

## **MEETING HELD MARCH 4, 2013**

A meeting of the Board of Trustees of the Village of Port Chester, New York, was held on Monday, March 4, 2013 at 5:30 P.M., 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, Saverio Terenzi, Bart Didden, Luis Marino and Joseph Kenner.

It should be noted that Trustee Branca was absent.

Also present were Village Manager, Christopher Steers; Village Clerk, Janusz R. Richards; Village Attorney, Anthony Cerreto; Village Treasurer, Leonie Douglas; Director of Planning and Development Christopher Gomez; Police Chief, Joseph Krzeminski; Administrative Aide, Chris Ameigh and Village Planner, Jessica Youngblood.

On motion of Trustee Kenner, seconded by Trustee Didden, the meeting was declared opened at 5:39 p.m.

Roll Call

AYES: Trustees Brakewood, Terenzi, Didden, Marino, Kenner and Mayor Pilla

NOES: None

ABSENT: Trustee Branca

### **WORKSESSION**

#### ***Starwood – United Capital and Zoning Text and Map proposed DW2 Downtown Design Waterfront Zoning District***

The Board discussed with staff and Starwood Capital regarding the former United Hospital site and the zoning text and map proposed DW2 Downtown design waterfront zoning district. No action was taken in the worksession.

On motion of Trustee Didden, seconded by Trustee Marino, the regular public portion of the meeting was opened at 7:09 p.m.

Roll Call

AYES: Trustees Brakewood, Terenzi, Didden, Marino, Kenner and Mayor Pilla

NOES: None

ABSENT: Trustee Branca

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

***Public Hearing to consider Zoning Text Amendments and Amendments to the Village Official Zoning Map Implementing the Comprehensive Plan***

The following Public Notices were duly published in the Journal News and the Westmore News on February 1, 2013 certified by Cecilia Hernandez, Principal Clerk of the Journal News and Angelina Brescia, Office Manager of the Westmore News.

**PUBLIC NOTICE**

Village of Port Chester

Zoning Text Amendments and Amendments to the

Village Official Zoning Map Implementing the Comprehensive Plan

NOTICE IS HEREBY GIVEN that the Board of Trustees of the Village of Port Chester, New York, will hold a public hearing on Tuesday, February 19, 2013 at 7:00 p.m. or as soon thereafter in the Village Justice Court Courtroom, 350 North Main Street, Port Chester, New York, to consider the advisability of adopting a local law amending the Code of the Village of Port Chester, Chapter 345 "Zoning," and the Official Zoning Map of the Village of Port Chester, implementing the Comprehensive Plan.

Highlights of the draft local law amending the Official Zoning Text and Map include:

**Residential Districts**

- Makes strategic upzonings
- Reduces floor area ratio in all residential districts
- Reduces maximum allowable building height in the RA3 and RA4 Districts
- Eliminates the PTD Planned Tower Development District

**Non-residential Districts**

- Commercial
  - Renames and modifies the C2 Central Business District to C2 Main Street Business District

- Renames and modifies the C3 Design Office and Commercial District to C3 Office and Commercial District
- Modifies the C4 General Commercial District
- Establishes new C5 Train Station Mixed Use and C5T Downtown Mixed Use Transitional Districts
- Eliminates the PRSP Planned Railroad Station Plaza Development District
- Waterfront
  - Rezones portions of the waterfront area to DW Design Waterfront District
  - Establishes a new DW2 Downtown Design Waterfront District
- Former United Hospital Site
  - Establishes a new PMU Planned Mixed Use District

**Other New Provisions**

- Provides for a fee in lieu of open space per unit in the C2, C5, C5T, DW, and DW2 Districts
- Establishes a Building Height and Floor Area Bonus Program
- Deletes the provision for Cluster Development in the R2F District
- Amends the Schedule of Regulations for Residence and Nonresidence Districts

An electronic copy of the related draft Zoning Text and Map Amendments can be downloaded from the Village’s website:

[http://www.portchesterny.com/Pages/PortChesterNY\\_Webdocs/plan](http://www.portchesterny.com/Pages/PortChesterNY_Webdocs/plan).

Paper copies of the related draft Zoning Text and Map Amendments are available for viewing at Village Hall, 222 Grace Church Street, Port Chester, NY 10573 and the Port Chester-Rye Brook Library, 1 Haseco Avenue, Port Chester, NY 10573. For information, please call (914) 937-6780.

Interested persons will be afforded the opportunity to be heard.

Janusz R. Richards  
 Village Clerk  
 Village of Port Chester

Dated: January 29, 2012

On motion of Trustee Didden, seconded by Trustee Kenner, the public hearing was declared open.

