

**SEQR DETERMINATION OF SIGNIFICANCE
NEGATIVE DECLARATION
RESOLUTION OF THE VILLAGE OF PORT CHESTER
PLANNING COMMISSION**

October 12, 2010

**RESTAURANT DEPOT
305 SOUTH REGENT STREET
Section 142.037 Block 1 Lot 1**

WHEREAS, the Village of Port Chester Planning Commission designated its intent to serve as Lead Agency for the SEQR review of an action submitted by Restaurant Depot Port Chester; and

WHEREAS, the action involves the redevelopment and reuse of a 6.3 acre parcel of land located at 305 South Regent Street that currently supports a vacant 142,000 square foot warehouse and distribution center, to support a Restaurant Depot facility. The Restaurant Depot facility involves the partial demolition of the existing building, leaving a 95,382 square foot building consisting of 76,467 square feet of enclosed space and a 18,915 square foot canopy that encloses covered parking. The existing parking lot will be reconfigured to provide 185 parking spaces and a 5 bay loading dock. Additional improvements include the installation of retaining walls, landscaping, site lighting, and associated site improvements; and

WHEREAS, the Village of Port Chester Planning Commission, as Lead Agency is conducting a coordinated SEQR Review of this Unlisted Action; and

NOW THEREFORE BE IT RESOLVED, that pursuant to Part 617 of the SEQR Regulations, no other involved agency having objected, the Village of Port Chester Planning Commission hereby confirms that it is Lead Agency for the SEQR Review of this Unlisted Action.

BE IT FURTHER RESOLVED, that, pursuant to Part 617 of the implementing regulations pertaining to Article 8 (State Environmental Quality Review Act) of the Environmental Conservation Law, the Lead Agency has determined that the proposed Unlisted Action will not have a significant adverse effect on the environment for the reasons enumerated in the attached Negative Declaration Form.

On the motion of _____, seconded by _____, it was adopted by the following vote:

Ayes:

Nays:

Michael Antaki, Chairman

617.21
Appendix F
State Environmental Quality Review
NEGATIVE DECLARATION
Notice of Determination of Non-Significance

Project Number _____

Date October 12, 2010

This notice is issued pursuant to Part 617 of the implementing regulations pertaining to Article 8 (State Environmental Quality Review Act) of the Environmental Conservation Law.

The Village of Port Chester Planning Commission as lead agency, has determined that the proposed action described below will not have a significant effect on the environmental and a Draft Environmental Impact Statement will not be prepared.

Name of Action:

Restaurant Depot Site Plan Approval

SEQR Status:Type I Unlisted **Conditioned Negative Declaration:**Yes No **Description of Action:**

The action involves the redevelopment and reuse of a 6.3 acre parcel of land located at 305 South Regent Street that currently supports a vacant 142,000 square foot warehouse and distribution center, to support a Restaurant Depot facility. The Restaurant Depot facility involves the partial demolition of the existing building, leaving a 95,382 square foot building consisting of 76,467 square feet of enclosed space and a 18,915 square foot canopy that encloses covered parking. The existing parking lot will be reconfigured to provide 185 parking spaces and a 5 bay loading dock. Additional improvements include the installation of retaining walls, landscaping, site lighting, and associated site improvements.

Location: (Include street address and the name of the municipality/county. A location map of appropriate scale is also recommended.)

305 South Regent Street, Port Chester, Westchester County (Section 142.037 Block 1 Lot 1)

REASONS SUPPORTING THIS DETERMINATION:

See attached.

If Conditioned Negative Declaration, provide on attachment the specific mitigation measures imposed.

For Further Information:

Contact Person: Chris Russo, Village Manager

Address: 222 Grace Church Street, Port Chester, NY 10573

Telephone Number: 914-939-2200

For Type I Actions and Conditioned Negative declarations, a Copy of the Notice sent to:

Commissioner, Dep't of Environmental Conservation, 625 Broadway, Albany, NY 12233
NYSDEC Region 3, 21 South Putt Corners Road, New Paltz, NY 12561
Mayor, Village of Port Chester, 222 Grace Church Street, Port Chester, NY 10573

REASONS SUPPORTING THIS DETERMINATION

The action involves the redevelopment and reuse of a 6.3 acre parcel of land located at 305 South Regent Street that currently supports a vacant 142,000 square foot warehouse and distribution center, to support a Restaurant Depot facility. The Restaurant Depot facility involves the partial demolition of the existing building, leaving a 95,382 square foot building consisting of 76,467 square feet of enclosed space and a 18,915 square foot canopy that encloses covered parking. The existing parking lot will be reconfigured to provide 185 parking spaces and a 5 bay loading dock. Additional improvements include the installation of retaining walls, landscaping, site lighting, and associated site improvements.

