

## **MEETING HELD DECEMBER 15, 2014**

A meeting of the Board of Trustees of the Village of Port Chester, New York, was held on Monday, December 15, 2014, in the Court Room of the Police Headquarters Building, 350 North Main Street, Port Chester, New York, with Mayor Neil Pagano presiding.

Present in addition to Mayor Pagano, were Trustees Gregory Adams, Daniel Brakewood, Luis Marino, Joseph Kenner and Gene Ceccarelli.

It should be noted that Trustee Terenzi was absent.

It should be noted that Trustee Kenner arrived at 6:02 p.m. and 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 (arrived at 6:07 p.m.); Chief of Police, Richard Conway; Director of Planning and Development Christopher Gomez; Christopher Ameigh Administrative Aide to the Village Manager and Village Planner Jesica Youngblood (arrived at 6:53 p.m.).

On motion of TRUSTEE ADAMS, seconded by TRUSTEE MARINO the meeting was declared opened at 6:01 p.m.

### **ROLL CALL**

**AYES:** Trustees Adams, Marino, Ceccarelli and Mayor Pagano

**NOES:** None.

**ABSENT:** Trustees Brakewood, Terenzi and Kenner.

**DATE:** December 15, 2014

### **MOTION FOR EXECUTIVE SESSION**

At 6:01 p.m., on motion of TRUSTEE CECCARELLI, seconded by TRUSTEE MARINO the Board adjourned into an executive session regarding IMA between Village of Port Chester and Village of Rye Brook regarding Sewer Rent.

### **ROLL CALL**

**AYES:** Trustees Adams, Marino, Ceccarelli and Mayor Pagano

**NOES:** None.

**ABSENT:** Trustees Brakewood, Terenzi and Kenner.

**DATE:** December 15, 2014

Also present were: Village Clerk, Janusz R. Richards; Village Manager, Christopher Steers; Village Attorney, Anthony Cerreto; Village Attorney, Anthony Cerreto; Village Treasurer, Leonie Douglas; Chief of Police, Richard Conway; Director of Planning and Development Christopher Gomez and Christopher Ameigh Administrative Aide to the Village Manager.

No action was taken in executive session.

At 6:24 p.m., a motion to come out of executive session was made by TRUSTEE BRAKEWOOD, seconded by TRUSTEE ADAMS, the Board of Trustees closed the executive session.

### **ROLL CALL**

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

**NOES:** None.

**ABSENT:** Trustee Terenzi.

**DATE:** December 15, 2014

*Add-On 2<sup>nd</sup> Executive Session*

Mayor Pagano asked for a motion to add-on an Executive Session to consult with Village Attorney regarding legal strategy involving 23 Washington Street property.

There being no objection TRUSTEE MARINO, made a motion to add-on an Executive Session to consult with Village Attorney regarding legal strategy involving 23 Washington Street property, seconded by TRUSTEE BRAKEWOOD, the motion received a unanimous vote of those present.

**ROLL CALL**

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

**NOES:** None.

**ABSENT:** Trustee Terenzi.

**DATE:** December 15, 2014

At 6:25 p.m., on motion of TRUSTEE CECCARELLI, seconded by TRUSTEE BRAKEWOOD the Board adjourned into an executive session.

**ROLL CALL**

**AYES:** Trustees Adams, Brakewood, Marino, Kenner, Ceccarelli and Mayor Pagano

**NOES:** None.

**ABSENT:** Trustee Terenzi.

**DATE:** December 15, 2014

Also present were: Village Clerk, Janusz R. Richards; Village Manager, Christopher Steers; Village Attorney, Anthony Cerreto; Village Attorney, Anthony Cerreto; Village Treasurer, Leonie Douglas; Chief of Police, Richard Conway; Director of Planning and Development Christopher Gomez and Christopher Ameigh Administrative Aide to the Village Manager.

No action was taken in executive session.

At 6:47 p.m., a motion to come out of executive session was made by TRUSTEE BRAKEWOOD, seconded by TRUSTEE ADAMS, the Board of Trustees closed the executive session.

**ROLL CALL**

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

**NOES:** None.

**ABSENT:** Trustee Terenzi.

**DATE:** December 15, 2014

***Add-On 3rd Executive Session***

Mayor Pagano asked for a motion to add-on an Executive Session to consult with Village Attorney regarding legal strategy involving Westchester County Board of Election.

There being no objection TRUSTEE BRAKEWOOD, made a motion to add-on an Executive Session to consult with Village Attorney regarding legal strategy involving Westchester County Board of Election, seconded by TRUSTEE ADAMS, the motion received a unanimous vote of those present.

**ROLL CALL**

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

**NOES:** None.

**ABSENT:** Trustee Terenzi.

**DATE:** December 15, 2014

At 6:48 p.m., on motion of TRUSTEE MARINO, seconded by TRUSTEE BRAKEWOOD the Board adjourned into an executive session.

**ROLL CALL**

**AYES:** Trustees Adams, Brakewood, Marino, Kenner, Ceccarelli and Mayor Pagano

**NOES:** None.

**ABSENT:** Trustee Terenzi.

**DATE:** December 15, 2014

Also present were: Village Clerk, Janusz R. Richards; Village Manager, Christopher Steers; Village Attorney, Anthony Cerreto; Village Attorney, Anthony Cerreto; Village Treasurer, Leonie Douglas; Chief of Police, Richard Conway; Director of Planning and Development Christopher Gomez and Christopher Ameigh Administrative Aide to the Village Manager.

No action was taken in executive session.

At 6:50 p.m., a motion to come out of executive session was made by TRUSTEE CECCARELLI, seconded by TRUSTEE BRAKEWOOD, the Board of Trustees closed the executive session.

**ROLL CALL**

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

**NOES:** None.

**ABSENT:** Trustee Terenzi.

**DATE:** December 15, 2014

**RESOLUTIONS** (Taken out of order)

**RESOLUTION #1**

**AUTHORIZING THE MAYOR TO INITIATE AN ARTICLE 78 PROCEEDING AGAINST THE WESTCHESTER COUNTY BOARD OF ELECTIONS**

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

RESOLVED, that the Mayor is hereby directed to institute an Article 78 proceeding in the name of the Village of Port Chester in the Westchester County Supreme Court to seek review of the determination of the Westchester County Board of Elections rejecting the Village's transfer of the Village Election.

APPROVED AS TO FORM:

\_\_\_\_\_  
Village Attorney, Anthony Cerreto

**ROLL CALL**

**AYES:** Trustees Adams, Brakewood, Kenner, Marino, Ceccarelli and Mayor Pagano

**NOES:** None.

**ABSENT:** Trustee Terenzi.

**DATE:** December 15, 2014

## WORKSHOP

Director of Planning and Development Christopher Gomez provided the Board with a quick overview on the amendment to Marina Urban Redevelopment (MUR) regarding Section 142.031, Block 1, Lots 3, 4, 5, 6, 20, 21, 22, 23, and 24 (Former Coney's lot).

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, 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.

Petition proposes the following dimensional and bulk requirements for a newly mapped "MUR Mixed-Use District" (see attached comparison with existing downtown zoning district regulations):

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 (see Exhibit "E")

### Comprehensive Plan Consistency:

The subject parcels are within the Downtown North and South Main Street and Abendroth Avenue sub-area of the comprehensive plan which is identified as "Higher Intensity Planning Zone" that strongly encourages "ground floor retail and upper level residential uses to compliment North Main Street" and regulatory controls to promote development primarily comprised of studio and one bedroom dwelling units to reduce impacts to the school district. As such, a zoning text and/or map change to ultimately permit residential development on-site is necessary to achieve consistency between comprehensive plan recommendations and the existing Village Zoning Code.

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.

### Comparison with Existing Downtown Zoning Districts:

As seen in the comparison table below, the proposed dimensional regulations for MUR-MU Marina Urban Renewal Mixed Use District are generally consistent with the existing downtown C2 Main Street, C5T Mixed Use Transitional, and C5 Train Station Mixed Use Districts that abut the existing MUR Zoning District and "Retail D" parcels. Due to the site's unique location at Liberty Square in the heart of the Village's downtown at the confluence of several zoning

districts, it may be appropriate to look to create a new hybrid MUR-MU zoning district with elements from each of the existing three downtown mixed use districts outlined below.