Roll Call

AYES: Trustees Brakewood, Terenzi, Didden, Marino, Kenner and Mayor Pilla  
NOES: None  
ABSENT: Trustee Branca

Mayor Pilla asked if there was anyone who would like to comment to consider Zoning Text Amendments and Amendments to the Village Official Zoning Map Implementing the Comprehensive Plan.

Comments were made from Ms. Goldie Solomon, representatives from Zarin & Steinmetz, Ms. Geasor, Mr. Gioffre, Mr. Ceccarelli, Mr. Reavis and Ms. Bailey-Reavis.

The Board asked staff for the changes at the next meeting.

On motion of Trustee Kenner, seconded by Trustee Marino, the public hearing was adjourned to the next meeting.

Roll Call

AYES: Trustees Brakewood, Terenzi, Didden, Marino, Kenner and Mayor Pilla  
NOES: None  
ABSENT: Trustee Branca

### **AWARD PRESENTATION**

#### ***To Port Chester High School Varsity Girls Bowling Team***

Mayor Pilla said to the Port Chester High Varsity Girls Bowling Team has won the championship for the past two years. Mayor Pilla read the proclamation the team that Tuesday, March 5, 2013 will be proclaimed as Port Chester Girls Varsity Bowling Team Day in the Village of Port Chester.

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

#### ***Public Hearing to consider the subdivision of Torosan Realty, South Main Street***

The following Public Notices were duly published in the Journal News and the Westmore News on February 1, 2013 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, March 4, at 7:00 P.M., in the Village Justice Courtroom, 350 North Main Street, Port Chester, New York, to consider a application for subdivision approval submitted by Torosan Realty and Gateway Plaza, for property located off South Main Street, known and designated as Section 142.38, Block 1, Lots 25, 26, 27, 28, 29 & 39, proposing to transfer a 306.91 square foot triangular parcel of land from Lot 28 to Section 142.38, Block 1, Lot 35 located within the C-4 General Commercial Zoning District.

Interested persons will be afforded the opportunity to be heard at this time. The application is available in the Village Clerk's office.

JANUSZ R. RICHARDS  
Village Clerk

Dated: January 30, 2013

On motion of Trustee Marino, seconded by Trustee Brakewood, the public hearing was declared open.

Roll Call

AYES: Trustees Brakewood, Terenzi, Didden, Marino, Kenner and Mayor Pilla

NOES: None

ABSENT: Trustee Branca

Mayor Pilla stated that the public hearing was duly noticed as required by law.

Mr. Colangelo spoke regarding the subdivision of Torosan Realty.

Mayor Pilla asked if there was anyone who would like to comment to consider the subdivision of Torosan Realty, South Main Street

Mr. Abel asked about if the value of the property will be increased.

On motion of Trustee Kenner, seconded by Trustee Marino, the public hearing was closed.

Roll Call

AYES: Trustees Brakewood, Terenzi, Didden, Marino, Kenner and Mayor Pilla

NOES: None

ABSENT: Trustee Branca

The Board asked that a resolution be drafted at the next meeting.

## **RESOLUTION**

### RESOLUTION

#### WAIVER AND REJECTION OF OFFER OF DEDICATION TO MINETTA PLACE

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

WHEREAS, Torosan Realty LLC (hereafter “Petitioner”) has filed a Verified Petition with the Board of Trustees dated September 28, 2012; and

WHEREAS, Petitioner owns premises located at 138, 140, 126 and 194 South Main Street, Port Chester, also designated as Section 142.38, Block 1, Lots 25, 26, 27, 28, 29 and 39 on the Tax Map of the Town of Rye that abuts Minetta Place shown on a certain map of lots filed in the Westchester County Land Records on October 31, 1894; and

WHEREAS, based on correspondence from the Village, Minetta Place is an undedicated paper street that does not meet Village standards because it is too narrow for a public roadway; and

WHEREAS, Petitioner seeks to convey the premises and has requested that the Board of Trustees waive and reject any outstanding offer of dedication with regard to the street so that it may close title without any issue of title; and

WHEREAS, the Petition has been supplemented by a title report and consents from all property owners also abutting Minetta Place. Now, therefore, be it

RESOLVED, that the Board of Trustees hereby waives and rejects any outstanding offer of dedication to Minetta Place.

