

MEETING HELD AUGUST 6, 2012

A meeting of the Board of Trustees of the Village of Port Chester, New York, was held on Monday, August 6, 2012 at 6:00 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, Bart Didden, and Joseph Kenner.

It should be noted that Trustees Luis Marino and John Branca were absent.

Also present were Village Manager, Christopher Russo, Assistant Village Manager/Director of Code Enforcement, Christopher Steers; Village Attorney, Anthony Cerreto; Village Treasurer, Leonie Douglas; Director of Planning and Development, Christopher Gomez and Deputy Village Clerk, Jacqueline Johnson.

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On motion of Trustee Didden, seconded by Trustee Kenner, the meeting was declared opened at 6:06 p.m.

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

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MOTION FOR EXECUTIVE SESSION

At 6:07 p.m., on motion of Trustee Didden, seconded by Trustee Kenner, the Board of Trustees adjourned to an executive session for consultation with Counsel to discuss a particular police personnel matter.

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

No action was taken in executive session.

At 7:10 p.m., on motion of Trustee Didden, seconded by Trustee Brakewood, the executive session was closed and the public portion of the meeting was reopened.

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

AFFIDAVIT OF PUBLICATION AND NOTICE OF PUBLICATION RE:

Public Hearing: Comprehensive Plan and the Zoning 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 June 29, 2012, 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
Comprehensive Plan, Zoning 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 Monday, July 16, 2012, and August 6, 2012 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 the Comprehensive Plan and a local law amending Chapter 345 of the Code of the Village of Port Chester with regard to zoning amendments and amendments to the Official Zoning Map implementing the Comprehensive Plan.

An electronic copy of the Comprehensive Plan and local law can be downloaded from the Village's website www.portchesterny.com (located on the Home Page "Where do I go for?" section at the Public Hearing July 16, 2012 link). Paper copies of the Comprehensive Plan and local law are available for viewing at Village Hall, 222 Grace Church Street, Port Chester, N.Y. 10573 and the Port Chester-Rye Brook Library, 1 Haseco Avenue, Port Chester. For information, please call (914) 937-6780.

Interested persons will be afforded the opportunity to be heard.

Dated: June 26, 2012

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

Mr. Steers stated that the continuation of the public hearing is to hear the issues and concerns from the public. Mr. Steers said that he will have for the Board a summary list of all the changes during the public hearing process. Mr. Steers also asked the Board to close the public hearing tonight after all the oral comments, but to let the public hearing remain open for 10 days for only written comments.

Mr. Christopher Gomez read into the record a letter that was addressed to the Mayor Feinstein and Village Board of Trustees from the Village of Rye Brook regarding 525 Ellendale Avenue. Please see insert "E"

Mr. Fish, consultant from BFJ Planning said that he is keeping a running list of comments from the public and will have revised master plan update after the 10 days of written comments.

Mayor Pilla asked if there was anyone who would like to speak in favor or against the Comprehensive Plan.

Ms. Terry Berlingo had a question regarding East Broadway and she also thanked the Board and everyone else for their hard work and concern for the Village of Port Chester.

Further questions and comments were heard from the following people regarding the Comprehensive Plan: Ms. Goldie Solomon; Mr. Ron Luiso; Mr. Anthony Gioffre Esq.; Mr. Tom Kissner; Mr. Jensky; Mr. Peter Liu of Euro Asian Bistro; Mr. Dennis Shack; Mr. Colangelo; Mr. Michael Scarola; and Mr. Ceccarelli.

Trustee Didden commented that when Mr. Steers and Mr. Fish submit their final list of recommendations; he would like to see all the recommendations that were submitted from the public and have a comment inserted next to the recommendation if it was or was not considered.

Trustee Brakewood thanked the public for coming out and their comments.

Trustee Kenner asked Mr. Gomez about the Zoning Board recommendation regarding the bonus suggestion. Mr. Steers and Mr. Fish answered that they would like to give the Board a memo regarding the bonus suggestion.

Mr. Gomez read into the record the recommendation resolution from the Planning Commission dated July 30, 2012 and a list of revisions to the May 21, 2012 Public Hearing Draft of the Port Chester Comprehensive Plan and Zoning Code Amendments and Map. Please see insert letter "A", "B", "C", and "D".

