

MEETING HELD DECEMBER 19, 2011

A meeting of the Board of Trustees of the Village of Port Chester, New York, was held on Monday, December 19, 2011 at 7:00 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, Saverio Terenzi, Bart Didden, John Branca, Luis Marino and Joseph Kenner.

Also present were Village Clerk, Joan Mancuso; Assistant Village Manager, Christopher Steers; Village Attorney, Anthony Cerreto; Village Treasurer, Leonie Douglas and Village Engineer, Dolph Rotfeld.

Present for the Comprehensive Plan Advisory Committee (CPAC) were members Neil Pagano, Michael Scarola, Gene Ceccarelli, Evelyn Petrone, Frank Strauch, Hattie Adams and Robert Weinberg representing Greg Wasser of G&S.

Present for the Planning Commission were Chairman Michael Antaki and Commissioners Michael Scarola, Peter Coperine and Kevin Pellón.

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On motion of Trustee Kenner, seconded by Trustee Didden, the meeting was opened at 7:05 p.m.

ROLL CALL

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

Mayor Pilla said that tonight the Board of Trustees will be hold a joint work session with the members of the Comprehensive Plan Advisory Committee (CPAC) and the Planning Commission to review the synthesis of the Comprehensive Plan. He said that the planning consultant on this project, BFJ Planning is here to review the draft plan and a housing study.

The Mayor said that the Board will take a motion for an executive session to consult with Special Counsel, Justin Miller regarding the first resolution on the agenda relating to the Modified Marina Redevelopment Project undertaken by G&S Port Chester, LLC, and that Frank Fish and Sarah Yackel of BFJ Planning will begin the presentation on the Comprehensive Plan synthesis.

At 7:09 p.m., on motion of Trustee Marino, seconded by Trustee Branca, the Board adjourned to an executive session to consult with Special Counsel by telephone regarding the Modified Marina Redevelopment Project undertaken by G&S Port Chester, LLC. The Board left the courtroom and convened in an office located in the Police Station of the same building and included in this executive session were the Assistant Village Manager and the Village Attorney.

During the vote Trustee Didden stated his recusal on all G&S matters and stayed for the Comprehensive Plan presentation.

ROLL CALL

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

NOES: None

ABSENT: None

Planning Commission Chairman Michael Antaki asked for a motion of the Planning Commission to officially open their meeting.

Commissioner Scarola made a motion to open the meeting for the Planning Commission, Commissioner Coperine seconded the motion.

ROLL CALL

AYES: Commissioners Scarola, Coperine, Pellón and Chairman Antaki

NOES: None

ABSENT: Commissioners Cervinka, Baxter and Gregory

Frank Fish, Principal of BFJ Planning said that he and his associates, Sarah Yackel, Associate Principal of BFJ, Michael Keane, Associate of BFJ and Tina Lund, Senior Associate of Urbanomics will be presenting two reports this evening, the Comprehensive Plan Synthesis and the Housing Study. Mr. Fish noted that also in the audience is Vince Ferrandino of Ferrandino & Associates who is working on the Route 1 Corridor Study regarding traffic and parking review that is still ongoing at this time. He then reviewed the project schedule which began with phase one that started with the draft Comprehensive Plan which was multiple volumes and the directive to bring that draft down to about one hundred pages which the draft Comprehensive Plan Synthesis is slight more right now. Mr. Fish said that tonight they will review the plan synthesis which has been reviewed separately by the Comprehensive Plan Advisory Committee (CPAC) and the Board of Trustees and additional comments can be made. He said that BFJ anticipates providing the final draft by the end of the year. Mr. Fish continued that phase two will be the zoning amendment recommendations in the spring and along with that is the State Environmental Quality Review (SEQRA) noting that the plan has to comply with the SEQRA requirements before action by the Board of Trustees and this meeting is the first step of those requirements. He told the members and the audience that their firm is also completing an update to the Local Waterfront Revitalization Plan (LWRP) which is about half way done which has State mandates requirements. Mr. Fish said that Urbananomics has completed a draft Housing Study which will also be presented tonight. He noted that everything being reviewed tonight are draft documents and that additional comments will be taken to work toward the final documents.

Mr. Fish then review the overall plan vision which is to reinforce Port Chester's existing downtown as a center; maintain, protect and restore the composition of Port Chester's residential and commercial neighborhoods; identify selected areas of limited growth – downtown / waterfront area; United Hospital site and Fox Island area and retire outmoded urban renewal plans in favor of modern zoning techniques. Mr. Fish then gave the presentation over to Michael Keane, Associate of BFJ.

Mr. Keane said that BFJ Planning began with a review of the 2009 Laberge Comprehensive Plan which consisted of two volumes of over three hundred pages which was a synthesis reviewing the table of contents that would be contained in the draft Comprehensive Plan update. He said that this updated synthesis of the Plan includes the 2010 Census data along with current population and housing profiles, new maps based on the most recently released Westchester GIS through a concise, thorough and easy to read document. Mr. Keane said that the Comprehensive Plan Synthesis shows a concentration of multifamily housing in the central and southern parts of the Village, that 35% of all units are single-family homes (largely detached structures); that 35% of all units are in low-density multifamily structures (2-4 units); that there is limited open space in the Village's most densely built areas but there are opportunities along the Byram River shoreline – the “gut” and Fox Island and vest pocket parks in the residential neighborhoods. He continued that the plan synthesis looked at public transportation noting that the public transit lines are concentrated in the Village's commercial areas and there is a lack of service in the northern residential neighborhoods. Mr. Keane said that there are opportunities regarding public transit in the northern residential neighborhoods by looking to Westchester County about the extension of lines in that area.

The presentation was then given over to Sarah Yackel, Associate Principal of BFJ.

