

MEETING HELD JULY 20TH, 2015

A meeting of the Board of Trustees of the Village of Port Chester, New York, was held on Monday, July 20th, 2015, 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 Daniel Brakewood, Gene Ceccarelli, and Gregory Adams.

It should be noted that Trustees Saverio Terenzi and Joseph Kenner were absent.

It should be noted that Trustee Brakewood arrived at 6:04 p.m.

Also present were: Village Clerk, Janusz R. Richards; Village Manager, Christopher Steers; Village Attorney, Anthony Cerreto; Village Treasurer, Leonie Douglas; Chief of Police, Richard Conway; Christopher Ameigh Administrative Aide to the Village Manager; Assistant Director of Planning & Development Jessica Youngblood; Ed Brancati, Human Resources; Edward Quinn, Village Fire Chief - Chief Engineer; Attorney Mark A. Chertok and Senior Planner Peter Feroe.

On motion of TRUSTEE ADAMS, seconded by TRUSTEE MARINO the meeting was declared opened at 6:03 p.m.

ROLL CALL

AYES: Trustees, Ceccarelli, Marino, Adams and Mayor Pilla.

NOES: None.

ABSENT: Trustees Terenzi, Brakewood and Kenner.

DATE: July 20, 2015

MOTION FOR EXECUTIVE SESSION

At 6:04 p.m., on motion of TRUSTEE MARINO, seconded by TRUSTEE CECCARELLI, the Board adjourned into an executive session for the following purpose:

- 1) *Regarding an appointment of particular person(s) as Marshal.*
- 2) *Regarding an appointment of particular person(s) as Police Officer to Port Chester Police Department.*
- 3) *Consultation with special council regarding United Hospital Redevelopment preliminary Draft Environmental Impact Statement.*

ROLL CALL

AYES: Trustees, Brakewood, Ceccarelli, Marino, Adams and Mayor Pilla.

NOES: None.

ABSENT: Trustees Terenzi and Kenner.

DATE: July 20, 2015

Also present were: Village Clerk, Janusz R. Richards; Village Manager, Christopher Steers; Village Attorney, Anthony Cerreto; Village Treasurer, Leonie Douglas; Chief of Police, Richard Conway; Christopher Ameigh Administrative Aide to the Village Manager; Assistant Director of Planning & Development Jessica Youngblood (only #3); Ed Brancati, Human Resources; Edward Quinn, Village Fire Chief - Chief Engineer; Attorney Mark A. Chertok (only #3) and Senior Planner Peter Feroe (only #3).

No action was taken in executive session.

At 7:12 p.m., a motion to come out of executive session was made by TRUSTEE MARINO, seconded by TRUSTEE ADAMS, the Board of Trustees closed the executive session.

ROLL CALL

AYES: Trustees, Brakewood, Ceccarelli, Marino, Adams and Mayor Pilla.

NOES: None.

ABSENT: Trustees Terenzi and Kenner.

DATE: July 20, 2015

AFFIDAVIT OF PUBLICATION AND NOTICE OF PUBLICATION RE:

Public hearing to consider the advisability of adopting a local law to amend the Code of the Village of Port Chester, Chapter 345 "Zoning" that would: update the use classification and amend existing standards for the granting of special use exceptions for medical and dental offices and establish off-street parking requirements for such uses, create a new C1M Neighborhood Retail – Medical Zoning District with changes to the Schedule of Use Regulations, and amend the Official Zoning Map to provide for the zoning designation of certain properties currently in the C1 Neighborhood Retail District to be changed to the new C1M District.

The following Public Notices were duly published in the Journal News and the Westmore News on June 19, certified by Angelina Brescia, Office Manager of the Westmore News

PUBLIC NOTICE

PUBLIC NOTICE is hereby given that the Board of Trustees hereby schedules a public hearing on Monday, July 20, 2015 at 7:00 P.M., or as soon thereafter at the Port Chester Justice Courtroom, 2nd Floor, 350 North Main Street, Port Chester, New York, to consider the advisability of adopting a local law to amend the Code of the Village of Port Chester, Chapter 345 "Zoning" that would: update the use classification and amend existing standards for the granting of special use exceptions for medical and dental offices and establish off-street parking requirements for such uses, create a new C1M Neighborhood Retail – Medical Zoning District (C1M District) with changes to the Schedule of Use Regulations, and amend the Official Zoning Map to provide for the zoning designation of certain properties currently in the C1 Neighborhood Retail District to be changed to the new C1M District, as follows:

<u>Address</u>	<u>Section/Block/Lot</u>
200 Westchester Avenue	142.22-1-1
204-210 Westchester Avenue	142.22-1-2
216 Westchester Avenue	142.22-1-5
220 Westchester Avenue	142.22-1-6
232 Westchester Avenue	142.22-1-7
238 Westchester Avenue	142.22-1-8
235 Westchester Avenue	142.22-1-22
Irving Avenue	142.22-1-23
227 Westchester Avenue	142.22-1-24
223-225 Westchester Avenue	142.22-1-25
219 Westchester Avenue	142.22-1-26
211-217 Westchester Avenue	142.22-1-27
Westchester Avenue	142.22-1-28
200 Irving Avenue	142.22-1-29
204 Irving Avenue	142.22-1-30
206 Irving Avenue	142.22-1-31
214 Irving Avenue	142.22-1-32
220 Irving Avenue	142.22-1-33
227 Irving Avenue	142.22-1-35
233 Irving Avenue	142.22-1-36
211 Irving Avenue	142.22-1-37
199 Irving Avenue	142.22-1-38
26 Poningo Street	142.22-1-39

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

Date: July 19, 2015

/s/ JANUSZ R. RICHARDS
 JANUSZ R. RICHARDS
 Village Clerk
 Village of Port Chester, New York

On motion of TRUSTEE BRAKEWOOD, seconded by TRUSTEE ADAMS, the public hearing was declared reopen.

ROLL CALL

AYES: Trustees, Brakewood, Ceccarelli, Marino, Adams and Mayor Pilla.

NOES: None.

ABSENT: Trustees Terenzi and Kenner.

DATE: July 20, 2015

Public Comments

Mayor Pilla asked if there was anyone from the audience who would like to make any comments regarding this public hearing.

Comments were made by:

Ms. Goldie Solomon commented if you are going to give specials to medical offices I hope you are not taking away parking from people who live there. Before you consider a medical office you have to consider the residents. You better make sure it does not raise our taxes.

Anthony R. Tirone, Esq. commented that this notice failed to include the normal requirements that would be put in place for this use. It is not only poorly conceived and should be denied in total. There are no restrictions contained herein. Don't degrade your existing C1 retail. You are degrading the properties around the new dental/medical district.

Bernard A Edelstein, Esq. commented on behalf of the existing practice at 220 Westchester Avenue. There are two applicants before the Board. A doctor or dentist does not degrade the neighborhood. These are not clinics.

Mr. Ravikoff commented that he agrees with the comments of Attorney Tirone. We are looking at a whole zone. If you look at the proposal there are some businesses that do not belong. There has to be some logic with this regarding parking.

Gregg Gregory, Chairman Planning Commission, commented that the Planning Commission worked diligently at this proposal and we are very much behind it. This is the trend of health care in the 21st Century. There is no negative impact in the C1M district.

Mr. Chris Pierro commented on the need for medical uses. We have an overcrowding problem in the neighborhood. Let the doctors and dentists come in and people in the neighborhood may improve their homes.

Dr. Mark Arnel commented he owns a property in the proposed zone. He supports the change. This is a licensed profession. Medical practices enhance the neighborhood. He strongly supports this change.

Mr. Ravikoff commented that we have a lot of parcels in the neighborhood that are doing well. This is not ready to be passed tonight.

Anthony R. Tirone, Esq. commented that there are zero restrictions with this. The Board should look at the existing medical and dental uses. You have eight zones that allow this.

Dr. Arnel commented that this has been promulgated for myself and one other person and he would like to clarify that. If you can open a medical or dental office, clearly you have to be licensed.

On motion of TRUSTEE MARINO, seconded by TRUSTEE CECCARELLI, the public hearing was adjourned to the August 17, 2015 meeting.

ROLL CALL

AYES: Trustees, Brakewood, Ceccarelli, Marino, Adams and Mayor Pilla.

NOES: None.

ABSENT: Trustees Terenzi and Kenner.

DATE: July 20, 2015

Public hearing to consider the advisability of adopting a local law to amend the Code of the Village of Port Chester, Chapter 283, Streets and Sidewalks, clarifying and codifying the obligations of property owners and other responsible parties with regard to the adjoining or contiguous public sidewalk.