Mayor Pilla commented that the summation of all the changes are not significant as it relates to the State Environmental Quality Review Act (SEQRA) and asked for a motion to close the hearing and keep the written comments open for ten days.

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

WORKSESSION

1. Housing Rehabilitation Program design workshop.

Mayor Pilla commented that one of the goals he asked staff to achieve for 2012-2013 year was a housing rehabilitation program. Mayor Pilla stated that funds were given to the Village for housing rehabilitation and the Village retained Ms. Rose Noonan to help the Village design the program. Ms. Noonan spoke regarding her scope of services for designing the program and about the various approaches of implementing the program. Ms. Noonan said that based on tonight's discussion, she will refine the details for the housing rehabilitation program and meet back with Board and Staff in about a month.

PUBLIC COMMENTS

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

Ms. Bea Conetta thanked Mr. Cuddy for his effort in the implementing the replacement and refurbishing of the war memorial plaques in Lyon Park. Ms. Conetta also commented about Port Chester Liberty Square and Christopher Russo resigning as the Village Manager. Ms. Terry Berlingo commented regarding the housing rehabilitation and asked specific questions to the Board regarding the program. Mr. Dave West of 16 King Street commented regarding the housing rehab program and code enforcement amnesty program. Mr. Scarola commented regarding the housing rehab program and the proposed agreement with JCJ Architecture.

WORKSESSION

2. Proposed Amnesty and Pre-existing Use Permitting Program workshop.

Mr. Christopher Steers spoke about the proposed local law and asked the Board for their questions and comments. Based on the discussion, the Board asked Mr. Steers to bring back a final draft of the local law to determine if they would like set a public hearing.

RESOLUTIONS

RESOLUTION AUTHORIZING AGREEMENT FOR ARCHITECTURAL/PARKING GARAGE CONSULTING SERVICES

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

WHEREAS, an opportunity has been presented to the Village for the potential acquisition of property on Irving Avenue and Poningo Streets for use as the potential site for a new Police/Justice Court facility, municipal parking and consolidation of municipal offices; and

WHEREAS, the Village needs to undertake due diligence in exploring this opportunity including consideration considering acquisition costs vs. short and long-term needs and objectives; and

WHEREAS, JCJ Architecture, 28 Prospect Street, Hartford, Connecticut 06103, has previously been retained by the Village to perform a needs assessment of the current Police/Justice Court facility; and

WHEREAS, based on this background and experience with the Village and partnering with Desman Associates, which specializes in parking facilities projects, JCJ is uniquely positioned to undertake the additional analysis and has submitted a proposal dated July 30, 2012 for consideration. Now, therefore, be it

RESOLVED, that the proposal of JCJ Architecture, 28 Prospect Street, Hartford, Connecticut 06103, Phase 1, "Schematic Design", to provide consulting services is hereby accepted, in the amount of \$22,500; and be it further

RESOLVED, that the Village Manager is hereby authorized to enter into an agreement with JCJ Architecture for the provision of said services, and be it further

RESOLVED, that the Village Treasurer is hereby authorized to establish a capital project account for the potential acquisition of real property for municipal use to be initially funded from General Fund, Contingency as follows:

GENERAL FUND

Decrease:

1.1990.400	Contingency	\$22,500
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Increase:

1.9900.900	Transfer to Capital Fund	\$22,500
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CAPITAL FUND

Establish Preliminary Costs for Parking Garage/ Police/Court Facility Project

Revenue:

5.5.5031.2012.121	Transfer from General Fund	\$22,500
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Appropriation:

5.3120.400.2012.121	Contractual	\$22,500
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Approved as to Form:

Village Attorney

AYES: Trustees Terenzi, Didden, Kenner and Mayor Pilla

NOES: Trustee Brakewood

ABSENT: Trustees Branca, Marino

DATE: August 6, 2012

RESOLUTION AUTHORIZING INTERMUNICIPAL AGREEMENT FOR ACCESS TO TELECOMMUNICATIONS SERVICES

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

WHEREAS, in 2000, the County of Westchester originally entered into an agreement with Cablevision Lightpath, Inc. for the provision of telecommunications services; and