APPROVED AS TO FORM:

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Village Attorney, Anthony Cerreto

ROLL CALL

AYES: Trustees Brakewood, Terenzi, Didden, Marino, Kenner and Mayor Pilla

NOES: None

ABSENT: Trustee Branca

DATE: March 4, 2013

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

***Public Hearing to consider the subdivision – Estate of Vera Davis, 96 Perry Avenue***

The following Public Notices were duly published in the Journal News and the Westmore News on February 1, 2013 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, March 4, at 7:00 P.M., in the Village Justice Courtroom, 350 North Main Street, Port Chester, New York, to consider an application for subdivision approval submitted by Vera

K. Davis, for property located at 96 Perry Avenue, known and designated as Section 135.76, Block 3, Lot 60, proposing to subdivide a 10,500 square foot parcel of land located into two lots within the R-5 One Family Residence Zoning District..

Interested persons will be afforded the opportunity to be heard at this time. The application is available in the Village Clerk's office.

JANUSZ R. RICHARDS  
Village Clerk

Dated: January 30, 2013

On motion of Trustee Kenner, seconded by Trustee Marino, the public hearing was declared open.

Roll Call

AYES: Trustees Brakewood, Terenzi, Didden, Marino, Kenner and Mayor Pilla

NOES: None

ABSENT: Trustee Branca

Mayor Pilla stated that the public hearing was duly noticed as required by law.

Mr. Colangelo and Mr. Gomez spoke regarding the subdivision of the estate of Vera Davis, 96 Perry Avenue.

On motion of Trustee Kenner, seconded by Trustee Marino, the public hearing was adjourned to next meeting.

Roll Call

AYES: Trustees Brakewood, Terenzi, Didden, Marino, Kenner and Mayor Pilla

NOES: None

ABSENT: Trustee Branca

## **PRESENTATION**

*Presentation by Port Chester Community Cares Coalition on Park signage*



Ms. Chelsea Bodansky spoke to the Board about the signage in the park and showed the Board the proposed park signs. The Board asked staff for a resolution at the next meeting.

*Presentation of the Nixie comprehensive notification platform*

A representative from Nixie presented to the Board the comprehensive notification platform. No action was taken.

**PUBLIC COMMENTS**

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

Ms. Goldie Solomon commented about property taxes, assessments, the March election, St. Patrick's Day and residential properties.

A realtor who represents a resident of 1 Landmark Square commented about certificate of occupancy.

Ms. Bea Conetta commented about the amnesty program and King Street School.

Mr. Adams commented about the Starwood property.

A resident commented about FOIL (Freedom of Information) requests.

Other residents commented about the amnesty program and landlord registry.

RESOLUTION  
MAINTENANCE SERVICES FOR COLUMBUS PARK SOCCER FACILITY

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

WHEREAS, the Village of Port Chester entered into an intermunicipal agreement with the County of Westchester obtaining funding under the Legacy Program for a state-of-art synthetic turf soccer field to be installed at Columbus Park; and

WHEREAS, a well-planned and executed maintenance program is essential to provide a safe, playable surface for field users and protect the investment made by the County; and

WHEREAS, since 2008, the Village has engaged the services of LandTek on an annual basis to implement such program which includes cleanup, deep grooming, Gmax testing and any necessary repairs; and

WHEREAS, the vendor is authorized by the manufacturer of the turf field to provide all such maintenance services. Now, therefore be it

RESOLVED, that the Village Manager be and is hereby authorized to enter into an agreement with Landtek, 235 County Line Road, Amityville, New York for annual maintenance services to the soccer field at Columbus Park, compensation to be \$7,500.

APPROVED AS TO FORM:

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Village Attorney, Anthony Cerreto

ROLL CALL

AYES: Trustees Brakewood, Terenzi, Didden, Marino, Kenner and Mayor Pilla

NOES: None

ABSENT: Trustee Branca

DATE: March 4, 2013

RESOLUTION

2013 AGREEMENT  
SOUTH EAST CONSORTIUM FOR SPECIAL SERVICES, INC.

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

WHEREAS, the South-East Consortium for Special Services, Inc. provides a special recreation program for citizens with developmental disabilities and special needs through a long-standing agreement with several municipalities in Westchester County; and

WHEREAS, the Village of Port Chester has been a party to this agreement which is up for renewal for calendar year 2013 at the same rate as the 2012 calendar year; and

WHEREAS, the program has successfully provided opportunities to our disadvantaged citizens. Now, therefore, be it

RESOLVED, that the Village Manager be authorized to sign an Inter Agency Agreement with the South East Consortium for Special Services, Inc., with the City of Rye, the Towns of Eastchester, Mamaroneck, Pelham, the Village of Scarsdale, the Town-Village of Harrison, the Villages of Port Chester, Rye Brook and Mamaroneck, to provide a collective program or special recreation services for citizens with developmental disabilities and special needs for the calendar year of 2013; and be it further

RESOLVED, that the contribution in the amount of \$21,829.00 has been appropriated in General Fund line item #001-7310-0455.

