



BROWNFIELD CLEANUP PROGRAM (BCP) APPLICATION FORM

DEC requires an application to request major changes to the description of the property set forth in a Brownfield Cleanup Agreement, or "BCA" (e.g., adding a significant amount of new property, or adding property that could affect an eligibility determination due to contamination levels or intended land use). Such application must be submitted and processed in the same manner as the original application, including the required public comment period. Is this an application to amend an existing BCA?

Yes No If yes, provide existing site number: _____

PART A (note: application is separated into Parts A and B for DEC review purposes) BCP App Rev 10

Section I. Requestor Information - See Instructions for Further Guidance DEC USE ONLY BCP SITE #: NAME BR RA Port Chester LLC ADDRESS 777 Third Avenue, 6th Floor CITY/TOWN New York, NY ZIP CODE 10017 PHONE (212)210-6666 FAX E-MAIL cgibaldi@rosenyc.com Is the requestor authorized to conduct business in New York State (NYS)? Yes No ... Do all individuals that will be certifying documents meet the requirements detailed below? Yes No

Section II. Project Description 1. What stage is the project starting at? Investigation Remediation NOTE: If the project is proposed to start at the remediation stage, a Remedial Investigation Report (RIR) at a minimum is required to be attached, resulting in a 30-day public comment period. If an Alternatives Analysis and Remedial Work Plan are also attached (see DER-10 / Technical Guidance for Site Investigation and Remediation for further guidance) then a 45-day public comment period is required. 2. If a final RIR is included, please verify it meets the requirements of Environmental Conservation Law (ECL) Article 27-1415(2): Yes No Not Applicable 3. Please attach a short description of the overall development project, including: the date that the remedial program is to start; and the date the Certificate of Completion is anticipated. See Exhibit B

Section III. Property's Environmental History

All applications **must include** an Investigation Report (per ECL 27-1407(1)). The report must be sufficient to establish contamination of environmental media on the site above applicable Standards, Criteria and Guidance (SCGs) based on the reasonably anticipated use of the property.

To the extent that existing information/studies/reports are available to the requestor, please attach the following (**please submit the information requested in this section in electronic format only**):

- 1. Reports:** an example of an Investigation Report is a Phase II Environmental Site Assessment report prepared in accordance with the latest American Society for Testing and Materials standard (ASTM E1903). **Please submit a separate electronic copy of each report in Portable Document Format (PDF).** See Exhibit C

2. SAMPLING DATA: INDICATE KNOWN CONTAMINANTS AND THE MEDIA WHICH ARE KNOWN TO HAVE BEEN AFFECTED. LABORATORY REPORTS SHOULD BE REFERENCED AND COPIES INCLUDED.

Contaminant Category	Soil	Groundwater	Soil Gas
Petroleum	X		
Chlorinated Solvents			
Other VOCs			
SVOCs	X		
Metals	X		
Pesticides			
PCBs			
Other*			

*Please describe: Arsenic, Barium, Lead, Manganese, Mercury, Petroleum, Silver, & SVOCs.

3. FOR EACH IMPACTED MEDIUM INDICATED ABOVE, INCLUDE A SITE DRAWING INDICATING:

- SAMPLE LOCATION
- DATE OF SAMPLING EVENT
- KEY CONTAMINANTS AND CONCENTRATION DETECTED
- FOR SOIL, HIGHLIGHT IF ABOVE REASONABLY ANTICIPATED USE
- FOR GROUNDWATER, HIGHLIGHT EXCEEDANCES OF 6NYCRR PART 703.5
- FOR SOIL GAS/ SOIL VAPOR/ INDOOR AIR, HIGHLIGHT IF ABOVE MITIGATE LEVELS ON THE NEW YORK STATE DEPARTMENT OF HEALTH MATRIX

THESE DRAWINGS ARE TO BE REPRESENTATIVE OF ALL DATA BEING RELIED UPON TO MAKE THE CASE THAT THE SITE IS IN NEED OF REMEDIATION UNDER THE BCP. DRAWINGS SHOULD NOT BE BIGGER THAN 11" X 17". THESE DRAWINGS SHOULD BE PREPARED IN ACCORDANCE WITH ANY GUIDANCE PROVIDED.

ARE THE REQUIRED MAPS INCLUDED WITH THE APPLICATION?*

(*answering No will result in an incomplete application)

Yes

No

See Exhibit C

4. INDICATE PAST LAND USES (CHECK ALL THAT APPLY):

- | | | | |
|---|--|---|--|
| <input type="checkbox"/> Coal Gas Manufacturing | <input type="checkbox"/> Manufacturing | <input type="checkbox"/> Agricultural Co-op | <input type="checkbox"/> Dry Cleaner |
| <input type="checkbox"/> Salvage Yard | <input checked="" type="checkbox"/> Bulk Plant | <input type="checkbox"/> Pipeline | <input type="checkbox"/> Service Station |
| <input type="checkbox"/> Landfill | <input type="checkbox"/> Tannery | <input type="checkbox"/> Electroplating | <input type="checkbox"/> Unknown |

Other: Hospital (including laundry services), Boiler Plant/Power Plant.

Section IV. Property Information - See Instructions for Further Guidance

PROPOSED SITE NAME Former United Hospital

ADDRESS/LOCATION 406 Boston Post Road

CITY/TOWN Rye ZIP CODE 10573

MUNICIPALITY(IF MORE THAN ONE, LIST ALL):
Village of Port Chester

COUNTY Westchester SITE SIZE (ACRES) 12.03

LATITUDE (degrees/minutes/seconds) 40 ° 59 ' 40.49 "	LONGITUDE (degrees/minutes/seconds) 73 ° 40 ' 35.50 "
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Complete tax map information for all tax parcels included within the proposed site boundary. If a portion of any lot is proposed, please indicate as such by inserting "P/O" in front of the lot number in the appropriate box below, and only include the acreage for that portion of the tax parcel in the corresponding far right column. ATTACH REQUIRED MAPS PER THE APPLICATION INSTRUCTIONS.

Parcel Address	Section No.	Block No.	Lot No.	Acreage
406 Boston Post Rd, Port Chester, NY	141.052	1	2	12.03
SEE EXHIBIT D				

1. Do the proposed site boundaries correspond to tax map metes and bounds? Yes No
If no, please attach an accurate map of the proposed site.

2. Is the required property map attached to the application? Yes No
(application will not be processed without map) **See Exhibit D**

3. Is the property within a designated Environmental Zone (En-zone) pursuant to Tax Law 21(b)(6)?
(See [DEC's website](#) for more information) Yes No
If yes, identify census tract : _____
Percentage of property in En-zone (check one): 0-49% 50-99% 100%

4. Is this application one of multiple applications for a large development project, where the development project spans more than 25 acres (see additional criteria in BCP application instructions)? Yes No
If yes, identify name of properties (and site numbers if available) in related BCP applications: _____

5. Is the contamination from groundwater or soil vapor solely emanating from property other than the site subject to the present application? Yes No

6. Has the property previously been remediated pursuant to Titles 9, 13, or 14 of ECL Article 27, Title 5 of ECL Article 56, or Article 12 of Navigation Law? Yes No
If yes, attach relevant supporting documentation. **See Exhibits C and D**

7. Are there any lands under water? Yes No
If yes, these lands should be clearly delineated on the site map.

Section IV. Property Information (continued)

8. Are there any easements or existing rights of way that would preclude remediation in these areas? If yes, identify here and attach appropriate information. Yes No

<u>Easement/Right-of-way Holder</u>	<u>Description</u>
Not Applicable	Not Applicable

9. List of Permits issued by the DEC or USEPA Relating to the Proposed Site (type here or attach information)

<u>Type</u>	<u>Issuing Agency</u>	<u>Description</u>
NONE	Not Applicable	Not Applicable

10. Property Description and Environmental Assessment – **please refer to application instructions for the proper format of each narrative requested.**

Are the Property Description and Environmental Assessment narratives included in the **prescribed format?** Yes No See Exhibit D

Note: Questions 11 through 13 only pertain to sites located within the five counties comprising New York City

11. Is the requestor seeking a determination that the site is eligible for tangible property tax credits? Yes No

If yes, requestor must answer questions on the supplement at the end of this form.

12. Is the Requestor now, or will the Requestor in the future, seek a determination that the property is Upside Down? Yes No

13. If you have answered Yes to Question 12, above, is an independent appraisal of the value of the property, as of the date of application, prepared under the hypothetical condition that the property is not contaminated, included with the application? Yes No

NOTE: If a tangible property tax credit determination is not being requested in the application to participate in the BCP, the applicant may seek this determination at any time before issuance of a certificate of completion by using the BCP Amendment Application, except for sites seeking eligibility under the underutilized category.

If any changes to Section IV are required prior to application approval, a new page, initialed by each requestor, must be submitted.

Initials of each Requestor: _____

BCP application - PART B (note: application is separated into Parts A and B for DEC review purposes)

Section V. Additional Requestor Information See Instructions for Further Guidance	DEC USE ONLY BCP SITE NAME: _____ BCP SITE #: _____
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NAME OF REQUESTOR'S AUTHORIZED REPRESENTATIVE **BR RA Port Chester LLC / Christopher Gibaldi**

ADDRESS **777 Third Avenue, 6th Floor**

CITY/TOWN **New York** ZIP CODE **10017**

PHONE **(212) 210-6666** FAX _____ E-MAIL **cgibaldi@rosenyc.com**

NAME OF REQUESTOR'S CONSULTANT **AKRF, Inc. / Marc Godick**

ADDRESS **440 Park Ave South 7th Floor**

CITY/TOWN **New York** ZIP CODE **10016**

PHONE **(914) 922-2356** FAX **(212) 726-0942** E-MAIL **mgodick@akrf.com**

NAME OF REQUESTOR'S ATTORNEY **Christine Leas, Esq., Sive, Paget & Riesel, PC**

ADDRESS **560 Lexington Ave**

CITY/TOWN **New York** ZIP CODE **10022**

PHONE **(212) 421-2150** FAX _____ E-MAIL **cleas@sprlaw.com**

Section VI. Current Property Owner/Operator Information – if not a Requestor Requestor is Owner

CURRENT OWNER'S NAME _____ OWNERSHIP START DATE: _____

ADDRESS _____

CITY/TOWN _____ ZIP CODE _____

PHONE _____ FAX _____ E-MAIL _____

CURRENT OPERATOR'S NAME _____

ADDRESS _____

CITY/TOWN _____ ZIP CODE _____

PHONE _____ FAX _____ E-MAIL _____

PROVIDE A LIST OF PREVIOUS PROPERTY OWNERS AND OPERATORS WITH NAMES, LAST KNOWN ADDRESSES AND TELEPHONE NUMBERS AS AN ATTACHMENT. DESCRIBE REQUESTOR'S RELATIONSHIP, TO EACH PREVIOUS OWNER AND OPERATOR, INCLUDING ANY RELATIONSHIP BETWEEN REQUESTOR'S CORPORATE MEMBERS AND PREVIOUS OWNER AND OPERATOR. IF NO RELATIONSHIP, PUT "NONE".

See Exhibit E

IF REQUESTOR IS NOT THE CURRENT OWNER, DESCRIBE REQUESTOR'S RELATIONSHIP TO THE CURRENT OWNER, INCLUDING ANY RELATIONSHIP BETWEEN REQUESTOR'S CORPORATE MEMBERS AND THE CURRENT OWNER.

Section VII. Requestor Eligibility Information (Please refer to ECL § 27-1407) See Exhibit F

- If answering "yes" to any of the following questions, please provide an explanation as an attachment.
1. Are any enforcement actions pending against the requestor regarding this site? Yes No
 2. Is the requestor subject to an existing order for the investigation, removal or remediation of contamination at the site? Yes No
 3. Is the requestor subject to an outstanding claim by the Spill Fund for this site? Any questions regarding whether a party is subject to a spill claim should be discussed with the Spill Fund Administrator. Yes No

Section VII. Requestor Eligibility Information (continued)

4. Has the requestor been determined in an administrative, civil or criminal proceeding to be in violation of i) any provision of the ECL Article 27; ii) any order or determination; iii) any regulation implementing Title 14; or iv) any similar statute, regulation of the state or federal government? If so, provide an explanation on a separate attachment. Yes No
5. Has the requestor previously been denied entry to the BCP? If so, include information relative to the application, such as name, address, DEC assigned site number, the reason for denial, and other relevant information. Yes No
6. Has the requestor been found in a civil proceeding to have committed a negligent or intentionally tortious act involving the handling, storing, treating, disposing or transporting of contaminants? Yes No
7. Has the requestor been convicted of a criminal offense i) involving the handling, storing, treating, disposing or transporting of contaminants; or ii) that involves a violent felony, fraud, bribery, perjury, theft, or offense against public administration (as that term is used in Article 195 of the Penal Law) under federal law or the laws of any state? Yes No
8. Has the requestor knowingly falsified statements or concealed material facts in any matter within the jurisdiction of DEC, or submitted a false statement or made use of or made a false statement in connection with any document or application submitted to DEC? Yes No
9. Is the requestor an individual or entity of the type set forth in ECL 27-1407.9 (f) that committed an act or failed to act, and such act or failure to act could be the basis for denial of a BCP application? Yes No
10. Was the requestor's participation in any remedial program under DEC's oversight terminated by DEC or by a court for failure to substantially comply with an agreement or order? Yes No
11. Are there any unregistered bulk storage tanks on-site which require registration? Yes No

THE REQUESTOR MUST CERTIFY THAT HE/SHE IS EITHER A PARTICIPANT OR VOLUNTEER IN ACCORDANCE WITH ECL 27-1405 (1) BY CHECKING ONE OF THE BOXES BELOW: **See Exhibit F**

PARTICIPANT

A requestor who either 1) was the owner of the site at the time of the disposal of hazardous waste or discharge of petroleum or 2) is otherwise a person responsible for the contamination, unless the liability arises solely as a result of ownership, operation of, or involvement with the site subsequent to the disposal of hazardous waste or discharge of petroleum.

VOLUNTEER

A requestor other than a participant, including a requestor whose liability arises solely as a result of ownership, operation of or involvement with the site subsequent to the disposal of hazardous waste or discharge of petroleum.

NOTE: By checking this box, a requestor whose liability arises solely as a result of ownership, operation of or involvement with the site certifies that he/she has exercised appropriate care with respect to the hazardous waste found at the facility by taking reasonable steps to: i) stop any continuing discharge; ii) prevent any threatened future release; iii) prevent or limit human, environmental, or natural resource exposure to any previously released hazardous waste.

If a requestor whose liability arises solely as a result of ownership, operation of or involvement with the site, submit a statement describing why you should be considered a volunteer – be specific as to the appropriate care taken.

Section VII. Requestor Eligibility Information (continued)

Requestor Relationship to Property (check one):

Previous Owner Current Owner Potential /Future Purchaser Other _____

If requestor is not the current site owner, **proof of site access sufficient to complete the remediation must be submitted**. Proof must show that the requestor will have access to the property before signing the BCA and throughout the BCP project, including the ability to place an easement on the site Is this proof attached?

Yes No Not applicable

Note: a purchase contract does not suffice as proof of access.