The following Public Notices were duly published in the Journal News and the Westmore News on June 19, certified by Angelina Brescia, Office Manager of the Westmore News

PUBLIC NOTICE

PUBLIC NOTICE is hereby given that the Board of Trustees of the Village of Port Chester, New York, will hold a PUBLIC HEARING on July 20, 2015 at 7:00 p.m., or as soon thereafter, at the Police Headquarters/Justice Court Courtroom, 350 North Main Street, Port Chester, to consider the advisability of adopting a local law to amend the Code of the Village of Port Chester, Chapter 283, Streets and Sidewalks, clarifying and codifying the obligations of property owners and other responsible parties with regard to the adjoining or contiguous public sidewalk.

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

Date: June 19, 2015

/s/ JANUSZ R. RICHARDS
JANUSZ R. RICHARDS
Village Clerk
Village of Port Chester, New York

On motion of TRUSTEE BRAKEWOOD, seconded by TRUSTEE ADAMS, the public hearing was declared reopen.

ROLL CALL

AYES: Trustees, Brakewood, Ceccarelli, Marino, Adams and Mayor Pilla.

NOES: None.

ABSENT: Trustees Terenzi and Kenner.

DATE: July 20, 2015

Public Comments

Mayor Pilla asked if there was anyone from the audience who would like to make any comments regarding this public hearing.

Comments were made by:

Ms. Goldie Solomon commented on clarification of the grassy area between the sidewalk and curb.

Mr. Richard Abel commented on the height of the grass. 10 inches is the state code.

Mr. Chris Pierro commented on University Place. They have done a magnificent job in redoing the sidewalk.

On motion of TRUSTEE ADAMS, seconded by TRUSTEE CECCARELLI, the public hearing was closed.

ROLL CALL

AYES: Trustees, Brakewood, Ceccarelli, Marino, Adams and Mayor Pilla.

NOES: None.

ABSENT: Trustees Terenzi and Kenner.

DATE: July 20, 2015

Adoption of Local Law No. 7 of 2015

A LOCAL LAW AMENDING THE CODE OF THE VILLAGE OF PORT CHESTER, CHAPTER 283, STREETS AND SIDEWALKS, CLARIFYING AND CODIFYING THE OBLIGATIONS OF PROPERTY OWNERS AND OTHER RESPONSIBLE PARTIES WITH REGARD TO THE ADJOINING OR CONTIGUOUS PUBLIC SIDEWALK

SECTION 1: The purpose and intent of this local law is to clarify the responsibility of property owners and other responsible parties with regard to the adjoining or contiguous public sidewalks. Historically, it has been understood that sidewalks to not only include the physical sidewalk, but also the maintenance of the area between the sidewalk and the curb. The local law will confirm and codify such long-standing administrative interpretation so as to eliminate any potential issue of enforcement

SECTION 2: The Code of the Village of Port Chester, Chapter 283- "Streets and Sidewalks", Article V, Section 283-30, is hereby amended as follows:

Section 283-30. Duty of making repairs

A. It shall be the duty of the owner to keep the public sidewalk in front of or adjoining the premises, which shall be deemed to include that area between the established curblines and the private property property line, at all times in good repair and in a safe condition and free from all obstructions and encumbrances.

...

SECTION 2: The Code of the Village of Port Chester, Chapter 283, "Streets and Sidewalks", Article VI, Section 283-32, is hereby amended as follows:

Section 283-32 Cleaning and maintaining sidewalks.

- A. The owner, lessee or occupant of any premises shall keep the contiguous public sidewalks free from dirt, filth, weeds and other obstructions or encumbrances, maintain and cut grass in the area between the established curblines and the private property line to a height of no more than ten inches and shall cause such sidewalks to be cleared of snow and ice within 24 hours after such snowfall has ceased or ice has formed. If the owner, lessee or occupancy shall so fail to clear the said sidewalks after due notice is given, the Village Manager or his designee may direct village forces or an independent contractor to do so and the cost and the expense of same, if not paid within 30 days of receipt of the bill therefor, shall become a lien upon the property.

SECTION 3: This local law shall become effective immediately upon filing with the Secretary of State

On motion of TRUSTEE CECCARELLI, seconded by TRUSTEE BRAKEWOOD, the Local Law No. 7 of 2015 was adopted by the Board of Trustees of the Village of Port Chester, New York.

ROLL CALL

AYES: Trustees, Brakewood, Ceccarelli, Marino, Adams and Mayor Pilla.

NOES: None.

ABSENT: Trustees Terenzi and Kenner.

DATE: July 20, 2015

PUBLIC COMMENTS

Mayor Pilla asked if there was anyone from the audience who would like to make any public comments.

Comments were made by:

Ms. Goldie Solomon thanked the Board of Trustees for the firemen, police, EMTs and DPW. We need your help on the D.A.R.E. program. Alcohol and drugs are a horror story and you should get back to the schools to reinstate this program. There are signs at Lyon Park and people are still bringing dogs, leashed and unleashed. When you sign off on something, make sure the taxpayers are not hurt.

Mr. Richard Hyman commented on the resolution declaring the Starwood DEIS complete. This needs to be accurate. There are several facts in the DEIS that are not accurate. He read from the UH Housing Corporation. Since it was built before 1974 Starwood cannot displace the residents of 999 High Street. We need affordable housing.

Mr. Bart Didden commented on the appointment of Trustee Terenzi to the IDA and LDC. That could be the worst appointment this Board has ever considered. G&S knocked out every minority business in the lower downtown area. We don't know if G&S is in default of their agreement, and Trustee Terenzi defends them. You need someone on the board who is going to

read the G&S agreement. The marina parking lot should be taken back because all the property around it requires that parking lot to be accessible.

Mr. Ken Allein, a Kohl's employee, commented on booting and towing. There are illegal booters. ABC Towing Company asked him to pay \$700 for a car towed from the Kohl's parking lot.

Ms. Kristen Wilson of the City of Rye, commented on the resolution for the DEIS. Her request is to hold the public hearing until September so that residents who are away can have time to review a very lengthy document.

Mr. Frank Ferrara, Chairman IDA, commented on the IDA vacancy by the resignation of Neil Pagano. At the time of the last vacancy we had a highly qualified woman who was not given an interview. We should call her because I believe she would benefit the public. We need as many private citizens on the board as possible. Trustee Adams asked Mr. Ferrara how this woman found out about the opening. Mr. Ferrara replied that she saw Trustee Kenner's letter of resignation in the correspondence on the agenda.

Ms. Beatrice Conetta commented she is happy to know the Board is discussing putting a light on King and Betsy Brown. The Amnesty program is hurting the people of Port Chester. You cannot do anything in your home without getting a permit from the building department. Our assessments have gone up again.

Mr. Ben Bennett made the following statement:

“Good evening. My name is Ben Bennett

“I'm here tonight on behalf of Build Up NYC. We are an alliance of more than 200,000 working men and women in the construction, building services and hospitality industries. Together we advocate for safe, good jobs and responsible development that strengthens our communities. We represent more than 200 men and women living in Port Chester.

“We understand that you are voting tonight on the completeness of Starwood Capital Group's DEIS for the United Hospital site. No matter how you vote on the DEIS, we're here tonight to ask you not to approve Starwood's proposal for the site.

“We understand that Starwood has proposed a community benefits package with funding for a series of upgrades to public spaces in the village. But we feel this is insufficient given the serious impacts this project could have on Port Chester.

“Because Starwood wants to tear down the apartments at 999 High Street, this development would cost Port Chester 133 affordable units. This comes at a time when our County faces ongoing problems because its lack of affordable housing. We are concerned about the effect this loss of affordable housing could have on our community. We have to keep Port Chester affordable for working families.

“We also worry about the impact on our schools. One way Starwood proposes rezoning the site is by creating a new zoning district that covers an area much larger than the site where Starwood's project would be. This could lead to residential development in addition to Starwood's project. More residential units often mean more children in our schools, which are already overcrowded. We're not anti-development, but we know that development must be done

responsibly, and that includes making sure that there are no harmful effects on the education of our children. How can Starwood be sure that its revised proposal will actually minimize the number of school children from this project?

“Responsible development also must create good jobs and business opportunities for those of us in the community. Good jobs should be safe jobs. Construction is a dangerous industry.

“This is very important to our members. Maintaining high safety standards like adequate safety training can literally be a matter of life and death.

“It is especially important that any developer at the hospital site maintain high safety standards because of the presence of hazardous substances like medical waste and asbestos at the existing buildings.

