Department of Planning & Economic Development, the Applicant filed an amended petition to

specifically request a proposed zoning text amendment to Village Code Chapter 345, to create a new C4-R Gateway Retail District from Terrace Avenue north along North Main Street to the Connecticut border, create a retail parking standard for the C4-R District, designate permitted and special exception uses and lot and bulk controls for such district, and establish special exception criteria for retail uses (the “Amended Petition”); and

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

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

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

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

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

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

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

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

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

NOW, THEREFORE, be it

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

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

Approved as to Form:

Village Attorney, Anthony Cerreto

Roll Call

AYES: Trustees Didden, Ferrara, Brakewood, Ceccarelli, Adams and Mayor Pilla

NOES: None

ABSENT: Trustee Marino

DATE: April 18, 2016

RESOLUTION

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

On motion of Trustee FERRARA, seconded by Trustee BRAKEWOOD, the following resolution was adopted by the Board of Trustees of the Village of Port Chester, New York:

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

WHEREAS, recognizing that retail is currently not a permitted use in the C4 General Commercial Zoning District in which the properties are located, the Applicant concurrently filed a

petition on December 15, 2015 for a proposed zoning text amendment to Village Code Chapter 345, to allow retail as a special exception use within all or part of the C4 District, to provide a parking standard for retail use, and to provide specific special exception criteria (the “Original Petition”); and

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

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

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

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

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

NOW, THEREFORE, be it

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

LOCAL LAW NO. 04 of 2016

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

Approved as to Form:

Village Attorney, Anthony Cerreto

Roll Call

AYES: Trustees Didden, Ferrara, Brakewood, Ceccarelli, Adams and Mayor Pilla

NOES: None

ABSENT: Trustee Marino

DATE: April 18, 2016

RESOLUTION

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

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

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

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

APPROVED AS TO FORM:

Village Attorney, Anthony Cerreto

Roll Call

AYES: Trustees Didden, Ferrara, Brakewood, Ceccarelli, Adams, and Mayor Pilla

NOES: None

ABSENT: Trustee Marino

DATE: April 18, 2016

DISCUSSIONS

Downtown Parking

Trustee Ceccarelli commented that this goes back to the Marina lot and getting that to be a paid lot. We should work with G&S.

Full Build-out Analysis (Planning & Development)

Trustee Ceccarelli commented on capacity in municipalities. Planning Director Zamft commented this is usually part of the Master Plan or a zoning rewrite of the Code.

Strategic Planning Workshop

Trustee Ferrara commented he wants to get a Strategic Planning session on the docket as soon as possible. Village Manager Steers commented this will take at least three sessions, with the first session in May.

Board of Trustees of Procedure Review

Trustee Ferrara commented he would like the Board to set time to discuss how we can find time to narrow our meetings. Mayor Pilla commented there is a model that can be followed.

Exit Interview Letter – Christopher Ameigh

There was no action on this correspondence

CORRESPONDENCE

From Doris J. Bailey-Reavis, Human Development Services of Westchester re: Redevelopment of the United Hospital Site

Acknowledged.

From The American Legion Port Chester Post 93 requesting an appropriation of \$1,600 for the Memorial Day Ceremonies and for permission to conduct a parade on Monday, May 30, 2016 commencing at Westchester Avenue & North Regent St proceeding down Westchester Avenue to Broad Street.

This was referred to Staff.

From Washington Engine & Hose Co. #4, on the resignation of Joseph Galasso from active membership

Acknowledged.

From the Village of Port Chester Planning Commission re: Parking and Mobility Study.

We spoke of this earlier.

From the Village of Port Chester Planning Commission re: Burying the Overhead Wires.

Bart Didden commented the Mariner is trying to get their issues resolved. This is the right move.

From Harry Howard Hook & Ladder Co. No. 1 on the election to active membership of Gersom Reyes and Ronald Georgio of Pleasantville, NY

RESOLUTION

ACCEPTANCE OF RONALD GEORGIO AND GERSOM REYES AS ACTIVE MEMBERS OF HARRY HOWARD HOOK & LADDER COMPANY NO. 1

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

WHEREAS, on April 5, 2016, the Harry Howard Hook & Ladder Company No. 1, held an election for a new active members; and

WHEREAS, Ronald Georgio and Gersom Reyes were elected to be new active members. Now, therefore, be it

RESOLVED, that the Board of Trustees hereby accepts the election of Ronald Georgio and Gersom Reyes to Harry Howard Hook & Ladder Company No. 1

Approved as to Form:

Anthony M. Cerreto, Village Attorney

ROLL CALL

AYES: TRUSTEES DIDDEN, FERRARA, BRAKEWOOD, CECCARELLI, ADAMS AND MAYOR PILLA

NOES: NONE

ABSENT: TRUSTEE MARINO

DATE: April 18, 2016

From Harry Howard Hook & Ladder Co. No. 1 on the removal of Erwin Penala-Diaz from the active rolls.

Acknowledged.

From Harry Howard Hook & Ladder Co. No. 1 on the resignation of Brett Atkinson of Riverside CT.

Acknowledged.

From Isobel Perry of Human Development Services of Westchester re Redevelopment of the United Hospital Site.

Noted.

From the Park Commission regarding Recreation (Rec) Park and Columbus Park

This was discussed earlier.

From Gerald Donahue requesting continued membership on the Park Commission

We will do a resolution at our next meeting.

PUBLIC COMMENTS AND BOARD COMMENTS AT THE END OF THE MEETING

There were no Public Comments.

BOARD COMMENTS

Trustee Didden commented that when he was on the Waterfront Commission unanimously supports Mike O'Connor to become chairman. We will have a resolution at the next meeting.

Trustee Ceccarelli commented the Executive Session should be delayed until the next meeting, when Terry O'Neil will be available.

Trustee Brakewood commented that today is Election Day and people should get out and vote.

Trustee Ceccarelli commented that he is happy that Village Attorney has finally gotten the help he needs. The Boards and Commissions should include someone from the BOT.

On motion of TRUSTEE FERRARA, seconded by TRUSTEE BRAKEWOOD, the meeting was adjourned at 12:16 A.M.

ROLL CALL

AYES: Trustees Didden, Ferrara, Brakewood, Ceccarelli, Adams and Mayor Pilla

NOES: None

ABSENT: Trustee Marino

Respectfully submitted,

David Thomas
Village Clerk