Section VIII. Property Eligibility Information - See Instructions for Further Guidance

1. Is / was the property, or any portion of the property, listed on the National Priorities List?
If yes, please provide relevant information as an attachment. Yes No
2. Is / was the property, or any portion of the property, listed on the NYS Registry of Inactive Hazardous Waste Disposal Sites pursuant to ECL 27-1305? Yes No
If yes, please provide: Site # _____ Class # _____
3. Is / was the property subject to a permit under ECL Article 27, Title 9, other than an Interim Status facility? Yes No
If yes, please provide: Permit type: _____ EPA ID Number: _____
Date permit issued: _____ Permit expiration date: _____
4. If the answer to question 2 or 3 above is yes, is the site owned by a volunteer as defined under ECL 27-1405(1)(b), or under contract to be transferred to a volunteer? Attach any information available to the requestor related to previous owners or operators of the facility or property and their financial viability, including any bankruptcy filing and corporate dissolution documentation. Yes No
 Not applicable
5. Is the property subject to a cleanup order under Navigation Law Article 12 or ECL Article 17 Title 10? Yes No
If yes, please provide: Order # _____
6. Is the property subject to a state or federal enforcement action related to hazardous waste or petroleum? Yes No
If yes, please provide explanation as an attachment.

Section IX. Contact List Information

See Exhibit G

To be considered complete, the application must include the Brownfield Site Contact List in accordance with [DER-23 / Citizen Participation Handbook for Remedial Programs](#). Please attach, at a minimum, the names and addresses of the following:

1. The chief executive officer and planning board chairperson of each county, city, town and village in which the property is located.
2. Residents, owners, and occupants of the property and properties adjacent to the property.
3. Local news media from which the community typically obtains information.
4. The public water supplier which services the area in which the property is located.
5. Any person who has requested to be placed on the contact list.
6. The administrator of any school or day care facility located on or near the property.
7. The location of a document repository for the project (e.g., local library). **If the site is located in a city with a population of one million or more, add the appropriate community board as an additional document repository**. In addition, attach a copy of an acknowledgement from each repository indicating that it agrees to act as the document repository for the site.

Section X. Land Use Factors

1. What is the current municipal zoning designation for the site? Planned Mixed Use

What uses are allowed by the current zoning? (Check boxes, below)

Residential Commercial Industrial **See Exhibit H**

If zoning change is imminent, please provide documentation from the appropriate zoning authority.

2. Current Use: Residential Commercial Industrial Vacant Recreational (check all that apply)

Attach a summary of current business operations or uses, with an emphasis on identifying possible contaminant source areas. If operations or uses have ceased, provide the date.

3. Reasonably anticipated use Post Remediation: Residential Commercial Industrial (check all that apply) **Attach a statement detailing the specific proposed use.**

If residential, does it qualify as single family housing? Yes No

4. Do current historical and/or recent development patterns support the proposed use?

Yes No

Recent development patterns support the proposed use of the Site. Refer to Exhibit C, Figure 3 outlining the surrounding land use and Exhibit D for the zoning map.

5. Is the proposed use consistent with applicable zoning laws/maps? Briefly explain below, or attach additional information and documentation if necessary.

Yes No

The Site is zoned as planned mixed use, which is consistent with the proposed use of the Site (refer to Exhibit H for Proposed Development plans, which consists of a mix of residential and commercial uses). Refer to Exhibit D (zoning map) for additional information regarding the zoning of the surrounding area.

6. Is the proposed use consistent with applicable comprehensive community master plans, local waterfront revitalization plans, or other adopted land use plans? Briefly explain below, or attach additional information and documentation if necessary.

Yes No

Refer to Exhibit H for supplemental information.

XI. Statement of Certification and Signatures

(By requestor who is an individual)

If this application is approved, I hererby acknowledge and agree: (1) to execute a Brownfield Cleanup Agreement (BCA) within 60 days of the date of DEC’s approval letter; (2) to the general terms and conditions set forth in the [DER-32, Brownfield Cleanup Program Applications and Agreements](#); and (3) that in the event of a conflict between the general terms and conditions of participation and the terms contained in a site-specific BCA, the terms in the site-specific BCA shall control. Further, I hereby affirm that information provided on this form and its attachments is true and complete to the best of my knowledge and belief. I am aware that any false statement made herein is punishable as a Class A misdemeanor pursuant to section 210.45 of the Penal Law.

Date: _____ Signature: _____

Print Name: _____

(By a requestor other than an individual)

I hereby affirm that I am Manager (title) of BR RA Port Chester LLC (entity); that I am authorized by that entity to make this application and execute the Brownfield Cleanup Agreement (BCA) and all subsequent amendments; that this application was prepared by me or under my supervision and direction. If this application is approved, I acknowledge and agree: (1) to execute a BCA within 60 days of the date of DEC’s approval letter; (2) to the general terms and conditions set forth in the [DER-32, Brownfield Cleanup Program Applications and Agreements](#); and (3) that in the event of a conflict between the general terms and conditions of participation and the terms contained in a site-specific BCA, the terms in the site-specific BCA shall control. Further, I hereby affirm that information provided on this form and its attachments is true and complete to the best of my knowledge and belief. I am aware that any false statement made herein is punishable as a Class A misdemeanor pursuant to Section 210.45 of the Penal Law.

Date: 7/29/2020 Signature:  _____

Print Name: Marc Ehrlich _____

SUBMITTAL INFORMATION:

- **Two (2)** copies, one paper copy with original signatures and one electronic copy in Portable Document Format (PDF), must be sent to:
 - Chief, Site Control Section
 - New York State Department of Environmental Conservation
 - Division of Environmental Remediation
 - 625 Broadway
 - Albany, NY 12233-7020

FOR DEC USE ONLY

BCP SITE T&A CODE: _____ **LEAD OFFICE:** _____

Supplemental Questions for Sites Seeking Tangible Property Credits in New York City ONLY. Sufficient information to demonstrate that the site meets one or more of the criteria identified in ECL 27 1407(1-a) must be submitted if requestor is seeking this determination.

BCP App Rev 10

Property is in Bronx, Kings, New York, Queens, or Richmond counties.	<input type="checkbox"/> Yes <input type="checkbox"/> No
Requestor seeks a determination that the site is eligible for the tangible property credit component of the brownfield redevelopment tax credit.	<input type="checkbox"/> Yes <input type="checkbox"/> No
Please answer questions below and provide documentation necessary to support answers.	
1. Is at least 50% of the site area located within an environmental zone pursuant to NYS Tax Law 21(b)(6)? Please see DEC's website for more information.	<input type="checkbox"/> Yes <input type="checkbox"/> No
2. Is the property upside down or underutilized as defined below?	Upside Down? <input type="checkbox"/> Yes <input type="checkbox"/> No Underutilized? <input type="checkbox"/> Yes <input type="checkbox"/> No
From ECL 27-1405(31):	
<p>"Upside down" shall mean a property where the projected and incurred cost of the investigation and remediation which is protective for the anticipated use of the property equals or exceeds seventy-five percent of its independent appraised value, as of the date of submission of the application for participation in the brownfield cleanup program, developed under the hypothetical condition that the property is not contaminated.</p>	
From 6 NYCRR 375-3.2(I) as of August 12, 2016: (Please note: Eligibility determination for the underutilized category can only be made at the time of application)	
375-3.2:	
<p>(I) "Underutilized" means, as of the date of application, real property on which no more than fifty percent of the permissible floor area of the building or buildings is certified by the applicant to have been used under the applicable base zoning for at least three years prior to the application, which zoning has been in effect for at least three years; and</p> <p>(1) the proposed use is at least 75 percent for industrial uses; or</p> <p>(2) at which:</p> <p>(i) the proposed use is at least 75 percent for commercial or commercial and industrial uses;</p> <p>(ii) the proposed development could not take place without substantial government assistance, as certified by the municipality in which the site is located; and</p> <p>(iii) one or more of the following conditions exists, as certified by the applicant:</p> <p>(a) property tax payments have been in arrears for at least five years immediately prior to the application;</p> <p>(b) a building is presently condemned, or presently exhibits documented structural deficiencies, as certified by a professional engineer, which present a public health or safety hazard; or</p> <p>(c) there are no structures.</p>	
<p>"Substantial government assistance" shall mean a substantial loan, grant, land purchase subsidy, land purchase cost exemption or waiver, or tax credit, or some combination thereof, from a governmental entity.</p>	

Supplemental Questions for Sites Seeking Tangible Property Credits in New York City (continued)

3. If you are seeking a formal determination as to whether your project is eligible for Tangible Property Tax Credits based in whole or in part on its status as an affordable housing project (defined below), you must attach the regulatory agreement with the appropriate housing agency (typically, these would be with the *New York City Department of Housing, Preservation and Development*; the *New York State Housing Trust Fund Corporation*; the *New York State Department of Housing and Community Renewal*; or the *New York State Housing Finance Agency*, though other entities may be acceptable pending Department review). **Check appropriate box, below:**

- Project is an Affordable Housing Project - Regulatory Agreement Attached;
- Project is Planned as Affordable Housing, But Agreement is Not Yet Available* (*Checking this box will result in a “pending” status. The Regulatory Agreement will need to be provided to the Department and the Brownfield Cleanup Agreement will need to be amended prior to issuance of the CoC in order for a positive determination to be made.);
- This is Not an Affordable Housing Project.

From 6 NYCRR 375- 3.2(a) as of August 12, 2016:

(a) “Affordable housing project” means, for purposes of this part, title fourteen of article twenty seven of the environmental conservation law and section twenty-one of the tax law only, a project that is developed for residential use or mixed residential use that must include affordable residential rental units and/or affordable home ownership units.

(1) Affordable residential rental projects under this subdivision must be subject to a federal, state, or local government housing agency’s affordable housing program, or a local government’s regulatory agreement or legally binding restriction, which defines (i) a percentage of the residential rental units in the affordable housing project to be dedicated to (ii) tenants at a defined maximum percentage of the area median income based on the occupants’ households annual gross income.

(2) Affordable home ownership projects under this subdivision must be subject to a federal, state, or local government housing agency’s affordable housing program, or a local government’s regulatory agreement or legally binding restriction, which sets affordable units aside for home owners at a defined maximum percentage of the area median income.

(3) “Area median income” means, for purposes of this subdivision, the area median income for the primary metropolitan statistical area, or for the county if located outside a metropolitan statistical area, as determined by the United States department of housing and urban development, or its successor, for a family of four, as adjusted for family size.

BCP Application Summary (for DEC use only)

Site Name: Former United Hospital
City: Rye

Site Address: 406 Boston Post Road
County: Westchester **Zip:** 10573

Tax Block & Lot

Section (if applicable): 141.052 **Block:** 1 **Lot:** 2

Requestor Name: BR RA Port Chester LLC
City:

Requestor Address:
Zip: **Email:**

Requestor's Representative (for billing purposes)

Name: BR RA Port Chester LLC / Christopher Gibaldi **Address:** 777 Third Avenue, 6th Floor
City: New York **Zip:** 10017

Email: cgibaldi@rosenyc.com

Requestor's Attorney

Name: Christine Leas, Esq., Sive, Paget & Riesel, PC **Address:** 560 Lexington Ave
City: New York **Zip:** 10022

Email: cleas@sprlaw.com

Requestor's Consultant

Name: AKRF, Inc. / Marc Godick **Address:** 440 Park Ave South 7th Floor
City: New York **Zip:** 10016

Email: mgodick@akrf.com

Percentage claimed within an En-Zone: 0% <50% 50-99% 100%

DER Determination: Agree Disagree

Requestor's Requested Status: Volunteer Participant

DER/OGC Determination: Agree Disagree
Notes:

For NYC Sites, is the Requestor Seeking Tangible Property Credits: Yes No

Does Requestor Claim Property is Upside Down: Yes No

DER/OGC Determination: Agree Disagree Undetermined

Notes:

Does Requestor Claim Property is Underutilized: Yes No

DER/OGC Determination: Agree Disagree Undetermined

Notes:

Does Requestor Claim Affordable Housing Status: Yes No Planned, No Contract

DER/OGC Determination: Agree Disagree Undetermined

Notes:

EXHIBIT A – SECTION I: REQUESTOR INFORMATION
SUPPLEMENTAL INFORMATION

Exhibit A

Section I. Requestor Information

The New York State (NYS) Department of State's Corporation and Business Entity Database listing for BR RA Port Chester LLC (the "Applicant" or "Requestor") and the member organizational chart is attached.

Exhibit A Attachments:

1. New York State Department of State's Corporation and Business Entity Database Listing
2. Member Organizational Chart

**EXHIBIT A – ATTACHMENT 1
NEW YORK STATE DEPARTMENT OF STATE’S CORPORATION
AND BUSINESS ENTITY DATABASE LISTING**

NYS Department of State

Division of Corporations

Entity Information

The information contained in this database is current through April 10, 2020.

Selected Entity Name: BR RA PORT CHESTER LLC

Selected Entity Status Information

Current Entity Name: BR RA PORT CHESTER LLC

DOS ID #: 5579216

Initial DOS Filing Date: JUNE 28, 2019

County: NEW YORK

Jurisdiction: DELAWARE

Entity Type: FOREIGN LIMITED LIABILITY COMPANY

Current Entity Status: ACTIVE

Selected Entity Address Information

DOS Process (Address to which DOS will mail process if accepted on behalf of the entity)

C/O CORPORATION SERVICE COMPANY

80 STATE STREET

ALBANY, NEW YORK, 12207-2543

Registered Agent

CORPORATION SERVICE COMPANY

80 STATE STREET

ALBANY, NEW YORK, 12207-2543

This office does not require or maintain information regarding the names and addresses of members or managers of nonprofessional limited liability companies. Professional limited liability companies must include the name(s) and address(es) of the original members, however this information is not recorded and only available by [viewing the certificate](#).

***Stock Information**

# of Shares	Type of Stock	\$ Value per Share
-------------	---------------	--------------------

No Information Available

*Stock information is applicable to domestic business corporations.

Name History

Filing Date	Name Type	Entity Name
JUN 28, 2019	Actual	BR RA PORT CHESTER LLC

A **Fictitious** name must be used when the **Actual** name of a foreign entity is unavailable for use in New York State. The entity must use the fictitious name when conducting its activities or business in New York State.

NOTE: New York State does not issue organizational identification numbers.