“Unfortunately, Starwood has not always made sure that vital safety measures are always in place at its projects. There have been health and safety issues on a number of Starwood developments in NYC. One example is the hotel-condo project that Starwood is building with Toll Brothers Inc. inside Brooklyn Bridge Park. This development has faced multiple accidents, worker injuries, lawsuits, New York City Department of Buildings violations and Stop Work Orders. And contractors at other Starwood projects in NYC have been cited for serious OSHA violations.

“As one of the largest private equity real estate investors in the country, Starwood can and should make sure that its properties are developed responsibly. In this instance, that means fully addressing serious community concerns about affordable housing and school overcrowding as well as committing to creating good, safe jobs paying area standard wages and benefits.

“Until Starwood takes these actions and proves that it wants to be a responsible neighbor in the Port Chester community, I urge you to vote against any rezoning of the United Hospital site.

Thank you for considering my concerns.”

Mr. Richard Abel commented on the resolution for Trustee Terenzi. It should include his street address to be consistent. Regarding the correspondence, do tenants of the Village have to take out permits to do renovations on buildings owned by the Village of Port Chester, i.e. the improvements at the Yacht Club. Village Manager Steers replied that yes, they do; but we have to review the process.

Mr. Tirone commented on the Capitol Theater and booting and towing. There are a number of private entrepreneurs who are extorting money from people patronizing the Village establishments. Regarding the filming permit ordinance and change request. The Capitol Theater has been approached regarding filming of production films and educational films. The current statutory scheme within the Village Code is limited in time and applicability. We would like the Board to consider changing the current contents of that code.

RESOLUTIONS

RESOLUTION #1

**ADOPTION OF COMMENT ON THE DRAFT ENVIRONMENTAL IMPACT STATEMENT
WITH REGARD TO THE PROPOSED ACTION OF PC406 BPR, LLC and PC 999 HIGH
STREET CORP.**

On motion of TRUSTEE ADAMS, seconded by TRUSTEE CECCARELLI, the following resolution was adopted as amended by the Board of Trustees of the Village of Port Chester, New York:

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

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

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

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

WHEREAS, the Applicant had submitted a proposed Scoping Outline for the Draft EIS (DEIS), which was circulated for public review and comment and was the subject of a public scoping session; and

WHEREAS, the Village Board adopted a Final Draft EIS Scoping Outline on August 18, 2014; and

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

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

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

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

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

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

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

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

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

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

WHEREAS, the Village Board has carefully considered the revised pDEIS submitted on July 14, 2015 and the Completeness Memorandum dated July 16, 2015, additional input from its consultants regarding the description of the traffic in Chapter III.L relating to the proposed Overlay District, and the exchange of correspondence in May 2015 between the Applicant and the New York State Division of Housing and Community Renewal with regard to the status of the tenancies at 999 High Street.

NOW THEREFORE BE IT RESOLVED THAT,

1. The Village Board hereby adopts the July 16, 2015, Completeness Memorandum annexed hereto as Exhibit A.
2. The Village Board directs that the pDEIS be amended to add the language on Attachment A hereto and that the May 2015 correspondence referenced above be included as an Appendix to the DEIS.
3. The Village Board hereby finds that the DEIS submitted on July 14, 2015, with the inclusion of the language in Attachment A, is adequate with respect to its scope and content for the purpose of commencing public review, and is therefore accepted for aforesaid purpose.

4. The Village Board hereby determines that it will hold a combined public hearing on the DEIS and the Proposed Zoning Amendments (the proposed zoning text and map amendments to the Village Code, Chapter 345 relating to a proposed Southern Gateway Mixed Use Overlay District, and on the alternative text amendment modifying Article XI of the existing Zoning Regulation, Section 345-62) (the “Combined Public Hearing”), on August 27, 2015, which hearing will be held at The Village Courtroom, 350 North Main Street, Port Chester, NY, and which hearing shall be continued on September 8, 2015 at the same location.
5. The period for public comment on the DEIS and the proposed zoning amendment for the Proposed Action shall terminate on September 25, 2015, unless extended by the Village Board.
6. The Village Clerk is hereby directed to undertake or have undertaken, as appropriate, the following:
 - a. Prepare and file all notices required by 6 NYCRR 617.12, including a notice of completion of the DEIS;
 - b. Circulate the DEIS to all involved and interested agencies and individual for review and comment in accordance with 6 NYCRR 617.12;
 - c. Prepare and file a notice of the Combined Public Hearing in accordance with 6 NYCRR 617.12 and Sections 345-34 and 345-110 of the Village Zoning Code (including notice to the Westchester County Planning Board), which notice shall be published at least 14 days in advance of the public hearing in the Westmore News newspaper;
 - d. File and distribute the DEIS in accordance with 6 NYCRR 617.12(b), including distribution of two copies of the DEIS to the Port Chester-Rye Brook Library and one copy of the DEIS in the Village Clerk’s Office, 222 Grace Church Street, Port Chester, NY;
 - e. Add the DEIS to the Village website; and
 - f. Refer the Applicant’s Proposed Zoning Amendments to the Village of Port Chester Planning Commission for a report thereon, pursuant to Section 345-34.D of the Village of Port Chester Zoning Code.
 - g. Refer to Applicant’s Proposed Zoning Amendments to the Westchester County Planning Department for a report thereon, pursuant to Section 345-34.H of the Village of Port Chester Zoning Code.
 - h. Take any other steps required by SEQR and the Village Zoning Code to effectuate acceptance and circulation of the DEIS and notice for the Combined Public Hearing and for public review and comment on the DEIS and the proposed zoning amendments for the Proposed Action.

Approved as to form:

Anthony M. Cerreto, Village Attorney

ROLL CALL

AYES: Trustees, Brakewood, Ceccarelli, Marino, Adams and Mayor Pilla.

NOES: None.

ABSENT: Trustees Terenzi and Kenner.

DATE: July 20, 2015

Attachment A to Board of Trustees Resolution of July 20, 2015

The text on pages II-12 and III.F-39 to 40 of the July 14, 2015 DEIS is hereby modified by the addition of the bolded language below:

All buildings on the Project Site are slated to be demolished. It is noted that 41 units of the 133-unit building known as 999 High Street are currently occupied. 999 High Street was built and always maintained as workforce housing for the former United Hospital. As such, the building is subject to Article 2 of the Private Housing Finance Law of the State of New York commonly referred to as the Mitchell-Lama law. Compliance with the Mitchell-Lama is regulated by the New York State Division of Housing and Community Renewal (the "DHCR").... After the 41 occupied units are vacated and prior to demolition of the 999 High Street building, the Applicant is required to and will file for a request from DHCR to dissolve the Mitchell Lama housing corporation, a process that begins with the filing of a "notice of intent" and typically takes up to a year to complete. The Applicant asserts that it was not required to obtain any preapproval from the DHCR or complete the dissolution of the Mitchell Lama housing corporation as a condition to serve the formal notices to quit. **The DHCR has opined that the Applicant cannot terminate the tenancies based on their lack of continued affiliation with the former United Hospital Housing Corp. (although the agency did not address the validity of the Applicant's service of notices to quit), but has acknowledged that the Applicant could seek eviction after dissolution of the housing corporation based on planned demolition of the building. The DHCR and the Applicant disagree about the timing to commence eviction proceedings; however, both the DHCR and the Applicant agree that, if there are tenants in the building at the time of dissolution of the housing corporation, those tenants would be subject to the Emergency Tenant Protection Act. Thus, regardless of this disagreement regarding the timing of termination of tenancies, the Applicant and DHCR concur that there is a procedure for the Applicant to seek to terminate the tenancies and demolish the building.**

The Colum headings in Tables LLL.L-5 and III.L-6 need to be updated. "Proj. Imp" should be changed to "Kohl's Development" in both tables.

RESOLUTION #2

REQUESTING THAT THE NEW YORK DEPARTMENT OF TRANSPORTATION STUDY
THE POTENTIAL INSTALLATION OF A TRAFFIC SIGNAL AT BETSY BROWN ROAD
AND KING STREET

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

WHEREAS, King Street above Putnam Avenue is a state highway (Route 120); and

WHEREAS, the intersection of King Street and Betsy Brown Road has been a source of concern; and

WHEREAS, the Village of Rye Brook has recently requested that the State Department of Transportation study the potential installation of a traffic signal at the intersection of Comly Avenue and King Street; and

WHEREAS, it would appear an opportune time for the State to study both the Betsy Brown Road and Comly Avenue intersections with King Street. Now, therefore, be it

RESOLVED, that the Board of Trustees hereby requests that the New York Department of Transportation study the potential installation of a traffic signal at the intersection of Betsy Brown Road and King Street.

