

**MEETING HELD MARCH 22, 2012**

A meeting of the Board of Trustees of the Village of Port Chester, New York, was held on Thursday, March 22, 2012 at 6:00 P.M., in the Village Hall Conference Room, at 222 Grace Church Street, Port Chester, New York.

Present were Trustees Daniel Brakewood, Bart Didden and Luis Marino.

Mayor Dennis Pilla arrived at 6:55 p.m.

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

Also present were Assistant Village Manager / Director of Code Enforcement, Christopher Steers; Village Attorney, Anthony Cerreto; Director of Planning and Development, Christopher Gomez and Village Clerk, Joan Mancuso.

\* \* \* \* \*

Prior to the official start of the meeting, Christopher Steers, the Assistant Village Manager / Director of Code Enforcement informed the Board that the Comprehensive Plan Advisory Committee (CPAC) held a public hearing on February 23, 2012 on the Draft Comprehensive Plan which the CPAC heard comments from participants. He said that CPAC closed the public hearing but provided an extended timeframe for additional written comments which were provided to the consultants on the project, BFJ Planning and Ferrandino & Associates along with CPAC and staff for review and consideration. Mr. Steers said that process has been completed and last night the CPAC made an official recommendation of the plan dated March 21, 2012 which has been now provided to the Board of Trustees.

Frank Fish of BFJ Planning reviewed the proposed agenda for this meeting noting as Mr. Steers had stated that the CPAC held their public hearing on the plan and the Board has now been presented with their recommended draft of the plan. He said that he and Ms. Yackel will present the zoning text and map changes along with the density bonuses and Mr. Ferrandino will review the State Environment Quality Review (SEQR) portion of the agenda. Mr. Fish then reviewed the schedule of the next steps of the plan, zoning review and SEQR.

At this time Mayor Pilla arrived and the meeting was officially opened on motion of Trustee Didden, seconded by Trustee Marino.

**ROLL CALL**

AYES: Trustees Brakewood, Didden, Marino and Mayor Pilla

NOES: None

ABSENT: Trustees Terenzi, Branca and Kenner

Sarah Yackel of BFJ Planning reviewed the proposed revised zoning map noting that these preliminary draft amendments build on the structure of the Village's existing Zoning Code and intend to implement the following key objectives of the Comprehensive Plan:

- Reduce overall densities throughout the Village
- Preserve and protect the existing character of the residential neighborhoods

- Identify strategic areas for limited growth opportunities to help absorb development pressures in the lower-density areas
- Improve development predictability and coordinate private development with public investments in transportation and infrastructure systems

Ms. Yackel then reviewed the highlights of the proposed amendments to the residential zones which include five strategic upzonings; floor area ratio (FAR) reductions to all residential districts; maximum building height reduction in the RA3 and RA4 districts and eliminate the PTD Planned Tower Development district.

The Board discussed with Mr. Fish, Ms. Yackel and staff about zoning variances. It was relayed to the Board that the plan is a policy document for future decisions.

Ms. Yackel then reviewed the proposed non-residential districts noting that the C1 Neighborhood Retail District will remain as is in the same areas, that the C2 Central Business District will be carved into a new C2 district called the Main Street Business District, that the C3 Design Office and Commercial District has been modified as the C3 Office and Commercial District, the modification of the C4 General Commercial District, the new C5 Train Station Mixed Use district and the elimination of the PRSP Planned Railroad Station Plaza Development District. She spoke about the building heights in the C2 and C3 districts with 5 stories noting that the C3 has reduced the heights and that the C5 Train Station Mixed Use would have 8 stories with consideration of bonus of 2 more stories.

There was discussion regarding the C1 residential / retail areas. Ms. Yackel spoke about the increase of the floor area ratio (FAR) in the C2 district. The Board asked if G&S has given their feedback on the proposal of the removal of the MUR District which staff and the consultants commented on and stated that G&S is satisfied that their proposed residential / retail location would be consistent with the plan. Ms. Yackel spoke about the existing C4 districts noting that there were two with one marked with an \* which has been deleted and this district will be a General Commercial District that would allow 3 stories. Mayor Pilla said that he thought this C4 district was going to be 1 story for parking and three stories on top stating that these would be smaller lots. Trustee Didden noted that some of the lots in this district are along the Byram River and expressed concerns with flooding and the required infrastructure for parking below. Discussion on this topic continued and Mr. Fish said that he would speak to Patrick Cleary the Village's Planning Consultant on this district.