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**EXHIBIT A – ATTACHMENT 2
MEMBER ORGANIZATIONAL CHART**

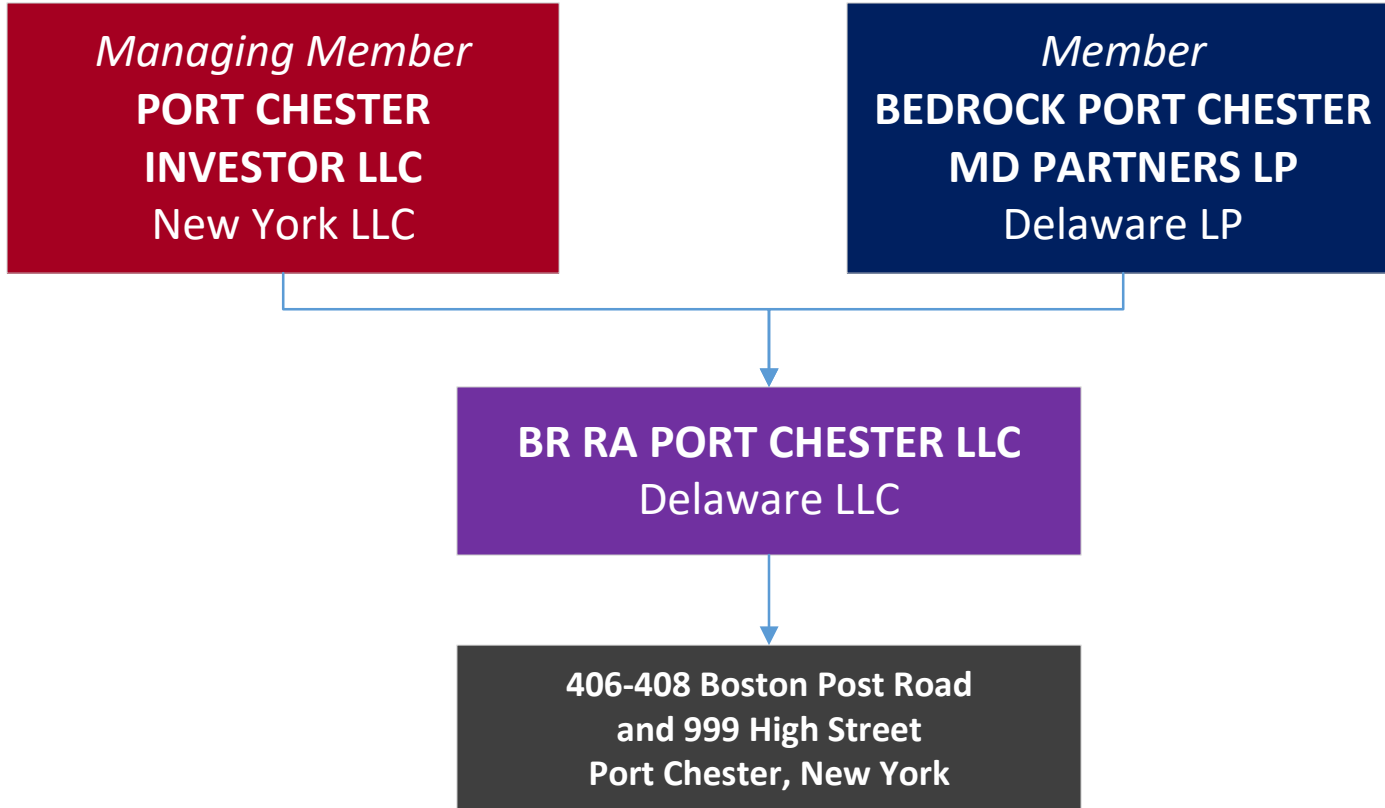


EXHIBIT B - SECTION II: PROJECT DESCRIPTION
SUPPLEMENTAL INFORMATION

Exhibit B

Section II. Project Description

3. Description of Development Project:

The Former United Hospital re-development (the “Project”) is a phased, mixed-use development located at 406 Boston Post Road, Town of Rye, Village of Port Chester, New York (the “Site”).

According to previous environmental reports, the Site was operated as a hospital starting in approximately 1915, with operations ceasing in 2004. Entry into the Brownfield Cleanup Program (BCP) would facilitate the cleanup and redevelopment of the Site. Applicant proposes to demolish the existing structures and redevelop the Site with a mix of uses, including:

- 730 residential apartments;
- 180 assisted and senior living units;
- A 160-room hotel;
- 30,000 square feet of retail space;
- 10,000 square feet of flex office space; and
- Associated parking lots.

The Site is zoned for over 1 million square feet of development.

Note: *Final plans are in development so the number of residential units, hotel rooms, assisted/senior living units, and retail space, office space, and parking square footages are subject to change.

The Applicant plans to remediate the Site in conjunction with construction for the project’s proposed new buildings. Prior to remediation, the Applicant will complete the remedial investigation and requisite reporting and will submit a remedial action work plan (RAWP) for New York State Department of Environmental Conservation (NYSDEC) review and approval. After obtaining appropriate permits from the Village of Port Chester, demolition of the on-Site structures will be completed, followed by investigation and/or remediation in accordance with a NYSDEC-approved RAWP. Concurrently, the Applicant will be securing construction financing and Site plan approval from the Village of Port Chester, currently anticipated for August 2021. The preliminary project milestone schedule, shown in Table 1, is subject to change.

**Table 1
Proposed Project Schedule**

Activity	Time To Complete
BCP Pre-Application Meeting	March 25, 2020
BCP Application and Draft Remedial Investigation Work Plan (RIWP) Submission to NYSDEC	July 2020
Submit Revised RIWP; RIWP approval received	November/December 2020
Conduct Remedial Investigation (RI)	December 2020/January 2021
Begin Redevelopment (Construction) with Implementation of RAWP	September 2021
Draft Final Engineering Report (FER) and Fact Sheet Submitted to NYSDEC	September 2022
NYSDEC and NYSDOH Approval of FER and SMP	By November 15, 2022
Certificate of Completion (COC), and Issuance of Remediation Completion and COC Fact Sheets	December 2022

**EXHIBIT C - SECTION III: PROPERTY'S ENVIRONMENTAL HISTORY
SUPPLEMENTAL INFORMATION**

Exhibit C

Section III. Environmental History

1. Reports:

Previous environmental studies completed at the Site are attached as part of this Exhibit and include the following:

1. Phase I Environmental Site Assessment, United Hospital Medical Center, 406 Boston Post Road, Port Chester, New York; prepared by EMG – May 2005.
2. Phase II Environmental Site Assessment, United Hospital Medical Center, 406 Boston Post Road, Port Chester, New York; prepared by EMG – June 2005.
3. Phase I Environmental Site Assessment, United Hospital Redevelopment, 406 Boston Post Road, Port Chester, New York; prepared by Enviro-Sciences (Of Delaware), Inc. – January 2006
4. Tank Closure Report, Former New York United Medical Center, 406 Boston Post Road, Port Chester, New York 10573-4703; prepared by Enviro-Sciences (Of Delaware), Inc. – May 2013
5. Phase I Environmental Site Assessment, United Hospital Redevelopment, 406 Boston Post Road and 999 High Street, Port Chester, New York; prepared by TRC Engineers Inc. – December 2014
6. Phase II Environmental Site Assessment Report, United Hospital Medical Center, 406 Boston Post Road, Port Chester, New York; prepared by SESI Consulting Engineers, DPC – November 2018 (included as part of the SESI 2019 Phase II Report)
7. Phase I Environmental Site Assessment, Former New York United Hospital Medical Center, 406 Boston Post Road, Port Chester, New York; prepared by VHB Engineering, Surveying, Landscape Architecture, and Geology, P.C. – July 2019
8. Phase II Environmental Site Assessment Report, United Hospital Medical Center, 406 Boston Post Road, Port Chester, New York; prepared by SESI Consulting Engineers, DPC – November 2019.
9. Phase II Environmental Site Assessment, Former United Hospital, 406 Boston Post Road, Port Chester, New York; prepared by AKRF, Inc. – May 2020
10. NYSDEC Spill Closure Documentation - further detail provided in Exhibit F.

Summaries of the previous environmental reports are provided below. The Applicant believes that these reports provide sufficient information to proceed with this BCP Application. The Applicant seeks to enroll in the program to remediate the Site in a timely manner under the oversight of NYSDEC.

Phase I Environmental Site Assessment, United Hospital Medical Center, 406 Boston Post Road, Port Chester, New York; prepared by EMG – May, 2005.

EMG conducted a Phase I ESA of the Site in May 2005, which identified various environmental findings related to: operational activities, hazardous material/petroleum products (including wastes), polychlorinated biphenyls (PCBs), asbestos containing material (ACM), radon gas, lead based paint, petroleum storage tanks, mold, and historical Site uses. Based on these findings, EMG made the following recommendations:

- Proper disposal of remaining medical and regulated wastes at the Site in accordance with regulatory requirements;
- Registration of a temporary 2,000-gallon No. 2 fuel oil aboveground storage tank (AST) observed at the apartment building with Westchester County Department of Health (WCDOH) in accordance with NYSDEC Petroleum Bulk Storage (PBS) Program regulations if it was to remain in place;
- Review of NYSDEC files to further evaluate potential impact to the environmental integrity of the Site from a closed in-place 10,000-gallon No. 2 fuel oil underground storage tank (UST) at the apartment building; and
- Subsurface investigation in the area of two 25,000-gallon No. 6 fuel oil USTs adjacent to the power/boiler plant building to further evaluate potential impact to the environmental integrity of the Site.

Phase II Environmental Site Assessment, United Hospital Medical Center, 406 Boston Post Road, Port Chester, New York; prepared by EMG – June, 2005.

EMG performed a Phase II ESA at the Site in May 2005 to investigate the two 25,000-gallon No. 6 fuel oil USTs located adjacent to the power/boiler plant. EMG monitored the advancement of two soil borings around the USTs and collected one soil sample from each boring for laboratory analysis. EMG reported that no groundwater was encountered in either soil boring, and no petroleum odors or staining were detected in the soil samples collected from the soil borings. EMG reported that field screening of the soil samples with a photoionization detector (PID) did not indicate the presence of volatile organic compound contamination in any of the soil samples collected from the soil borings.

No benzene, ethylbenzene, toluene, and xylenes (BTEX) or polycyclic aromatic hydrocarbons (PAH) compounds were reported in the soil samples. As such, the Phase II ESA concluded no evidence of a release from the USTs was detected, and no further investigation was recommended with respect to the two on-Site USTs.

Phase I Environmental Site Assessment, United Hospital Redevelopment, 406 Boston Post Road, Port Chester, New York; prepared by Enviro-Sciences (Of Delaware), Inc. – January 2006

Enviro-Sciences (Of Delaware), Inc. (ESI) conducted a Phase I ESA of the Site in January 2006. ESI did not identify any Recognized Environmental Conditions (RECs) in the Phase I report, but identified the following Business Environmental Risk (BER):

- Potential ACM was observed throughout the hospital facility in the form of 12-inch square floor tile and pipe insulation, and in the apartment building in the form of pipe insulation and a popcorn texture ceiling application used in the apartment units.

Tank Closure Report, Former New York United Medical Center, 406 Boston Post Road, Port Chester, New York 10573-4703; prepared by Enviro-Sciences (Of Delaware), Inc. – May 2013

This report summarizes activities associated with the decommissioning, removal, and post-excavation soil sampling pertaining to the two 25,000-gallon No. 6 fuel oil USTs and one 2,000-gallon diesel fuel AST located adjacent to the power/boiler plant building. The two 25,000-gallon USTs were reported to be installed in 1965 and were used to store No. 6 heating oil for the three boilers located in the central boiler plant. The 2,000-gallon AST was used to fuel an emergency generator. Based on the failed system tightness test for both 25,000-gallon USTs, NYSDEC Spill Nos. 1213776 and 1213913 were assigned, one for each tank.

ESI documented the removal of the tanks, residual sludge (approximately 2,000 gallons total) and associated piping, and the excavation of petroleum-contaminated soil associated with both USTs and the AST. Due to the presence of concrete saddles and a slab beneath the USTs, post-excavation soil samples were collected from the perimeter of the subsurface concrete slab as confirmatory samples, rather than from directly below the tanks. Following the collection of soil confirmation samples, the excavation was backfilled to grade with the non-impacted stockpiled soil and clean fill.

A total of 18 post-excavation soil samples were collected, with two samples containing exceedances of the NYSDEC Part 375 Unrestricted Use Soil Cleanup Objectives (UUSCOs) for volatile organic compounds (VOCs), specifically 1,2,4-trimethylbenzene or xylene; and four samples containing exceedances of the NYSDEC UUSCOs for semivolatile organic compounds (SVOCs), specifically benzo(a)anthracene, benzo(a)pyrene, benzo(b)fluoranthene, benzo(k)fluoranthene, chrysene, dibenzo(a,h)anthracene, or indeno(1,2,3-cd)pyrene. Several SVOCs also exceeded the Restricted Residential Soil Cleanup Objectives (RRSCOs). Based on these results, EMG recommended that additional remediation should be completed following demolition of the boiler plant.

Phase I Environmental Site Assessment, United Hospital Redevelopment, 406 Boston Post Road and 999 High Street, Port Chester, New York; prepared by TRC Engineers Inc. – December 2014

TRC Engineers Inc. (TRC) conducted a Phase I ESA of the Site in December 2014. The Phase I ESA identified the following:

REC/De Minimis Condition:

- During the closure of two No. 6 fuel oil 25,000-gallon USTs, impacted soil was observed, excavated, and soil samples were collected. The May 2013 tank closure report stated that the removed USTs were located in close proximity to the boiler/power plant. A file review indicated that five of the 18 samples collected taken had exceedances of the NYSDEC Part 375 UUSCOs. TRC indicated that, based on the available information, this remaining contamination was considered to represent a De Minimis Condition.

Historical RECs (HRECs):

- A 550-gallon UST that had stored gasoline located near the food storage building and food preparation area was closed and removed on October 10, 2002 (this tank location is not well defined, but it appears to have been in the central portion of the Site). According to the database search report, a tank investigator observed contaminated soil near the top of the UST. Five soil samples were collected as part of the UST closure activities, and concentrations were below the current NYSDEC Part 375 UUSCOs. According to a November 2002 letter from Environmental Management Solutions of NY, Inc. to the New York United Hospital Medical Center an application of a bio-remediation product (Micro-Bac) was applied to the soils prior to backfilling. The associated spill case (Spill No. 02-05617) was closed by NYSDEC and WCDOH in October 2002 and November 2002, respectively;
- A file review indicated that one 2,000-gallon UST that stored diesel near the boiler/power plant was closed in place and the associated spill (Spill No. 01-04795) was closed by WCDOH in August 2001; and
- A file review indicated that there were two oil releases in the boiler room of the apartment building located at 999 High Street (in 2005 and 2008). There were two other releases of No. 2 oil in the basement of the apartment building in 2005 and 2010; however, the available documentation did not specify where. These incidents were reported to the regulatory

authorities (NYSDEC and WCDOH), and the spill cases were closed with no restrictions to ongoing or future Site operations.

Phase II Environmental Site Assessment Report, United Hospital Medical Center, 406 Boston Post Road, Port Chester, New York; prepared by SESI Consulting Engineers, DPC – November 2018

SESI Consulting Engineers, DPC (SESI) conducted a limited Phase II ESA at the Site in November 2018 (summarized within the November 2019 Phase II ESA report detailed below), which included collection of multiple soil, groundwater, and soil vapor samples. Note that a formal report was not compiled as part of the effort. Reported concentrations of soil samples indicated exceedances of multiple SVOCs, metals (specifically barium and manganese), and Aroclor 1254 [a polychlorinated biphenyl (PCB) congener] on the northern portion of the Site (near the boiler plant building).

Groundwater samples were analyzed for VOCs and metals, and only sodium exceeded the NYSDEC Technical and Operation Guidance Series (TOGS) Class GA Ambient Water Quality Standards and Guidance Values (AWQSGVs). Apart from 1,3-butadiene and chloroform, no soil vapor contaminants were identified as elevated.

Seven test pits were also advanced as part of the November 2018 Phase II ESA. Separate phase petroleum was observed in TP-1, located near the two former USTs next to the boiler/power plant building. In addition, a petroleum sheen was observed on groundwater in TP-3 in the vicinity of the former USTs and coal storage area.