Dimensional Regulations	Existing Downtown Zoning Districts			Proposed
	C2 Main Street Business § 345-48	C5T Downtown Mixed Use Transitional District § 345-50.2	C5 Train Station Mixed Use § 345-50.1	MUR-MU Marina Urban Renewal Mixed Use District
Maximum Floor Area Ratio (See definition, § 345-2)	3.2 (4.0)	4.00 (4.5)	4.00 (4.5)	≈3.9
Maximum Floor Area Ratio For 1 Story	NR	NR	NR	NR
<b>Minimum Size of Lot:</b>				
Area, nonresidential (square feet)	NR	NR	NR	NR
Area per dwelling unit (square feet)	750 (575)	575 (400)	400 (250)	250
Width (feet) (e)	40	40	40	NR
Depth (feet)	NR	NR	NR	NR
<b>Minimum Yard Dimensions:</b>				
Front (feet)	NR	NR	NR	NR
Side:				
One (feet)	NR	NR	NR	NR
Total of 2 on interior lot (feet)	NR	NR	NR	NR
Rear (feet)	20	20	20	NR
<b>Maximum Height of Building:</b>				
In stories	5	5*	8**	5
In feet	60	60*	90**	70
<b>Minimum Usable Open Space on Lot:</b>				
For each dwelling unit (square feet)	50^	50^	50^	NR

( ) = FAR and Lot Area Per Dwelling Unit reduction bonus potential in accordance with §345-16.

\* Building height bonus of one story (10 feet) is available in accordance with §345-16.

\*\*Building height bonus of two stories (30 feet) is available in accordance with §345-16.

^Village Board of Trustees may accept an offer of cash in lieu of 50 square feet of usable open space per unit or portion thereof. The value should be based on 50% of the assessed value of the land on the site, calculated by utilizing the 50 square feet of land per unit. All funds should be kept by the Village in a separate account to be used only for the acquisition, preservation, or improvement of open space in accordance with §345-7 E.

**FAR:** Although no specific maximum FAR is called out in the applicant’s petition, dividing the anticipated development square footage (90,000) by the total lot area yields an approximate FAR requirement of 3.8-3.9 which is comparable to the as-of-right 4.0 FAR permitted in both the C5 and C5T districts west of the site. Note that the C2 Main Street Business District immediately to the north of the site offers an as-of-right FAR of 3.2, bonus-able to 4.0 under the provisions of §345-16.

**Lot Area per Dwelling Unit:** Applicant is requesting a lot area per dwelling unit of 250 square feet to permit 79 units on site. Note that under existing downtown zoning, 250 square feet per dwelling unit can only be achieved via a density bonus application in the C5 Train Station Mixed Use District to reduce as-of-right 400 sq. ft. to 250 sq. ft.

**Minimum Yard Dimensions:** None of the existing downtown zoning districts have front or side yard setback requirements to maintain a consistent street wall along Main Street and Westchester Avenue. However, they do each require a 20 foot rear setback. Applicant is proposing no rear yard setback for the MUR-MU District.

**Height:** The petition call for 5 stories/70 feet, which is in line with story height of both the C2 and C5T districts, albeit with an additional 10 feet of height. The C2 would not permit 70 feet, the C5T could via the density bonus program §345-16. C5 permits 8 stories/90 feet as-of-right.

**Minimum Usable Open Space on Lot:** All three existing mixed use districts require 50 square feet of usable open space per dwelling unit or a payment of cash in lieu based on 50% of the assessed value of the land on the site, calculated by utilizing the 50 square feet of land per unit. Applicant is requesting no requirement for usable open space per dwelling unit for the proposed MUR-MU District.



Director of Planning and Development Christopher Gomez proposes the adoption of Lead Agency/Planning Commission referral Resolution.

**Motion to Add-On a Resolution**

Mayor Pagano asked for a motion to adopt the attached resolution “Declaration of intent to be Lead Agency and commencement of the state environmental quality review act process relating to proposed zoning map and text changes to the existing Marina Urban Redevelopment (MUR) District and the MMRP Urban Renewal Plan”

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

**ROLL CALL**

**AYES:** Trustees Adams, Brakewood, Kenner, Marino, Ceccarelli and Mayor Pagano

**NOES:** None.

**ABSENT:** Trustee Terenzi.

**DATE:** December 15, 2014

**RESOLUTION (Add-On)**

**DECLARATION OF INTENT TO BE LEAD AGENCY AND COMMENCEMENT OF THE STATE ENVIRONMENTAL QUALITY REVIEW ACT PROCESS RELATING TO PROPOSED ZONING MAP AND TEXT CHANGES TO THE EXISTING MARINA URBAN REDEVELOPMENT (MUR) DISTRICT AND THE MMRP URBAN RENEWAL PLAN**

**DECEMBER 15, 2014**

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

**WHEREAS**, on December 5, 2014, the Village Board of Trustees received a zoning petition from G&S Port Chester LLC (herein referred to as “Applicant”) to amend the respective zoning map and text 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 residential development (“Exhibit D” in Applicant’s petition); and

**WHEREAS**, the proposal includes the parcels designated as Section 142.31, Block 1, Lots 3, 4, 5, 6, 20, 21, 22, 23 and 24 of the Town of Rye Official Tax Map as well as the interstitial Liberty Street Right-of-Way; and

**WHEREAS**, the proposal specifically seeks creation of a new “MUR-MU Marina Urban Redevelopment Mixed Use District” to permit the construction of 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; and

**WHEREAS**, the subject parcels were approved for three (3) stories and approximately 40,000 square feet of retail development as part of the overall project approvals in 1999; and

**WHEREAS**, the Village of Port Chester Board of Trustees retains authority to amend 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 in accordance with Article XVI Marina Redevelopment Project Urban Renewal District of the Village Code. Now therefore be it

**RESOLVED**, the Village of Port Chester Board of Trustees declares its intent to serve as Lead Agency for the proposed Unlisted Action as defined in Part 617 of the State Environmental Quality Review Act (SEQRA) regulations and circulates the proposal to the following interested/involved agencies for review; and be it further

**RESOLVED**, that the Village Board of Trustees refers the proposal to the Village of Port Chester Planning Commission for review and comment in accordance with Chapter 345-23 of the Village Code.

Potential Interested/Involved Agencies:

Port Chester Planning Commission  
Michael Scarola, Chairman  
Village Hall  
222 Grace Church Street  
Port Chester, N.Y. 10573

Port Chester Zoning Board of Appeals  
William Villanova, Chairman  
Village Hall  
222 Grace Church Street  
Port Chester, N.Y. 10573

Port Chester Waterfront Commission  
Bart Didden, Chairman  
Village Hall  
222 Grace Church Street  
Port Chester, N.Y. 10573

Architectural Review Board  
William Hume, Chairman  
Village Hall  
222 Grace Church Street  
Port Chester, N.Y. 10573

City of Rye  
Christian Miller, Planning Director  
City Hall  
1051 Boston Post Road  
Rye, NY 10580

Westchester County Planning Board  
Jeremiah Lynch, Chairman  
148 Martine Avenue  
White Plains, NY 10601

Town of Rye  
Hope Vespia, Town of Rye Clerk  
222 Grace Church Street  
Port Chester, NY 10573

Village of Rye Brook  
Christopher Bradbury, Administrator/Clerk  
938 King St, Rye Brook NY 10573

Town of Greenwich Clerk  
Carmella C. Budkins  
101 Field Point Rd  
Greenwich, CT 06830

New York State Department of Transportation Region 8  
William Gorton, PE Regional Director  
Eleanor Roosevelt State Office Building  
4 Burnett Boulevard  
Poughkeepsie, NY 12603

Approved as to form:

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Anthony M. Cerreto, Village Attorney

## **ROLL CALL**

**AYES:** Trustees Adams, Brakewood, Kenner, Marino, Ceccarelli and Mayor Pagano

**NOES:** None.

**ABSENT:** Trustee Terenzi.

**DATE:** December 15, 2014

## **AFFIDAVIT OF PUBLICATION AND NOTICE OF PUBLICATION RE:**

***PUBLIC HEARING# 1- Local Law amending the code of the Village of Port Chester - Sewer Rent Section 268-4 adjustments and appeals.***

The following Public Notices were duly published in the Journal News and the Westmore News on **November 21, 2014**, certified by **Cecilia Hernandez**, Principal Clerk of the Journal News and **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 Monday, December 15, 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 adopting a local law amending the Code of the Village of Port Chester, Chapter 268, "Sewer Rents" with regard to the process of adjustments in water consumption and appeals.