WHEREAS, this agreement was renewed in 2006 for a five-year term and again in 2011 for an additional five-year term; and

WHEREAS, under the terms of these agreements, Cablevision provided to the County a new state-of-the-art, secure, cost-effective and reliable telecommunications network and allowed Cablevision to provide municipalities in the County the opportunity to avail themselves of these services under the same terms and conditions; and

WHEREAS, the Village of Port Chester wishes to continue receiving the benefits of this agreement through a further intermunicipal agreement with the County of Westchester and that funds for these services in FY 2012-2013 have been budgeted. Now, therefore, be it

RESOLVED, that the Village Manager be authorized to enter into an intermunicipal agreement with the County of Westchester with regard to the provision of telecommunications services under an agreement with Cablevision Lightpath, Inc. for a five-year term beginning January 1, 2011.

Approved as to Form:

Village Attorney

AYES: Trustees Brakewood, Terenzi, Didden, Kenner and Mayor Pilla
NOES:
ABSENT: Trustees Branca, Marino
DATE: August 6, 2012

RESOLUTION
APPOINTMENT OF CHAIRMAN OF THE
WATERFRONT COMMISSION

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

WHEREAS, by resolution dated February 6, 2012, Gene Ceccarelli was appointed as a full member of the Waterfront Commission for a term to expire December 2, 2013; and

WHEREAS, pursuant to Section 332-5(b) of the Village Code, the Chairperson of the Waterfront Commission is appointed by the Board of Trustees. Now, therefore be it

RESOLVED, that Gene Ceccarelli is hereby appointed as the Chairperson of the Waterfront Commission.

Approved as to Form:

Village Attorney

AYES: Trustees Brakewood, Terenzi, Didden, Kenner and Mayor Pilla
NOES: None
ABSENT: Trustees Branca, Marino
DATE: August 6, 2012

RESOLUTION
APPOINTMENT OF MEMBER OF THE
WATERFRONT COMMISSION

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

RESOLVED, that Alejandro Payán, residing at 434 West William Street, Port Chester, New York, and he hereby is appointed as a full member of the Port Chester WATERFRONT COMMISSION, effective immediately, and to expire December 2, 2013; and be it further

Approved as to Form:

Village Attorney

AYES: Trustees Brakewood, Terenzi, Didden, Kenner and Mayor Pilla
NOES: None
ABSENT: Trustees Branca, Marino
DATE: August 6, 2012 Village Attorney

RESOLUTION
SET PUBLIC HEARING TO CHAPTER 345,
WITH REGARD TO SITE PLAN REVIEW
PROCEDURES AND STANDARDS

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

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

New York:

WHEREAS, the Planning Commission has a broad grant of authority with regard to the administration of the Zoning Regulation, Chapter 345; and

WHEREAS, consistent with such grant, the Planning Commission has pro-actively recommended to the Board of Trustees that the Section 345-23 of the Village Code, be amended with regard to the applicant furnishing a CD and 3D Model Submission at the time of application; and

WHEREAS, such proposed amendment would significantly enhance the site plan review process not only for the members of the Planning Commission but also the general public. Now, therefore, be it

RESOLVED, that a public hearing is to be held on September 18, 2012 at 7:00 p.m. at the Village Justice Courtroom, 350 North Main Street, Port Chester, New York 10573, to consider the advisability of adopting a local law to amend the Code of the Village of Port Chester, Chapter 345, Section 345-23C(2)(a), with regard to the applicant furnishing a CD and 3D Model Submission as part of the site plan application process.

Approved as to Form:

Village Attorney

AYES: Trustees Brakewood, Terenzi, Didden, Kenner and Mayor Pilla
NOES: None
ABSENT: Trustees Branca, Marino
DATE: August 6, 2012

RESOLUTION
WITHDRAW AUGUST 20, 2012 PUBLIC HEARING
CHAPTER 165 "DANCE HALLS AND CABARETS"

On motion of TRUSTEE, Terenzi, seconded by MAYOR Pilla, the following resolution was amended by the Board of Trustees of the Village of Port Chester, New York:

RESOLVED, that a public hearing be withdrawn on August 20, 2012 at 7:00 p.m. at the Village Justice Courtroom, 350 North Main Street, Port Chester, New York 10573, to consider the advisability of adopting a local law amending the Code of the Village of Port Chester, Chapter 165 entitled "Dance Halls and Cabarets."