Phase I Environmental Site Assessment, Former New York United Hospital Medical Center, 406 Boston Post Road, Port Chester, New York; prepared by VHB Engineering, Surveying, Landscape Architecture, and Geology, P.C. – July 2019

VHB Engineering, Surveying, Landscape Architecture, and Geology, P.C. (VHB) conducted a Phase I ESA of the Site in August 2019. The Phase I ESA identified the following RECs:

- Based on review of the Sanborn Fire Insurance Maps, the presence of an unknown gasoline storage tank located under a portion of the main hospital building, coal storage area, incinerator, and laundry facility could indicate the presence of impacted materials as a result of the processes associated with these structures.
- A small amount of residually impacted soils was identified in relation to a documented NYSDEC Spill Case associated with a UST removal and residual petroleum-impacted soils left in-place adjacent to the boiler plant building. It was recommended that once the boiler/power plant building had been demolished and all debris removed from the area, additional investigation and remediation should be conducted.
- A small stockpile of soil of unknown origin was observed in the parking lot northeast of the Site buildings.
- Due to overgrowth of vegetation and unsafe conditions, VHB could not visually inspect the two exterior, pad-mounted transformers, and as such, the current condition of the transformers could not be ascertained during the visual inspection.
- According to historical records, the Site's fuel source was originally coal. A coal storage area was depicted on the Sanborn maps in the area of the Main Hospital Building; however, this was not visually confirmed. Furthermore, there is a potential for coal ash to have been deposited at the Site adjacent to, or in the areas surrounding, the former boiler building located within the central portions of the main hospital building.

Phase II Environmental Site Assessment Report, United Hospital Medical Center, 406 Boston Post Road, Port Chester, New York; prepared by SESI Consulting Engineers, DPC – November 2019

SESI conducted a Phase II ESA, which included the collection of soil, groundwater, and soil vapor samples to further investigate Areas of Concern (AOCs) identified in prior environmental investigations, including the May 2005 Phase I ESA prepared by EMG, the January 2006 Phase I ESA prepared by ESI, and the June 2005 Phase II ESA prepared by EMG.

In total, 20 soil samples were collected from 20 borings advanced across the Site. Soil boring locations were distributed based on the RECs identified in the Phase Is detailed above and on site coverage.

During drilling activities, petroleum fuel odors and elevated PID readings (exceeding 100 ppm) were noted in two borings (one located in the western parking lot and a second located near the former UST and coal storage area). Soil samples from these borings were collected from the depths exhibiting the highest PID readings.

Soil samples collected were analyzed for VOCs, SVOCs, metals, pesticides, and PCBs. No VOCs or pesticides were identified in any samples collected exceeding the NYSDEC Part 375 RRSCOs. Several SVOCs were identified at concentrations exceeding their RRSCOs including benzo(a)anthracene, benzo(b)fluoranthene, and chrysene. Lead and manganese were also reported to exceed their RRSCOs.

Three groundwater samples were collected as part of the Phase II efforts. One VOC exceedance of the NYSDEC AWQSGVs for 1,2,4,5-tetramethylbenzene was reported in one of the groundwater samples collected. Additionally, concentrations of six SVOCs (benzo(a)anthracene, benzo(a)pyrene, benzo(b)fluoranthene, benzo(k)fluoranthene, chrysene, and indeno(1,2,3-cd)pyrene) were reported above the Class GA AWQSGVs in two of the groundwater samples, with the third groundwater sample reporting only one SVOC exceedance (benzo(b)fluoranthene). Further, while various total metals samples reported exceedances of the Class GA AWQSGVs, the filtered samples included exceedances of only secondary metals without health-based standards (iron, magnesium, sodium, and manganese). No separate phase petroleum was observed as part of the Phase II; however, a sheen was observed from the groundwater sample collected in the northwest portion of the Site.

No soil vapor contaminants analyzed as part of the Phase II were identified as elevated, apart from 1,3-butadiene, benzene, and chloroform.

Phase II Environmental Site Assessment, Former United Hospital, 406 Boston Post Road, Port Chester, New York; prepared by AKRF, Inc. – May 2020

AKRF conducted a Phase II ESA which included the collection of soil, groundwater, and soil vapor samples to further investigate AOCs identified in prior environmental investigations and during a pre-sampling inspection. The scope of the Phase II ESA included: a geophysical investigation across accessible areas of the Site; advancement of 32 soil borings across the Site with collection and laboratory analysis of 41 soil samples; installation of one temporary groundwater monitoring well with the collection of one groundwater sample for laboratory analysis; and installation of three temporary soil vapor probes with the collection of three soil vapor samples. Bedrock at the Site was observed at depths ranging from 2.5 to 12.5 feet below ground surface across the Site. Groundwater was encountered intermittently in five of the 32 soil borings within 2 inches to 2 feet of apparent bedrock (ranging from 7.5 to 13 feet below ground surface). Based on the presence of apparent shallow bedrock, the observed groundwater is likely

perched and not representative of a continuous shallow aquifer or regional groundwater conditions.

The laboratory results identified concentrations of SVOCs and metals (specifically arsenic, barium, lead, silver, and mercury) in soil above the RRSCOs, which were attributed to historical Site uses and/or historical fill material. AKRF recommended that the Site be entered into the BCP to fully investigate and remediate the Site in conjunction with the proposed redevelopment activities.

A copy of the completed Phase II ESA report is attached as part of this Exhibit. Figures showing exceedances of the RRSCOs are also attached as outlined below.

3. Figures/Drawings:

The following figures/drawings are attached as part of this Exhibit:

Figure 1 – Site Location Map

Figure 2 – Site Plan

Figure 3 – Surrounding Land Use Map

Figure 4 – Soil Sample Concentrations above NYSDEC RRSCOs

Figure 5 – Groundwater Sample Concentrations above NYSDEC AWQSGVs

Exhibit C Attachments:

1. Previous Environmental Reports (provided as a separate file in the electronic submission and on a USB flash-drive in the hard copy submission)
2. Figures:
 - a. Figure 1 – Site Location Map
 - b. Figure 2 – Site Plan
 - c. Figure 3 – Surrounding Land Use
 - d. Figure 4 – Soil Sample Concentrations above NYSDEC RRSCOs
 - e. Figure 5 – Groundwater Sample Concentrations above NYSDEC AWQSGVs

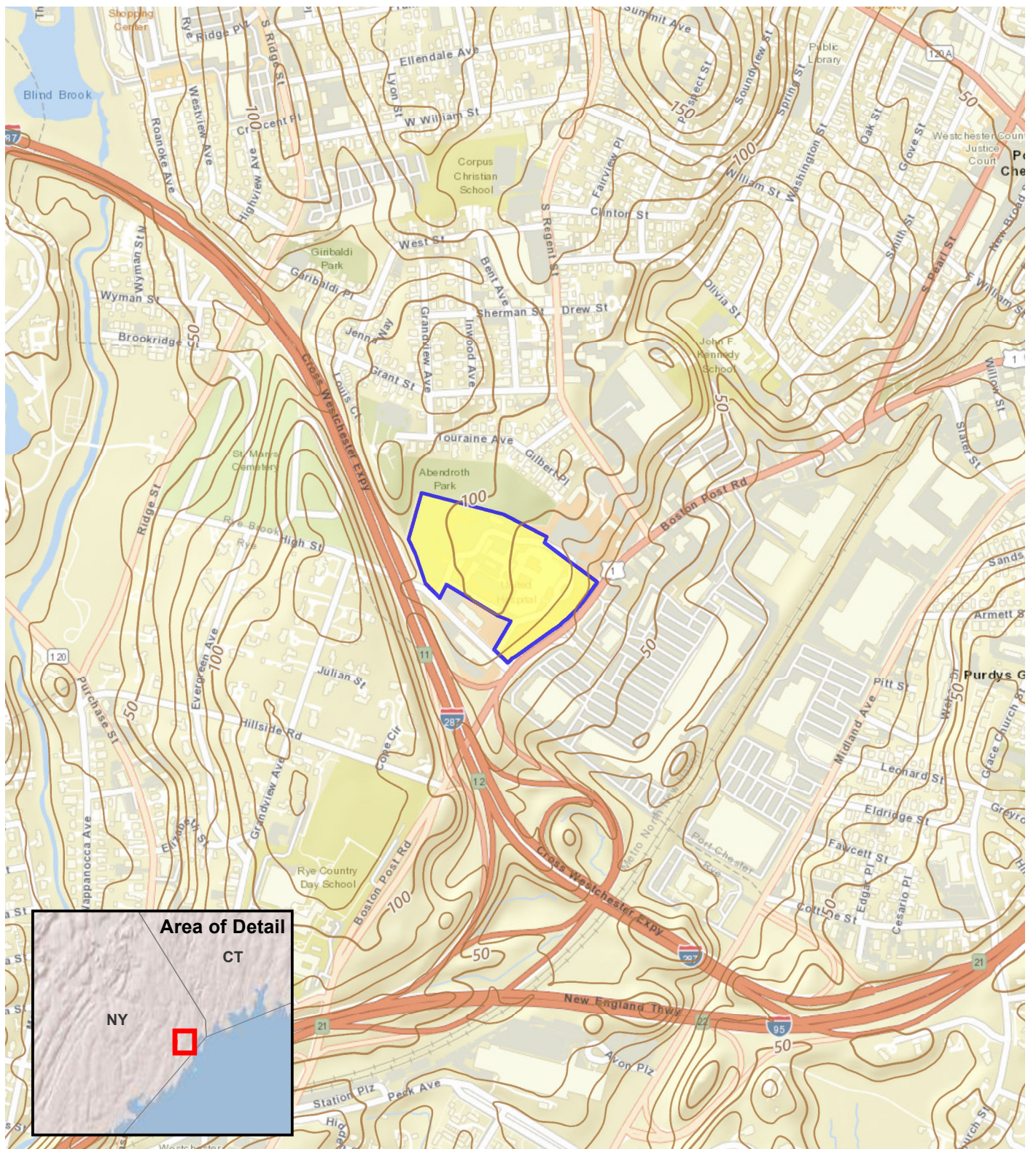
EXHIBIT C – ATTACHMENT 1

PREVIOUS ENVIRONMENTAL REPORTS

**(PROVIDED AS A SEPARATE FILE IN THE ELECTRONIC SUBMISSION AND ON A USB FLASH-DRIVE IN
THE HARD COPY SUBMISSION)**

**EXHIBIT C – ATTACHMENT 2
FIGURES**

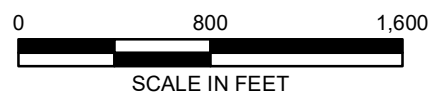
© 2020 AKRF Q:\Projects\200057 - FORMER UNITED HOSPITAL\Technical\GIS and Graphics\Hazmat\200057 Fig. 1 Site Location.mxd\4/22/2020 2:34:25 PM mvelleux



Service Layer Credits: ESRI World Street Map, 2020.

LEGEND

 PROPERTY LOCATION



440 Park Avenue South, New York, NY 10016

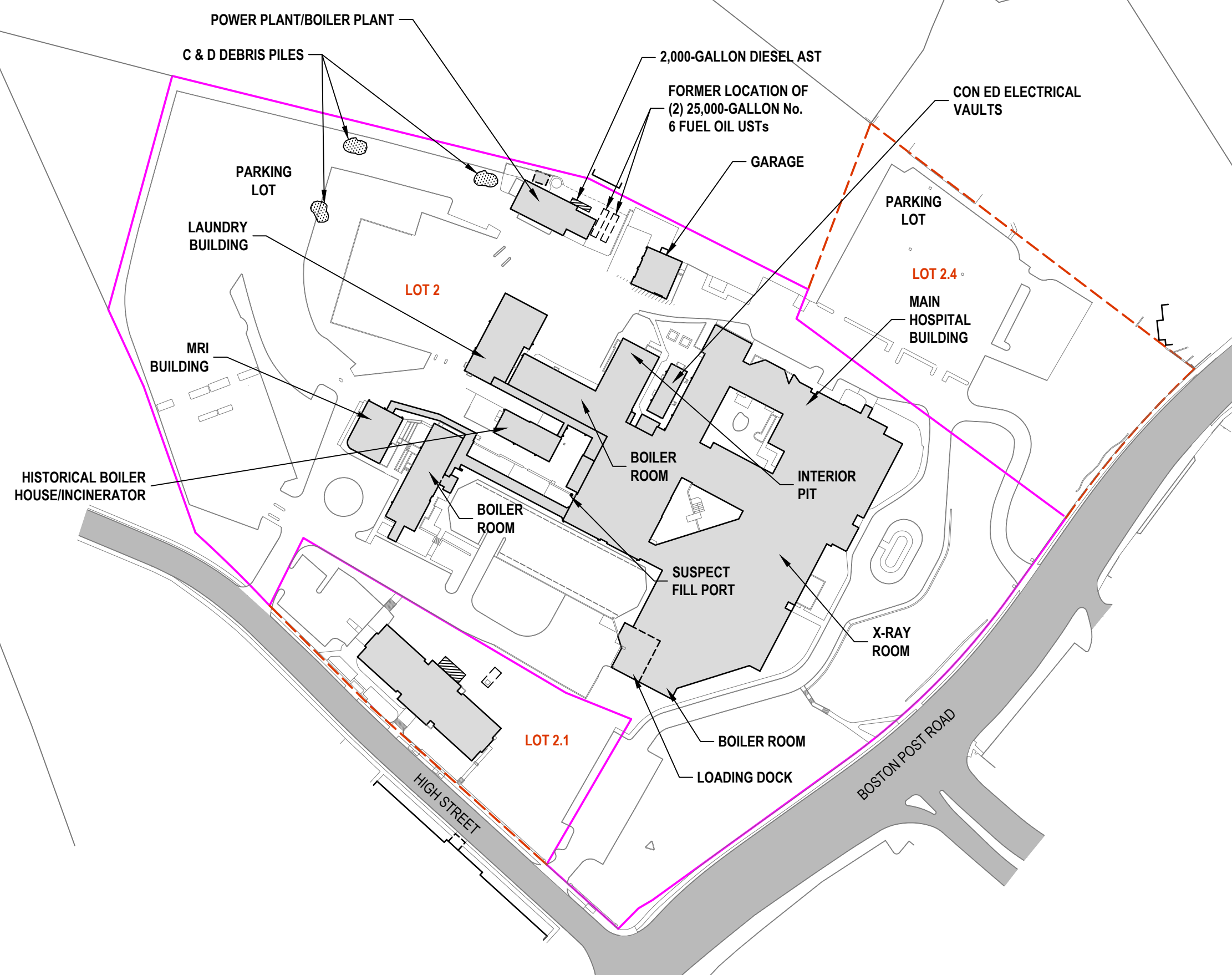
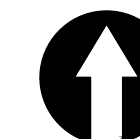
Former United Hospital
406 Boston Post Road
Port Chester, New York

SITE LOCATION






DATE
7/24/2020

PROJECT NO.
200057

FIGURE
1



LEGEND

-  PROPERTY BOUNDARY
-  TAX LOT BOUNDARY
-  BUILDING
-  UNDERGROUND STORAGE TANK (UST)
-  ABOVEGROUND STORAGE TANK (AST)