Ms. Yackel then spoke about the C5 Train Station Mixed Use district noting that this district has two types of bonuses one being FAR and the other height and that both could be considered. She reviewed the remaining districts pointing out the DW – Design Waterfront Development which includes the rezoned area of Fox Island Road of the Department of Public Works site and expanding the DW in the downtown along the waterfront. Ms. Yackel noted that residential uses in the DW zone are by permit only by the Board. She explained that with the proposed plan it is deleting the planned railroad district and is adding a plan mixed use for the former United Hospital site.

Trustee Brakewood questioned why the proposal is keeping the manufacturing zones and gave examples of these zones off of Purdy Avenue on Traverse Avenue and

Townsend Street which has a majority of multi-family properties and properties that appear to be more for storage of materials.

March 22, '12

There was further discussion regarding the manufacturing zones and the consultants indicated that this area was left as is and that there may be consideration of a future phase for that area.

Trustee Didden questioned why under the Design Waterfront District a tax preparation office is a permitted use.

Mr. Fish spoke on the history and the use descriptions, which is why that is a permitted use. There were further discussions regarding the uses in the schedules.

Trustee Brakewood again spoke further about the M1 manufacturing zones and why can we not make them R2F because of the number of residential properties already in this zone.

Mr. Fish noted that would make all the manufacturing that is there non-conforming uses.

Trustee Brakewood said that if properties are flipped it is most likely that they will not become manufacturing. He spoke more about properties in this area that are used as storage lots for scrap metal for example. Mr. Fish discussed further with Trustee Brakewood and the Board on this subject.

Trustee Didden suggested making the area east of Townsend Street being part of the DW District.

Mr. Steers said that the CPAC had this same discussion about this zone and it was more of a concern of rendering the majority of the properties as non-conforming.

Mayor Pilla recognized from the public Goldie Solomon.

Ms. Solomon spoke about the Fox Island Road and Department of Public Works area and said that the plan does not mention the County Sewer Treatment Plant which is located on that road. She questioned why residential would be allowed along Abendroth Avenue and the marina.

Mr. Fish continued and spoke about the allowable FAR bonuses for the C2, C5 and the Planned Mixed use by special permit by the Board of Trustees. He said that there will be a choice of three dedicated funds as follows: #1 – for Parking which is aimed at the bonuses for the C2 & C5 Districts; #2 – for Open Space and #3 – for Housing Rehabilitation.

Mayor Pilla asked can there only be three funds or could it be more broad.

Trustee Didden stated that we need the parking so we should not dilute this with more options.

Mr. Fish stated that where the Village cannot make the improvement there is the need to fund that is why these categories were chosen.

Trustee Didden said that the development of Abendroth is the heart of the parking problems.

Ms. Yackel and Mayor Pilla spoke about a parking district.

Trustee Didden expressed his concerns regarding residential proposals with all 1<sup>st</sup> floor parking and no retail.

Mr. Fish said that this type of parking called podium which is building over the parking is very expensive so developers would be eager to pay into a parking fund.

Trustee Didden explained his concerns on this subject further with the example of the new residential development of the Mariner Project on Abendroth Avenue.

There was further discussion regarding parking and Trustee Brakewood indicated that the fee in lieu of does not seem to cover the cost. The consultants stated that it would be a combination of the fee in lieu of and taxes. Mr. Fish stated that it would cost about \$25,000 per space within a parking garage.

Mr. Fish explained the fee in lieu of where a developer cannot provide the required number of spaces so has to pay for the spaces they cannot provide which goes into the fund. There was a discussion of what would come first the fee in lieu of for a future garage or building a garage then collecting. Mr. Fish said that they are providing the tool within the zone that could be used.

Christopher Gomez, the Director of Planning & Development said that he and Planning Consultant, Patrick Cleary are looking at other municipalities parking. He said that some municipalities have a cap of the number of spaces and that it cost \$35,000 per space in the City of Yonkers.

Mr. Frank spoke further about the bonuses and that the open space fund could be used for establishing a park over the gut at the marina and that the other recommended fund was by the Board of Trustees for a Housing Rehabilitation Program which a set of fees would be necessary.

Trustee Brakewood inquired if there can be a school impact fee.

Mr. Fish said that type of fee is illegal in New York. He talked about the mitigation that will be addressed in the State Environmental Quality Review Act (SEQRA). There was further discussion on the matter of SEQRA.

Vince Ferrandino of Ferrandino & Associates spoke about the SEQRA process and provided the Board with an adoption schedule and a draft scoping document for the Draft Generic Environmental Impact Statement (DGEIS). He said that the schedule calls for a resolution on the next Board agenda of April 2<sup>nd</sup> to adopt the positive declaration for the Comprehensive Plan and the Zoning Amendments along with scheduling a public scoping session for April 16<sup>th</sup>.