Approved as to Form:

Anthony M. Cerreto, Village Attorney

ROLL CALL

AYES: Trustees, Brakewood, Ceccarelli, Marino, Adams and Mayor Pilla.

NOES: None.

ABSENT: Trustees Terenzi and Kenner.

DATE: July 20, 2015

RESOLUTION #3

AUTHORIZING PAYMENT FOR TAXES OVERPAID FOLLOWING AN ADMINISTRATIVE CORRECTION OF ERRORS PROCESS UNDER STATE REAL PROPERTY TAX LAW

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

WHEREAS, pursuant to the State Real Property Tax Law (RPTL), Robert Riehl, owner of property located at 134 Fairview Avenue, Section 135.76-, Block 3, Lot 8 on the Tax Map of the Town of Rye, made application for refund and credit for the 2012, 2103 and 2014 Tax Years; on the ground that the disability rating made by the Town was not correct; and

WHEREAS, in correspondence dated October 23, 2014 from Mary Beth Murphy, Executive Director of the Westchester County Tax Commission, the County found that a clerical error was made and that the application should be approved pursuant RPTL Section 550.2(b); and

WHEREAS, the Board accepts the County Commission's findings so as to properly rectify this matter. Now, therefore, be it

RESOLVED, that the Village Treasurer be and is hereby authorized to make payment to Robert Reihl, owner of 134 Fairview Avenue, Port Chester, Section 135.76, Block 3, Lot 8 on the Tax Map of the Town of Rye, in the amount of \$899.05, for taxes overpaid following an administrative correction of errors process through the Westchester County Tax Commission, payment to be made from FY 2014-15 General Fund budget line as follows

1.1.1001	Real Property Taxes	\$283.86
1.190.480	Refunds of Real Property Tax.	\$615.19

Approved as to Form:

Anthony M. Cerreto, Village Attorney

ROLL CALL

AYES: Trustees, Brakewood, Ceccarelli, Marino, Adams and Mayor Pilla.

NOES: None.

ABSENT: Trustees Terenzi and Kenner.

DATE: July 20, 2015

RESOLUTION #4

APPOINTMENT OF MEMBER TO IDA – LDC (TABLED)

On motion of TRUSTEE BRAKEWOOD, seconded by TRUSTEE MARINO, following resolution was Table by the Board of Trustees of the Village of Port Chester, New York:

ROLL CALL

AYES: Trustees, Brakewood, Ceccarelli, Marino, Adams and Mayor Pilla.

NOES: None.

ABSENT: Trustees Terenzi and Kenner.

DATE: July 20, 2015

RESOLVED, that TRUSTEE SAVERIO TEREZI, residing in Port Chester New York, be and hereby is appointed as a member of the Port Chester Industrial Development Agency (PCIDA) to fill the seat previously held by former Mayor Neil Pagano; and

BE IT FURTHER RESOLVED, that TRUSTEE SAVERIO TERENCE, residing in Port Chester New York, be and hereby is appointed as a member of the Port Chester Local Development Corporation (LDC) to fill the seat previously held by former Mayor Neil Pagano.

APPROVED AS TO FORM:

Anthony M. Cerreto, Village Attorney

Mayor Pilla asked for a motion to combine resolution 5, 6 and 7 of the agenda for the purpose of casting one vote for all of the combine resolutions. There being no objections, on motion of Trustee MARINO, seconded by Trustee CECCARELLI, the motion was accepted by the Board of Trustees of the Village of Port Chester, New York.

ROLL CALL

AYES: Trustees, Brakewood, Ceccarelli, Marino, Adams and Mayor Pilla.

NOES: None.

ABSENT: Trustees Terenzi and Kenner.

DATE: July 20, 2015

RESOLUTION #5

REAPPOINTMENT OF MEMBER OF THE RECREATION COMMISSION

On motion of TRUSTEE BRAKEWOOD, seconded by TRUSTEE MARINO, the following motion was adopted by the Board of Trustees of the Village of Port Chester, New York:

RESOLVED, that FRANK ERRIGO, residing at 85 Birch Street, Port Chester, New York, be and he hereby is reappointed a member of the Port Chester COMMISSION ON RECREATION, effective immediately, and to expire July 9, 2018.

ROLL CALL

AYES: Trustees Adams, Brakewood, Terenzi, Kenner, Marino, Ceccarelli and Mayor Pilla

NOES: None.

ABSENT: Trustees Terenzi and Kenner.

DATE: July 20, 2015

RESOLUTION #6

REAPPOINTMENT OF MEMBER OF THE RECREATION COMMISSION

On motion of TRUSTEE BRAKEWOOD, seconded by TRUSTEE MARINO, the following motion was adopted by the Board of Trustees of the Village of Port Chester, New York:

RESOLVED, that JANICE KUNICKI, residing at 99 Birch Street, Port Chester, New York, be and she hereby is reappointed a member of the Port Chester COMMISSION ON RECREATION, effective immediately, and to expire July 9, 2018.

ROLL CALL

AYES: Trustees, Brakewood, Ceccarelli, Marino, Adams and Mayor Pilla.

NOES: None.

ABSENT: Trustees Terenzi and Kenner.

DATE: July 20, 2015

RESOLUTION #7

**REAPPOINTMENT OF MEMBER OF THE
RECREATION COMMISSION**

On motion of TRUSTEE BRAKEWOOD, seconded by TRUSTEE MARINO, the following motion was adopted by the Board of Trustees of the Village of Port Chester, New York:

RESOLVED, that KIM MORABITO, residing at 14 W. Glen Avenue, Port Chester, New York, be and she hereby is reappointed a member of the Port Chester COMMISSION ON RECREATION, effective immediately, and to expire July 9, 2018.

ROLL CALL

AYES: Trustees, Brakewood, Ceccarelli, Marino, Adams and Mayor Pilla.

NOES: None.

ABSENT: Trustees Terenzi and Kenner.

DATE: July 20, 2015

RESOLUTION #8

SENIOR NUTRITION PROGRAM

On motion of TRUSTEE MARINO, seconded by TRUSTEE BRAKEWOOD, the following motion was adopted by the Board of Trustees of the Village of Port Chester, New York:

RESOLVED, that the Village Manager is authorized to sign the New York State Office for the Aging Certification Pursuant to Part I of Chapter 60 of the Laws of 2014. The funding provided to the above named organization pursuant to Part I of Chapter 60 for the period beginning January 1, 2015 will be or was used solely to provide salary increases and salary-related fringe benefit increases for direct care staff and direct support professionals.

APPROVED AS TO FORM:

Anthony M. Cerreto, Village Attorney

ROLL CALL

AYES: Trustees, Brakewood, Ceccarelli, Marino, Adams and Mayor Pilla.

NOES: None.

ABSENT: Trustees Terenzi and Kenner.

DATE: July 20, 2015

RESOLUTION #9

AWARDING BID FOR MORTIMER STREET DRAINAGE/SEWER IMPROVEMENTS

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

WHEREAS, the Village of Port Chester has advertised for bids for the Mortimer Street Drainage/Sewer Improvements Project (Bid No. 2015-06); and

WHEREAS, the Village received seven bids for this work; and

WHEREAS, the Village's consulting engineer, Dolph Rotfeld Engineering, P.C., recommends that the Board accept the low bid of Legacy Supply LLC, Valhalla, New York in the amount of \$127,425.00 which meets all the specifications as set forth in the bid documents. Now, therefore, be it

RESOLVED, that the Board of Trustees hereby awards the bid for the Mortimer Street Drainage/Sewer Improvements Project to Legacy Supply LLC, 14 Railroad Avenue, Valhalla, New York 10595; and be it

FURTHER RESOLVED, that the Village Manager is hereby authorized to enter into an agreement with the contractor, and be it

FURTHER RESOLVED, that the Board of Trustees authorizes the Village Treasurer to make payment from the Sewer Improvement project 5.8120.400.2013.135 in the Capital Fund.

Approved as to Form:

Anthony M. Cerreto, Village Attorney

ROLL CALL

AYES: Trustees, Brakewood, Ceccarelli, Marino, Adams and Mayor Pilla.

NOES: None.

ABSENT: Trustees Terenzi and Kenner.