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](http://www.portchesterny.com).

Date: November 21, 2014

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

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

## **ROLL CALL**

**AYES:** Trustees Adams, Brakewood, Kenner, Marino, Ceccarelli and Mayor Pagano



**NOES:** None.

**ABSENT:** Trustee Terenzi.

**DATE:** December 15, 2014

On motion of TRUSTEE BRAKEWOOD, seconded by TRUSTEE MARINO, the public hearing was adjourned to the January 20, 2014, meeting

**ROLL CALL**

**AYES:** Trustees Adams, Brakewood, Kenner, Marino, Ceccarelli and Mayor Pagano

**NOES:** None.

**ABSENT:** Trustee Terenzi.

**DATE:** December 15, 2014

***PUBLIC HEARING# 2 - Local Law - amending the code of the Village of Port Chester, Chapter 345 With Regard To Site Plan Review Procedures.:***

The following Public Notices were duly published in the Journal News and the Westmore News on **November 21, 2014**, certified by **Cecilia Hernandez**, Principal Clerk of the Journal News and **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 Monday, December 15, 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 adopting a local law amending the Code of the Village of Port Chester, Chapter 345 "Zoning", Section 345-23 site plan approval procedures with regard to survey requirements and extending the term of site plan approval.

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](http://www.portchesterny.com).

Date: November 21, 2014

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

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

**ROLL CALL**

**AYES:** Trustees Adams, Brakewood, Kenner, Marino, Ceccarelli and Mayor Pagano

**NOES:** None.

**ABSENT:** Trustee Terenzi.

**DATE:** December 15, 2014

***Public Comments***

Mayor Pagano 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 we are taxed too much. This is a tax. We should not be paying this separately; it should be on the tax bill. We are a low income community.

Mr. Richard Abel commented on due process for sewer rent. Attorney Cerreto commented that when this Board adopted the Sewer Rent Law it did not have to provide for an appeal process in the code. We went beyond with this extra step of having an appeal process. The appeal process is to take your request to the administrative staff. He commented that the town of Mamaroneck is considering this same fee. We are in the forefront on this issue. Mr. Abel said his point is that there should be an appeal process.

Mr. Giangrande commented that there is still water coming out of the sewers. Village Manager Steers commented that these are two different things. Mr. Giangrande is talking about storm water; and this is an ongoing program that is always being dealt with.

Mr. Howie Ravikoff commented on not passing this amendment tonight. It doesn't address the problem with this law. Currently the law has a 10% cap. If an applicant has an issue there is a process. It only affords a 10% reduction. We should be able to recoup more than 10%. The administrator should be allowed to recoup up to 100%.

Trustee Brakewood commented on how much money the Sewer Rent fee has generated and how much was given back as a result of appeals/ Leone responded that she will research this. He wondered if an appeals process was worth the effort for the small amount in reductions. Mr. Ravikoff commented that his money is being held by the Village during his appeals process. This is poor execution.

Ms. Goldie Solomon commented that people who live out of the Village are not on the side of the people.

Mr. Abel commented that you have to appeal every bill. There should be an annual appeal.

Ms. Beatrice Conetta commented that this bill was not thought out right.

Trustee Ceccarelli commented that this has raised \$15MM, and includes all, including non-profits, in the user fee.

Trustee Brakewood commented that he does not think it is a value to use staff time to review these appeals on a monthly basis.

Mr. Ravikoff said he would like to make his appeal statement once a year, which he feels is enough. The amendment, as it reads, is not right.

Trustee Marino commented his opinion is to discuss this more.

Village Manager Steers agreed we need more discussion on this. Before the second meeting in January the Board should have a discussion on the overall percentage of the appeals and the staff handling the appeals.

Attorney Cerreto commented we should keep the law open.

Mayor Pagano made a motion to adjourn decision until January 20<sup>th</sup>.

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

## **ROLL CALL**

**AYES:** Trustees Adams, Brakewood, Kenner, Marino, Ceccarelli and Mayor Pagano

**NOES:** None.

**ABSENT:** Trustee Terenzi.

**DATE:** December 15, 2014

## **Adoption of Local Law No. 7 of 2014**

**Village of Port Chester, New York**

**Local law No. 07 of the Year 2014**

**A LOCAL LAW AMENDING THE CODE  
OF THE VILLAGE OF PORT CHESTER, CHAPTER 345,  
WITH REGARD TO SITE PLAN REVIEW PROCEDURES**

SECTION 1: The Code of the Village of Port Chester, Chapter 345, Section 345-23 is hereby amended to read as follows:

345-23 Site Plan Procedures.

C. Submission Procedures

(2) Site plan

(c) All site plan applications must be accompanied by a current, certified survey of existing conditions of the application property prepared by a registered and licensed surveyor in the State of New York. Minimum requirements include property lines and measurements, tax lot designation, utility lines and connections, curb cuts, street designations, and north arrow.

H. Miscellaneous provisions.

(6) Validity. Approval of a site plan by the Planning Commission shall be valid for a period of one year from the date of approval. Upon application and for good cause shown, the Planning Commission shall have the right to extend the period of approval to not more than two years from the date of the original approval.

SECTION 2: 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 hereof shall continue in full force and effect.

SECTION 3: Effective Date

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

BY ORDER OF THE BOARD OF TRUSTEES OF  
THE VILLAGE OF PORT CHESTER, NEW YORK  
NEIL J. PAGANO, Mayor  
JANUSZ R. RICHARDS, Village Clerk

Adopted: December 15, 2014

On motion of TRUSTEE BRAKEWOOD, seconded by TRUSTEE CECCARELLI, the following Local Law Number 7 of 2014 was adopted by the Board of Trustees of the Village of Port Chester, New York:

**ROLL CALL**

**AYES:** Trustees Adams, Brakewood, Kenner, Marino, Ceccarelli and Mayor Pagano

**NOES:** None.

**ABSENT:** Trustee Terenzi.

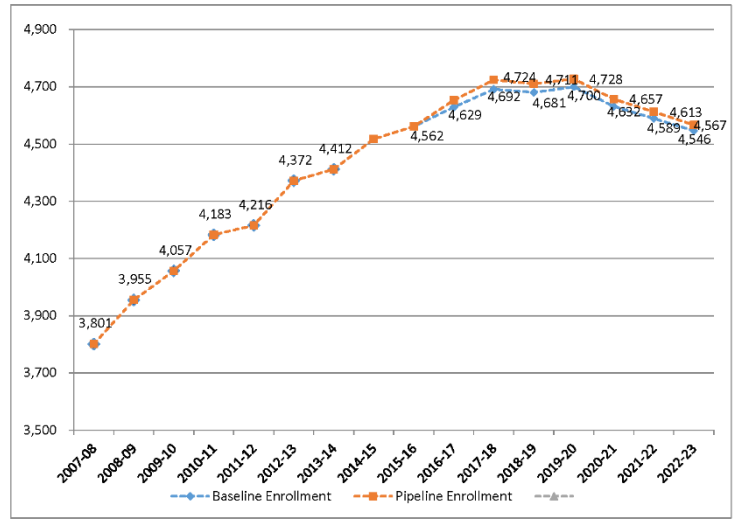
**DATE:** December 15, 2014

**PRESENTATION**

*School Mitigation Study*

The Port Chester Industrial Development Agency (PCIDA) has commissioned Urbanomics and BFJ Inc. to prepare a school children mitigation study quantifying the operating and capital costs associated with adding additional children to the Port Chester School District from new residential development.

**PORT CHESTER PUBLIC SCHOOLS  
OVERCROWDING AND MITIGATION ANALYSIS**



**PHASE ONE REPORT**

Prepared for  
**Village of Port Chester IDA**

Submitted by Urbanomics, Inc.  
November 10, 2014

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**Introduction**

Unlike much of the rest of Westchester County, the Village of Port Chester has experienced a renaissance in recent years. In response, the new comprehensive plan and consequent zoning changes allow for higher density mixed-use development in strategic areas with the intent of creating additional economic opportunities. Several proposals have already been put forth and, as with any new residential development, there is concern that the already crowded school system will be stressed beyond capacity by additional children. To better understand and deal with this challenge, the Port Chester Industrial Development Agency (IDA) retained Urbanomics, Inc. and BFJ Planning to analyze the changing demographics and countervailing child generation rates of Port Chester and to develop a mechanism that allows the Village of Port Chester to accommodate new school children without excessively taxing existing residents.