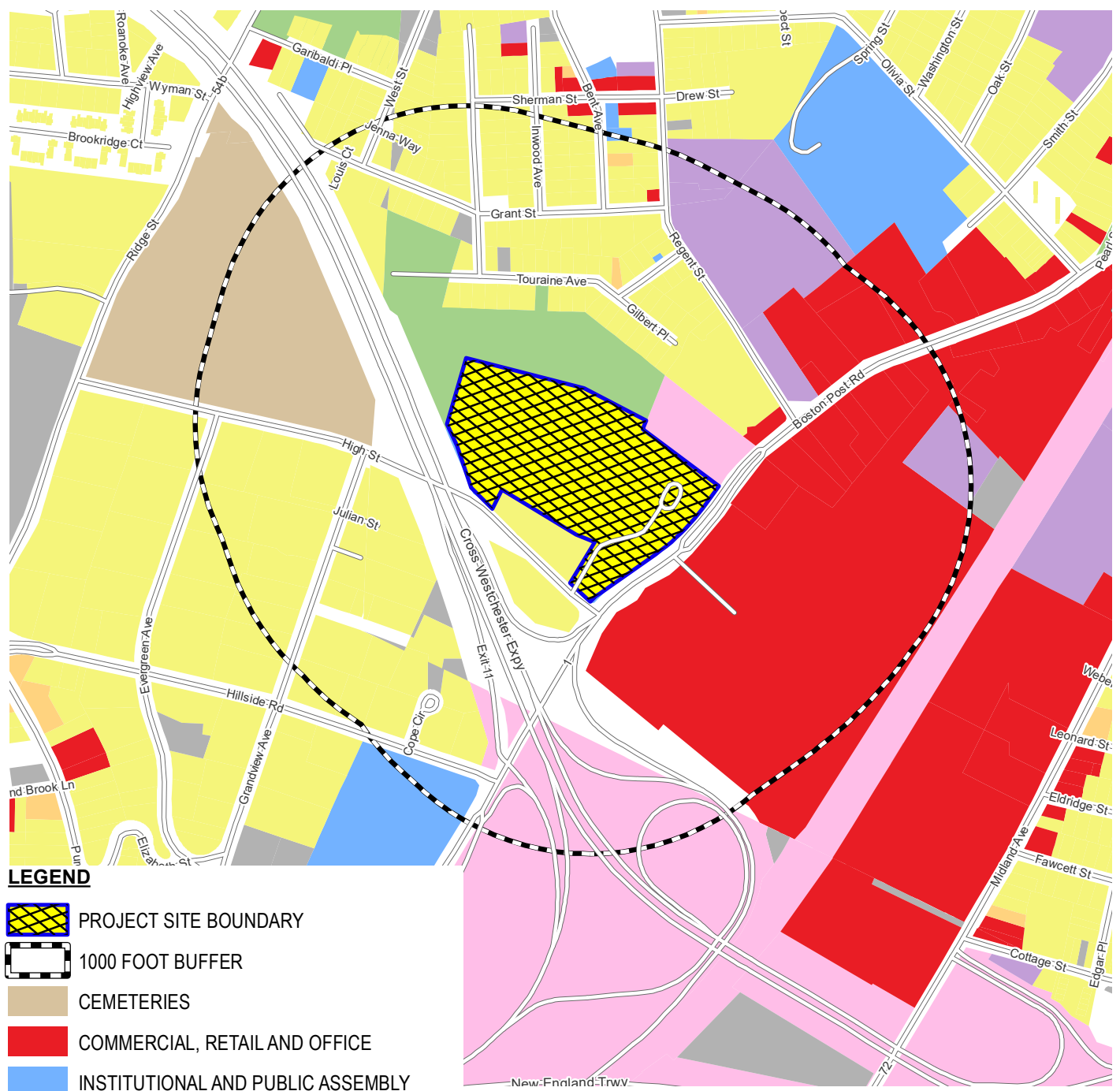
Former United Hospital
406 Boston Post Road
 Port Chester, New York

SITE PLAN









DATE	7/24/2020
PROJECT NO.	200057
FIGURE	2

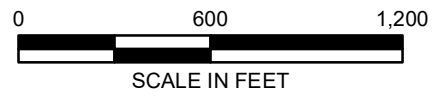
MAP SOURCES:
 1. CAD drawing A051141B 406 Boston Post Road, Port Chester Email 03-21-2017.dwg received from Rose Associates, Inc. on March 17, 2020.
 2. <https://giswww.westchestergov.com>

© 2020 AKRF Q:\Projects\200057 - FORMER UNITED HOSPITAL\Technical\GIS and Graphics\Hazmat\200057 BCP Fig 3 Surrounding Land Use.mxd 7/24/2020 11:35:52 AM mveilleux



LEGEND

-  PROJECT SITE BOUNDARY
-  1000 FOOT BUFFER
-  CEMETERIES
-  COMMERCIAL, RETAIL AND OFFICE
-  INSTITUTIONAL AND PUBLIC ASSEMBLY
-  MANUFACTURING, INDUSTRIAL, WAREHOUSE
-  MIXED USE
-  OPEN SPACE
-  RESIDENTIAL
-  RESIDENTIAL WITH COMMERCIAL
-  TRANSPORTATION AND UTILITY
-  VACANT/UNDEVELOPED

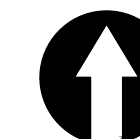


440 Park Avenue South, New York, NY 10016

Former United Hospital
406 Boston Post Road
 Port Chester, New York

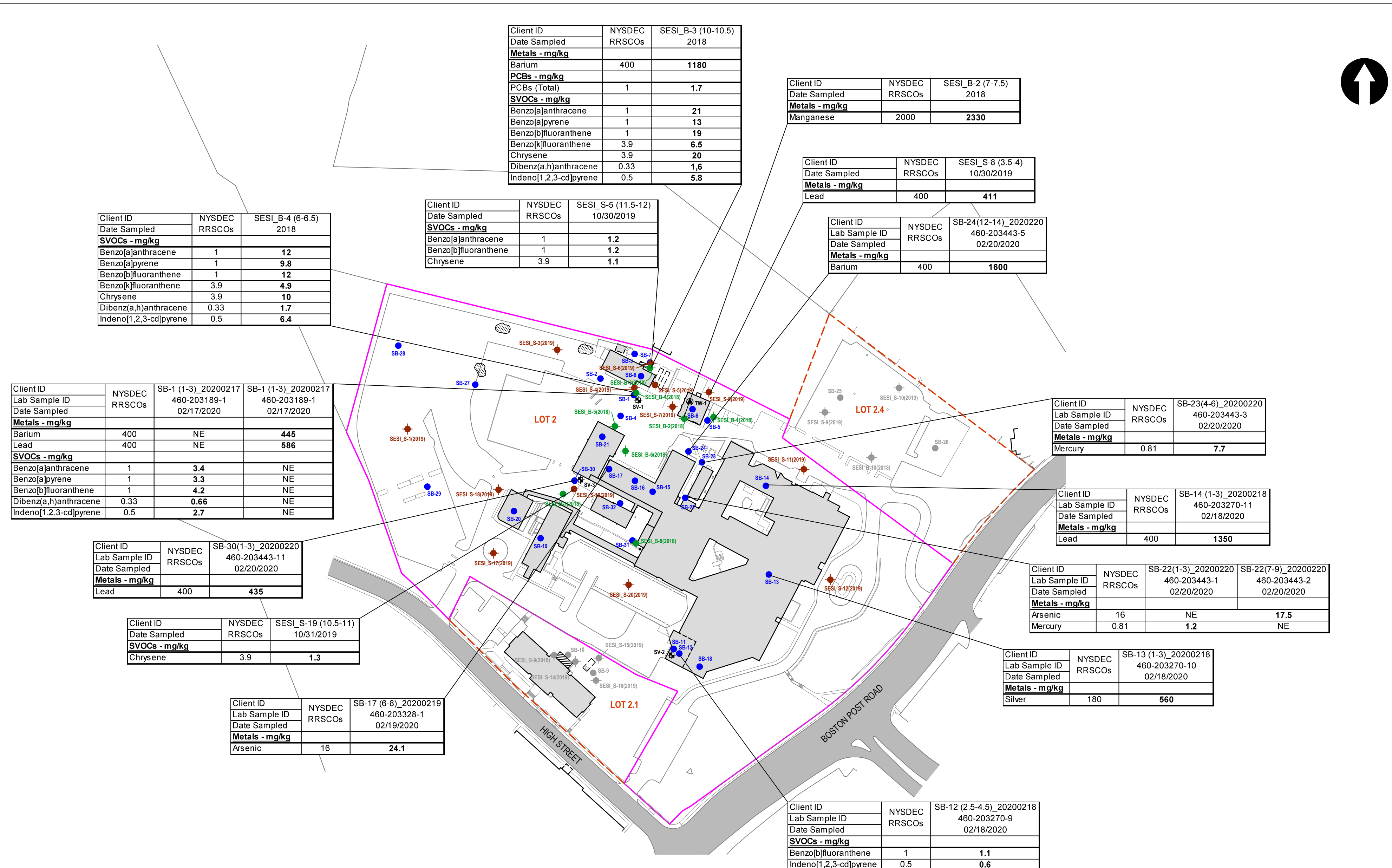
SURROUNDING LAND USE

DATE	7/24/2020
PROJECT NO.	200057
FIGURE	3



SOIL SAMPLE CONCENTRATIONS ABOVE NYSDEC RRSCOs

Former United Hospital
406 Boston Post Road
 Port Chester, New York



Client ID	NYSDEC	SESI_B-3 (10-10.5)
Date Sampled	RRSCOs	2018
Metals - mg/kg		
Barium	400	1180
PCBs - mg/kg		
PCBs (Total)	1	1.7
SVOCs - mg/kg		
Benzo[a]anthracene	1	21
Benzo[a]pyrene	1	13
Benzo[b]fluoranthene	1	19
Benzo[k]fluoranthene	3.9	6.5
Chrysene	3.9	20
Dibenz(a,h)anthracene	0.33	1.6
Indeno[1,2,3-cd]pyrene	0.5	5.8

Client ID	NYSDEC	SESI_B-2 (7-7.5)
Date Sampled	RRSCOs	2018
Metals - mg/kg		
Manganese	2000	2330

Client ID	NYSDEC	SESI_S-8 (3.5-4)
Date Sampled	RRSCOs	10/30/2019
Metals - mg/kg		
Lead	400	411

Client ID	NYSDEC	SB-24(12-14)_2020220
Lab Sample ID	RRSCOs	460-203443-5
Date Sampled		02/20/2020
Metals - mg/kg		
Barium	400	1600

Client ID	NYSDEC	SESI_B-4 (6-6.5)
Date Sampled	RRSCOs	2018
SVOCs - mg/kg		
Benzo[a]anthracene	1	12
Benzo[a]pyrene	1	9.8
Benzo[b]fluoranthene	1	12
Benzo[k]fluoranthene	3.9	4.9
Chrysene	3.9	10
Dibenz(a,h)anthracene	0.33	1.7
Indeno[1,2,3-cd]pyrene	0.5	6.4

Client ID	NYSDEC	SESI_S-5 (11.5-12)
Date Sampled	RRSCOs	10/30/2019
SVOCs - mg/kg		
Benzo[a]anthracene	1	1.2
Benzo[b]fluoranthene	1	1.2
Chrysene	3.9	1.1

Client ID	NYSDEC	SB-1 (1-3)_20200217	SB-1 (1-3)_20200217
Lab Sample ID	RRSCOs	460-203189-1	460-203189-1
Date Sampled		02/17/2020	02/17/2020
Metals - mg/kg			
Barium	400	NE	445
Lead	400	NE	586
SVOCs - mg/kg			
Benzo[a]anthracene	1	3.4	NE
Benzo[a]pyrene	1	3.3	NE
Benzo[b]fluoranthene	1	4.2	NE
Dibenz(a,h)anthracene	0.33	0.66	NE
Indeno[1,2,3-cd]pyrene	0.5	2.7	NE

Client ID	NYSDEC	SB-23(4-6)_20200220
Lab Sample ID	RRSCOs	460-203443-3
Date Sampled		02/20/2020
Metals - mg/kg		
Mercury	0.81	7.7

Client ID	NYSDEC	SB-14 (1-3)_20200218
Lab Sample ID	RRSCOs	460-203270-11
Date Sampled		02/18/2020
Metals - mg/kg		
Lead	400	1350

Client ID	NYSDEC	SB-22(1-3)_20200220	SB-22(7-9)_20200220
Lab Sample ID	RRSCOs	460-203443-1	460-203443-2
Date Sampled		02/20/2020	02/20/2020
Metals - mg/kg			
Arsenic	16	NE	17.5
Mercury	0.81	1.2	NE

Client ID	NYSDEC	SB-13 (1-3)_20200218
Lab Sample ID	RRSCOs	460-203270-10
Date Sampled		02/18/2020
Metals - mg/kg		
Silver	180	560

Client ID	NYSDEC	SB-12 (2.5-4.5)_20200218
Lab Sample ID	RRSCOs	460-203270-9
Date Sampled		02/18/2020
SVOCs - mg/kg		
Benzo[b]fluoranthene	1	1.1
Indeno[1,2,3-cd]pyrene	0.5	0.6

Client ID	NYSDEC	SB-30(1-3)_20200220
Lab Sample ID	RRSCOs	460-203443-11
Date Sampled		02/20/2020
Metals - mg/kg		
Lead	400	435

Client ID	NYSDEC	SESI_S-19 (10.5-11)
Date Sampled	RRSCOs	10/31/2019
SVOCs - mg/kg		
Chrysene	3.9	1.3

Client ID	NYSDEC	SB-17 (6-8)_20200219
Lab Sample ID	RRSCOs	460-203328-1
Date Sampled		02/19/2020
Metals - mg/kg		
Arsenic	16	24.1

LEGEND

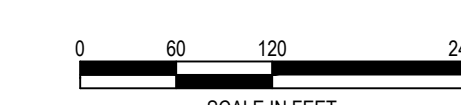
- PROPERTY BOUNDARY
- TAX LOT BOUNDARY
- BUILDING
- UNDERGROUND STORAGE TANK (UST)
- ABOVEGROUND STORAGE TANK (AST)
- AKRF SOIL BORING LOCATION (2020)
- SESI BORING LOCATION (2019)
- SESI BORING LOCATION (2018)
- BORINGS NOT INCLUDED AS PART OF THIS APPLICATION

Notes:
 Exceedances of NYSDEC RRSCOs are highlighted in bold font.

Abbreviations:
 mg/kg: milligrams per kilogram = parts per million (ppm)
 NE: Concentration did not exceed standards
 NYSDEC RRSCOs: New York State Department of Environmental Conservation Part 375
 Restricted Residential Use Soil Cleanup Objectives

Client ID	NYSDEC	SB-13 (1-3)_20200218	← Sample ID
Lab Sample ID	RRSCOs	460-203270-10	← Sample Date
Date Sampled		02/18/2020	
Metals - mg/kg			
Silver	180	560	← Concentration in Soil

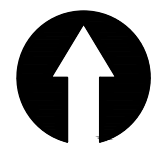
Analyte/Compound in Soil



MAP SOURCES:
 1. CAD drawing A051141B 406 Boston Post Road, Port Chester Email 03-21-2017.dwg received from Rose Associates, Inc. on March 17, 2020.
 2. https://giswww.westchestergov.com
 3. 2018 and 2019 Borings, Soil Vapor Points, Temporary Groundwater Wells, and Test Pits taken from SESI Drawing Numbers FIG 1.4 (dated 11-14-19), FIG-3.1, FIG-3.2, FIG-3.3 (dated 12/17/18).