DATE: July 20, 2015

RESOLUTION #10

AWARDING BID FOR FENCING FOR DOG RUN IN ABENDROTH PARK

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

WHEREAS, the Board has previously acknowledged a \$25,000 gift from the Port Chester Dog Park Group and an additional \$25,000 gift from the Port Chester Dog Park Group and PetSafe subject to the terms of the PetSafe contest rules to defray the cost of the dog run; and

WHEREAS, Dog Park Capital Project 5.7110.400.2015.159 has been established for this project; and

WHEREAS, the Village of Port Chester has advertised for bids for fencing for the proposed dog run in Abendroth Park (Bid No. 2015-09); and

WHEREAS, with the release of an addendum to the bid package, the Village has commensurately extended the date for the opening of bids to July 27, 2015 and

WHEREAS, the Board desires that this matter be expedited so that construction can begin without delay. Now, therefore, be it

RESOLVED, that the Village Manager is hereby authorized to consider and make an award to the lowest responsible bidder with regard to the fencing for the dog run at Abendroth Park within the budgeted allocation for this project.

Approved as to Form:

Anthony M. Cerreto, Village Attorney

ROLL CALL

AYES: Trustees, Brakewood, Ceccarelli, Marino, Adams and Mayor Pilla.

NOES: None.

ABSENT: Trustees Terenzi and Kenner.

DATE: July 20, 2015

DISCUSSIONS

Booting and Towing Law follow up.

Mayor Pilla has heard of a lot of problems. We need to put forth legislation to insure that towing and booting companies are licensed, insured and that properties show prior notice saying that

violators will be booted and towed. The owner of the property must designate an agent, separate from the towing company, to be present when the towing happens. There are some pretty steep penalties for violators. Village Attorney Cerreto would like some guidance from the Board. He gave the Board replies he received from the towing companies. He would like to have a workshop before he puts it back into Local Law form. He can make some tweaks to the Law and have it ready by the first or second August meeting. The industry needs to be regulated. If there is an overcharge, the owner of the booting or towing company has to make restitution back to the owner of the vehicle for the improper amount charged. Security guards are licensed by the state, but towing operators would be licensed locally. The Village controls the fee charged. We will use the same structure and fee used by the County.

Anthony Tirone questioned if there will be a public hearing on this. Attorney Cerreto said because of his concerns he will be glad to meet with him. Mayor Pilla said the public will be welcome at a workshop. Mr. Tirone commented posting a bond is important.

Film permit ordinance change request.

The Board has a sample film ordinance that was currently revised. There is a time restriction, but there are exceptions to that if approved by the Village Manager. Attorney Cerreto commented the objective is to make the flexibility that we need to make to encourage this in the Village. We can make an exception for the present to do off-hours timing and revise the code in the future. Attorney Cerreto commented that we also received a request to do filming at a local diner after hours. We had to reject that request because of the curfew requirement.

Anthony Tirone appreciated the exception change in the code. Since the filming is at the discretion of the Village Manager, would that also apply to a production plan? Village Manager Steers commented that either a production plan or an application would be appropriate. Mr. Steers replied a production plan would be preferred.

Attorney Cerreto commented we will bring back a Local Law.

Village Marshals -Rules and Regulations

The Board has had several discussions on Marshals and the Village can appoint up to four. The Village Attorney has drafted rules and regulations for Marshals. Their authority will fall under the jurisdiction of the Chief of Police. Marshals go out at the agents of the court, and when parties are serving suit against each other the marshals shall serve as an agent of the attorney. Marshals shall wear a uniform and display their badge only when discharging their duties. They will undergo training. They are not to carry fire arms in exercising their duty. Mayor Pilla asked the Board to add-on resolutions appointing three Marshals and a fourth add-on resolution that the Board does not appoint a fourth Marshal. The Police Chief should retrieve the badge and any other ID of the past Village Marshals.

Add-on Resolution

Following the Discussion section of the meeting, Mayor Pilla asked for a motion to add-on four resolution to appoint Allen Carroll, Ernest Tigani and Scott Sprague as Village Marshals and not to appoint the forth.

There being no objection TRUSTEE MARINO, made a motion to add-on four resolutions, seconded by TRUSTEE ADAMS, the motion received a unanimous vote of those present.

ROLL CALL

AYES: Trustees, Brakewood, Ceccarelli, Marino, Adams and Mayor Pilla.

NOES: None.

ABSENT: Trustees Terenzi and Kenner.

DATE: July 20, 2015

Mayor Pilla asked for a motion to combine the four add-on resolutions for the purpose of casting one vote for all of the combine resolutions. There being no objections, on motion of TRUSTEE MARINO, seconded by TRUSTEE ADAMS, the motion was accepted by the Board of Trustees of the Village of Port Chester, New York.

ROLL CALL

AYES: Trustees, Brakewood, Ceccarelli, Marino, Adams and Mayor Pilla.

NOES: None.

ABSENT: Trustees Terenzi and Kenner.

DATE: July 20, 2015

RESOLUTION #11 (ADD-ON)

RE-APPOINTMENT OF VILLAGE MARSHAL #1

On motion of TRUSTEE MARINO, seconded by TRUSTEE BRAKEWOOD, the following resolution as adopted by the Board of Trustees of the Village of Port Chester, New York:

RESOLVED, that Allen Carroll, residing in Port Chester New York be and hereby is re-appointed as Village Marshal, effective immediately with said term to expire 04/05/2016.

Approved as to Form:

Anthony M. Cerreto, Village Attorney

ROLL CALL

AYES: Trustees, Brakewood, Ceccarelli, Marino, Adams and Mayor Pilla.

NOES: None.

ABSENT: Trustees Terenzi and Kenner.

DATE: July 20, 2015

RESOLUTION #12 (ADD-ON)

RE-APPOINTMENT OF VILLAGE MARSHAL #2

On motion of TRUSTEE MARINO, seconded by TRUSTEE BRAKEWOOD, the following resolution as adopted by the Board of Trustees of the Village of Port Chester, New York:

RESOLVED, that Ernest Tigani, residing in Port Chester New York be and hereby is re-appointed as Village Marshal, effective immediately with said term to expire 04/05/2016.

Approved as to Form:

Anthony M. Cerreto, Village Attorney

ROLL CALL

AYES: Trustees, Brakewood, Ceccarelli, Marino, Adams and Mayor Pilla.

NOES: None.

ABSENT: Trustees Terenzi and Kenner.

DATE: July 20, 2015

RESOLUTION #13 (ADD-ON)

RE-APPOINTMENT OF VILLAGE MARSHAL #3

On motion of TRUSTEE MARINO, seconded by TRUSTEE BRAKEWOOD, the following resolution as adopted by the Board of Trustees of the Village of Port Chester, New York:

RESOLVED, that Scott Sprague, residing in Port Chester New York be and hereby is re-appointed as Village Marshal, effective immediately with said term to expire 04/05/2016.

Approved as to Form:

Anthony M. Cerreto, Village Attorney

ROLL CALL

AYES: Trustees, Brakewood, Ceccarelli, Marino, Adams and Mayor Pilla.

NOES: None.

ABSENT: Trustees Terenzi and Kenner.

DATE: July 20, 2015

RESOLUTION #14 (ADD-ON)

APPOINTMENT OF VILLAGE MARSHAL #4

On motion of TRUSTEE MARINO, seconded by TRUSTEE BRAKEWOOD, the following resolution as adopted by the Board of Trustees of the Village of Port Chester, New York:

RESOLVED, that the Board does not appoint a forth (4) Marshal; and be it

FURTHER RESOLVED, that the Chief of Police contacts previously appointed Marshals and retrieve their badge, IDs and any other Village Property.

Approved as to Form:

Anthony M. Cerreto, Village Attorney

ROLL CALL

AYES: Trustees, Brakewood, Ceccarelli, Marino, Adams and Mayor Pilla.

NOES: None.

ABSENT: Trustees Terenzi and Kenner.

DATE: July 20, 2015

Following the appointment of the Marshals, Mayor Pilla asked for a motion to add-on three (3) additional resolution to appoint Nicholas P. Stella, Mark A. Morales and Kevin M. Monnelly as a police officer of the Village of Port Chester, New York

There being no objection TRUSTEE MARINO, made a motion to add-on the three (3) additional resolutions, seconded by TRUSTEE ADAMS, the motion received a unanimous vote of those present.

ROLL CALL

AYES: Trustees, Brakewood, Ceccarelli, Marino, Adams and Mayor Pilla.

NOES: None.

ABSENT: Trustees Terenzi and Kenner.

DATE: July 20, 2015

RESOLUTION #15 (ADD-ON)

CONDITIONAL OFFER OF EMPLOYMENT FOR POLICE OFFICER

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

RESOLVED, that the Board of Trustees extends a conditional offer of employment to Nicholas P. Stella as a police officer of the Village of Port Chester, New York, with appointment to be effective upon approval of the Westchester County Department of Human Resources.

APPROVED AS TO FORM:

Anthony M. Cerreto, Village Attorney

ROLL CALL

AYES: Trustees, Brakewood, Ceccarelli, Marino, Adams and Mayor Pilla.