Ms. Yackel spoke about planning and zoning recommendations first with the residential neighborhoods. She said that the Village has a focus on code enforcement to reduce / eliminate illegally converted two and multifamily units and decrease residential floor area ratios (FAR) in all residential districts and reviewed the existing FAR for each district and the proposed FAR for these districts. Ms. Yackel continued that for the residential neighborhoods the plan is calling for a decrease of the maximum height of buildings as follows: for the RA3 District from 8 to 6 stories and for the RA4 District from 10 to 7 stories; that there be required site plan review for all two and multifamily districts and pursue strategic up-zoning in existing multifamily residential neighborhoods. She showed the three areas of recommended strategic up-zoning of R2F to R5 in the area north of Putnam Avenue from Willett to the Greenwich border and expanding the R5 from R2F from Mortimer to Birch and RA3 areas west of King along Poningo to R2F and west of South Regent to Drew.

Ms. Yackel then reviewed the downtown area noting that the plan would reinforce Port Chester's existing downtown as a center; reinforce and enhance the character of Port Chester's downtown; establish / define a Central Business District and target mixed-use commercial / residential development (contextual zoning). She continued with the downtown regarding areas of targeted growth as follows: Abendroth to Route 1 / Pearl to Route 1 – decrease building heights to 5 stories between Route 1 and Abendroth / Westchester, Pearl and Route 1; Port Chester Train Station – maintain building heights to 8 stories, bonusable to 120 feet, between Route 1 and North Pearl Street, generally bounded by Mill Street and Boston Post Road; density bonus could be permitted in exchange for public benefit (i.e. public parking, open space, etc.) and eliminate the Planned Railroad Station Plaza Development floating zone. Ms. Yackel then reviewed the waterfront area beginning with central waterfront to eliminate Marina Urban Redevelopment District (MUR), limit building

heights to 5 stories (1 commercial / 4 residential) between Route 1 and Abendroth Avenue; decrease building heights to 4 stories between Abendroth Avenue / Brick Oven Road and the waterfront and provide 20 foot setback along waterfront to allow for continuous public walkway.

At this time Mayor Pilla and the rest of the Board of Trustees re-entered the courtroom from their executive session and took their seats at the dais.

Mr. Fish concluded the presentation of the Comprehensive Plan Synthesis on the areas of Fox Island and United Hospital. He spoke about the proposal by the development firm Ginsburg which was mostly residential and parking for the Fox Island area noting that this has expired so we are looking at a mixed-use with some residential with the residential aspect would only be done by approval by the Board of Trustees. Mr. Fish said that there could be consideration of reducing the Department of Public Works facility on Fox Island to create open space and protect mariner use. He said that for the United Hospital site our plan is staying with lower density mixed use – hotel / conference / mixed use noting that the current zoning for this site is for two family which could be left as that which would amount to less than one hundred units and/or a mixed use controlled by FAR. Mr. Fish said that this is not a site that should rival the downtown and spoke further on that topic.

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Mayor Pilla at this time noted that no action was taken in the executive session and that the following motions were made, Trustee Branca had made a motion at 7:35 p.m., to close the executive session, Trustee Marino seconded the motion.

ROLL CALL

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

The Mayor said before BFJ Planning and Urbanomics present the Housing Study. The Board will consider the resolution listed under Planning on the agenda to authorize the execution and delivery of Escrow Agreements relating to the Modified Marina Redevelopment Project undertaken by G&S Port Chester, LLC.

Trustee Branca made a motion for discussion, Trustee Brakewood seconded the motion.

Mayor Pilla phoned in Special Counsel Justin Miller to speak on this resolution and noted that in 1999 the Village entered into a contractual agreement with G&S which brought forward the development project downtown. The Mayor said that the Board has been working to resolve outstanding issues and this escrow agreement deals with outstanding traffic improvements which he spoke further on that deals with Westchester Avenue and Pearl Street.

Mr. Miller confirmed the comments made by the Mayor regarding this agreement and they both spoke on the amount of the escrow agreement and the obligations of G&S.

RESOLUTION AUTHORIZING THE EXECUTION AND DELIVERY OF ESCROW AGREEMENTS RELATING TO THE MODIFIED MARINA REDEVELOPMENT PROJECT UNDERTAKEN BY G&S PORT CHESTER LLC

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

WHEREAS, in furtherance of a certain Modified Marina Redevelopment Project (the "Project"), the Village of Port Chester (the "Village"), the Village of Port Chester Industrial Development Agency (the "Agency") and G&S Port Chester LLC ("G&S"), entered into a Land Acquisition and Disposition Agreement, dated as of July 14, 1999, and amendments thereto (collectively, the "LADA"), wherein the parties thereto memorialized their respective rights and obligations in connection with the Project, which has been developed into a multi-tenanted waterfront retail complex; and

WHEREAS, pursuant to and as defined within the LADA, G&S is required to construct certain "Required Public Improvements" associated with the Project, the remaining scope of such Required Public Improvements to be completed by G&S (the "Scope of Work") having been redefined within a certain Eleventh Amendment to the LADA, executed on or about November 11, 2008 (the "11th Amendment"), and entered into by the Village, G&S and the Village of Port Chester Industrial Development Agency (the "Agency"); and

WHEREAS, in furtherance of the G&S' continuing obligations under the LADA and the 11th Amendment, G&S, by and through G&S Port Chester Retail 1, LLC ("Retail 1"), entered into a certain contract relating to the Scope of Work with Verde Electric Maintenance Corp. ("Verde"), dated as of June 2, 2011 (the "Verde Contract"), pursuant to which Retail 1 engaged Verde to install and construct the Scope of Work in accordance with Plans and Specifications prepared by Dunn Engineering Associates, P.C., dated as of November, 16, 2009; and

WHEREAS, as of the date hereof, installation of the Scope of Work has not commenced and the Village and G&S may consider certain modifications to the Scope of Work (the "Scope Modifications"); and

WHEREAS, in furtherance of the Project and the timely completion of the Scope of Work by G&S (and if deemed appropriate, the Scope Modifications), the Village and G&S desire to enter into a certain Undertaking and Escrow Agreement (the "Undertaking and Escrow Agreement") for the purposes of (i) establishing an escrow structure for payment of costs associated with the Scope of Work; (ii) establishing a timeframe for completion of the Scope of Work and, if approved by the Village and G&S, the Scope Modifications; and (iii) memorializing the Village's agreement to issue certain Certificates of Completion, as defined within and governed by the LADA; and