Potential impacts relating to the redevelopment and reuse of the site as proposed by the applicant include the following:

1. The redevelopment and reuse of the site to support a Restaurant Depot facility will result in temporary air quality impacts during the demolition of the existing building and the construction of the new facility. These temporary impacts to air quality will be carefully monitored by the Building Department and will be controlled through the implementation of a building demolition plan and a construction management plan and site development protocol that will be submitted with the Building Permit application, as well as through a continual reliance on construction Best Management Practices and continued equipment repair and maintenance. The approved building demolition plan and construction management plan and site development protocol will emphasize minimizing fugitive dust. Employing these measures will assure that the proposed Action will not result in any significant adverse environmental impacts to air quality.
2. The project site has been developed as an industrial site for decades and is nearly entirely impervious. Stormwater will continue to be conveyed to existing on-site stormwater facilities, via existing and new roof leaders and gutters and yard drains. The site's stormwater runoff will be ultimately conveyed to the municipal storm sewer system located in South Regent Street. The proposed project will not result in an increase in the rate of runoff from the site. As a result, the proposed action will not result in any significant changes or adverse environmental impacts to surface water features.
3. The project involves a small 0.24-acre modification to the existing wooded area of the site that is located in the southeast corner of the property. The 0.24-acre encroachment into this area involves 0.5 acres of new impervious surface (parking area) and 0.19 acres of new landscaping. This site disturbance is minor, and allows for the improvement of the truck access maneuvering area adjacent to the new loading dock. The balance of the site will remain as improved paved parking lot or warehouse building, where no further site disturbances will occur. As a result, no significant adverse environmental impacts to land resources are anticipated as a result of the Action.
4. Although extensive land alterations are not proposed, as noted above, the reuse of the site will involve the demolition of a portion of the existing warehouse building. During the demolition process, a potential for soil erosion and

sedimentation will exist. This situation will be controlled through the use and installation of temporary soil stabilization and erosion and sediment control devices, as detailed on the Erosion and Sediment Control Plan (Drawing C-3). All devices shall be designed and installed in accordance with New York Guidelines for Urban Erosion and Sediment Control, Fourth Printing, dated April 1997 and New York Standards and Specifications for Urban Erosion and Sediment Control. The Erosion and Sediment Control Plan minimizes the downstream erosion hazard by controlling runoff at its source, minimizing runoff from disturbed areas and de-concentrating stormwater runoff. This plan shall be implemented under the strict supervision of the Village Engineer. As a result, no adverse impacts are anticipated.

5. Long-term noise impacts are not anticipated as a result of the redevelopment of the site to support a Restaurant Depot facility. Truck delivery and passenger vehicle noise will result, however, the noise generated by these vehicles is characteristics of what would be otherwise anticipated within an industrial zoning district. Further, in light of the fact that the redevelopment of the site will involve the elimination of most of the existing loading docks (only 5 bays will remain), it is apparent that the potential for on-site truck vehicle noise will be significantly reduced below previous levels. The main refrigeration mechanical equipment will not be located on the building's roof where it might be heard by neighboring uses, but rather will be located at ground level, adjacent to the loading docks, within an 8' tall fenced and closed compound.

Short-term noise impacts associated with demolition of a portion of the existing warehouse building and the redevelopment of the site will occur. It is anticipated that worst-case construction activities are anticipated to generate short-term noise levels in the vicinity 85dBA measured at 50' from the noise source.

Short-term noise impacts shall be controlled by maintaining construction equipment in good working order and providing mufflers. In conformance with Village ordinances, construction activities shall be limited to the hours of 8:00 AM to 5:00 PM Monday through Friday and 10:00 AM to 5:00 PM on Saturdays. Interior construction activities may take place at other hours, in accordance with the regulations set forth in Chapter 224 of the Village Code. As a result, these controlled, short-term noise impacts will not result in a significant adverse environmental impact.

6. The project is anticipated to generate approximately 68 tons of solid waste per month. All solid waste generated by the project shall be collected and compacted on site, and shall be removed from the site through arrangements with private carters and disposed of at the Charles Point Resources Recovery Facility in Peekskill. Similarly, all recyclables shall be similarly disposed of. No adverse impacts are anticipated.
7. The project can be accommodated by the Village's existing infrastructural network. The project is anticipated to result in a daily water demand of approximately 4,500 gallons. This water will be supplied via a new 2" tap into the existing municipal domestic water service line located in South Regent Street.