NOES: None.

ABSENT: Trustees Terenzi and Kenner.

DATE: July 20, 2015

RESOLUTION #16 (ADD-ON)

CONDITIONAL OFFER OF EMPLOYMENT FOR POLICE OFFICER

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

RESOLVED, that the Board of Trustees extends a conditional offer of employment to Mark A. Morales as police officer of the Village of Port Chester, New York, with appointment to be effective August 3, 2015.

APPROVED AS TO FORM:

Anthony M. Cerreto, Village Attorney

ROLL CALL

AYES: Trustees, Brakewood, Ceccarelli, Marino, Adams and Mayor Pilla.

NOES: None.

ABSENT: Trustees Terenzi and Kenner.

DATE: July 20, 2015

RESOLUTION #17 (ADD-ON)

CONDITIONAL OFFER OF EMPLOYMENT FOR POLICE OFFICER

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

RESOLVED, that the Board of Trustees extends a conditional offer of employment to Kevin M. Monnelly as police officer of the Village of Port Chester, New York, with appointment to be effective August 3, 2015.

APPROVED AS TO FORM:

Anthony M. Cerreto, Village Attorney

ROLL CALL

AYES: Trustees, Brakewood, Ceccarelli, Marino, Adams and Mayor Pilla.

NOES: None.

ABSENT: Trustees Terenzi and Kenner.

DATE: July 20, 2015

REPORT OF THE VILLAGE MANAGER

INITIATIVES/PRIORITIES:

❖ **Strategic Planning: Strategic Actions** (Opportunity Areas #1 Downtown TOD, #2 Downtown: Municipal Center, #3 Waterfront Redevelopment/Revitalization, #4 Fox Island, #5 United Hospital Site Redevelopment). We continue to move forward with various strategic planning initiatives (see Planning and development activities report).

1) Opportunity Area #1:

- **C1 Neighborhood Retail Zoning Analysis:** medical, dental office use Preliminary analysis regarding a potential zoning text change to permit medical in the C1 Neighborhood Retail District either as-of- right or by special exception permit subject to existing special exception criteria as defined in §345-61U.

Presentation to BOT completed March 2015. Planning Commission supports concept. Public hearing and option for adopting prepared local law July 20, 2015.

- **Retail D** (Background & Status): Applicant, G&S Port Chester LLC, has submitted a formal zoning petition pursuant to §345-34 to the Board of Trustees regarding former “Coney’s lot” (aka “Retail D”/“Unit 2B”), Section 142.031, Block 1 Lots 3,4,5,6,20,21,22,23 and 24 of the Town of Rye Official Tax Map and interstitial Liberty Street Right-of-Way, for amendments to the Urban Renewal Plan for the Modified Marina Redevelopment Project, regulations to the MUR Marina Redevelopment Project Renewal District, and Concept Development Plan of the Modified Marina Redevelopment to permit multi-family development.

Specifically, the applicant seeks a zoning amendment in order to construct a 5-story, 90,000 square foot mixed use building (“Waterfront Place”) consisting of four floors of 79 rental dwelling units (7 studios, 56 one- bedroom, and 16 two-bedroom) over 12,00 square feet of ground floor retail. The subject parcels were approved for three (3) stories and approximately 40,000 square feet of retail development as part of the overall project approval in 1999.

The petition proposes the following dimensional and bulk requirements for a newly mapped “MUR Mixed-Use District):

- Maximum Height: 5 stories or 70 feet
- Minimum Lot Area per Dwelling Unit: 250 Square Feet
- Minimum Lot Depth/Width: None
- Front/Side/Rear Setback: None
- Usable Open Space per Unit: None

Further, applicant is requesting an amendment to both the MMRP Urban Renewal Plan and MUR District regulations to add a multifamily dwelling parking regulation to the required parking table.

Note that the Board of Trustees retains discretionary approval authority over all requested amendments as well as site plan approval for the project by virtue of its location within the MUR Marina Urban Redevelopment District.

Planning Commission Comments, May 28 2015: (all comments paraphrased from PC meeting).

- Parking: will residential units need tags in the specified and already pre-determined parking spaces? What impact will this have in overall downtown parking scheme.
- Traffic: Site’s location should require an analysis for access/circulation/level of service, etc. Carried out through site plan approval by BOT.
- Density/Bulk Requirements: Applicant’s zoning seems to ‘pick’ the best of the amended C2 and new C5/C5T Districts’ dimensional regulations.

- FAR: possibly too dense, as applicant seeks 3.2 as-of-right with possibility to 4.0. highest density reserved for C5 district as discussed during comprehensive plan/rezoning
- LAPDU: C2 lot area per dwelling unit (LAPDU) is 750sqft bonusable to 575sqft and C5 District is 575 sqft as-of-right with bonus down to 250 sqft. Applicant requests 250 as-of-right, another 'picked'
- Yard Dimensions: setbacks
 - Setback - building to lot lines doesn't always leave a desirable landscape. Planning Commission expressed concern with The Mariner's footprint.
 - Height - no real issue; seems to be in concert with surrounding districts.
 - Overall, density proposed in Retail D "picks" the best of other districts and may not be synonymous to proposal site's geography in relation to other adjacent zoning districts.
- Dolph Comment: FEMA flood zone regulations amended since 1999, possibly requiring new analysis to encompass rising water levels. Further, reconstruction of Bulkley Drain.
- Overall, commission in support of a true, mixed use landscape at Retail D but reasons enumerated below requested passed onto BOT

2) **Opportunity Area #2:** As you are aware NDC has been engaged by the BOT to study the feasibility of developing a municipal center.

Municipal Center Subcommittee

As you are aware the BOT established a municipal center subcommittee to reevaluate current direction. NDC was asked to develop a proposal to do same and submit it to the BOT for consideration looking at the feasibility of 350 N. Main Street as an alternate site. The BOT has authorized the additional analysis.

Scope of Work:

At the direction of the Village Board the NDC P3 team will explore the following two police and court facility building options.

- a. The rehabilitation of the current police and court building with new construction additions, and
- b. The construction of a new purpose built police and court building on the adjacent parcel located northeast of the existing facility.

The NDC team proposes to assist the Village in determining the scope and cost of a new police and court facility. This work will be conducted in phases leading up to an indicative Guaranteed Maximum Price for the rehabilitation/construction of the building at the conclusion of Phase III. Each phase will be funded separately and the NDC Team will not proceed to the next phase without authorization from the Village Board.

Phase I

Order of magnitude pricing of the two alternatives outlined above. This pricing would not include either the cost of acquisition and demolition, or the cost of temporary police and court space. Therefore, it would be a true comparison of rehabilitation/new construction cost to just new construction cost.

This work would be completed within three weeks of being authorized to proceed. The NDC team would also attend whatever meetings are required to discuss our findings and present to the general public.

Included in the Scope:

- Program verification and update
- New site- blocking study of new building on adjacent site for a fully program compliant operation (Option b)
- Existing Site (Option a)
 - Recommendations for potential areas of building expansion
 - Recommendations for replacement of existing one-story elements with multi-floor additions to expand the building area
 - Recommendations for potential program functions to move to alternate locations
 - Recommendations for use/reuse of the existing building to expand police operations in a global view (not detailed space planning)

This cost of rehabilitation estimate will not include a detailed building investigation to determine the extent of repairs required to maintain/repair operations (order of magnitude estimates will be prepared based upon observed building conditions with industry appropriate allowances included). We will also not be preparing as-built or background drawings for the existing building. We will prepare a block plan indicating square feet and general uses (room by room comparison of existing program to proposed program will not be undertaken). No investigation of building conditions to determine the existence of hazardous materials will be undertaken at this stage of pricing. Because of the age of the building, we will assume the presence of asbestos, lead and PCBs unless the Village has documentation of previous remediation. Coordinate submission of a schematic design to the New York State Office of Courts Administration will be undertaken as part of Phase II.

Staff (Police department, Courts, Manager's office) met with STV and began the re-vetting of the preliminary programming analysis for a Police and Court Structure. Each program item (area square footages) was reviewed and the building was toured. It is anticipated that there will be similar follow up meetings with the Justice Court personnel and Town Court including our presiding Judges.

- 3) Opportunity Area #3:** Bulkhead: Boswell Engineering has been selected as the design consultant for the bulkhead replacement design. On Tuesday July 14th staff met with Boswell to negotiate final fees and contract terms. The negotiated fee to include the entire Vinyl area now including the cove is \$305,000.00 (negotiated down from \$390,000.00). Staff is working with Boswell to draft a final contract that will be reviewed by the Department of State. Thereafter the agreement will be brought back to

the BOT for approval. Concurrently staff will submit a resolution authorizing a budget modification for the capital project line to include the grant funds an addition to the Village's portion of the match.