WHEREAS, upon mutual agreement by the Village and G&S to undertake the Scope Modifications, the Village and G&S desire to enter into a certain Additional Escrow Agreement (the "Additional Escrow Agreement") in order to establish an escrow structure for payment of costs associated with the Scope Modifications, such Additional Escrow Agreement to require a monetary contribution by the Village of an amount not to exceed \$30,000.00; and

WHEREAS, the Village, by and through the Board of Trustees, desires to authorize the execution and delivery of the Undertaking and Escrow Agreement and, upon an agreement between the Village and G&S to undertake Scope Modifications, the execution and delivery of the Additional Escrow Agreement.

Now, therefore be it

RESOLVED, that the Village hereby approves the Undertaking and Escrow Agreement (in substantially the form presented herewith) and authorizes the Village Manager to execute and deliver same; and be it further

RESOLVED, that upon an agreement between the Village (by and through the Village Manager) and G&S to undertake the Scope Modifications, the Village hereby authorizes the Village Manager to execute and deliver an Additional Escrow Agreement, in such form as approved by the Village Attorney and Special Counsel to the Village, such Additional Escrow Agreement to obligate the Village to contribute no more than \$30,000.00 toward the Scope Modifications; and be it further

RESOLVED, that the Village hereby appropriates out of General Fund Contingency, Account Code 1990.400 and authorizes the expenditure of \$30,000.00 to fund the Additional Escrow Agreement in furtherance of the Scope Modifications (if approved). In the event that the Scope Modifications are approved and the Additional Escrow Agreement entered into by the Village, the Village Treasurer is hereby empowered to establish an escrow account in connection with the Additional Escrow Agreement.

ROLL CALL

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

During the vote Trustee Didden again stated his recusal on all G&S matters.

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Mr. Fish introduced Tina Lund, Senior Associate of Urbanomics who will review the Housing Study presentation. He noted that this study is being review for the first time this evening and that the entire study will not be part of the Comprehensive Plan but will be synthesized into the plan.

Ms. Lund reviewed the demographic and housing changes in Port Chester between 2000 to 2010 noting that for population there was a strong growth in the Hispanic community and a rise in the average household size to 3.1 persons; that for housing despite a decline in number of households, total dwelling units increased – with some gain from accessory units – and housing vacancies overall to 8%; vacant housing shows that fully half of all vacant stock consists of units not in the rental or for-sale market, like housing in foreclosure; rental housing shows that rental units now account for 57% of occupied housing, averaging 3.3 persons per unit and that two to four family structures that it is unique to Port Chester that 35% of all units are in low density multifamily structures. She then continued with the mixed indicators of housing needs for 2000 – 2009 that there is a high housing turnover nearly 60% of all units have attracted new occupants since 2000; that housing is in very adequate condition that under 1% of all occupied units lack complete plumbing or kitchen facilities; that there is some overcrowding but 7% of all units are occupied by more than one person per room; that there is good availability however a 5% rental vacancy rate suggests a relatively unconstrained market and that there is a high housing cost burden noting that 56% of a household spend more than 30% of household income on housing costs, exceeding the standard of affordability.

Ms. Lund then reviewed the comparison of Port Chester versus 23 Westchester Villages for 2010. She said that Port Chester is the most densely settled at 21 persons / acre

that it is 3 times denser than the other Villages; Port Chester is faster growing noting that since 1990, Port Chester grew two-thirds faster than all Villages, attracting 18% of all Village population. Ms. Lund continued that Port Chester has more and bigger households with 11% of all Village households, Port Chester households are also 15% larger; lower family and household income at 57% & 65% respectively of Westchester County median incomes in 2009; greater poverty twice the rate of all Villages and half again greater than County; more renters than owners compared to 57%, renters comprise only 34% in all other Villages and higher median rents despite lower homeowner values, Port Chester median rents and share of cost burdened renters are higher than Westchester's or all other Villages.

Ms. Lund then reviewed the Affordable Housing Conditions as follows: that of existing developments the 23 village have 2,966 affordable housing units in 64 subsidized developments or 3% of total occupied housing; concentrations – only 5 village have 8% or more (including Port Chester) while 7 have no shares of affordable housing; housing assistance – in addition, 11 village have rent stabilized units (ETPA) and 5 villages with public housing authorities that offer Section 8 Housing Choice Vouchers for use in the private market. She said that Port Chester's Affordable Housing that fully 1,449 households either live in subsidized developments or have housing assistance through ETPA or tenant-based Section 8. Ms. Lund said that at nearly 16% of all occupied housing units, the volume of affordable housing in Port Chester is greater than any other Westchester County village. She then reviewed the conclusions and recommendations regarding affordable housing. She said that regarding the Westchester County Settlement Agreement that Port Chester is exempt from participating in the County's Implementation Plan to build 750 units of fair and affordable housing that 17 Villages are identified as eligible; Housing Opportunity Commission that the 2010 reconstituted HOC is not empowered to implement a housing allocation plan previously the Village had a remaining allocation of 189 units; proposed rehabilitation program the Village has given priority status to a worthwhile effort to assist multi-family homeowners with rehabilitation of existing housing and affordable housing recommendations are with no obligation to build affordable housing, the Village should nonetheless encourage developers of multifamily rental housing to apply for LIHTCs. She said that although lacking designation of "Qualified Census Tracts" that enhance LIHTC benefits, the program still provides an indirect subsidy to finance affordable housing.

Mr. Fish discussed his final comments with regard to the Comprehensive Plan Synthesis and Housing Study.

Trustee Branca noted that the Board received the Housing Study report this weekend which is a lengthy report so suggested that the Board take some questions at this time but since this is a lot of information that the bulk of the questions should be reviewed and answered at a separate meeting.