Mr. Steers noted that the scoping session is not required by statute but we are recommending to the Board to go forward with this process so the public has an additional opportunity to speak. There was further discussion about the GEIS. Mayor Pilla asked about the infrastructure review. Mr. Fish said that infrastructure, traffic and all the items of the GEIS will be in a generic way. Mr. Steers noted that there are more specifics regarding these items in the corridor study. The Board discussed the GEIS further with staff and the consultants. Ms. Yackel noted that any site specific analysis would be completed by future developers.

Mr. Ferrandino and Mr. Steers continued with the schedule with the Board for the combined Comprehensive Plan, Zoning Amendments and SEQR Adoption that will continue for meetings in May, June and July then into September and October with the anticipation that the Board of Trustees adopts the 2012 Comprehensive Plan and Zoning

Map Text Amendments by the middle of October. There was a brief discussion with the Clerk, staff and the consultants regarding the public notice requirements for the scoping session. Ms. Yackel indicated that there are no State requirements for this session. The Board said to follow up with the Village Attorney who had to leave during this work session regarding the public notice requirements which would include posting on our Village website and notice in the newspapers.

Mayor Pilla recognized from the public, Goldie Solomon.

Ms. Solomon noted that we are a diverse community and not everyone gets the newspapers or have access to a computer.

The Mayor recognized Anthony Gioffre, Esq.

Mr. Gioffre advised the Board that he is the attorney for Starwood's the owner of the former United Hospital site. He told the Board that they had submitted a letter regarding their property and would like the opportunity to participate in this process.

Mr. Steers said that he is glad that Mr. Gioffre and Starwood's are here. He asked Mr. Gioffre if they would be meeting with staff.

Mr. Gioffre said yes they will meet with staff and also come to the Board meetings.

Mayor Pilla said that our SEQRA Attorney, Mr. Chertok had reached out to Starwood's.

Mr. Gioffre said yes they met with Mr. Chertok and will be meeting and working toward a proposal for this site.

The Mayor asked staff and the consultants if there was anything else that needed to be addressed during this work session. They advised the Board that they are finish with their reports and will be available for the April 2<sup>nd</sup> Board meeting to provide this information to the rest of the Board and the public.

\* \* \* \* \*

SET PUBLIC HEARING  
VILLAGE TENTATIVE BUDGET FOR FY 2012-2013

On motion of TRUSTEE DIDDEN, 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 Manager has presented to the Board of Trustees the Tentative Budget prepared by the Village Treasurer for the fiscal year June 1, 2012 through May 31, 2013 and desires to make provision for the adoption of said Budget in the manner prescribed by law.

Now, therefore, be it

RESOLVED, that a PUBLIC HEARING to consider said Budget shall be held by the Board of Trustees at the time and place specified in the notice herein after set forth; and be it further

RESOLVED, that said Tentative Budget remain open to the public inspection in the office of the Village Clerk until the holding of the public hearing hereinafter provided for; and be it further

March 22, '12

RESOLVED, that the Village Clerk, be and she hereby is directed to publish, in the manner prescribed by law, a notice of such PUBLIC HEARING, in substantially the following form:

VILLAGE OF PORT CHESTER

NOTICE OF BUDGET PUBLIC HEARING

PLEASE TAKE NOTICE, that pursuant to Section 5-508 of the Village Law, a Tentative Budget showing the revenue and expenditures for the fiscal year of the Village of Port Chester, New York, commencing June 1, 2012, was filed with the Clerk of said Village.

PLEASE TAKE NOTICE, that a public hearing will be held by the Board of Trustees of said Village on Monday, April 2, 2012 at 7:00 p.m. with the hearing to be held in the Village Justice Courtroom, 350 North Main Street, Port Chester, New York for the purpose of considering and discussing such tentative budget. A copy of such Tentative Budget is available at the office of the Clerk, where it may be inspected by any interested person during office hours or online at [www.portchesterny.com](http://www.portchesterny.com)

Said Tentative Budget includes compensation for the Mayor of \$12,633.00 per annum and for the Trustees of \$5,200.00 per annum.

PLEASE TAKE NOTICE, that at said public hearing all persons are invited to attend and provide the Board with written and oral comments and ask questions concerning the Village's Tentative Budget.

BY ORDER OF THE BOARD OF TRUSTEES  
OF THE VILLAGE OF PORT CHESTER, NEW YORK

ROLL CALL

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

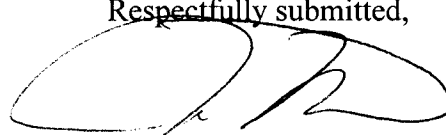
\*\*\*\*\*

There being no further business, on motion of Trustee Didden, seconded by Trustee Marino the meeting was closed at 8:25 p.m.

ROLL CALL

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

Respectfully submitted,



Joan Mancuso  
Village Clerk