**Former United Hospital
406 Boston Post Road
Port Chester, New York**

GROUNDWATER SAMPLE CONCENTRATIONS ABOVE NYSDEC AWQSGVs



Client ID	NYSDEC AWQSGVs Class GA	SESI_TW-1(2019) 10/30/2019
Metals - µg/L		
Iron, Dissolved	300	1,970
Magnesium, Dissolved	35,000	80,800
Manganese, Dissolved	300	1,990
Sodium, Dissolved	20,000	146,000
SVOCs - µg/L		
Benzo[a]anthracene	0.002	0.5
Benzo[a]pyrene	0	0.34
Benzo[b]fluoranthene	0.002	0.46
Benzo[k]fluoranthene	0.002	0.16
Chrysene	0.002	0.53
Indeno[1,2,3-cd]pyrene	0.002	0.24
VOCs - µg/L		
1,2,4,5-Tetramethylbenzene	5	11

Client ID	NYSDEC AWQSGVs Class GA	SESI_GW-1(2018) 2018
Metals - µg/L		
Sodium, Dissolved	20,000	83,400

Client ID	NYSDEC AWQSGVs Class GA	SESI_GW-3(2019) 10/31/2019
Metals - µg/L		
Iron, Dissolved	300	434
Manganese, Dissolved	300	1,059
Sodium, Dissolved	20,000	38,800
SVOCs - µg/L		
Benzo[b]fluoranthene	0.002	0.02

Client ID	NYSDEC AWQSGVs Class GA	SESI_TW-2(2019) 10/31/2019
Metals - µg/L		
Iron, Dissolved	300	3,240
Sodium, Dissolved	20,000	29,400
SVOCs - µg/L		
Benzo[a]anthracene	0.002	0.8
Benzo[a]pyrene	0	0.77
Benzo[b]fluoranthene	0.002	1
Benzo[k]fluoranthene	0.002	0.31
Chrysene	0.002	0.68
Indeno[1,2,3-cd]pyrene	0.002	0.47



Notes:
Exceedances of NYSDEC AWQSGVs Class GA are highlighted in bold font.

Abbreviations:
µg/L: microgram per liter
NE: Concentration did not exceed standards
NYSDEC AWQSGVs Class GA: New York State Department of Environmental Conservation Ambient Water Quality Standards and Guidance Values (Class GA)

LEGEND

- PROPERTY BOUNDARY
- TAX LOT BOUNDARY
- BUILDING
- UNDERGROUND STORAGE TANK (UST)
- ABOVEGROUND STORAGE TANK (AST)
- AKRF TEMPORARY GROUNDWATER WELL LOCATION (2020)
- SESI SOIL AND TEMPORARY GROUNDWATER WELL LOCATION (2019)
- SESI MONITORING WELL LOCATION (2018)
- SESI TEST PIT LOCATION (2018)
- BORINGS NOT INCLUDED AS PART OF THIS APPLICATION

Client ID	NYSDEC AWQSGVs Class GA	SESI_GW-1(2018) 2018	Sample ID
Metals - µg/L			← Sample Date
Sodium, Dissolved	20,000	83,400	← Concentration in Soil



©2020 AKRF, Inc. Q:\Projects\20057 - FORMER UNITED HOSPITAL\Technical\BOP\Application\CAD\20057 Figs 2.4.5 Site Plan and Exceedance Maps BOP.dwg last save: mvelieux 7/24/2020 11:23 AM

MAP SOURCES:
1. CAD drawing A051141B 406 Boston Post Road, Port Chester Email 03-21-2017.dwg received from Rose Associates, Inc. on March 17, 2020.
2. https://giswww.westchestergov.com
3. 2018 and 2019 Borings, Soil Vapor Points, Temporary Groundwater Wells, and Test Pits taken from SESI Drawing Numbers FIG 1.4 (dated 11-14-19), FIG-3.1, FIG-3.2, FIG-3.3 (dated 12/17/18).

EXHIBIT D - SECTION IV: PROPERTY INFORMATION
SUPPLEMENTAL INFORMATION

Exhibit D

Section IV. Property Information

1. Metes and Bounds

The property deed recorded with Westchester County on July 12, 2019, and a survey of the Site, dated June 9 2020, and are attached as part of this Exhibit.

2. Tax Map

The Site includes Block 1, Lot 2, of the Town of Rye, Village of Port Chester Tax Map Section 141.052. A Tax Map is attached as part of this Exhibit.

6. Previous Remediation Pursuant to Titles 9, 13, or 14 of ECL Article 27, Title 5 of ECL Article 56, or Article 12 of Navigation Law

Limited remediation was completed at the Site as part of spill closure activities. Spill closure documentation from NYSDEC is provided as an attachment in Exhibit C. Remediation consisted of limited contaminated soil removal in conjunction with tank closure/removal activities.

9. Permits Issued by NYSDEC or USEPA

No NYSDEC or USEPA permits are currently held or anticipated for the proposed end use of the Site.

10. Property Description Narrative

Location

The Site comprises an area of 12.03 acres located at 406 Boston Post Road, Town of Rye, Village of Port Chester, New York and is inclusive of one tax lot (Block 1, Lots 2) of the Town of Rye, Village of Port Chester Tax Map Section 141.052). The Site lies at an approximate elevation of 80 to 100 feet above mean sea level (AMSL). The Site is bounded to the north by Abendroth Park followed by residential properties; to the west by Interstate 287, followed by residential properties and St. Mary's Cemetery; to the east by Boston Post Road followed by a commercial shopping center; and to the south by High Street, followed by a rehabilitation/nursing facility and the Interstate 287 and Boston Post Road intersection.

Site Features

Currently, the Site consists of multiple abandoned structures associated with the former New York United Hospital Medical Center. The Site also contains several open asphalt paved areas (former parking lots and private roadways) and vegetated areas. Lot 2 contains the abandoned multi-winged main hospital building (approximately 380,000 square feet), and several ancillary buildings, including a six-story office building, two-door garage, boiler plant, and laundry room.

Current Zoning and Land Use

The Site is currently vacant and is zoned as PMU (planned mixed use). Adjacent property zoning is consistent with the surrounding land use and consists of: residential, commercial, and shopping. A Zoning Map is attached as part of this Exhibit.

Past Uses of the Site

According to previous environmental reports, the Site was partially developed as a hospital as early as 1915. Various additions, renovations, and standalone structures (including the boiler/power plant and a residential apartment building) were completed over time. Hospital operations (identified as the former New York United Hospital Medical Center) ceased in 2004,

and the Site is currently vacant. Potential sources of contamination include waste associated with hospital operations, fuel storage (coal and petroleum), and or on-Site historical fill. Remedial measures associated with petroleum are discussed in Section VII.

Site Geology and Hydrogeology

Based upon AKRF's April 2020 Phase II ESA, the Site elevation ranges from approximately 80 to 100 feet AMSL and generally slopes to the west towards Interstate 287 and to the southeast towards the Metro North railroad tracks. The nearest surface waters to the Site are the Blind Brook Stream (approximately 2,000 feet to the west) and the Long Island Sound (approximately 4,300 feet to the southeast). Based on previous environmental reports, it is estimated that groundwater depths range from 20 to 30 feet below ground surface and groundwater is expected to generally flow in a southerly direction; however, perched groundwater was observed intermittently at the Site above the bedrock at depths ranging from 7.5 to 13 feet below ground surface. Fill material is present in the Site subsurface generally underlain by apparent shallow bedrock encountered at depths ranging from 2.5 to 15 feet below ground surface, with bedrock outcrops on the western portion of the Site. Based on information obtained from the United States Geological Survey (USGS), bedrock beneath the Site is comprised of three major geologic rock formations: the Fordham Gneiss, Manhattan Schist, and Inwood Marble.

Environmental Assessment

Based on the findings of AKRF's 2020 Phase II ESA and previous environmental investigations, the primary contaminants of concern for the Site include SVOCs and metals in soil. Refer to the figures provided in Exhibit C for specific locations where soil and groundwater exceedances were observed.

Soil: The SVOCs benzo(a)anthracene, benzo(a)pyrene, benzo(b)fluoranthene, dibenz(a,h)anthracene, and indeno(1,2,3-cd)pyrene; and the metals arsenic, barium, lead, silver, manganese, and mercury, were detected at concentrations above the NYSDEC RRSCOs.

Based upon previous environmental investigations, additional contaminants of concern for the Site in groundwater, include VOCs and SVOCs.

Groundwater: The VOC 1,2,4,5-trimethylbenzene and SVOCs benzo(a)anthracene, benzo(a)pyrene, benzo(b)fluoranthene, benzo(k)fluoranthene, chrysene, and indeno(1,2,3-cd)pyrene were detected at concentrations above the NYSDEC TOGS AWQSGVs.

Exhibit D Attachments:

1. Property Deed, July 12, 2019
2. Survey of Property, dated June 9, 2020
3. Town of Rye, Village of Port Chester, Tax Map and Zoning Map

**EXHIBIT D – ATTACHMENT 1
PROPERTY DEED, DATED JULY 12, 2019**

The Office of the Westchester County Clerk: This page is part of the instrument; the County Clerk will rely on the information provided on this page for purposes of indexing this instrument. To the best of submitter's knowledge, the information contained on this Recording and Endorsement Cover Page is consistent with the information contained in the attached document.



591773202DED0020

Westchester County Recording & Endorsement Page

Submitter Information

Name:	Royal Abstract of New York LLC - C/O MARBACH-TC	Phone:	2123760900
Address 1:	125 Park Avenue, Suite 1610	Fax:	2123761911
Address 2:		Email:	mbasalatan@royalabstract.com
City/State/Zip:	New York NY 10017	Reference for Submitter:	912226

Document Details

Control Number:	591773202	Document Type:	Deed (DED)
Package ID:	2019062600092001001	Document Page Count:	7
		Total Page Count:	9

Parties

Additional Parties on Continuation page

1st PARTY		2nd PARTY	
1:	PC 406 BPR LLC	1:	BR RA PORT CHESTER LLC
2:	PC 999 HIGH ST CORP	2:	

Property

Additional Properties on Continuation page

Street Address:	406-408 BOSTON POST ROAD	Tax Designation:	114.52-1-2
City/Town:	RYE TOWN	Village:	PORT CHESTER

Cross-References

Additional Cross-Refs on Continuation page

1:	2:	3:	4:
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Supporting Documents

1: RP-5217	2: TP-584
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Recording Fees

Statutory Recording Fee:	\$40.00
Page Fee:	\$40.00
Cross-Reference Fee:	\$0.00
Mortgage Affidavit Filing Fee:	\$0.00
RP-5217 Filing Fee:	\$250.00
TP-584 Filing Fee:	\$5.00
Total Recording Fees Paid:	\$335.00

Mortgage Taxes

Document Date:	
Mortgage Amount:	
Basic:	\$0.00
Westchester:	\$0.00
Additional:	\$0.00
MTA:	\$0.00
Special:	\$0.00
Yonkers:	\$0.00
Total Mortgage Tax:	\$0.00

Transfer Taxes

Consideration:	\$20,000,000.00
Transfer Tax:	\$80,000.00
Mansion Tax:	\$0.00
Transfer Tax Number:	15282

Dwelling Type:	Exempt: <input type="checkbox"/>
Serial #:	

RECORDED IN THE OFFICE OF THE WESTCHESTER COUNTY CLERK



Recorded: 07/12/2019 at 09:28 AM
 Control Number: **591773202**
 Witness my hand and official seal

Timothy C. Idoni
Westchester County Clerk

Record and Return To

Pick-up at County Clerk's office

Mayer Brown LLP
 1221 Avenue of the Americas

New York, NY 10020
 Attn: Michael Morelli, Esq.

The Office of the Westchester County Clerk: This page is part of the instrument; the County Clerk will rely on the information provided on this page for purposes of indexing this instrument. To the best of submitter's knowledge, the information contained on this Recording and Endorsement Cover Page is consistent with the information contained in the attached document.

591773202DED0020

Westchester County Recording & Endorsement Page

Document Details

Control Number: **591773202**

Document Type: **Deed (DED)**

Package ID: 2019062600092001001

Document Page Count: 7

Total Page Count: 9

Properties Addendum

999 HIGH STREET 10580	RYE TOWN	PORT CHESTER	141.52 1 2.1
999 HIGH STREET 10580	RYE TOWN	PORT CHESTER	141.52 1 2.2
406-408 BOSTON POST ROAD 10580	RYE TOWN	PORT CHESTER	141.52 1 2.4

BARGAIN & SALE DEED
WITHOUT COVENANT AGAINST GRANTOR'S ACTS

PC 406 BPR, L.L.C. and PC 999 HIGH STREET CORP.

TO

BR RA Port Chester LLC

Section:	141.52	Section:	141.52
Block:	1	Block:	1
Lot:	2 and 2.4	Lot:	2.1
County:	Westchester	County:	Westchester
Address:	406-408 Boston Post Port Chester, New York	Address:	999 High Street Port Chester, New York

RECORD AND RETURN TO:

Mayer Brown LLP
1221 Avenue of the Americas
New York, NY 10020
Attention: Michael V. Morelli

**BARGAIN AND SALE DEED WITHOUT
COVENANT AGAINST GRANTOR'S ACTS**

as of

THIS INDENTURE, dated June 27, 2019, between PC 406 BPR, L.L.C., a Delaware limited liability company and PC 999 HIGH STREET CORP., a New York corporation, each having an address at 591 West Putnam Avenue, Greenwich, CT 06830 (collectively, "**Grantor**"), and BR RA Port Chester LLC, a Delaware limited liability company, having an address at 199 Elm Street, New Canaan, CT 06840 ("**Grantee**").

WITNESSETH, that Grantor in consideration of the sum of Ten Dollars (\$10.00), and other good and valuable consideration paid by the Grantee, the receipt and sufficiency of which is hereby acknowledged by Grantor, does hereby grant and release and assign forever unto Grantee, and the heirs, successors and assigns of Grantee, that certain plot, piece or parcel of land situate lying and being in the Village of Port Chester, County of Westchester, State of New York, known as 406-408 Boston Post Road and 999 High Street and as more particularly bounded and described in **Exhibit A** annexed hereto and made a part hereof (the "**Land**").

TOGETHER with all right, title and interest of Grantor in and to any and all buildings and improvements located on the Land (the "**Improvements**");

TOGETHER with all right, title and interest, if any, of Grantor in and to any easements, rights of way, privileges, benefits, appurtenances, hereditaments, strips, gaps and gores, and any and all other rights, if any, thereon or in any way pertaining thereto, including, without limitation, any land lying in the bed of any streets and roads abutting the above-described property to the center lines thereof (the foregoing rights, together with the Land and the Improvements being hereinafter referred to, collectively, as the "**Premises**");

TO HAVE AND TO HOLD the Premises herein granted, or mentioned and intended so to be, unto Grantee, and the heirs, successors and assigns of Grantee, forever.

BEING the same Premises acquired by Grantor pursuant to (i) as to Parcel A, by deed to PC 406 BPR, L.L.C., a Delaware limited liability company, as grantee, from New York United Hospital Medical Center, as grantor, dated as of April 25, 2006 and recorded July 7, 2006 as Control No. 461730138, and (ii) as to Parcel B, by deed to PC 999 HIGH STREET CORP., a New York corporation, from U.H. Housing Corp., as grantor, dated as of April 25, 2006 and recorded July 7, 2006 as Control No. 461730157.

AND Grantor, in compliance with Section 13 of the Lien Law, covenants that Grantor will receive the consideration for this conveyance and will hold the right to receive such consideration as a trust fund to be applied first for the purpose of paying the cost of improvements and will apply the same first to the payment of the cost of improvements before using any part of the total of the same for any other purpose.


IN WITNESS WHEREOF, Grantor has duly executed this deed the day and year first above written.

GRANTOR:

PC 406 BPR, L.L.C.,
a Delaware liability company

By: 
Name: Jonathan Ginsburg
Title: Authorized Signatory

PC 999 HIGH STREET CORP.,
a New York corporation

By: 
Name: Jonathan Ginsburg
Title: Authorized Signatory

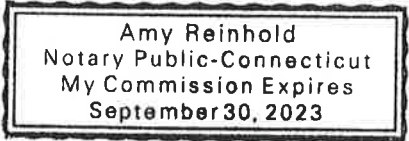
ACKNOWLEDGMENT

Connecticut
STATE OF ~~NEW YORK~~)
Fairfield) ss.: Greenwich
COUNTY OF ~~NEW YORK~~)

On the 26th day of June in the year 2019, before me, the undersigned, a Notary Public in and for said State, personally appeared Jonathan Ginsburg, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his capacity, and that by his signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.