Trustee Didden said that he reviewed all the material and has some questions so would like to start this process tonight during this public hearing.

Trustee Kenner noted that this is a work shop and not a public hearing.

Mayor Pilla suggested that we start with comments from the members of the Planning Commission and CPAC then the Board could comment.

Peter Coperine, member of the Planning Commission said that there was a lot of discussion about the downtown so asked what would happen with rights of G&S in this area.

The Mayor said that G&S has the right of first refusal and explained this term that if the Village uses eminent domain G&S would have the first right to develop. He said that we have preferred the organic development of the downtown instead of the eminent domain process.

Evelyn Petrone, member of the CPAC and also the Zoning Board of Appeals continued with that question topic asking how long does the right of first refusal last.

Mayor Pilla said that the G&S Land Acquisition and Development Agreement (LADA) would need to be reviewed to provide that answer.

Trustee Terenzi said that the right of refusal runs with the Payment In Lieu Of Taxes (PILOT) which is twenty years from the last signed lease.

Frank Strauch, member of the CPAC and Zoning Board of Appeals spoke about the United Hospital site and suggested to the Board that they may want to opt for a split zone there that the area closer to Route 1 be used as a commercial zone and that the back area of the property be for housing. He spoke about the structure of government how we look at applications and asked that the consultant and the Board of Trustees look at that process.

Christopher Steers, Assistant Village Manager recognized that the Village's new Planner, Christopher Gomez is in the audience. He said that he has started looking at the process that Mr. Strauch is speaking about and this review will be continued by Mr. Gomez.

Mr. Strauch said that the plan is the roadmap and it should make recommendations about governance and the consultant on this plan could provide some suggestions.

Gene Ceccarelli, member of the CPAC spoke about the census information. He said that this is a faulty premise that the Board may not want to build on because the 1,100 or so population increase he does not think that is accurate because everyone you talk to believe that it is much more. Mr. Ceccarelli also spoke about the building heights noting that the Costco, Neri's and other buildings downtown are two stories because they have two levels but they are not. He continued that heights should be used instead of stories also noting the Mariner project on Abendroth has four stories of residential but has one for parking so that building is a total of five.

Ms. Yackel said that the plan will use heights and stories with measurement. She said that in the plan for Main Street buildings can only be four.

Mayor Pilla spoke about form based zoning.

Mr. Ceccarelli then spoke about sustaining our infrastructure and that the benefits to build higher. He questioned what would be first infrastructure improvements or build then fix. Mr. Ceccarelli spoke about our sanitary / sewer systems.

Mayor Pilla said that it is a combined approach and spoke about the Board's request for a sewer district which would spread the cost of maintenance and improvements differently.

Trustee Terenzi said that he agrees with Mr. Ceccarelli's census comments that we are not fully counted.

Mr. Ceccarelli asked if the Village can challenge the census count.

Ms. Lund said that Villages can challenge their census information.

Mr. Fish noted that the census data is the best information to work with.

The Mayor spoke about undercounting and noted that Port Chester was designated as an undercounted community so our Village census was promoted by the Census Department with different programs in the Village.

Mr. Fish noted that any zoning will have height and story in feet. He said that Vince Ferrandino of Ferrandino & Associates is the other firm working on the Comprehensive Plan who will be providing the generic environmental impact statement which compares the current zoning to what is proposed. There was further discussion between the Board and Mr. Fish about potential increase and/or decrease of density.

Mr. Ceccarelli concluded his comments on affordable housing. He said that the presentation on the Housing Study uses lots of terms that are interchangeable. Mr. Ceccarelli said that with the numbers of affordable housing we currently have he would think that we do not need anymore.

Mayor Pilla noted that there are separate categories regarding subsidized housing that is why there are different terms. He said that all of these categories total over 1,400 units.

Ms. Lund said that she would clarify that and put in a glossary of the different terms.

The Mayor then spoke on the income percentages used toward housing which makes it unaffordable.

Trustee Terenzi said that there is unreported rental income not being reported.

Mr. Steers spoke further on the unreported rental income that Trustee Terenzi stated and noted that we are seeing that result in the courts.

Mayor Pilla spoke on the bullet in the housing report regarding home poor and that we need to take a deeper dive in those categories.

Michael Scarola, a member of the CPAC and Planning Commission spoke about the mission that was taken on by Mr. Steers with the CPAC and the consultants on this plan. He commended Mr. Steers and everyone involved noting that they have been meeting on a monthly basis. Mr. Scarola said that he had responded monthly on the documents provided which he either received a response or was told that it would be added to the list for the next meeting. He said that his open questions are minor so will follow up separately.

Kevin Pellón, a member of the Planning Commission said that there are missing elements of this conversation as to when developers come in are we restricting them out. He said that it has to be a partnership to allow development and growth and how are the developers concerns being addressed.

The Mayor commented on this question and that a build out analysis would be helpful. He asked if a build out analysis would be completed by the consultant or by the new Planner.

Mr. Steers said that both would be involved with the build out analysis and commented further about this analysis.

Christopher Gomez, the new Village Planner spoke on his role as an employee with the Westchester County Planning Department doing build out analyses for the County and other Westchester County Villages.

Mayor Pilla further explained build out analyses and what information would be provided.

Mr. Fish said that there will be two things at the end of the process, the first is the build out and the second is a population analysis to a certain year. He noted that no one has achieved 100% of a full build out.

Mr. Gomez said that a build out analysis can be done in house.

Trustee Branca said that the plan is dropping the height of buildings in the area of the train station from 23 to 8 and asked what criteria was used to determine this.

Mr. Fish said that they looked at existing zones which eight stories are in the perimeter in that zone. He spoke further about building at New Rochelle Train Station which is out of contrast.

Trustee Branca agrees that 23 stories would be too high but not sure if 8 is the optimum height.

Mr. Steers said that is one of the issues that we want to discuss.

Trustee Kenner said that he has several questions / comments so asked Mr. Steers how he would like to proceed showing him his copy of the plan which has been marked.