The objective is to set in place a mechanism that is fair to existing and future property owners, that is relatively easy to administer and reasonable in terms of its economic impacts on developers and new property owners. The purpose of this mechanism is not to control growth, but to establish a funding mechanism that allows the Village to improve school conditions and that is also predictable and understandable for the developers and property owners.

The development of this mechanism followed a process of literature review, data collection and forecasting, definition of the costs of education and new school construction, development of the mitigation formula, as well as opportunities for the tool's implementation. A description and the results of this process follow.

**Key Findings**

- The number of public school children in Port Chester has continued to rise over the last decade unlike the surrounding municipalities in Westchester County due to demographic differences.
- The number of public school children will continue to increase through the 2019-20 school year before leveling off and beginning to decline.
- The capacity analysis prepared by Ross Haber and Associates for the Port Chester Rye School District showed a district-wide classroom deficit of 3 classrooms<sup>1</sup> in 2011
  - The elementary classroom deficit in the elementary peak year of 2016-2017 will be 6, excluding any potential new residential construction
  - The additional deficit due to projects in the pipeline is 2 classrooms
- Child generation rates in Port Chester are generally lower than State and Regional averages for studios and one-bedroom units, and higher than the averages for two or more bedroom units.
- Educational and operational (soft) costs per child are estimated at \$17,292
  - Minus government aid, the soft cost per child is \$13,723
- New Construction costs per child are estimated at \$35,000
  - Minus State Aid, the New Construction cost per child is \$18,370
- Applying the mitigation formula to projects in the pipeline at current unit mix yields:
  - 34 Children
  - \$1,091,257 in costs per child adjusted for State Aid
    - \$466,677 in soft/education costs
    - \$624,580 in hard/new construction costs

<sup>1</sup> Assumes an average class size of no more than 25 students.

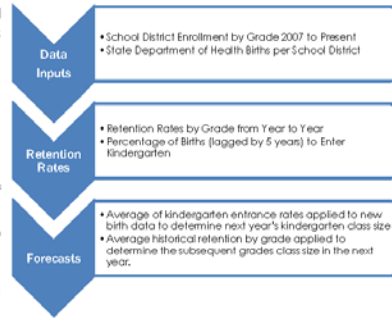
**Analysis of Existing Studies and Forecasts**

Urbanomics reviewed several existing studies and forecasts at the outset of the project to provide context. These studies included the Village of Port Chester Housing Study, which provided information on the predominant existing housing by type and income level of residents. The Village of Port Chester Comprehensive Plan and Comprehensive Plan EIS provided information on what future housing development will be like in the Village, in particular in the areas rezoned to higher densities.

The primary source for School District information was the Ross Haber Associates Enrollment Study prepared for the Port Chester Public Schools in June, 2011. This study included both a forecast of student enrollment to 2015 as well as a classroom capacity analysis of the District's elementary schools. The capacity analysis showed a district-wide classroom deficit of 3 classrooms in 2011, assuming a maximum class size of 25 students.

**Data Collection and Preparation of Enrollment forecasts**

The graphic to the right shows the progression of the School District Enrollment Forecasts. Historical data and assumptions for the enrollment forecasts are as follows:



- Births:
  - o Historical births for all mothers residing in the Port Chester/Rye School District available from New York State Department of Health for 2000-2012; projected to 2017
  - o K enrollment dependent upon annual births of 5 years prior to school year
    - Actuals for calendar years (CY) 2002 to 2007 (historical period school years (SY) 2007-08 to 2013-14)
    - Actuals for CYs 2008 to 2012 (projected period SYs 2014-15 to 2022-23)
- Total Enrollment:
  - o Public School enrollment collected for mid-October from NYS Department of Education and the Port Chester Rye School District reports of all students on roll by grade.
- Survival Rates:
  - o For grades K-12, forecast survival rates are computed as the average of six year historical survival rates.
  - o All survival rates are applied to prior year and prior grade enrollment, with the exception of K grade levels for which survival rates are applied to corresponding row birth rates.
- Ungraded (Grades 13 and 14)
  - o A ratio of special education students to regular students was computed on an historical basis by year of enrollment for K-12. The ratios were forecasted by a least squares linear regression to provide future school year percentages of special education students to be applied to the regular student forecast.
- Pending Development School Child Generation
  - o All housing units proposed and under construction in the forecast period were obtained from the Village of Port Chester Department of Planning by tenure, building type, cost and unit size. The Port Chester Specific PUMS multipliers (as described in the following section) were applied to housing developments on a unit size basis.

**Baseline Forecasts**

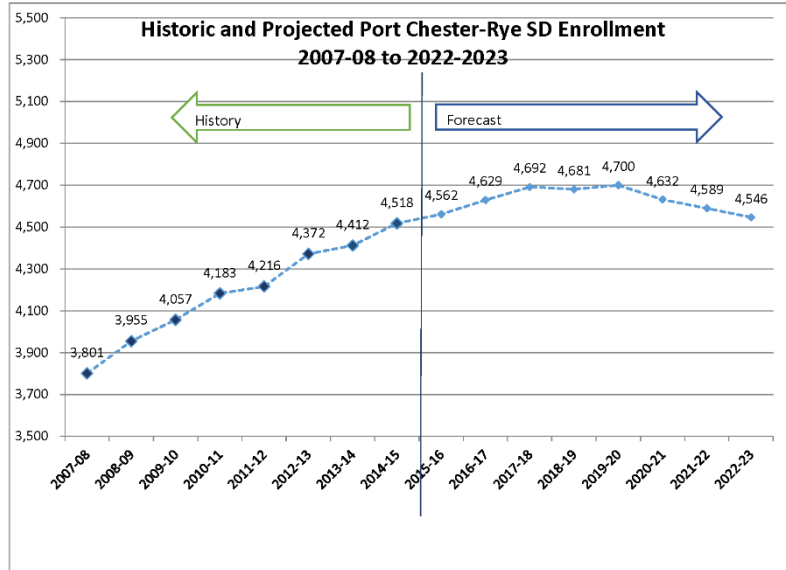
What follows is an image of the Cohort-Survival Forecast worksheet.

**Cohort-Survival Enrollment Projection Worksheet**

DISTRICT NAME: PORT CHESTER-RYE UFSD  
 COUNTY: Westchester

School Year	Births 5 Yrs Age	K	1st Gr.	2nd Gr.	3rd Gr.	4th Gr.	5th Gr.	6th Gr.	7th Gr.	8th Gr.	9th Gr.	10th Gr.	11th Gr.	12th Gr.	Total	13th Gr.	14th Gr.
<b>HISTORIC DATA</b>																	
2007-08	521	366	321	307	279	285	267	263	270	283	357	274	232	246	3801	91	1
2008-09	582	370	361	330	307	284	293	291	263	253	348	300	273	216	3955	66	0
2009-10	536	364	366	362	328	308	274	302	298	264	331	313	276	235	4057	46	1
2010-11	529	363	349	361	365	321	312	286	300	299	310	325	277	268	4193	45	5
2011-12	491	373	364	357	354	374	314	303	276	300	339	285	284	264	4218	8	11
2012-13	500	380	380	351	352	347	367	307	302	283	372	319	281	292	4372	16	17
2013-14	478	369	380	371	350	339	344	373	297	310	359	324	305	264	4412	23	14
2014-15	507	366	380	367	351	346	337	352	382	297	419	297	312	290	4518	44	8
Average Survival Rate	0.702	0.969	0.969	0.969	0.969	0.969	0.969	0.969	0.969	0.969	0.969	0.969	0.969	0.969	0.969	0.969	0.969
<b>PROJECTIONS</b>																	
2015-16	475	337	357	359	361	349	344	344	344	353	392	373	375	280	4562	48	6
2016-17	484	343	338	355	353	359	346	351	345	352	480	334	353	265	4629	48	7
2017-18	464	329	344	336	350	351	356	354	352	345	443	395	429	315	4692	47	7
2018-19	460	326	330	343	331	347	349	354	354	354	433	395	396	405	4681	47	7
2019-20	452	321	327	329	353	329	345	355	354	354	442	395	389	374	4700	46	7
2020-21	445	316	322	326	323	335	327	352	355	354	445	395	366	354	4632	46	7
2021-22	438	311	316	320	320	321	333	333	353	356	458	399	372	346	4599	44	7
2022-2023	431	306	311	316	316	318	319	340	334	353	448	410	375	353	4546	43	7