Approved as to Form:

Village Attorney

AYES: Trustees Terenzi, Brakewood, Kenner and Mayor Pilla
NOES: Trustee Didden
ABSENT: Trustees Branca, Marino
DATE: August 6, 2012

DISCUSSIONS

Bulkhead follow-up.

The Village Manager, Mr. Christopher Russo stated that the bid specifications will be going out at the end of this week.

Journal Entry Policy.

The Village Treasurer stated that the Village was cited in their last audit for not having a journal entry policy and that the next audit will begin on August 20, 2012.

Five year financial forecast.

The Board and Staff discussed the financial forecast and a motion was made by Trustee Kenner, seconded by Trustee Didden to add-on the following resolution:

RESOLUTION

ADDITIONAL PERSONNEL FOR TREASURER'S OFFICE TO ASSIST IN THE
PREPARATION OF A FIVE YEAR OPERATING BUDGET & CAPITAL PLAN

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

RESOLVED, that the Board of Trustees hereby authorizes the Village Treasurer amended to transfer \$5,000 from the Contingency account for additional personnel in the Treasurer's Office to assist the Village Treasurer in the preparation of a five (5) year General Fund Operating Budget and a five (5) year Capital Plan.

AYES: Trustees Brakewood, Terenzi, Didden, Kenner and Mayor Pilla
NOES:
ABSENT: Trustees Branca, Marino
DATE: August 6, 2012

Leasing Village Property on Willett Avenue update.

Mr. Christopher Gomez spoke to the Board regarding the proposed lease and Mr. Frank Blasi answered questions from the Board. The Board asked Staff to come back to the Board with a proposed lease agreement.

Rye Brook affordable housing update

Mr. Christopher Gomez spoke regarding the letter that was sent on behalf of the Board of Trustees to the Village of Rye Brook Mayor and Trustees regarding the property on 525 Ellendale Avenue. Trustee Kenner stated that the letter was sent on behalf of the Board, but noted that he recused himself from the discussion when the letter was authorized by the Board.

Parking update

Mayor Pilla withdrew this discussion.

CORRESPONDENCE

The Deputy Clerk presented correspondence request from John B. Colangelo for his client to continue to have a wooden trellis overhang from his front yard setback. The Board and Staff discussed the request and a motion was made by Trustee Didden, seconded by Trustee Brakewood to add-on the following resolution:

**RESOLUTION
GRANT OF PERMISSION FOR ENCROACHMENT**

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

WHEREAS, 78-80 Purdy Avenue Holdings Corp. has made application to the Zoning Board of Appeals requesting variances and an interpretation to permit the existing floral shop's operations; and

WHEREAS, as part of the site plan, a wooden structure was erected in the required front yard set-back that encroaches on the public sidewalk; and

WHEREAS, by letter dated July 23, 2012, petition has been made for permission to allow for such minor encroachment. Now, therefore, be it

RESOLVED, that the Board of Trustees hereby grants permission to 78-80 Purdy Avenue Holdings Corp. to encroach into the public right-of-way in the form of a revocable license to be prepared by the Village Attorney and on such terms and conditions as appropriate to protect and hold the Village of Port Chester harmless of any liability, and be it further

RESOLVED, that such grant is subject to the applicant obtaining all necessary land use approvals, permits and certificate of occupancy.

Approved as to Form:

Village Attorney

AYES: Trustees Brakewood, Terenzi, Kenner and Mayor Pilla
NOES: None
ABSENT: Trustees Branca, Marino
DATE: August 6, 2012

The Deputy Clerk presented correspondence request from the Columbus Day Celebration Committee for their annual Columbus Day Parade scheduled for Sunday, October 7, 2012 and a financial contribution for this event. The Board referred the correspondence to staff.

The Deputy Clerk presented correspondence request from Lisa Dileo to close a portion of Irenhyl and Irving Avenue for their annual Breckenridge Block Party on Saturday, September 15, 2012 from 4:00pm to 11:00pm. The Board referred the correspondence to staff.