Amy Reinhold
Notary Public (SEAL)

Connecticut
STATE OF ~~NEW YORK~~)
Fairfield) ss.: Greenwich
COUNTY OF ~~NEW YORK~~)



On the 26th day of June in the year 2019, before me, the undersigned, a Notary Public in and for said State, personally appeared Jonathan Ginsburg, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his capacity, and that by his signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.

Amy Reinhold
Notary Public (SEAL)

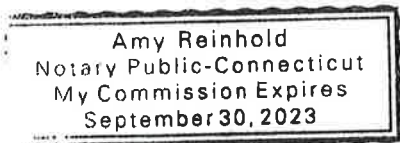


EXHIBIT A

Legal Description

PARCEL A:

ALL THAT CERTAIN plot, piece or parcel of land, situate, lying and being in the Village of Port Chester, Town of Rye, County of Westchester and State of New York, bounded and described as follows:

BEGINNING at the corner formed by the intersection of the northeasterly side of High Street with the northwesterly side of Boston Post Road;

RUNNING THENCE in a northeasterly direction along the northwesterly side of Boston Post Road:

1. North 44 degrees 43 minutes 40 seconds East, 32.50 feet; and
2. North 59 degrees 31 minutes 40 seconds East, 18.24 feet;

THENCE continuing along the northwesterly side of Boston Post Road, as widened per map filed in Volume 73 of Maps at page 47:

1. North 54 degrees 07 minutes 35 seconds East, 270.20 feet; and
2. Northeasterly along a curve to the left having a radius of 814.40 feet and a central angle of 18 degrees 26 minutes 00 seconds, a distance of 262.01 feet; and
3. North 35 degrees 41 minutes 25 seconds East, 108.07 feet;

THENCE along the northwesterly side of Boston Post Road, as widened per map filed in Volume 73 of Maps at page 25 in a northeasterly direction along a curve to the right having a radius of 1076.00 feet and a central angle of 11 degrees 48 minutes 58 seconds, a distance of 221.90 feet to the southwesterly line of land now or formerly of the Humble Oil Company;

RUNNING THENCE in a northwesterly direction along land now or formerly belonging to Humble Oil Company and lands now or formerly belonging to Port Chester Apartments, Inc., North 52 degrees 49 minutes 45 seconds West, 458.00 feet to a point on the boundary line between lands now or formerly of The Village of Port Chester and the property herein described;

RUNNING THENCE in a southwesterly, northwesterly and southwesterly direction along lands now or formerly belonging to The Village of Port Chester, the following courses and distances:

1. South 20 degrees 39 minutes 24 seconds West, 200.00 feet;
2. North 63 degrees 13 minutes 07 seconds West, 277.32 feet;
3. North 76 degrees 09 minutes 45 seconds West, 483.23 feet; and
4. South 15 degrees 19 minutes 46 seconds West, 272.90 feet to a point on the northeasterly side of the New York State Thruway (New England Section);

RUNNING THENCE in a southeasterly direction along said northeasterly side of the New York State Thruway:

1. South 24 degrees 44 minutes 45 seconds East, 95.45 feet; and
2. South 19 degrees 29 minutes 45 seconds East, 174.96 feet to a point on the northeasterly side of High Street;

THENCE along the northeasterly side of High Street in a southeasterly direction along a curve to the right having a radius of 513.76 feet, central angle of 3 degrees 13 minutes 33 seconds, a distance of 28.93 feet; and

Continuing along the northeasterly side of High Street, South 45 degrees 05 minutes 20 seconds East, 88.24 feet to the northwesterly line of land now or formerly of U.H. Housing Corp.;

THENCE along said land now or formerly of U.H. Housing Corp.:

1. North 26 degrees 32 minutes 37 seconds East, 85.19 feet;
2. South 59 degrees 29 minutes 05 seconds East, 343.46 feet;
3. South 68 degrees 03 minutes 03 seconds East, 79.44 feet; and
4. South 30 degrees 12 minutes 27 seconds West, 189.55 feet to the northeasterly side of High Street;

THENCE along the said northeasterly side of High Street, South 48 degrees 05 minutes 20 seconds East, 108.50 feet to the point or place of BEGINNING.

EXCEPTING THEREFROM so much of the above described premises that was taken by The People of the State of New York for project titled "Interstate Route Connection No. 520, Cross Westchester Expressway, Rye Section, County of Westchester", as shown as Parcel No. 684 on Map No. 498 (County Map No. 11621) and Parcel No. 716 on Map No. 522 (County Map No. 11622), for which a Notice of Appropriation dated 8/13/1958 was recorded 8/13/1958 in Liber 5830 of Deeds, page 327

Together with all rights, title and interest of, in and to any streets and roads abutting the above described premises, to the center line thereof.

For Information Only: Said premises are known as 406-408 Boston Post Road, Port Chester, NY and designated as Section 141.52 Block 1 Lots 2 and 2.4 as shown on the Westchester County Land and Tax Map.

PARCEL B:

ALL THAT CERTAIN plot, piece or parcel of land, situate, lying and being in the Village of Port Chester, Town of Rye, County of Westchester and State of New York, bounded and described as follows:

BEGINNING at a point on the northeasterly side of High Street, distant 108.50 feet northwesterly as measured along the northeasterly side of High Street from the corner formed by the intersection of the northeasterly side of High Street with the northwesterly side of Boston Post Road;

RUNNING THENCE along the northeasterly side of High Street:

1. North 48 degrees 05 minutes 20 seconds West, 265.40 feet and
2. North 45 degrees 05 minutes 20 seconds West, 162.06 feet to the southwesterly corner of premises being described herein;

RUNNING THENCE along other property of the United Hospital, the following courses and distances:

1. North 26 degrees 32 minutes 37 seconds East, 85.19 feet to the northwesterly corner of premises;
2. South 59 degrees 39 minutes 05 seconds East, 343.46 feet; and
3. South 68 degrees 03 minutes 03 seconds East, 79.44 feet to the northeasterly corner of premises;

RUNNING THENCE on a course South 30 degrees 12 minutes 37 seconds West, 189.55 feet to the northeasterly side of High Street and the point and place of BEGINNING.

Together with all rights, title and interest of, in and to any streets and roads abutting the above described premises, to the center line thereof.

For Information Only: Said premises are known as 999 High Street, Port Chester, NY and designated as Section 141.52 Block 1 Lot 2.1 as shown on the Westchester County Land and Tax Map.

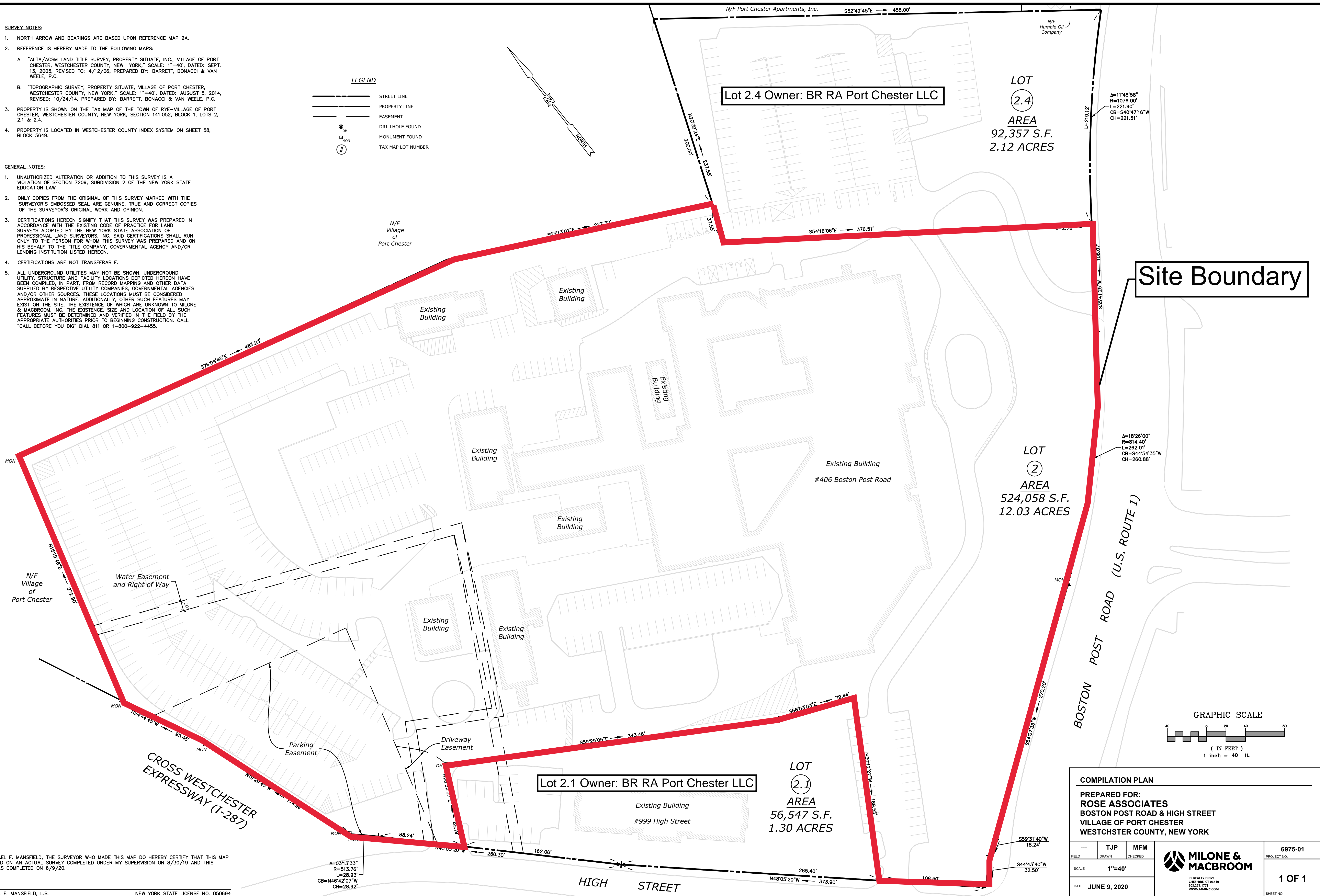
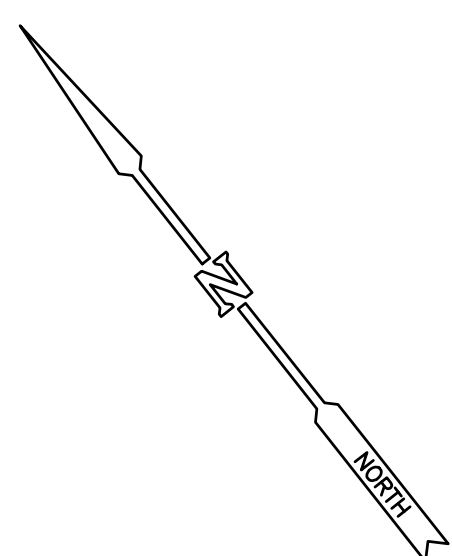
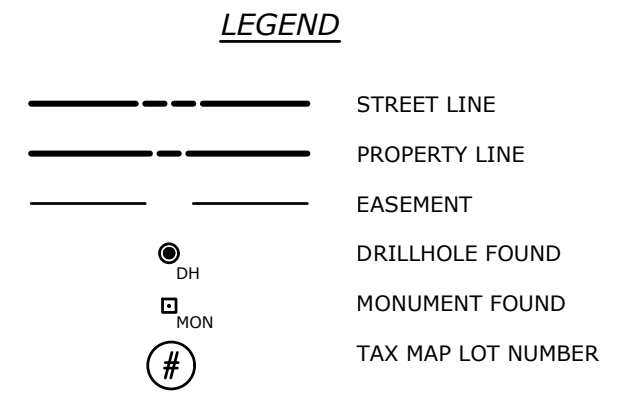
**EXHIBIT D – ATTACHMENT 2
SURVEY OF PROPERTY, DATED JUNE 9, 2020**

SURVEY NOTES:

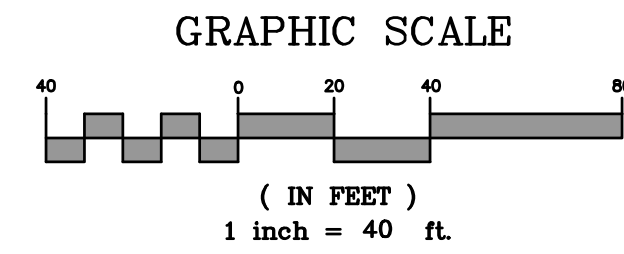
1. NORTH ARROW AND BEARINGS ARE BASED UPON REFERENCE MAP 2A.
2. REFERENCE IS HEREBY MADE TO THE FOLLOWING MAPS:
 - A. "ALTA/ACSM LAND TITLE SURVEY, PROPERTY SITUATE, INC., VILLAGE OF PORT CHESTER, WESTCHESTER COUNTY, NEW YORK," SCALE: 1"=40', DATED: SEPT. 13, 2005, REVISED TO: 4/12/06, PREPARED BY: BARRETT, BONACCI & VAN WEELE, P.C.
 - B. "TOPOGRAPHIC SURVEY, PROPERTY SITUATE, VILLAGE OF PORT CHESTER, WESTCHESTER COUNTY, NEW YORK," SCALE: 1"=40', DATED: AUGUST 5, 2014, REVISED: 10/24/14, PREPARED BY: BARRETT, BONACCI & VAN WEELE, P.C.
3. PROPERTY IS SHOWN ON THE TAX MAP OF THE TOWN OF RYE-VILLAGE OF PORT CHESTER, WESTCHESTER COUNTY, NEW YORK, SECTION 141.052, BLOCK 1, LOTS 2, 2.1 & 2.4.
4. PROPERTY IS LOCATED IN WESTCHESTER COUNTY INDEX SYSTEM ON SHEET 58, BLOCK 5649.

GENERAL NOTES:

1. UNAUTHORIZED ALTERATION OR ADDITION TO THIS SURVEY IS A VIOLATION OF SECTION 7209, SUBDIVISION 2 OF THE NEW YORK STATE EDUCATION LAW.
2. ONLY COPIES FROM THE ORIGINAL OF THIS SURVEY MARKED WITH THE SURVEYOR'S EMBOSSED SEAL ARE GENUINE, TRUE AND CORRECT COPIES OF THE SURVEYOR'S ORIGINAL WORK AND OPINION.
3. CERTIFICATIONS HEREON SIGNIFY THAT THIS SURVEY WAS PREPARED IN ACCORDANCE WITH THE EXISTING CODE OF PRACTICE FOR LAND SURVEYS ADOPTED BY THE NEW YORK STATE ASSOCIATION OF PROFESSIONAL LAND SURVEYORS, INC. SAID CERTIFICATIONS SHALL RUN ONLY TO THE PERSON FOR WHOM THIS SURVEY WAS PREPARED AND ON HIS BEHALF TO THE TITLE COMPANY, GOVERNMENTAL AGENCY AND/OR LENDING INSTITUTION LISTED HEREON.
4. CERTIFICATIONS ARE NOT TRANSFERABLE.
5. ALL UNDERGROUND UTILITIES MAY NOT BE SHOWN. UNDERGROUND UTILITY, STRUCTURE AND FACILITY LOCATIONS DEPICTED HEREON HAVE BEEN COMPILED, IN PART, FROM RECORD MAPPING AND OTHER DATA SUPPLIED BY RESPECTIVE UTILITY COMPANIES, GOVERNMENTAL AGENCIES AND/OR OTHER SOURCES. THESE LOCATIONS MUST BE CONSIDERED APPROXIMATE IN NATURE. ADDITIONALLY, OTHER SUCH FEATURES MAY EXIST ON THE SITE, THE EXISTENCE OF WHICH ARE UNKNOWN TO MILONE & MACBROOM, INC. THE EXISTENCE, SIZE AND LOCATION OF ALL SUCH FEATURES MUST BE DETERMINED AND VERIFIED IN THE FIELD BY THE APPROPRIATE AUTHORITIES PRIOR TO BEGINNING CONSTRUCTION. CALL "CALL BEFORE YOU DIG" DIAL 811 OR 1-800-922-4435.