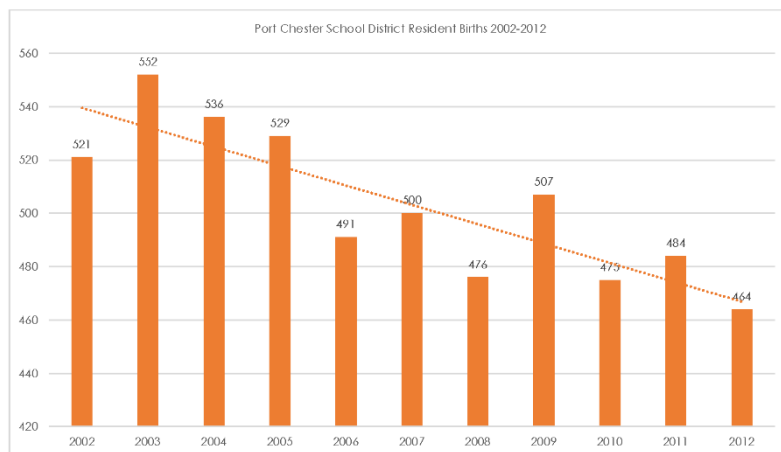
As shown in the preceding table and charted below, between 2007-08 and 2014-15 the number of public school children in the Port Chester Rye UFSD increased from 3,801 to 4,518 or by 18.9 percent (717 students) or by almost 2.7 percent each year.



Source: Port Chester Rye UFSD, NYS Department of Health, Urbanomics

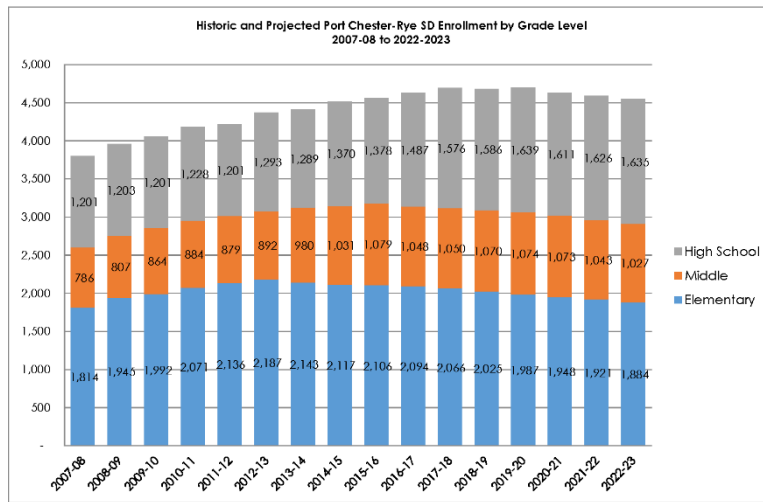
The number of public school children is expected to continue to rise through school year 2019-20, when it will peak at 4,700 students. This is an increase of 182 students or 4.0 percent over the 2014-15 school year. This increase averages to roughly 0.8 percent each year. After SY 2019-20, the number of school children enrolled in the Port Chester Rye UFSD will begin to slowly decrease.

The relatively slower growth to 2019 and the subsequent decrease in the number of students will be due to an overall declining birth rate in the District. As shown in the chart to the right, the number of District births peaked in 2003 at 552 live births. These children entered public school in the 2008-2009 school year. The projection of births used to extend the enrollment forecasts to the year 2022-23 reflects this trend.



Source: New York State Department of Health

In terms of grade levels, the forecasts show that middle school enrollment will peak with 1,079 students in 2015-16 and high school enrollment will reach its peak for this forecast period in 2019-202 with 1,639 students. Elementary enrollment reached its peak in 2012-13 and will slowly decline throughout the forecast period as shown in the chart that follows.



Source: Port Chester Rye UFSD, NYS Department of Health, Urbanomics

It should be noted that these forecasts reflect only Public School Enrollment. Only 87 percent of Port Chester children ages 3-17 enrolled in school, attend public school. There are an additional 600 children who attend private school, who could potentially end up in the Public School System due to parochial school closures or changes in family economic circumstance.

This is further evidenced by the fact that the student retention rate between 8<sup>th</sup> and 9<sup>th</sup> grade increases to 1.257, demonstrating that many children enter the public school system for the first time as high school students, likely after attending parochial and other private elementary schools. One in every five 9<sup>th</sup> graders did not come through the public school feeder system. If the private schools were to close, the demand for space in the public schools would increase greatly.

**School District Data**

Urbanomics and two representatives of the Village Planning Department met with Superintendent Klizus, Deputy Superintendents McAward and Fannelli and members of the School Board on July 10, 2014 to provide an overview of our scope of work and discuss current conditions and expectations of capacity demand. In addition, we discussed Urbanomics' assumptions for child generation and construction costs, as well as the preliminary baseline forecasts. The School District representatives were very receptive and forthcoming with adjustments based on current circumstances.

New information, by topic, included:

- Soft Costs: 2014-15 detailed budget
- Hard Costs: They are in the process of planning an addition to the middle school that will allow them to house the 300+ students for whom they are currently renting the Catholic school. Construction costs for the addition are estimated by their architect at \$350 psf. They are using the NYS standard for number of required sf per child.
- Child generation: In order to check the generation rates, the District provided an electronic copy of their enrollment by address for 2012. In particular, the Deputy Superintendents were particularly concerned about new developments such as the Mainer, which generated many more public school children than estimated.
- Forecasts: They had no qualms about the forecasting methodology, but had several suggestions for improvements.
  - o The students from the closed catholic school are already included in the enrollment totals and therefore I need to adjust the forecasts downward.
  - o Many Port Chester students take 5 years to finish high school. (They refer to it as Grade 14 in their records.) Another grade was added to the model.
  - o The numbers reported to the State, which Urbanomics had used for the historical record, have specific requirements and do not necessarily include the 2<sup>nd</sup> year seniors. Frank Fannelli will provide their historical enrollment, including Grade 14.

In addition, the District shared a data file listing all students enrolled in the District for the 2012 school year by address. This file was invaluable in allowing the testing of the various iterations of multipliers developed for the school mitigation formula as described in the following section.

A second briefing on this project was presented at the School District Liaison Meeting on November 4<sup>th</sup>, 2014. Maura McAward, Assistant Superintendent for Business attended this meeting and expressed concern about the soft cost assumptions; in subsequent days, she shared the official 2014-15 enrollment count and worked with Urbanomics to refine the cost assumptions.



**Development of Mitigation Formula**

It details the key components and assumptions used to create the Mitigation Formula spreadsheet as well as the current status of the project. The key components of the formula are the public school child multipliers and school costs per student. In preparing the analysis for the Village and the IDA, it is important to take into consideration the changes likely to occur not only in the short term from the children in the new developments, but also in the long term from the changing socioeconomic patterns in the Village. The child generation patterns of the new market rate housing will be different than that of the more affordable housing traditionally in Port Chester—so as current residents with children age in place and the area becomes more affluent, it is likely that the number of children may start to decline in Port Chester as it has throughout the majority of Westchester County.

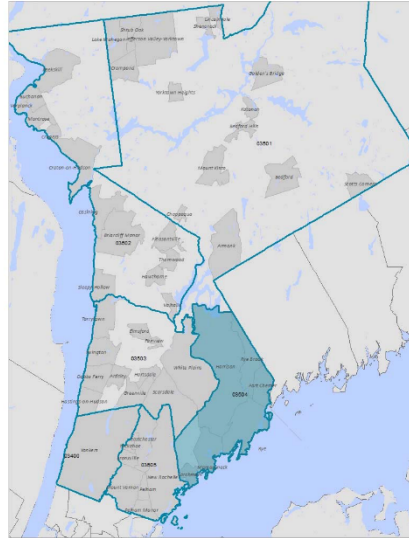
**PUMS Public School Child Multipliers**

The child generation rate standard for developers is the New York State Multipliers prepared in 2006 by Drs. Robert Burchell and David Listokin for the Rutgers Center for Urban Policy Research. These multipliers are an excellent body of work based on the 2000 US Census 5% Sample Public Use Microdata (PUMS); however, as Urbanomics was told throughout the research process, "Port Chester is different." This holds true both economically and demographically and in terms of recent development patterns.