The water service will be designed to provide both fire and domestic water service to the building.

Sanitary sewage generation from the project is estimated to be approximately 4,500 gallons per day. This sewage effluent will be transmitted to the existing lift station located at the front of the site, where it will be connected into the existing municipal sanitary sewer line located in South Regent Street and ultimately conveyed to the Port Chester Sewage Treatment Plant located on Fox Island Road. This plant is owned and operated by the Westchester County Department of Environmental Facilities. The plant has been designed to accommodate a permitted flow of 6 MGD, and currently supports an actual flow of 4.9 MGD. Westchester County officials have indicated that sufficient capacity exists to accommodate the project.

All connections to the existing sanitary sewer system will be designed and constructed in accordance with the requirements of the "Recommended Standards for Wastewater Facilities, Chapter 30, Design of Sewer," 1997 Edition. Additionally, all sanitary sewer construction will conform to the Standards and Specifications of the Westchester County Department of Environmental Facilities and Department of Health.

8. The project is not located within a 100 year floodplain as designated by FEMA. No floodplain impacts will result from the project as proposed.
9. No wetlands are located in the vicinity of the site. The proposed action will not result in any negative impacts on wetland resources.
10. The proposed action will not result in the removal of any significant existing trees. The site is currently essentially fully developed. No trees of any significant size are located on the grassy slope that will be impacted to allow for the expansion of the parking lot. No adverse impacts are anticipated.
11. There will be no impact on a significant habitat area as a result of this project. No threatened or endangered species of animals or the habitat of such species have been identified on the site according to the NYS Natural Heritage Inventory.
12. It is projected that the proposed Restaurant Depot facility will conservatively generate approximately 124 AM peak hour and 92 PM peak hour vehicle trips. These figures include approximately 10% large truck trips. The Village's traffic consultant has confirmed that this volume of traffic is similar to the volume that would be expected from a typical warehouse operation. The Planning Commission finds that this volume of traffic will not result in significant adverse impacts, however, certain improvements shall can be undertaken, at the sole expense of the applicant, to improve the operating conditions on the surrounding roadway network; including:
 - The improvement of sight distances from the site driveway along South Regent Street by the relocation of the existing fence a minimum of 10' back from its current location, the relocation of the existing pump house and the

removal of any overhanging vegetation. A minimum of 225' of sight distance to the left and right of each driveway shall be provided.

- The posting of “truck driveway ahead” signage on both sides of the truck driveway curb cut on South Regent Street.
- The widening of the truck driveway curb cut, as documented on the Site Plan (drawing A-2), to accommodate the turning radii of trucks traveling to and from the site.
- An agreement to monitor the functional viability of the truck driveway for a period of 6 months, and if, in the opinion of the Village staff, consultants, or Planning Commission, the driveway is found to not operate safely and adequately, to remove the curbed island and replace it with a painted and striped roadway island instead.
- The re-striping of the South Regent Street/US Route 1 intersection as depicted on drawing CP-2, subject to approval by the NYSDOT.
- The adjustment of the signal timing of the traffic light at the South Regent Street/US Route 1 intersection, to restore the right-turn overlap phase, and otherwise improve and optimize traffic movement operating conditions, subject to the review and approval of the NYSDOT.
- All truck deliveries shall be scheduled by Restaurant Depot, and shall not exceed 6 scheduled deliveries per hour. Additionally, all truck deliveries shall be directed to approach the site from I-287/I-95.

With these improvements in place, the Village’s traffic consultant and the Planning Commission have concluded that traffic generated by the project will not result in traffic impacts in excess of any other industrial operation that might occupy the existing facility, and that the surrounding roadway network will continue to operate at satisfactory Levels of Service. No significant adverse traffic impacts are anticipated.