The Deputy Clerk presented correspondence request from Andrea Winchester to close a portion of Linden Street for a Block Party on Saturday September 1, 2012 from 4:00pm to 10:00pm. The Board referred the correspondence to staff.

PUBLIC COMMENTS AND BOARD COMMENTS

Public Comments:

Mayor Pilla asked if there was anyone from the audience who would like to make any comments. A resident commented regarding the intersection on Pearl Street.

At 12:10 a.m., on motion of Trustee Didden, seconded by Trustee Terenzi, the Board of Trustees adjourned to an executive session for the following items:

1. Discuss with Staff regarding the legal strategy for the Amnesty Program.
2. Discuss with Village Manager regarding the position of Village Manager and Village Clerk.
3. Discuss with Board regarding a particular police matter.

No action was taken in executive session.

At 12:20 a.m., on motion of Trustee Terenzi, seconded by Trustee Marino, the executive session was closed at 12:20 a.m.

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

NOES:

ABSENT: Trustees Marino and Branca

Respectfully submitted,

Jacqueline Johnson
Deputy Village Clerk

BFJ Planning

Sec. 345:62. Planned Mixed Use District.

F. **Site Plan Approval.** Before a building permit may be issued by the Building Inspector for any use for which a special permit has been issued within the Planned Mixed Use district, a site plan shall be approved therefore in accordance with the provisions of Article V of this Zoning Regulation. Authority to approve site plans for such uses is vested in the Village Board of Trustees.

II. ZONING SCHEDULES

DW Design Waterfront:

- Allow for "Heating, air-conditioning, plumbing, electrical and similar construction businesses, excluding open storage of materials" by Special Exception in order to accommodate such uses currently existing in the M1 district targeted for a rezoning to DW. (See *Schedule of Use Regulations for Nonresidence Districts, Part 1, Use Regulations* (Sheet 1, last row under "Business Uses".)

III. REVISED ZONING MAP

- Adjust new C2 district boundary to include the property at the northeast corner of Main Street and Mill Street (currently proposed for DW).

The following two items of concern were submitted by Michael Scarola, Chair of the Village Planning Commission.

Section 345:16.C Bonus Floor Area Option:

1. Concerned that 10% of the Assessed Value of the bonusable floor area is low.

Possible revision: Increase to 15% of assessed value.

2. FAR Bonus procedure: Will the Board of Trustees be the lead agency for all cases in PMU, C5, C5T and C2? With the exception of the PMU district, Mr. Scarola advocates that the Planning Commission remain Lead agency for applications, and where bonus is requested, sent to Board of Trustees for their review/approval with an expected 90 day turnaround.

BFJ Planning

Monday, August 6, 2012

VILLAGE OF PORT CHESTER ZONING CODE AMENDMENTS AND MAP

The following is a record of all proposed revisions to the **May 21, 2012 Public Hearing Draft of the Port Chester Zoning Code Amendments and Map** that we have received since its submission date. These are considered "non-substantive changes" and can be made after the close of the Public Hearing.

One proposed change is considered new and significant and should be made in Phase 2 of the Zoning Code amendments process, after the Comprehensive Plan and Zoning Code Amendments have been adopted. This proposed change would rezone the properties along Maple Place from R5 One Family to R2F Two Family.

ZONING CODE TEXT

Note: Proposed text *additions* are shown in **red**. Text proposed to be *deleted* is **crossed-out**.

Sec. 345.13. Nonconforming uses and nonconforming buildings and structures.

A. Continuing Existing Uses. Except as otherwise provided in this section, the lawfully permitted uses of land or buildings and structures existing at the time of the adoption of this Regulation, **or amendments made to this regulation inclusive of new zoning districts**, may be continued in accordance with the provisions of this section, although such use does not conform to the regulations specified by this Regulation for the district in which such land or building is located. Said uses, buildings and structures shall be deemed nonconforming uses.

C. Nonconforming use of buildings or structures.

(2) Any such nonconforming use may be extended throughout any parts of the building or structure which were manifestly arranged or designed for such use at the time of the adoption of this Regulation **and subsequent amendments**.

Sec. 346-16. Building Height and Floor Area Bonus Program.