To prepare the best possible new public school child generation rates for the various cost levels, as well as tenure, structure and unit types of Port Chester, Urbanomics ran many iterations of cross-tabulations, including several other geographic areas as described below. However, the PUMA 3504 multipliers gave the best results.

**Public Use Microdata Areas (PUMA)**

- ❑ PUMA 3504:
  - ❑ Port Chester, Rye City, Rye Brook, Harrison, Mamaroneck
- ❑ Other Geographies:
  - ❑ Southern Westchester (PUMAs 3400, 3503, 3504, 3505)
  - ❑ All Westchester (PUMAs 3400, 3501 through 3505)
  - ❑ Southern Westchester excluding Yonkers (PUMAs 3503, 3504, 3505)
  - ❑ Westchester excluding Yonkers (PUMAs 3501 through 3505)



The public school child multipliers are based on the 2012 American Community Survey Microdata for the PUMA 3504 that includes Port Chester, Rye Brook, Rye, Mamaroneck and Harrison. While it is quite true that Port Chester is demographically quite different from the surrounding areas, new construction is likely to mirror that of the more affluent neighbors.

The final cross-tabulations<sup>2</sup> include the number of public school children 18 and under by tenure, structure type, number of bedrooms, by household income level of all units as meet the following definitions:

- Tenure
  - Own
  - Rent
- Structure type
  - Single Family (single family attached, detached, mobile home, etc.)
  - Townhouse (2-4 units in structure)
  - 5+ units
- Bedrooms:
  - Studio
  - One
  - Two
  - Three or more
- Income level<sup>3</sup>
  - Affordable (80% of median income or less)
  - Workforce (80-120% of median income)
  - Market (120% of median income or more)

**Comparison of Port Chester Multipliers to Rutgers<sup>4</sup>**

The resulting multipliers differ from the off-used Rutgers' 2006 estimates as highlighted in the table below. Generally, the customized multipliers yield greater numbers of public school children in Single-Family homes as well as in Multi-Unit structures with 2 or more bedrooms, but lower numbers in 1-bedroom units, regardless of tenure or structure type.

	Single Family Market Rate				Multi-Unit Market Rate			
	Renter		Owner		Renter		Owner	
	Formula	Rutgers	Formula	Rutgers	Formula	Rutgers	Formula	Rutgers
1 Bdrm <sup>4</sup>	NA	NA	NA	NA	0.03	0.07	0.00	0.10
2 Bdrms	0.82	0.21	0.24	0.21	0.31	0.16	0.12	0.05
3+ Bdrms	1.85	0.50	0.65	0.50	1.47	0.63	0.61	0.49

Source: Urbanomics, Rutgers CUPR

**Test Case: The Mariner**

Because the Village of Port Chester is notably different from surrounding communities, it was desirable to test the multipliers, both Rutgers and the different geographic iterations of Urbanomics work, against a real case study. The best example was The Mariner—recent construction for which the unit mix as well as the number of school children enrolled in the Port Chester Rye UFSD was known.

<sup>2</sup> Other factors considered but disregarded due to small sample size included year built and housing costs.  
<sup>3</sup> Income level was used instead of rents/values because programmatic designations are based on income.  
<sup>4</sup> The multiplier for 1 Bedroom Single Family Homes is because single family homes almost always have multiple bedrooms.

The school board provided data on students by place of residence for the 2013 school year that indicated that 15 students live in the Mariner, while they state that 18 students from that development registered for 2014-15—exceeding the developer's estimates based upon comparable structures and unit mix by almost 50%. While investigating why this could be, it was discovered that many of the units in the Mariner have rooms that are intended for use as dens, but are likely used by residents as additional bedrooms.

Given these conditions, a comparison was prepared using the Rutgers Multipliers as well as the Port Chester specific multipliers prepared for the Mitigation formula for the five geographic areas described previously. The multipliers were run against the stated building mix as well as the unit mix of occupied units as determined from the Mariner's website assuming that dens are being used as bedrooms.

Unit Mix

- Reported: 60 1-, 40 2-Bedroom
- Dens counted as Bedrooms: 35 1-, 52 2-Bedroom, 3 3-Bedrooms

Children in the Port Chester Rye SD

- Fifteen in 2013 (PCR SD enrollment data)
- Eighteen in 2014 (anecdotal enrollment from 7/10/14 meeting)

Public School Children Generated: Rutgers and PUMA Geographic Area multipliers							
	Rutgers	Port Chester Area PUMA (3504)	Southern Westchester (PUMAs 3400, 3503, 3504, 3505)	All Westchester (PUMAs 3400, 3501 through 3505)	Southern Westchester Minus Yonkers (PUMAs 3504, 3503, 3505)	Westchester Minus Yonkers (PUMAs 3501 through 3505)	
Reported Unit Mix	11	14	6	5	6	6	
Occupied Units (Dens counted as bedrooms)	13	21	9	8	9	8	

Source: Urbanomics, Rutgers CUPR, ACS PUMS data, The Mariner development website

Using Rutgers statewide multipliers yields an estimate of between 11 and 13 students, an undercount of 2-4 students for the 2013 school year and 5-7 students for the 2014-15 school year. The Port Chester specific formula multipliers for PUMA 3504 alone project between 14 and 21 students, depending upon unit mix scenario—a much better fit to the actual reported number of students.<sup>5</sup> The other Westchester-specific geographies grossly underestimated the number of students, regardless of unit mix assumptions and were therefore disregarded.

<sup>5</sup> It should be noted that the Mariner's unit mix includes many 1-bedroom and 2-bedroom units with "dens"—effectively creating 2-bedroom and 3-bedroom units, respectively.

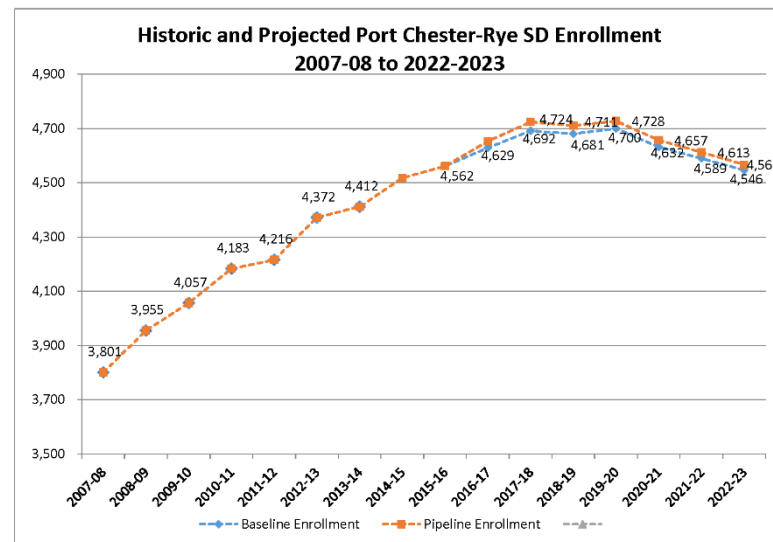
Pipeline Projects

The total number of units in the pipeline was provided by the Village of Port Chester Planning Department as shown in the table below. All of these units are market-rate rental housing in structures with 5 or more units. There are a total of 336 studios, 209 1-bedrooms, and 125 2-bedrooms. The Port Chester specific formula multipliers were then applied to determine the number of school children likely to be generated by each development.

	Unit Mix				Applied Multipliers				Total Children
	Studios	One Bedroom	Two Bedrooms	Three Bedrooms	Children in Studios (x 0.00)	Children in One Bedroom (x 0.03)	Children in Two Bedrooms (x 0.31)	Children in Three Bedrooms (x 1.47)	
United Hospital	300	100	100	0	0	3	31	0	34

Source: Village of Port Chester, Urbanomics, ACS PUMS data

Using the formula multipliers, the projects currently in the pipeline would yield 34 additional public school students<sup>6</sup>, effecting the school enrollment forecasts as shown in the chart below.