- 4) **Opportunity Area #5:** Redevelopment of the former United Hospital Site (Starwood). The Mixed-use redevelopment proposal for the former United Hospital site located within the Village's PMU Planned Mixed Use District to permit: 500 "Millennial" housing units, 240 age-restricted housing units, an approx. 138-key limited service hotel, 100,000-200,000 square feet of medical office, approx. 90,000 square feet of retail, ample public and green space, and improved access to Abendroth Park.

The Preliminary DEIS as previously submitted with updated comments is on this agenda to determine completeness.

SEQRA PROCESS:

- Thus far, applicant has submitted 6 revised DEIS documents for review to village consultants and staff in order to determine completeness per the adopted scope the BOT adopted Aug 14, 2014.
- Consultants have provided extensive and response completeness memos to applicant throughout above process per SEQRA law (section 617.9-a-2-i). The Lead Agency (BOT) must determine whether to accept the resubmitted DEIS within 30 days of receipt (meaning 30 days from July 14).

NEXT STEPS:

- The next step is for village BOT to deem DEIS complete per adopted scope. Adopting the DEIS as complete begins the public review and does not binds the BOT to any course of action.
- Public review, per Chertok memo, engages the extensive public interest shown for the project. Public review, per his suggestion, will be via the public hearing set *after* completeness is determined and will publically discuss the DEIS and the stated environmental impacts *plus* the applicant's petitioned action. The petitioned action includes the Overlay District and the alternative amendments for the PMU, e.g. Public hearings combining a DEIS and petitioned zoning is standard under SEQRA, and is specifically provide by the NYSDEC regulations effectuating SEQRA (Section 617.9(a)(4)(ii)).
- Just as accepting the document as complete commences public review, similarly, holding the hearing on the proposed zoning amendments does not commit the BOT to approve the applicant's zoning. BOT retains full discretion to approve, disapprove or approve with modifications the proposed development (including zoning).
- Once we get to public comment stage, Mark has suggested that the Village consulting team and applicant begin discussions related to structure of PILOT and density program. This is where rubber meets the road.

NEXT-NEXT STEPS: LARGE LAND USE DECISIONS: Both Mark & AKRF has suggested/recommended that the Village discuss the PILOT and proposed density bonus program financial feasibility *after* DEIS accepted and public hearing and comment period are closed. This avoids implication that BOT is negotiating with applicant before public input window runs out. As Mark has said, this concept seemed acceptable to part of Applicant's team. These two issues are not completeness issues as stated by both SPR Law & AKRF.

ACTIONS:

- **Consolidated Funding Application Summary:** BOT provided support to further economic development opportunities described by the Regional Economic Development Council through 2015 CFA funding portal. As such the Village is currently applying for CFA funding totaling approximately \$5 million dollars.
 - The IDA is providing additional support for the CFA application towards comprehensive, multi-modal transportation plan as related to reducing impediments to downtown economic development opportunities in furtherance of adopted village Economic Development strategies.
 - The Empire State Development (ESD) agency is highly enthused by our application and efforts to market/brand Port Chester's 150th anniversary and our overall objectives. Specifically due to effort to integrate each of our applications including transportation & bulkhead design - through the Market NY program. ESD stated that the Village can make a stronger application through Market NY versus an application to the Homes & Community Renewal (HCR) program, i.e. Main St. Program.
 - Further, we were informed by Homes and Community Renewal (HCR) Main St Program Director, The Village did not fully close out the previously awarded grant. This currently renders us ineligible for 2015 CFA funding. Staff is working with the State for the proper close out and has been told that the state is providing support for a future application next year.

- **MTA:** Staff continues to discuss a possible settlement to the property maintenance violations issued to the MTA. The context is in the realm of better routine maintenance and possible beautification utilizing existing and potential funds in a collaborative manner between the Village and the MTA.

- **Grant Writing RFP:** The RFP was re issued with a response date of Friday July 17th, 2015. Responses to be analyzed and ranked this week.

DEPARTMENT UPDATES:

- **Justice Court**
 - Assist the Judge on the Bench during court sessions on Mondays, Thursdays and Fridays
 - Processed Criminal Disposition Reports (CDRs) after court

- Completed court paperwork after court sessions
- Update excel spreadsheets with Bail disbursements from court
- Electronically transmitted 462 Criminal Dispositions Reports (CDRs) to New York State Division of Criminal Justices Services since May 12, 2015
- Reconciled Judge Troy Justice Account. Ending Bank Balance as of 05/31/15 - \$90,068.58. Ending Bank Balance as of 06/30/15 - \$51,049.53
- Prepared May 2015 Monthly Report to the N.Y. State Comptroller's Office- Justice Court Fund for Judge Troy - \$91,667.55 to be reviewed and electronically submitted by Judge Troy
- Prepared June 2015 Monthly Report to the N.Y. State Comptroller's Office- Justice Court Fund for Judge Troy - \$52,190.50 to be reviewed and electronically submitted by Judge Troy
- Reconciled Judge Castaneda Account. Ending Bank Balance as of 6/30/15 – 45,628.50
- Prepared June 2015 Monthly Report to the N.Y. State Comptroller's Office- Justice Court Fund for Judge Castaneda - \$45,395.05 to be reviewed and electronically submitted by Judge Castaneda
- Reconciled Judge Sisca Justice Account. Ending Bank Balance as of 05/31/15- \$129,208.66. Ending Bank Balance as of 6/30/15 - \$106,053.56
- Prepared May 2015 Monthly Report to the N.Y. State Comptroller's Office- Justice Court Fund for Judge Sisca - \$128,339.10 to be reviewed and electronically submitted by Judge Sisca
- Prepared June 2015 Monthly Report to the N.Y. State Comptroller's Office- Justice Court Fund for Judge Sisca - \$248,581.75 to be reviewed and electronically submitted by Judge Sisca
- Reconciled Tow Account. Ending Bank Balance as of 05/31/15 - \$340.00. Ending Bank Balance as of 6/30/15 - \$150.00
- Prepared vouchers and Payroll to be sent to the Finance Department
- Staff Meeting held on June 17, 2015

➤ **Police Department:**

- **Training:**
 - On June 10th, Detective Walter Alcivar and Police Officers Mike Sprague and Arthur Dusenbury successfully completed a 3-day course of study in advanced tactical entry held at the New York City Police Departments Rodman's Neck training facility. This instructional block covers high risk entries utilizing minimal armament combined with advanced body armor and is designed for densely populated urban environments and is at the core of our Emergency Service Unit curriculum.
 - On July 12th, Lieutenant Mark Braccio and Police Officer Sal Baldo successfully completed certification as patrol rifle instructors. This 40 hour course of study held at the Westchester County Police academy prepared Lt. Braccio and POO Baldo to begin instructing selected members of the Department to be patrol rifle operators.

- On June 5th, Police Officer Chris Bivona completed High Intensity Drug Trafficking Area, (HIDTA) training. This 40 hour course of study was held at the New York City Police Departments Rodman's Neck facility in the Bronx. Police Officer Bivona received both classroom and hands on training in area such as; search warrants, surveillance, undercover operations and tactical street encounters.

- **Case Highlights:**

Just before midnight on Friday, June 5 Detective Tony Rivera, was off-duty and on his way to the station house for a late night tour. On Pearl Street between Irving and King he observed two individuals acting suspiciously. Knowing that the Village has been plagued for months by parking meter thefts, Detective Rivera continued to observe the subjects and subsequently observed them break into and steal coins from a parking meter. As the perpetrators tried to escape in their vehicle, Detective Rivera called for backup, then blocked them in and effected an arrest with the aid of responding officers. The suspects, both of whom had extensive criminal records were booked on numerous larceny related charges. This brought to a close a pattern of meter break-ins that took place over the past year depriving the Village of tens of thousands of dollars in parking revenue.

- **Public Affairs:**

The objective of our public affairs initiative is to keep abreast of the public safety concerns of our residents, and to keep them in turn informed on law enforcement issues. The Department has taken part in several public events during the month of June. Among them:

1. Port Chester Fest-Lyons Park
2. KTI Summer School Public Safety Day
3. One World United/Carver Center-Youth Leadership Project
4. Port Chester NAACP-Columbus SC Memorial Ceremony, Lyons Park

- **Detective Bureau:**

- For the month of June the Bureau closed out 15 cases, five of them by arrest. There have been 300 new cases assigned. Detectives have conducted 30 arrests, among them the following:
 1. 9-felony arrests
 2. 13-misdemeanor arrests
 3. 15-warrant arrests

- Evidence: 34 prior cases were reviewed in conjunction with the Westchester County District Attorney's Office resulting in property being returned to owners or evidence slated for disposal.