Mr. Steers said that Trustee Kenner can either provide him with his questions / comments by email or provide him with his marked draft plan.

Trustee Kenner then asked about the comments from the Housing Study that Port Chester has the larger number of affordable housing units but it said we need more.

Ms. Lund said that yes the Village has the largest number but there is a larger percentage that pays a large percentage of their income toward rent.

Mr. Fish also responded to the comments regarding affordable housing needs.

Trustee Kenner asked why would it be our burden that people live in a house that they cannot afford.

Mr. Fish said that he hasn't said that it is the Village's burden but this is the statically information. There was further discussion between the Board, staff and Mr. Fish on this topic. The Mayor commented that Port Chester has the lowest median housing prices in the County.

Mr. Steers said that part of the purpose of this process is to work out these matters.

Trustee Kenner spoke about the recommendations of the Housing Study and what type of opportunities there are for young adults.

Ms. Lund said there could be first time buyer's incentives.

Mr. Fish said that smaller units tend to be rentals and spoke about market rate housing in downtown areas which will attract younger people.

Mayor Pilla said that there are strategies that we need to consider which can be smaller units and uses downtown.

Trustee Kenner spoke further about the housing recommendations and asked why accessory apartments of owner occupied dwellings are not being recommended.

Mr. Fish said that yes that could be included.

Trustee Brakewood said that the Housing Study is a little misleading comparing us to Villages. He said that the size of a Village versus population that for Port Chester to become an average Village we would have to reduce the 29,000 population to 10,000. Trustee Brakewood asked should we instead consider a comparison to some of the cities and / or towns.

Mr. Fish said that the report direction was to compare the Villages. He said that they can do a comparison to cities like Mount Vernon and Peekskill but it would be additional costs. Mr. Fish said that he believes that Port Chester would be comparable to Mount Vernon and Peekskill not White Plains or Yonkers. There was further discussion between Mr. Fish and Trustee Brakewood on this subject.

Trustee Brakewood spoke about the Housing Rehabilitation Program and was surprised of the specifically included in this Housing Report than the Board of Trustees has been advised on. He said that the Board needs to further review with the consultant Ms. Noonan before including this in the Housing Study.

Mayor Pilla spoke further on the Housing Rehabilitation Program information that was included in the study.

Trustee Brakewood said that he wants a work shop on the Housing Rehabilitation Program before he will vote on anything.

Mr. Fish noted that this information that was included in the report was provided by the Village Manager.

Trustee Brakewood said that we need to notify the School District stating that a lot of what we have talked about is potential recommendations. He said that we need to take out actual density going from two to one-families. Trustee Brakewood said that the report shows we have over eight hundred unoccupied units and that could add about two thousand more residents if all the vacant buildings are filled so we need to implement strategies to reduce density.

Mr. Fish said that there is the consideration of young people and also where you are adding density noting that in downtown areas it usually does not add children and they pay full taxes so these proposals are shifting the growth. He spoke further on this topic.

Trustee Brakewood said that he would caution stating there is a need for affordable housing. He said that we need to assure safe, reasonable housing and spoke further on the subject of housing / affordable housing.

Trustee Didden stated that the highest center of population density in the United States is White Plains. He said that he wants this review and comments done in public so the members of CPAC, Planning, the Board of Trustees and the public hears all so if emails are provide to staff and the consultants that they are provided to all. Trustee Didden expressed

his concerns regarding the affordable housing conclusions and recommendations made in the report noting that we have the largest number of affordable housing units and he does not think there is a continue need for more.

Mr. Fish spoke about housing developments and the median income levels. There was further discussion on this topic between Mr. Fish and the Board. Mr. Fish said that it would be beneficial to Port Chester for developers to use tax credit housing which will bring our percentage up.

Trustee Didden said that he tries to read everything in plain English and affordable housing also means that the price is lower so the tax assessments for those units are too.

Trustee Brakewood said that for him affordable housing relates to new housing and rehabilitation is to rehab current housing.

Mayor Pilla spoke on a meeting he attended regarding housing tax credits which has certain requirements and review.

Trustee Didden spoke further on the Housing Study noting that page 65 has a lot of great information / data and that Port Chester is all the way to the left and could use this to get to the middle. He said that there are certain things in the measurements like raising owner occupied amount which is beneficial so would like the recipe to achieve that. Trustee Didden spoke about the 10% set aside for affordable housing requirement and does not understand that there are no challenges or suits on this issue. He noted that the Housing Report speaks of a group called "Residents of Affordable Housing" stating that when he was on the Planning Commission they received one letter from this group with four names on it so does not believe this one letter makes for a statement. Trustee Didden said that he is concerned with all the positive comments in this housing report on affordable housing and the affirmative statement that more affordable housing is needed.

The Mayor said that part of this Housing Study is building off the SWAT analysis conducted by the Laberge Group of public work shop meetings and surveys which resulted that the second highest threat is the need for affordable housing.

Trustee Terenzi spoke on his survey regarding subsidized affordable housing and those results.

Trustee Didden said that he attended two of the Laberge Group's workshops and spoke on that process which he thinks was flawed. He said that on the Housing Rehabilitation Program he has the same comments as Trustee Brakewood that this information included in the study has not been completed by the Board of Trustees so is premature.

Mayor Pilla said that he has two observations about the Housing Rehabilitation Program. He said that the Housing Study is very informative and noted that he had participated in a committee about the County's Housing Settlement speaking about the adverse consequences of this settlement to the Village of Port Chester. The Mayor noted that the study indicates that the age of our housing stock is mostly from the 1930's, 1940's and 1950's which this older housing stock could use rehabilitation. He stated that about 3,000 properties were built before 1950 and about 2,000 were built before 1930 so this housing can benefit from rehabilitation.