APPROVED AS TO FORM:

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Village Attorney, Anthony Cerreto

ROLL CALL

AYES: Trustees Brakewood, Terenzi, Didden, Marino, Kenner and Mayor Pilla

NOES: None

ABSENT: Trustee Branca

DATE: March 4, 2013

RESOLUTION  
AGREEMENT TO PROVIDE SHELTER AND VETERINARY SERVICES FOR  
DOGS SEIZED IN THE VILLAGE OF PORT CHESTER

On motion of TRUSTEE DIDDEN, seconded TRUSTEE KENNER, the following resolution was **tabled to March 18, 2013** by the Board of Trustees of the Village of Port Chester, New York:

WHEREAS, the Village desires a shelter and veterinary services for dogs seized by the Police Department in accordance with the requirements of the New York Agriculture and Markets Law; and

WHEREAS, Village staff has identified an animal hospital/veterinarian qualified to provide such services;

WHEREAS, this matter is provided for in the 2012-2013 Budget.. Now, therefore, be it

RESOLVED, that the Village Manager be and is hereby authorized to enter into an agreement with Stamen Animal Hospital and Violi Veterinary Care PPC, 61 Quaker Ridge Road, New Rochelle, New York 10804 to provide an maintain a pound or shelter for dogs seized in the Village and necessary veterinary care, compensation and other terms as provided for in the said agreement annexed hereto, payable out of Account Code 3510-400 "Animal Control".

APPROVED AS TO FORM:

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Village Attorney, Anthony Cerreto

ROLL CALL

AYES: Trustees Brakewood, Terenzi, Didden, Marino, Kenner and Mayor Pilla

NOES: None

ABSENT: Trustee Branca

DATE: March 4, 2013

RESOLUTION

APPOINTMENT OF ADDITIONAL ELECTION INSPECTORS

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

WHEREAS, the Village Clerk has advised of the need for the Board of Trustees to appoint additional election inspectors for the 2013 Village Election; and

WHEREAS, the Clerk has proposed a number of candidates who have been qualified to serve in this capacity. Now, therefore, be it

RESOLVED, that the following named persons are qualified Election Inspectors and are hereby appointed to act as Election Inspectors for the Village of Port Chester with regard to the 2013 Village Election:

Carlos Alvarez

David Beck

Leonela Mosquera

Ingrid Perez

George Sican

APPROVED AS TO FORM:

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Village Attorney, Anthony Cerreto

ROLL CALL

AYES: Trustees Brakewood, Terenzi, Didden, Marino, Kenner and Mayor Pilla

NOES: None

ABSENT: Trustee Branca

DATE: March 4, 2013

## **REPORT OF THE VILLAGE MANAGER**

Mr. Steers spoke about the report he submitted to the Board. Mr. Steers said that he will be meeting with staff to go over the budget.

## **REPORT OF THE VILLAGE CLERK**

Mr. Richards spoke to the Board about the election commercial and showed the Board the commercial.

## **DISCUSSIONS**

*Additional amendments to Amnesty Program for one and two family homes.*

The Board asked to defer to the next meeting as a workshop.

*Landlord Registry*

Mayor Pilla asked to defer to a future date.

## **CORRESPONDENCES**

*From Port Chester Youth Baseball League regarding the Fun Run on Saturday, April 13, 2013*

The Board acknowledged receipt of the correspondence.

*From Jerry Terranova, Chairman and Park Commissioner, regarding Port Chester Cares Community Coalition presenting their final changes to the proposed No Smoking signs*

The Board acknowledged receipt of the correspondence.

*From the Recreation Commission who wishes to continue pursuing opportunities for funding the renovation of the old Horton school gym space*

The Board acknowledged receipt of the correspondence.

## **PUBLIC COMMENTS AND BOARD COMMENTS**

*Public:*

Mr. Abel commented regarding 1 Landmark Square and FOIL requests.

Mr. McGowan commented regarding the correspondence from the Recreation Department.

***Board:***

Trustee Brakewood commented about early voting for March 2013 election.

Trustee Didden commented about the code enforcement program and the housing rehabilitation program.

Mayor Pilla commented about the municipal searches and early and cumulative voting for the March 2013 election.

At 12:20 a.m., on motion of Trustee Didden, seconded by Trustee Marino, the meeting was closed.

AYES: Trustees Brakewood, Terenzi, Didden, Marino, Kenner and Mayor Pilla  
NOES: None  
ABSENT: Trustee Branca

Respectfully submitted,

Jacqueline Johnson  
Deputy Village Clerk