<sup>6</sup> As an example of a single project, the United Hospitals development would yield 34 public school students, compared to the Rutgers-based estimate of 22.

**Quantify Hard/Soft Costs**

The next step in the developing the mitigation formula is to determine the education and new construction costs per student.

Urbanomics worked with Maura McAward, Assistant Superintendent for Business of the Port Chester-Rye Union Free School District to determine the share of operational costs that are applicable on a per student basis. A line item depiction of the 2014-15 school budget, with applicable costs is shown in the table below.

Budget Category	2014-2015 Budget	Applicable Items 2014-2015 Budget
Board of Education	\$64,469	
Central Administration	\$379,669	
Finance	\$898,989	
Legal Services	\$94,750	\$48,875
Public Information	\$53,250	
Operations of Plant	\$3,904,926	\$3,904,926
Maintenance of Plant	\$2,165,568	\$2,165,568
Other Central Services	\$130,832	
Insurance	\$92,721	\$36,954
Judgments and Claims	\$15,000	
Refund of Taxes	\$350,000	
Other Special Items	\$444,907	\$380,907
Curriculum and Development	\$399,799	
Supervision-Regular School	\$3,746,376	\$3,746,376
Instruction (Net of Supervision)	\$47,191,137	\$47,191,137
Other District Transportation	\$500	\$500
Contract Transportation	\$3,152,584	\$3,152,584
Community Service	\$27,000	\$27,000
Employee Benefits	\$21,070,727	\$17,277,996
Transfer to Special Aid	\$175,000	\$175,000
Transfer of Debt Service	\$3,962,074	
Other Transfers	\$100,000	
<b>Total Budget</b>	<b>\$88,420,278</b>	<b>\$78,107,822</b>
<b>Total Enrollment (10-1-14)</b>	<b>4,518</b>	<b>4,518</b>
<b>Cost Per Student</b>	<b>\$19,571</b>	<b>\$17,288</b>
<b>Total State Aid</b>	<b>\$19,671,054</b>	<b>\$19,671,054</b>
Minus High Tax Aid		\$845,434
Minus Building Aid		2,717,152
State Aid Per Student	\$4,354	\$3,565
<b>Cost Per student, Net of Aid</b>	<b>\$15,217</b>	<b>\$13,723</b>

Source: Port Chester Rye UFSD Budget 2014-15

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The final budget total was divided by the official count of students for that school year. The soft cost total per student was then reduced to reflect the share of costs supported by property taxes rather than Federal and State Aid, yielding soft costs of \$13,723 per student.

**New Construction Costs**

Given the results of the Haber report stating that the School District was already operating at a classroom deficit in 2011, as well as the knowledge, based on the information that the School District is currently planning an extension that would house the students for whom they are currently renting space, each additional child is estimated to require new construction.

New construction costs are based on the quote received from the School Board of \$350 psf for their new addition<sup>7</sup> and State Building Aid Unit (BAU) requirements of a minimum of 100 sf per student in K-12 institutions. The new construction cost per student on this basis is \$35,000.

Estimating State Aid in construction is problematic. State reimbursement varies widely based upon a number of external and internal factors, some of which are impossible to quantify without a building plan. However, the School District has provided information that the current State reimbursement percentage for new construction stands at 55.9 percent of 85 percent of total construction costs. So, for a cost of \$35,000, reimbursement would apply to only \$29,750 of total costs and at 55.9%, reimbursement would stand at \$16,630.25. Following this logic, the construction cost per student minus state aid would be \$18,369.75.

<sup>7</sup> This is slightly higher than the regional elementary average of \$216psf, but is in line with the State's assessment that school construction in Westchester County has a multiplier of 1.5618 (compared with 1.8414 in NYC and 1.0 statewide).

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**Mitigation Formula Results**

Applying the school costs assumptions to the 34 children likely to be generated by developments in the pipeline, these additional students will result in \$587,797 in operating/soft expenses and, if new construction is required, some \$1.19 million in new construction costs.

Adjusting to reflect costs minus State and Federal Aid, the soft costs would total \$466,573 in soft cost mitigations and \$624,580 in construction costs or a grand total of \$1,091,153.

**Spreadsheet Structure**

The spreadsheet was designed so that it's best to enter the number of units by tenure, physical characteristics, and income level. However, if the income distribution is not available, one can enter the total units by number of bedrooms and get school child projection based solely on tenure, structure type, and number of bedrooms or even tenure and structure type alone.

**PUBLIC COMMENTS**

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

Comments were made by:

Ms. Goldie Solomon commented on not building any more residential because our schools are overloaded. Everybody who has children should be paying something for them to be in school. We have too much property off the tax rolls. Heather in Recreation did a fabulous job in Lyon Park with Santa in the Park. She does what two people did in the past.

Ms. Mendiceno asked if there was an update on the speed bumps around the High School. Police Chief Conway reported at the present time we can't do anything with asphalt because of the season. We are looking at prefabricated recycled speed humps. We have a single company in Spring Valley we are trying to get a price from. We have three quotes on the radar signs. They are solar. Ms. Mendiceno commented on the sewers and questioned if it is legal to impose a fee on residents of other communities. Residents of Rye Brook are getting billed. Mayor Pagano commented we are in conversations with the Village Manager of Rye Brook. Mr. Steers commented that Ms. Mendiceno should send him an e-mail requesting updates on the speed humps. Trustee Brakewood supports speed humps. This is a residential neighborhood and if speed indicators were set up it would make it feel like a highly trafficked area. The hump would physically slow people.

Ms. Bea Conetta commented on an admiration society between the Board and the staff. She read off naughty things that have happened in the last two years. Frist was the meter scandal; the robbery at the police station has not been resolved; the disgrace of our former police chief who has not been convicted of anything; the Condos are affecting our Board of Education; the Amnesty Program; the Sewer Rent fee. You raised the parking fees; you put parking meters in semi-residential neighborhoods; you allowed the Town of Rye to come into Port Chester and use our Village Hall and our Court; the Senior Center does not have enough parking since the Town of Rye has move in; the municipal center is a disaster waiting to happen; the Dog Park was approved and then changed. The best thing you've done has been to pick Chief Conway.

## **RESOLUTIONS**

Mayor Pagano asked for a motion to consider an add-on resolution authorizing the commencement of proceedings under Article 19-A of the Real Property Actions and Proceedings Law with respect to property located at 23 Washington Street.

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

### **ROLL CALL**

**AYES:** Trustees Adams, Brakewood, Kenner, Marino, Ceccarelli and Mayor Pagano

**NOES:** None.

**ABSENT:** Trustee Terenzi.

**DATE:** December 15, 2014

### **RESOLUTION (ADD-ON)**

#### **AUTHORIZING THE COMMENCEMENT OF PROCEEDINGS UNDER ARTICLE 19-A OF THE REAL PROPERTY ACTIONS AND PROCEEDINGS LAW WITH RESPECT TO PROPERTY LOCATED AT 23 WASHINGTON STREET**

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

WHEREAS, the Village of Port Chester had obtained a court order permitting the Village access to property located at 23 Washington Street to inspect, secure and change the locks at the vacant two-family dwelling to prevent trespassers from entering; and

WHEREAS, neither the record owner, who resides out of state, nor the mortgagee have taken any responsibility for the premises; and

WHEREAS, the current situation is unacceptable; and

WHEREAS, Article 19-A of the State Real Property Actions and Proceedings Law authorizes municipalities to take title to certain types of abandoned real property. Now, therefore, be it

RESOLVED, following the Building Department's satisfaction of the requisite requirements preparatory to bringing a special proceeding under Article 19-A of the General Municipal Law, the Mayor is directed to institute same in the name of the Village of Port Chester and/or Building Department seeking title to real property located at 23 Washington Street, Port Chester, also known and designated as Section 142.21, Block, 1, Lot 36, on the Tax Map of the Town of Rye.