Trustee Brakewood said that it would be interesting to look at foreclosure rates stating that he recently show a news program that some areas of the country, like the Detroit area are buying foreclosed properties knocking down the homes and enacting covenants to convert the land to the surrounding property owners for more open space. He said maybe we should consider doing the same to use some fund balance buy properties, knocking them down for open space or provide parking for Village parks. Trustee Brakewood gave the example of Edgewood Park on Grace Church Street which has a very tight entrance area that could benefit from purchasing adjoining properties to open that space and possible provide for parking.

Mayor Pilla said that these are strategies that could possibility be considered. He spoke about data that he did not see in the Master Plan regarding municipal employees noting that the majority of these employees come from a County Civil Service List and that it is unaffordable for other communities that their employees to live there. The Mayor said that we have a higher percentage of police officers who live in the Village and other employees that also live here.

Mr. Scarola stated that CPAC had a number of public hearings and public open sessions for over a year and a half during the Laberge process and that the focus was to remain a Village to improve on that atmosphere of small and quaint. He said that it calls for enhances of more owner occupied multi-families instead of landlord ownership and more growth in the downtown with smaller units. Mr. Scarola said that there are creative solutions and strategies to create open space which is consistent to what the Committee and the public has been saying over these years.

Doris Bailey-Reavis, a member of CPAC stated that low income housing is not affordable housing that affordable housing is a form of welcoming our civil servants. She said that we are a unique community that we are more of a blue collar place and that we are not like cities such as White Plains, Mount Vernon etc. Mrs. Bailey-Reavis said that CPAC is interested in furthering our development and asked the Board to help the improvement of the whole Village noting that the majority of the Board lives in the upper section of the Village.

Mayor Pilla spoke about job creations that have happened from commercial development in the Village including Restaurant Depot where 39 of the 50 or so employees are residents, Tarry Market, Stop & Shop and more. He also spoke about job training programs.

Trustee Didden said that he agrees with the Mayor noting that he is also a considerable employer in the Village. He said that he has respect for all municipal employees but he does not think there has ever been a study done to see how many municipal employees may need housing. Trustee Didden gave an example if one hundred affordable housing units are created but there is only a need for sixty units for our municipal / school employees the rest will be filled from the outside. He said that he is willing to help our own employees but not the employees of other communities.

Trustee Terenzi explained how he grew up in one of the multi-family areas of the Village before he moved to a single family home. He said that his father was a blue collar

worker and invested into the Village and was not like those people who send most of their money back to their country.

Mrs. Bailey-Reavis said that CPAC is asking the Board to improve the lot for everyone here.

Trustee Terenzi said that Port Chester has done more than its fair share when it comes to subsidized housing.

Trustee Brakewood noted that even though new commercial projects have results in job opportunities for residents jobs like at the Restaurant Depot are under the median income standards.

Mr. Pellón said that the consulting staff should be directed for lead recommendations concerning green planning and to incorporate the leading edge techniques into the Plan.

Mayor Pilla noted that PACE University wants to sponsor a grant to look at the strategies adopted in the Master Plan for green strategies.

Mr. Steers said that he and the consultants would like to work toward a next meeting date with the Board, CPAC and Planning. It was agreed that the deadline for comments from the Board, CPAC and Planning would be by the end of the year. Mr. Steers said that CPAC is tentatively scheduled for a meeting the first week of January so it was asked that the Board and Planning be polled for their availability.

Trustee Brakewood asked a final question about surface parking lots in the plan and would those be just in the downtown.

Mr. Fish said yes that those types of parking lots would be designated just in the downtown.

Mayor Pilla and the Board thanked Mr. Fish, Ms. Yackel, Mr. Keane and Ms. Lund on their presentation of the Comprehensive Plan Synthesis and Housing Study. The Mayor noted that this will be continued sometime in January.

* * * * *

Mayor Pilla asked if anyone from the audience would like to speak at this time. He recognized Robert Lamarze.

Robert Lamarze spoke on behalf of his mother who was in the audience and himself regarding their three family property which the Code Enforcement Department has visited claiming that they have an illegal apartment. He explained how their basement is used which is not as a separate apartment and that they are being told that they have to make the basement an uninhabitable space. Mr. Lamarze noted that he has his lawyer working on the situation.

The Mayor said that this is an ongoing discussion with Code Enforcement but will follow up with Mr. Lamarze because he has contacted his office. He next recognized Beatrice Conetta.

Beatrice Conetta spoke about the last Board meeting which she has received a great deal of feedback on that the behavior of members of the Board was disrespectful and that this

needs to stop. She asked what is happening with the residential proposal for the downtown site by G&S.

Mayor Pilla said that there was a resolution to refer the G&S application to the Planning Commission which was voted down so was not referred.

Mrs. Conetta said that was the right thing to do. She wished everyone a merry Christmas and Happy Holidays to everyone. The Mayor then recognized Richard Abel.

Richard Abel also spoke about behavior of the Board at the last meeting and said that the Board members need to respect the Mayor noting that he runs the meeting. He asked Trustee Terenzi about his comment about those people sending money back to their countries.

Trustee Terenzi explained that this statement was not about any particular group just was trying to explain how he grew up and his parents invested in the Village for their family.

Mr. Abel said that he does not like the comment about those people because these are the hardest working people he knows and there were further comments between Mr. Abel and Trustee Terenzi. Mr. Abel said that although the census data may not be accurate it shows trending including the increase of seniors who many live in affordable housing and raised the question if the Board considering reducing that type of housing.

The Mayor recognized Michael Scarola.

Michael Scarola, a member of the Planning Commission said that Planning was invited to this meeting for the Comprehensive Plan synthesis update but they were not made aware of the second resolution on the agenda regarding notice to the School Board. He asked what may be the criteria for this proposal.

Mayor Pilla said that he asked for this resolution and will explain further when they discuss this resolution and will take any comments from the Planning Commission at that time. He recognized Gene Ceccarelli.

Gene Ceccarelli spoke about the affordable housing study that was discussed and the question of why is the government burden with this issue. He said that government has a responsibility to make it available to us and that taxes play a role that there is fiscal responsibility. He wished everyone happy holidays.