13. The facility will provide 185 off-street parking spaces (45 under a new canopy), including 6 handicapped spaces, in a new parking lot, accessed and separated by curbing and a sidewalk from the truck loading and maneuvering area. These parking spaces meet the off-street parking requirement for the facility. No significant adverse environmental impacts are expected to occur regarding parking.
14. The proposed action does not create a material conflict with the community’s current development plans or goals. The proposed Restaurant Depot facility is a permitted use in the M-1 Light Industrial District.
15. Restaurant Depot has submitted various materials to the Planning Commission detailing that Restaurant Depot is a broadline distributor, wholesaling a wide range of products, but primarily food and perishable products. “Edible” sales will account for over 78% of total sales. Paper and equipment will constitute 14% of

total sales. Restaurant Depot will operate as a cash and carry facility, and no provision will be made for deliveries or customer credit. Restaurant Depot will sell to a relatively specific customer base, including independent restaurants, caterers, and not-for-profit organizations. Restaurant Depot proposes to invest approximately \$20 million to open this facility, and to compete in the \$41 million food service market that presently exists in the Village. Restaurant Depot, through its Mount Vernon location, already sells to over 150 restaurants, delis, and not-for-profit organizations in the Port Chester market, at a value of approximately \$5.3 million/year. The Planning Commission has considered existing patterns of population concentration, distribution or growth and existing community or neighborhood character as part of determining whether this project may have a significant effect on the environment. The Planning Commission finds that the project is not likely to have a significant effect on the environment. For example, the project does not involve the displacement of any residential or even commercial population or businesses because the existing site is vacant and underutilized. Nor will the project adversely impact the physical character of the neighborhood. On the contrary, the project will positively impact the physical character of the environment in that it will lead to the rehabilitation and adaptive reuse of a vacant warehouse. Finally, Restaurant Depot provided materials showing that its anticipated sales do not significantly overlap with other local businesses, and allegations to the contrary by a subgroup of business entities are conclusory and remote. In sum, the Restaurant Depot facility will not result in any significant adverse effects to existing patterns of population concentration, distribution or growth and existing community or neighborhood character.

16. As noted above, the project will have a positive long-term impact on the character of the neighborhood. At present, the site is dominated by a vacant and deteriorating warehouse/distribution terminal. The renovation and reuse of the building, the physical improvements to the site, including new site landscaping and the improvement in the site's South Regent Street frontage, will significantly improve the aesthetic appearance of the property. As a result, no significant adverse impacts are anticipated.
17. The demolition of the front part of the existing building, and the associated imposing "wall" that presently exists along South Regent Street, allows for the renovation of the remainder of the building to provide a new building façade, with distinctive architectural elements that will significantly improve the aesthetic appearance of the site. As such, the project will not result in any significant adverse aesthetic impacts.
18. The Project will involve an investment of approximately \$20 million and will result in the creation of 50 new permanent jobs. In addition, the Project will create construction jobs, and secondary economic benefits that will benefit the local economy as a whole. The Project will also generate sales taxes, of which the Village will receive a portion. The Project is seeking assistance from the Village of Port Chester Industrial Development Agency (the "IDA"). Through the IDA, current real estate property taxes will be guaranteed, and the assessed value of new improvements will receive reduced assessments for a limited period of 10 years. This represents a significant benefit to the Village, as the property is currently vacant, and 10 years of outstanding tax certiorari proceedings are

pending. It can therefore be concluded that the Project will not result in any adverse fiscal impacts.

19. The proposed action will not affect any building, site, or place of historic or archaeological value. The existing building is not architecturally significant and is generally utilitarian in nature. The building is not listed on the State or national registers of historic places. It can be concluded that the proposed action will not result in any adverse impacts to historic or archaeologically important resources.
20. The proposed action will result in a change in the way energy is currently used on the site. Today the existing building on the site is served by a utility infrastructure that is outdated and inefficient, as are the construction materials used in the building (single pane windows, poor insulation, etc). The newly renovated building will eliminate 65,533 square feet of the existing building, which will reduce the site's overall energy consumption dramatically. Additionally, the newly renovated building will be required to conform to all New York State Building Code requirements, including stringent energy-compliance standards. The renovated building will therefore be much more energy efficient than the existing building. It can therefore be concluded that the new facility will result in an appreciable reduction in the amount of energy previously consumed at the site. It is not anticipated that the project will overburden existing utility resources, and no adverse impacts are anticipated.
21. The proposed project does not present any opportunity to adversely affect public safety nor would it create a hazard to human health.
22. The new Restaurant Depot facility will be designed to meet or exceed all applicable building and fire safety code requirements. The building will be supported by fire protection and smoke and fire alarms systems and site security systems. No adverse emergency service impacts are anticipated.
23. The action will not result in changes in two or more elements of the environment, which alone would not have a significant effect on the environment, but when considered together, would result in a substantial adverse impact on the environment.
24. The proposed action is not related to another action which would be funded or approved by an agency which, when considered cumulatively, would meet one or any of the aforementioned criteria.