B. General Regulations.

(1) The bonus program is available in the C2 Main Street Business, C5 Train Station Mixed Use, C5T Downtown Mixed Use Transitional and PMU Planned Mixed Use districts (see Schedule of Regulations for Nonresidence Districts, Attachment 3B) **by special exception only** and is subject to approval by the Village Board of Trustees.

C. Bonus Floor Area Option.

(1) Open Space Provision. In the eligible zoning districts specified herein, proposals that include an open space monetary contribution in addition to the minimum usable open space requirement of the respective district can receive bonus floor area, as specified in the Schedule of Regulations for Nonresidence Districts, Attachment 3B and subject to approval by the Village Board of Trustees. The payment **in-lieu for bonusable floor** area shall be calculated at 10 percent of the assessed value of the bonusable floor space, as determined by the Village Assessor.

**RECOMMENDATION RESOLUTION
OF THE VILLAGE OF PORT CHESTER
PLANNING COMMISSION**

Draft Zoning Amendments and Map

July 30, 2012

WHEREAS, on July 30, 2012, the Planning Commission considered the Village of Port Chester draft Zoning Amendments and Map (dated May 21, 2012) as prepared by BFJ Planning; and

WHEREAS, the Planning Commission recognizes New York State grants municipalities the authority to adopt zoning regulations and make amendments to those regulations to address the changing needs and desires of a community; and

WHEREAS, the proposed zoning amendments are the regulatory mechanism to implement the goals and vision of the Village's draft Comprehensive Plan and are in concert with the Plan's policy recommendations for the future development of the Village; and

WHEREAS, the core intent of the proposed zoning amendments is to reduce future density increases in residential neighborhoods, preserve existing neighborhood character, identify areas for limited growth, improve development predictability, and eliminate floating zones; and

WHEREAS, the Planning Commission is in support of the draft Zoning Amendments and Map (dated May 21, 2012) *except* for the specific comments listed below in bold:

Zoning 345-7.D –

*In the RA2, RA3 and RA4 Multifamily Residence Districts, the Village Board of Trustees may accept an offer of cash in lieu of 300 square feet of useable open space based on the appraised value of land on the site. **Remove in lieu fee in multi-family districts to preserve open space in residential neighborhoods as expressed in draft comprehensive plan.***

*Zoning 345:16.B(1) – Building Height and Floor Area Bonus Program General Regulations
The bonus program is available in the C2 Main Street Business, C5 Train Station Mixed Use, C5T Downtown Mixed Use Transitional and PMU Planned Mixed Use districts (see schedule of regulations for non-residence districts, Attachment 3B), and is subject to approval by the Village Board of Trustees. **Clarify process and mechanism for all bonus provisions. The Planning Commission shall retain site plan approval authority and refer applicable applications to the Village Board of Trustees for jurisdiction over special exception use permit for bonus provision(s).***

Zoning 345:16.C(1)(2)(3) – Bonus Floor Area Option: Open Space Provision, Housing Rehabilitation Provision and Downtown Parking Garage Provision.

In eligible zoning districts specified herein, proposals that include an open space, housing rehabilitation or downtown parking garage monetary contribution.....can receive bonus floor area, as specified in the Schedule of Regulations for Nonresidence Districts Attachment 3B subject to approval by the Village Board of Trustees. The payment in lieu shall be calculated at 10% of assessed value of bonusable floor space, as determined by the Town Assessor. Utilize appraised versus assessed value in calculation of bonus fee for all three bonus provisions. 10% of assessed value is far too low a return for the Village for granting height and floor area ratio (FAR) bonuses; and

NOW THEREFOR BE IT RESOLVED, that the Planning Commission hereby forwards a positive recommendation to the Board of Trustees recommending the adoption of the draft Comprehensive Plan (dated May 31, 2012) as prepared by BFJ Planning but urges revisions to the zoning amendments reflected above; and

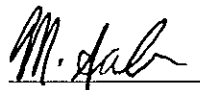
BE IT FINALLY RESOLVED that this resolution shall have an effective date of July 30, 2012

On the motion of Commissioner Gregory, seconded by Commissioner Coperine, it was adopted by the following vote:

AYES: Antaki, Baxter, Coperine, Gregory, Scarola

NAYES:

ABSENT: Cervinka, Pellon



Michael Scarola, Chairman

BFJ Planning

Monday, August 6, 2012

VILLAGE OF PORT CHESTER COMPREHENSIVE PLAN

The following is a record of all proposed revisions to the **May 21, 2012 Public Hearing Draft of the Port Chester Comprehensive Plan** that we have received since its submission date. These are considered "non-substantive changes" and can be made after the close of the Public Hearing.