* * * * *

The Clerk presented the next resolution listed under Planning directing the Director of Planning and Development, the Planning Commission and the Zoning Board of Appeals to notify the Port Chester Board of Education upon any applications which may have an impact on the School District.

Trustee Brakewood made a motion for discussion, Trustee Marino seconded the motion.

Mayor Pilla said that he placed this resolution on the agenda because this Board and the public have expressed concerns on applications that may affect the School District. He noted that the Village has commented on the proposed Rye Brook affordable housing overlay

zone which the School Board has also commented on and there was recently an approval by our Planning Commission for a project with 26 two bedroom units that reports there will only be five school age children from this project. The Mayor said that he is not criticizing the opinion of the Planning Commission but is asking for a coordinated review with the School District.

Trustee Brakewood asked if this notification can be as simple as to send the agenda to the School Board. The Board was advised that the agendas for the Planning Commission and Zoning Board of Appeals meetings are placed on the Village website. There was further discussion amongst the Board regarding the Mayor's resolution.

Planning Commission Chairman Antaki explained the process that the Planning Commission takes on applications including the detailed reports on the issue of school children. He said that the only other residential project that has not been finalized is the Castle Project which is before the Zoning Board.

Trustee Didden expressed concerns of what would be the expectation of the School Board or their employees if they do not act on the notification and would it delay the application. He said that the information is posted and suggested that instead make it a requirement of the applicant but not the Village. Trustee Didden asked the Village Attorney to comment on this process and what we have currently.

The Mayor spoke on the Village having a positive proactive side regarding notification to the School Board.

Anthony Cerreto, the Village Attorney said that presently there is no legal obligation of the Village on this issue but this resolution would make this a legal obligation.

Trustee Brakewood inquired if the applicant receives a denial because of this notification issue can the Village be liable.

Mr. Cerreto said that with this action the duty and obligation would be on the Village and because of that there could be unintended consequences. There was further discussion regarding the intent of this proposal and any unintended consequences. Mr. Cerreto said that the pre-submission conference is where it all begins noting that the new Planner will be starting after the New Year so if there may be an impact to the School District they should be included in the notification through that process. There were further comments from Trustee Didden and Mayor Pilla.

Peter Coperine, member of the Planning Commission told the Board on the recently approved project that the Mayor had mentioned the Commission had asked the attorney for that project to go to the School District to check the comparable of the Olivia Street townhome project which was similar and this recent approval is well supported by the record.

Mr. Cerreto said that the point has been made regarding this issue.

Mayor Pilla spoke further on why he wanted this discussion on this issue and that he would withdraw this resolution. He asked staff to come back with a different process with the new Planner.

Mr. Antaki and Mr. Coperine told the Board that they would like to meet with the School Board and asked that they be included in a meeting of the Liaison Committee.

The Board was agreeable with that request.

Mayor Pilla withdrew the resolution that the Director of Planning and Development, the Planning Commission and the Zoning Board of Appeals to notify the Port Chester Board of Education on applications that may affect the Port Chester School District.

* * * * *

The Clerk presented the next resolution listed under public safety to award bid to Security Specialists for the Security & Surveillance Project for Columbus Park, Waterfront Promenade and Abendroth Park in the amount of \$209,571.00.

Trustee Marino made a motion for discussion, Trustee Brakewood seconded the motion.

Mayor Pilla noted that the Village Manager, Christopher Russo had requested that this be included on this meeting agenda because a majority of the funding of this project is through a Community Development Block Grant from Westchester County that will expire in the middle of February so there is a need to complete this award process so the equipment can be ordered. He asked if there were any comments by the Trustees.

Trustee Didden said that he had worked with Mr. Russo and the consultant on these bid specifications for this project because of his experience regarding security. He stated that he would recuse himself from this vote because his company is a vendor of the low bidder which is being recommended be awarded this bid.

BID #20-11
SECURITY & SURVEILLANCE PROJECT FOR
COLUMBUS PARK, WATERFRONT PROMENADE AND ABENDROTH PARK

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

WHEREAS, the Village of Port Chester advertised for the Security & Surveillance Project for Columbus Park, Waterfront Promenade and Abendroth Park which thirty three companies received the bid specifications; and

WHEREAS, this project is funded by a Community Development Block Grant Contract #C67-09-S55 in the amount of \$175,000.00 with a term to expire February 15, 2012 and the Village funding match of \$155,000.00; and

WHEREAS, on December 5, 2011, the Village received and opened seven bid proposals; and

WHEREAS, Security Specialists, 3 Depinedo Avenue, Stamford, CT 06902-4607 has submitted the lowest bid in the amount of \$209,571.00; and

WHEREAS, the security consultant for this project, Bernard Raymond, Inc., has reviewed all of the bid proposals and recommends awarding to the lowest bidder which bid meets all the bid specifications. Now therefore, be it

RESOLVED, that the Village of Port Chester accept the bid of Security Specialists in the amount of \$209,571.000, which amount is appropriated in the Capital Fund for Park Security Enhancement-Columbus Park, project 5.7110.400.2009.103, and be it further

RESOLVED, that the Village Manager is hereby authorized to execute a contract for the Security & Surveillance Project for Columbus Park, Waterfront Promenade and Abendroth Park with Security Specialists, in accordance with the bid specifications.

ROLL CALL

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

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AGREEMENT WITH AT&T WIRELESS
REGARDING REPAIRS OF DPW SMOKESTACK

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, by resolution adopted on February 28, 2001, the Board of Trustees authorized the Village Manager to enter into a lease agreement with A T & T Wireless, Inc. for lease of a portion of the smokestack on the former Village incinerator at the DPW Yard for use as a telecommunication facility; and

WHEREAS, the Village has been advised that certain repairs must be undertaken as soon as possible; and

WHEREAS, the lease provides that the Village is responsible for repairs necessary to the smokestack; and

WHEREAS, AT & T has agreed to perform the repairs necessary through International Chimney, Inc. which contractor provided the lowest quote in the amount of \$17,600, which amount will be set-off against rent payable in the last year of the lease term; and Now, therefore, be it

RESOLVED, that the Village Manager is hereby authorized to enter into an amendment of the agreement between the Village of Port Chester and A T & T Wireless, Inc. to accomplish necessary repairs to the smokestack on the former Village incinerator at the DPW Yard at the quoted amount of \$17,600 and on such other terms and conditions satisfactory to the Village Manager and Village Attorney.