Approved as to form:

---

Anthony M. Cerreto, Village Attorney

### **ROLL CALL**

**AYES:** Trustees Adams, Brakewood, Kenner, Marino, Ceccarelli and Mayor Pagano

**NOES:** None.

**ABSENT:** Trustee Terenzi.

**DATE:** December 15, 2014

### **RESOLUTION #2**

COMMENCEMENT OF AN ACTION FOR THE RECOVERY OF AMOUNT OF BAIL  
BONDS FOR FORFEITED BAIL

On motion of TRUSTEE BRAKEWOOD, seconded by TRUSTEE ADAMS, the

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

RESOLVED, in his capacity as the financial officer of the Village, the Village Manager is hereby authorized to commence civil actions, pursuant to Criminal Procedure Law, Section 540.20, against the following sureties, together with their bail agents, for the amounts specified in their respective bonds for forfeited bail:

<u>Name of Surety</u>	<u>Amount</u>
U.S. Specialty Insurance Co.	\$1,500 and \$2,500
Empire Bonding and Insurance Co.	\$2,500 and \$10,000

Approved as to Form:

\_\_\_\_\_  
Anthony M. Cerreto, Village Attorney

**ROLL CALL**

**AYES:** Trustees Adams, Brakewood, Kenner, Marino, Ceccarelli and Mayor Pagano

**NOES:** None.

**ABSENT:** Trustee Terenzi.

**DATE:** December 15, 2014

**DISCUSSIONS**

***Booting and Towing***

Mayor Pagano asked for a motion to set a Public Hearing to consider adopting a local law amending the Code of the Village of Port Chester with a new chapter, Chapter 302, Towing and Booting that would establish licensing requirements on those who wish to boot or tow motor vehicles from private property in the Village of Port Chester.

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

**ROLL CALL**

**AYES:** Trustees Adams, Brakewood, Kenner, Marino, Ceccarelli and Mayor Pagano

**NOES:** None.

**ABSENT:** Trustee Terenzi.

**DATE:** December 15, 2014

**Walk of Fame Proposal - Beautification Commission**

Ms. Taryn Grimes-Herbert reviewed the proposal of the Beautification Commission for the Walk of Fame, a collaboration with local businesses to promote events. This will be based on the Beale Street Walk of Fame. We will look for sponsors and will do some research on costs. We are looking for the Board's support to approach local businesses. In addition to having commercial sponsors we could also each year incorporate two or three Village historical markers.

## The Village Walk of Fame

The Beautification Commission would like to propose a collaboration with The Capitol Theater to create The Village Walk of Fame featuring prominent musical artists who have performed here.

## Port Chester Beautification Commission Proposal

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### Sponsorship

- According to Time Magazine (July 16, 2013) each sponsor hoping to memorialize an artist on The Hollywood Walk of Fame pays a substantial fee and uses the unveiling to promote a movie release, or or relevant event.
- In our case, sponsors could include The Capitol and/or various companies who endorse or promote musical artists.

## Example

- Beale Street Walk of Fame in Memphis honors artists by imbedding musical notes, engraved with names of accomplished musicians in the pavement.



## Benefits

- Fees collected could be used to pay for the creation of The Walk of Fame, as well as other necessary improvements within the village.
- As the Village Walk of Fame grows the general appearance of downtown Port Chester could improve and the “walk of fame” would eventually create an interesting and free opportunity for visitors to stroll through the village and enjoy local businesses and restaurants.
- The unveiling of each square of pavement could help inspire positive public awareness of the Village of Port Chester.
- As each square is unveiled, media coverage could provide an opportunity for local businesses to advertise, and promote themselves.

## Closing

- With permission from the Village Board of Trustees, The Beautification Commission would like to participate in any efforts made to bring this project to fruition.

## CORRESPONDENCES



***From Marvin Ravikoff regarding 26 Poningo Street***

The Board referred the correspondence to staff without objection.

***Sewer Rent Appeal from Luis Angel-Lalanne 59 Windsor Road***

The Board referred the correspondence to staff without objection.

***From Brooksville Engine & Hose Co. No. 5 on the election of Dave Kravitz to active membership***

On motion of TRUSTEE BRAKEWOOD, seconded by TRUSTEE ADAMS, The Board of Trustees accepted the election of Dave Kravitz as a member to Brooksville Engine & Hose Co. No. 5 with the Port Chester Fire Department.

**ROLL CALL**

**AYES:** Trustees Adams, Brakewood, Kenner, Marino, Ceccarelli and Mayor Pagano

**NOES:** None.

**ABSENT:** Trustee Terenzi.

**DATE:** December 15, 2014

***From Putnam Engine & Hose, Company No.2 on the election of Marco Aguilar and Jose Gonzalez to active membership.***

On motion of TRUSTEE BRAKEWOOD, seconded by TRUSTEE ADAMS, The Board of Trustees accepted the election of Marco Aguilar and Jose Gonzalez as a members to Putnam Engine & Hose, Company No.2 with the Port Chester Fire Department.

**ROLL CALL**

**AYES:** Trustees Adams, Brakewood, Kenner, Marino, Ceccarelli and Mayor Pagano

**NOES:** None.

**ABSENT:** Trustee Terenzi.

**DATE:** December 15, 2014

***From Putnam Engine & Hose, Company No. 2 regarding the expulsion of Michael Camoia.***

The Board duly noted the correspondence.

***From Moises Tenesaca regarding a permission come together and have a small parade Sunday the 28th of December 2014.***

The Board referred the correspondence to staff without objection.

**MINUTES**

Mayor Pagano asked for a motion to combine the minutes of

November 3, 2014

December 1, 2014

December 3, 2014

December 8, 2014

for the purpose of casting one vote for the above listed minutes.

There being no objection TRUSTEE BRAKEWOOD, made a motion, seconded by TRUSTEE ADAMS, to combine the minutes of November 3, 2014 December 1, 2014, December 3, 2014 and December 8, 2014 of the agenda for the purpose of casting one vote for all the minutes.

**ROLL CALL**

**AYES:** Trustees Adams, Brakewood, Kenner, Marino, Ceccarelli and Mayor Pagano  
**NOES:** None.  
**ABSENT:** Trustee Terenzi.

**DATE:** December 15, 2014

On motion of TRUSTEE BRAKEWOOD, seconded by TRUSTEE ADAMS, the Board of Trustees accepted the minutes of November 3, 2014 December 1, 2014, December 3, 2014 and December 8, 2014.

## **ROLL CALL**

**AYES:** Trustees Adams, Brakewood, Kenner, Marino, Ceccarelli and Mayor Pagano  
**NOES:** None.  
**ABSENT:** Trustee Terenzi.

**DATE:** December 15, 2014

## **PUBLIC COMMENTS AND BOARD COMMENTS**

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

Comments were made by:

### ***Public***

Mr. Jim Black of the Dog Park group commented that we are waiting for a workshop with the Board of Trustees. Mayor Pagano commented that maybe a workshop is not necessary and that the issues can be solved at site. Trustee Marino commented everything has been done by the Dog Park group. Village Manager Steers commented we submitted a compromise to the original plan. Mr. Black said they agreed to a dog path 15 feet wide, which is an additional layer of protection for the children in the playground. Now the entrance has been moved to the pavilion. Mr. Steers commented he is agreeable to a meeting on site during the next week. Ms. Dina Goren commented that 75 feet of the 105 feet of the dog park is going to be unused because it is too close to the playground. The staff proposal is that the dog park would start 75 feet from the playground. Trustee Brakewood suggested that the DPW stake it out so the Trustees and the Dog Park group can view the different distances. The meeting has been set for January 3<sup>rd</sup> at 9:30 A.M. at Abendroth.

### ***Board***

Trustee Adams wished everyone a healthy and happy holiday. He thanked the Village staff for the fine job done throughout the year.

Trustee Brakewood wished everyone a happy holiday.

Trustee Marino wished everyone a happy holiday.

Trustee Kenner wished all a Merry Christmas and happy holidays.

Trustee Ceccarelli wished everyone a happy holiday. He thanked the staff and municipal services for the good job done during the year.

Mayor Pagano wished all a happy holiday.

At 10:14 p.m., on motion of TRUSTEE ADAMS, seconded by TRUSTEE BRAKEWOOD, the meeting was closed.

## **ROLL CALL**

**AYES:** Trustees Adams, Brakewood, Kenner, Marino, Ceccarelli and Mayor Pagano  
**NOES:** None.

**ABSENT:** Trustee Terenzi.

**DATE:** December 15, 2014

Respectfully submitted,

Janusz R. Richards  
Village Clerk