CHAPTER 13.0 LAND USE STRATEGIES

Downtown/Train Station Subarea (p. 137):

Revise map boundary and corresponding text for the Downtown/Train Station subarea to reflect the proposed new C5 district. Willet Avenue will no longer be the northeast boundary line. The new boundaries will be N. Pearl St., King St. and Westchester Ave., as mapped on the proposed Draft Official Zoning Map.

CHAPTER 14.0 REGULATORY CONTROLS

Note: This text change responds to the request submitted by Starwood at the 6/18 Public Hearing.

United Hospital Site, Zoning Recommendations (pp. 154-155):

The existing FAR of the United Hospital site is 0.80; it is recommended that this FAR be maintained under the proposed rezoning. The maximum building height for a hotel/commercial use is proposed to be 8 stories (85 feet), while the maximum building height for a residential building is proposed to be 5 stories ~~(4 residential floors over ground floor retail).~~

INSERT "B"

BFJ Planning

UPDATED COMPREHENSIVE PLAN, ZONING AMENDMENTS AND SEQR ADOPTION SCHEDULE As of Friday, August 3, 2012

Monday August 6, 2012

- Close Public Hearing on Comprehensive Plan and Zoning Code; leave written comments open until 8/16.

Monday, August 20, 2012

- Submit DGEIS to BOT

Tuesday, September 4, 2012: BOT Meeting

- Comprehensive Plan and Zoning Final Draft
- Accept DGEIS for public distribution
- Set DGEIS Public Hearing for 9/17

Monday, September 17, 2012: BOT Meeting

- DGEIS Public Hearing
- Record kept open for 10 days for public comment

Monday, October 1, 2012: BOT Meeting

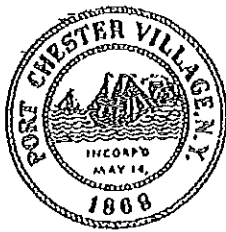
- BOT is briefed on FGEIS

Monday, October 15, 2012

- BOT accepts FGEIS and circulates

Monday, November 5, 2012

- BOT adopts Findings
- BOT adopts 2012 Comprehensive Plan and Zoning Text/Map changes.



VILLAGE OF PORT CHESTER

222 Grace Church Street, Port Chester, NY 10573



July 23, 2012

Honorable Mayor Feinstein &
Village Board of Trustees
Village of Rye Brook
938 King Street
Rye Brook, NY, 10573

**Subject: 525 Ellendale Avenue — Petition to rezone Town of Rye tax lot Section 141.27;
Block 1; Lot 49 from R-2F to Fair and Affordable Housing District**

Dear Mayor Feinstein and Village Board of Trustees:

The Village of Port Chester Board of Trustees is in receipt of a petition for a zoning change and supporting materials for approval to build four-units of affordable rental housing in a two-story multi-family residential building at 525 Ellendale Avenue within the Village of Rye Brook's floating Fair and Affordable FAH District and in compliance with the Westchester County Fair and Affordable Housing Implementation Plan. The 7,496 sq. ft. vacant parcel is located within the Village's existing R-2F zoning district approximately 400 feet west of border with the Village of Port Chester (see aerial photo below).



Sincerely,



Christopher Gomez
Director of Planning and Development
Village of Port Chester, NY

Cc: James E. Johnson, Esq., Federal Housing Monitor
Glenda L. Fussa, Esq., Deputy Regional Council, New York Office, HUD
Hon. Robert P. Astorino, Westchester County Executive
Kevin Plunkett, Deputy County Executive, Westchester County
Edward Burroughs, AICP, Westchester County Planning Commissioner
Chris Bradbury, Village of Rye Brook Administrator
Hon. Dennis Pilla, Mayor Village of Port Chester
Village of Port Chester Board of Trustees