ROLL CALL

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

* * * * *

Mayor Pilla asked if anyone from the audience would like to make any final comments. He recognized Bea Conetta.

Mrs. Conetta spoke about the affordable housing meeting in Rye Brook said she was very surprising that the Federal person on this County Housing Settlement issue did not know about the overlapping of our School District. She said that Dean Stanton a former Rye Brook Trustee said that we are being choosy on the locations in their Village and that 30% of the Rye Brook student population live in the Port Chester School District. Mrs. Conetta told the Board to still pursue this issue with Rye Brook. She spoke about the application for a

European style restaurant which brings back thoughts of the Diamond Club which is being represented by the same lawyer and that she has concerns with this proposal. Mrs. Conetta noted an increase of fires in Port Chester and that these properties are then found with violations. She asked if these are illegal apartments do they have to remove them. Mr. Steers said yes. Mrs. Conetta concluded her comments about the recommendation of a sign in the downtown recognizing Liberty Square and a good location could be at the Police booth. Mayor Pilla said that members of the Sign Committee have relocated out of the Village so asked that a press release be sent for openings on this committee. He recognized Michael Scarola.

Mr. Scarola said that the Planning Commission is always responsive to any request and/or process. He asked if the new planner, Mr. Gomez with the Comprehensive Plan build out analysis include impacts to the schools so this information can be provided to the School District. The Mayor recognized Richard Abel.

Mr. Abel said regarding this issue of notification to the School District that the Board has notice requirements and that this should be changed to require all applicants to also notify the School District.

* * * * *

Mayor Pilla asked if any of the Board had comments at this time.

Trustee Brakewood clarified his position on affordable housing stating that he is not in favor of the typical affordable housing for new units but instead rehabilitation of current dwellings. He spoke further about the program that he saw recently where local governments are buying foreclosed properties to create more green space or for rehab. Trustee Brakewood said that the Village should consider looking at foreclosures that are on the market or coming on the market to purchase houses for this type of program that there would need to be a strategic approach if this is considered. He said that he also would like to be provided with the resolutions and/or agreements associated with the funds for use in the Housing Rehabilitation Program from the grant and the developers. Trustee Brakewood wished everyone a very merry Christmas, happy Kwanzaa and happy Hanukkah.

Trustee Terenzi said that he was glad that members of the Planning Commission were here this evening noting that they work hard and they understand this Board's direction. He wished everyone a merry Christmas and happy holidays.

Trustee Didden spoke further regarding Trustee Brakewood's comments to purchase foreclosed properties noting that there would be additional costs associated with a program like that including the cost for demolition if necessary which is costly. He also noted that if the bank owns the property they still are paying the taxes and once something is owned by the Village it would be removed from the tax rolls. Trustee Didden said that he respects Mrs. Conetta's comments about the Board's behavior but spoke further about the right of dissenting decisions reading a quote from Justice Ginsburg on that subject. He wished a merry Christmas, happy New Year and happy holidays to all.

Trustee Branca commented on Trustee Brakewood's thoughts about buying properties noting that we have a four and half million fund balance but a requirement of a 2% tax rate cap and infrastructure needs so if we use this fund balance to buy foreclose properties it could be a recipe for disaster if we get hit with a large emergency. He suggested that there be a reserve of the fund balance because we cannot get more taxes. Trustee Branca wished everyone a happy and healthy New Year.

Trustee Marino said that at last month's meeting there was discussion about the use of career firefighters for the inspection process and asked what is the status on that. Mr. Steers said that there will be something on that for the next meeting. Trustee Marino noted that the Police Department held a food drive this past weekend which was a great success. He also wished everyone a merry Christmas and happy holidays.

Trustee Kenner commended Mr. Steers and the rest of the staff on the Comprehensive Plan process. He said that the issue of the last meeting was the tone and language not the dissenting opinions. Trustee Kenner also commended the Board and the Industrial Development Agency for their progress this year and wished everyone a merry Christmas and happy New Year.

Mayor Pilla said that he is glad that the Comprehensive Plan presentation was held this evening and that we are on the same page on this plan and other ideas including user fees. He said that the foreclosure discussion is interesting which indicates there are some options to be considered regarding rehabilitation for housing and open space. The Mayor told the Board that he is a member of a roundtable group with the Pace University Land Use Department and that Professor Nolan from Pace could come to speak on this subject. He agreed with Mrs. Conetta and Trustee Kenner of their comments about the last meeting that it is the negative tone that is the issue and we need to set the leading example for our residents especially the youth. Mayor Pilla wished everyone, staff, employees and residents a happy holiday and happy and healthy New Year.

The Mayor said that the Board would take a motion for an executive session regarding the employment of a particular individual.

Trustee Marino made a motion at 11:13 p.m., for an executive session regarding the employment of a particular individual, Trustee Didden seconded the motion. Included in the executive session were the Assistant Village Manager, the Village Attorney, the Village Treasurer and the Village Clerk.

ROLL CALL

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

No action was taken in the executive session.

There being no further business, at 11:20 p.m., on motion of Trustee Marino, seconded by Trustee Brakewood, the executive session and the meeting was declared closed.

Dec. 19, '11

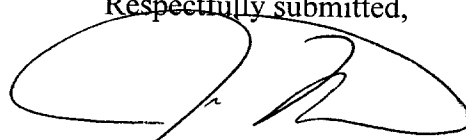
ROLL CALL

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

NOES: None

ABSENT: None

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Joan Mancuso', written over a large, light-colored oval shape.

Joan Mancuso
Village Clerk