FBI Part 1 Crimes	Jan. 1/14	Feb. 2/14	Mar. 3/14	Apr 4/14	May 5/14	June
Assault	4 2	4 3	4 6	5 7	5 8	7
Burglary	4 1	1 4	4 2	2 1	1 5	1
Larceny	28 34	31 26	31 37	40 43	41 39	41
Murder	0 0	0 0	0 0	0 0	0 0	0
Motor Veh. Theft	0 1	0 1	0 0	1 1	2 0	0
Rape	0 1	0 0	0 0	1 0	0 0	0
Robbery	1 4	2 0	1 2	1 1	1 5	3

Arrests/Tickets	January	February	March	April	May	June
Parking Tickets	5312	3661	4240	4393	4093	3575
Traffic Tickets	559	433	555	643	582	425
Arrests	161	130	157	140	172	133

Common Calls for Service	January	February	March	April	May	June
Aided, Medical	192	150	154	144	157	142
Accidents	108	108	116	102	115	122
Alarms	106	96	80	86	83	86
Directed Patrols	166	116	101	109	87	51
Domestic	12	30	22	24	21	10
School Crossings	45	32	17	19	25	55
Total Calls for Service	1637	1401	1556	1525	1611	1551

- **Senior Center / Nutrition:** 5,053 Meals served to date: (JUNE, 2015-May, 2016); 39 Home Bound Seniors received their meals at home, per day Monday-Friday; 60 seniors attend the Saturday Program.

- **Senior Center Calendar:**

June 1st—Music with Lou Del Bianco—1 p.m.

June 2nd—Hot Dog BBQ at Abendroth Park 10 a.m.

June 6th—Day trip to Sands Casino, Bethlehem, Pa.

June 13th—Father’s Day Brunch 10 a.m. George Lattimer & Steve Otis, coffee hour

June 17th—Westchester Broadway Dinner Theater—Westside Story

June 30th—Trip to Cross County Shopping center in Yonkers—Lunch at Olive Garden or Longhorn Steak House

Every Monday—Zumba 1 p.m. Every other Tuesday Tai Chi—10:30 a.m. Art Class every Friday morning at 10-12, Bingo Wed and Thurs afternoons. Mah Jong played every Friday afternoon at 1 p.m.

May, June & July---100 Grocery Bags with fresh produce have been given out on the second Thursday of each month to PC seniors. Bags are prepared by the Food Bank of Westchester.

- **Community Center Calendar:**

PORT CHESTER RECREATION SPECIAL CITIZEN’S DAY CAMP STARTS AT THE SENIOR CENTER JUNE 29-July 29th

June 2—9-4 p.m. Police training

June 2—7-9 pm Dave Thomas PCHS project

June 3— 9-3 p.m. Nick Mecca—Voter Training

June 4—8:30-4 p.m. Police training

June 6—8-6 p.m. Day trip to Sands Casino, Pa.

June 10---7-9 p.m Beautification Comm, Park Comm, Recreation Commission, Park Committee.

- **Treasurer’s Office:**

- The Finance Department is in the process of closing out its books in preparation for the Village’s Preliminary audit which is scheduled for the week of July 20, 2015. The Village’s annual audit is scheduled for August 24, 2015 through September 4, 2015.
- The Village Treasurer and Village Manager met with our Financial Advisor, of Capital Market to seek out a more profitable and meaningful way of investing Village funds. We also met with our major banks regarding compensating balances (an excess balance that is left in a bank to provide services such as bank transaction charges) and are utilizing all available means necessary to reducing said cost. The Village will invest approximately

\$1,500,000 in Certificate of Deposits and or Tax/Revenue Anticipation Notes in the month of July.

- The Sewer Rent IMA between Rye Brook and the Village has been executed and the Finance Department is in the process of preparing vouchers for the return of Sewer Rent paid by Rye Brook residents for FY 2014-15.
 - FY 2015-16 capital projects budgets are being created and established in our accounting system as adopted and modified by our Board of Trustees.
 - We will be submitting the New Payroll/Time Clock System contracts to the Board for approval in August. The Finance and Human Resource Departments are currently working with the various departments within the Village to create procedure manuals for our new payroll and time clock system.
- **Building / Code Enforcement Department:** See Building Inspector/ Code Enforcement Director's report attached.
- **Public Works:** see DPW report attached.
- **Planning and Development:** See Planning and Development Director's reports attached.

CORRESPONDENCES

From Mellor Engine & Hose Co. No. 3, Inc. on the election of Alessandro Calvera to active membership.

On motion of TRUSTEE MARINO, seconded by TRUSTEE CECCARELLI, The Board of Trustees accepted the election of Mr. Alessandro Calvera as a member to Mellor Engine & Hose Co. No. 3, Inc. with the Port Chester Fire Department.

ROLL CALL

AYES: Trustees, Brakewood, Ceccarelli, Marino, Adams and Mayor Pilla.

NOES: None.

ABSENT: Trustees Terenzi and Kenner.

DATE: July 20, 2015

From Salvatore Muto, Commodore Port Chester Yacht Club.

The Board referred the correspondence to staff without objection.

From Bob Roth Logistics Coordinator for Global Impact Productions request a permit and/or approval to utilize the town roads of Port Chester for a one day Charity Bike Ride.

The Board referred the correspondence to staff without objection.

Mayor Pilla asked for a motion to consider an add-on a correspondence from Centro Cultural Bolivia Port Chester, New York.

On motion of TRUSTEE MARINI, seconded by TRUSTEE BRAKEWOOD, the motion received a unanimous vote of those present.

ROLL CALL

AYES: Trustees, Brakewood, Ceccarelli, Marino, Adams and Mayor Pilla.

NOES: None.

ABSENT: Trustees Terenzi and Kenner.

DATE: July 20, 2015

PUBLIC COMMENTS AND BOARD COMMENTS

Mayor Pilla asked if there was anyone from the audience who would like to make any public comments.

Comments were made by:

Public

Ms. Dina Goren commented on the clarification of the timing of the dog park. We will discuss time and cost with the vendors. She commented there are other things in the package besides fencing. Are you just comparing the fencing cost? Mr. Steers replied that the fencing is the number 1 factor. We also need to know the cost of the rest of it as well. The bids will be opened on July 27th at 11:00 a.m.

Mr. Richard Abel commented that July 4th fell on a Saturday this year and the Village Offices were closed on the 3rd. Since there was no trash pickup on the 1st did anyone get a summons for putting trash out? On the first offense you receive a warning if you put your trash out on the wrong day.

Board

Trustee Ceccarelli commented on the interviewing of a Village historian. Has anything gone forward with that? Mayor Pilla replied this will be discussed at the next meeting. Trustee Ceccarelli inquired if the police boat is going to be launched soon. Chief Conway replied it should be in early next week. Trustee Ceccarelli asked Chris Ameigh if he reviewed the material he sent regarding the New Rochelle parking. Administrative Aide Ameigh replied he would like time to review this with Village Manager Steers. He thinks the need for a comprehensive parking and traffic plan is critical. VM Steers replied this is something in the planning for IDA. Trustee Ceccarelli inquired if the repairs had been done at the Marina. Mr. Steers replied that chain link fencing is now in place.

Trustee Marino commented on the Washington Street zombie property. Village Attorney Cerreto replied that code enforcement is monitoring the property on a weekly basis. Village

Manager Steers will follow up with Trustee Marino regarding this property. We should also do something about the sidewalks and ramps in front of the firehouses on Westchester Avenue and Willett Avenue.

Trustee Adams commented that the G&S parking lot needs to be brightened. It is dark even during the day. Chris Steers will have the building department talk to them about it. Regarding grilling in the park, Trustee Adams commented we should let the people of the Village know that the parks are now available to grill. For several months we had boards and commissions come in to let us know what they do. It would be nice to have this continue. He thanked the Board for their condolences to his family.

Mayor Pilla commented a lot was achieved this evening: The Starwood, by accepting their environmental impact statement. The boating and towing. The harbor patrol and the training the marine unit is receiving.

At 11:32 p.m., on motion of TRUSTEE ADAMS, seconded by TRUSTEE CECCARELLI, the meeting was closed.

ROLL CALL

AYES: Trustees, Brakewood, Ceccarelli, Marino, Adams and Mayor Pilla.

NOES: None.

ABSENT: Trustees Terenzi and Kenner.

DATE: July 20, 2015

Respectfully submitted,

Janusz R. Richards
Village Clerk