Site Boundary



COMPILATION PLAN

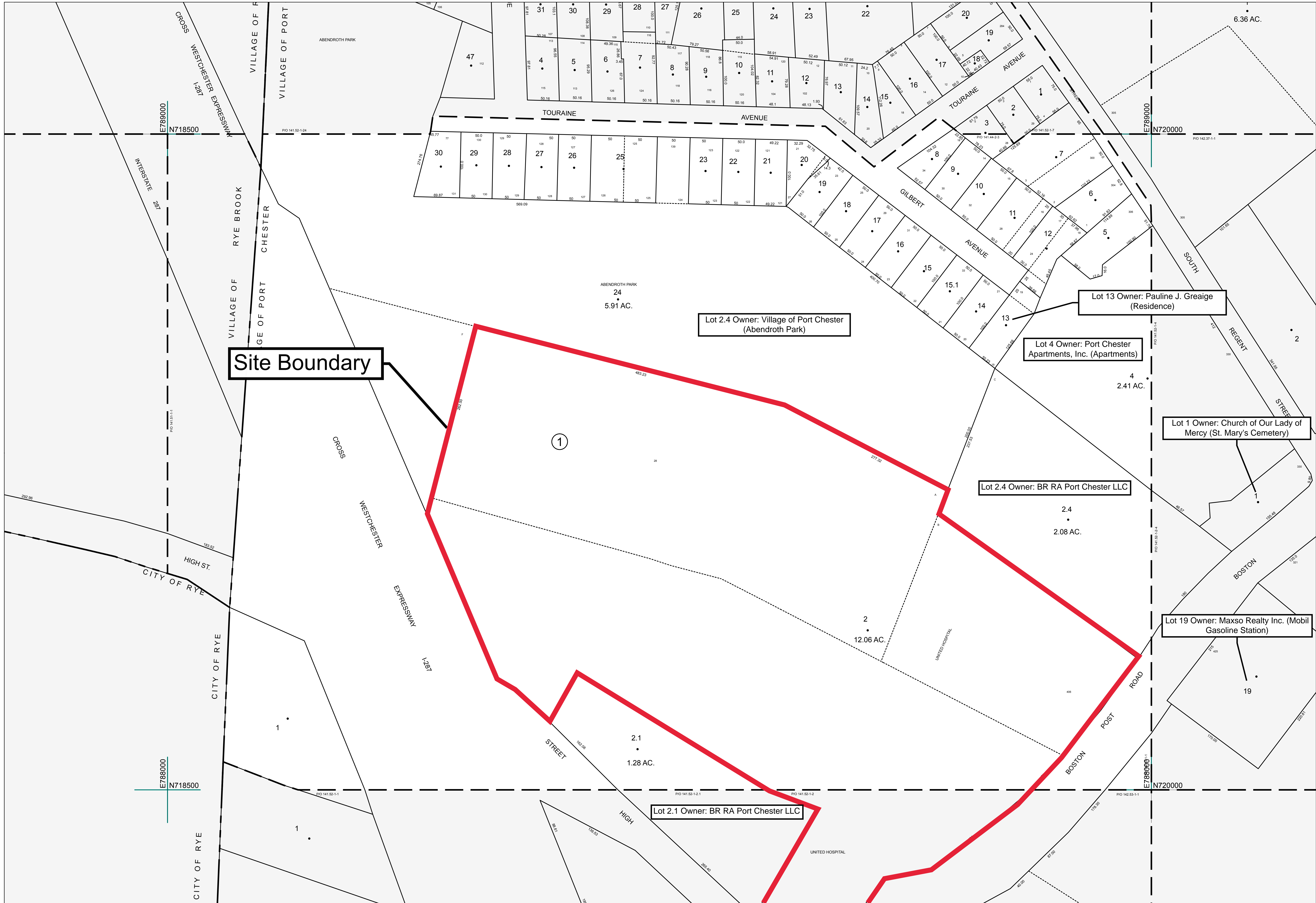
PREPARED FOR:
ROSE ASSOCIATES
 BOSTON POST ROAD & HIGH STREET
 VILLAGE OF PORT CHESTER
 WESTCHSTER COUNTY, NEW YORK

FIELD	TJP	MFM	6975-01
DRAWN	CHECKED		PROJECT NO.
SCALE	1"=40'		1 OF 1
DATE	JUNE 9, 2020	99 REALTY DRIVE CHESTER, CT 06410 203.271.1772 WWW.MILONE.COM	SHEET NO.

I, MICHAEL F. MANSFIELD, THE SURVEYOR WHO MADE THIS MAP DO HEREBY CERTIFY THAT THIS MAP IS BASED ON AN ACTUAL SURVEY COMPLETED UNDER MY SUPERVISION ON 8/30/19 AND THIS MAP WAS COMPLETED ON 6/9/20.

MICHAEL F. MANSFIELD, L.S. NEW YORK STATE LICENSE NO. 050694

**EXHIBIT D – ATTACHMENT 3
VILLAGE OF PORTCHESTER TAX MAP AND ZONING MAP**



Site Boundary

Lot 2.4 Owner: Village of Port Chester (Abendroth Park)

Lot 13 Owner: Pauline J. Greaige (Residence)

Lot 4 Owner: Port Chester Apartments, Inc. (Apartments)

Lot 1 Owner: Church of Our Lady of Mercy (St. Mary's Cemetery)

Lot 2.4 Owner: BR RA Port Chester LLC

Lot 19 Owner: Maxso Realty Inc. (Mobil Gasoline Station)

Lot 2.1 Owner: BR RA Port Chester LLC

REVISION TABLE			REVISION TABLE		
DATE	MADE BY	CHANGES OR ADDITIONS	DATE	MADE BY	CHANGES OR ADDITIONS

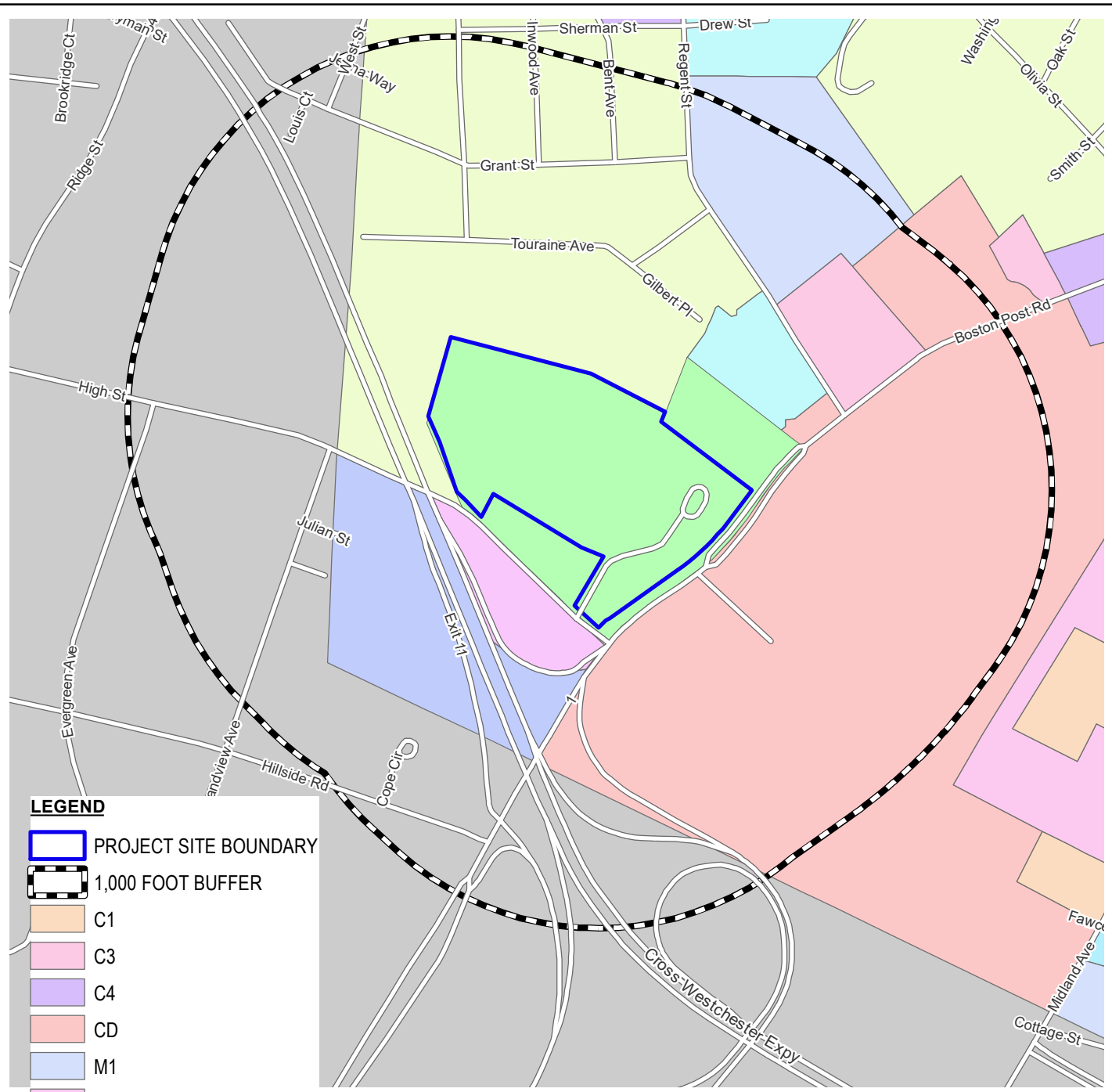
SPECIAL DISTRICTS	
SCHOOL	FIRE
SEWER	LIGHT
WATER	REFUSE

LEGEND	
PROPERTY LINE	STATE LINE
ROAD OR RAIL ROAD BNDY	RIGHT OF WAY
SECTION LINE/BLOCK LIMIT	STREAM OR RIVER
VILLAGE LINE	DENOTES COMMON OWNER
TOWN LINE	TAX MAP BLOCK NO.
COUNTY LINE	COORDINATE LOCATOR

TAX MAP	
TAX MAP PARCEL No.	118.00-1-11
CALCULATED ACREAGE	7.5 AC.
DEED ACREAGE	7.5 A.
SCALED DIMENSION	300 S.
DEED DIMENSION	301.5

SHEET INDEX			
141.044	142.037	141.052	142.045
141.060	142.053		

© 2020 AKRF Q:\Projects\200057 - FORMER UNITED HOSPITAL\Technical\GIS and Graphics\Hazmat\200057 Attachment E Zoning Map.mxd 7/24/2020 11:19:17 AM mvelleux



LEGEND

- PROJECT SITE BOUNDARY
- 1,000 FOOT BUFFER
- C1
- C3
- C4
- CD
- M1
- M2
- PD
- R2F
- R7
- RA2
- RA3
- PMU
- CITY OF RYE

Zoning Districts	
Zoning Code	Description
C1	Neighborhood Retail
C3	Office and Commercial
C4	General Commercial
CD	Design Shopping Center
M1	Light Industrial
M2	General Industrial
PD	Design Professional Building
PMU	Planned Mixed Use
R2F	Two-Family Residential
R7	One-Family Residential
RA2	Multi-Family Residential
RA3	Multi-Family Residential



440 Park Avenue South, New York, NY 10016

Former United Hospital
406 Boston Post Road
 Port Chester, New York

ZONING MAP

DATE
7/24/2020

PROJECT NO.
200057

ATTACHMENT
E

**EXHIBIT E - SECTION VI: PREVIOUS PROPERTY OWNERS/OPERATORS
SUPPLEMENTAL INFORMATION**

Exhibit E

Section VI. Previous Property Owners/Operators

Ownership Start Date

The Site was purchased by the Requestor in June 2019. Details on the current and previous owners/operators are provided in the table below.

Property Owners/Operators

Property Owners/Operators	Years of Ownership	Status of Owner/Operator*	Current/Last Known Address	Relationship to Requestor	Owner/Operator
BR RA Port Chester LLC	06/27/2019-Present	Active	777 Third Avenue, 6 th Floor New York, NY 10017 (212) 243-9090	Requestor	Owner and Operator
PC 406 BR, LLC [Lots 2 and 2.4] / PC 999 High Street Corp. [Lot 2.1]	2006-2019	Inactive	Unknown / 591 Putnam Avenue, Greenwich, CT 06830	None	Owner and Operator
New York United Hospital Medical Center	Unknown-2006	Inactive / Unknown	406 Boston Post Road, Port Chester, NY 10573	None	Owner; Operator Unknown

* Alive, deceased, active, inactive, or unknown.

**EXHIBIT F - SECTION VII: REQUESTOR ELIGIBILITY INFORMATION
SUPPLEMENTAL INFORMATION**

Exhibit F

Section VII. Requestor Eligibility Information

The Requestor is the current owner of the Site.

11. Bulk Storage Tanks

Although no bulk storage tanks requiring registration with NYSDEC have been observed by AKRF or the owner to date, historical uses at the Site include an on-Site boiler/power plant with previously reported USTs. Details of these tanks, additional USTs and ASTs, and associated NYSDEC spill numbers are listed below:

USTs:

UST #1: 25,000 gallon No. 6 fuel oil tank
Installation date: 12/1/1965
Removal date: 3/26/2013
Associated Spill Number – 1213913

UST #2: 25,000 gallon No. 6 fuel oil tank
Installation date: 12/1/1965
Removal date: 3/26/2013
Associated Spill Number – 1213776

UST #3: 2,000 gallon diesel tank
Installation date: 12/1/1981
Closure in place date: 8/2/2001
Associated Spill Number – 01-04795

UST #4: 500 gallon tank (unknown contents, unknown location)
Installation date: 12/1/1971
Removal date: 10/10/2002
Associated Spill Number – 02-05617

UST #5: 10,000 gallon No 6 fuel oil tank
Installation date: 12/1/1970
Removal date: 5/1/1999
Associated Spill Number – None

AST #2: 2,000-gallon diesel tank
Installation date: 10/1/1999
Removal date: 03/26/2013
Associated Spill Number – 1213913

Spills:

NYSDEC Spill No. 12-13776: Closed on 12/27/2012 as part of removal activities associated with UST #2. Refer to the 2013 Enviro-Sciences (of Delaware), Inc. Tank Closure Report for additional information.

NYSDEC Spill No. 12-13913: Closed on 7/22/2013 as part of removal activities associated with UST #1. Refer to the 2013 Enviro-Sciences (of Delaware), Inc. Tank Closure Report for additional information.

NYSDEC Spill No. 01-04795: Closed on 8/24/2001 as part of removal activities associated with UST #3.

NYSDEC Spill No. 02-05617: Closed on 10/30/2002 as part of removal activities associated with UST #4.

NYSDEC Spill No. 08-08448: Closed on 11/6/2008. Reported as part of close-out and cleanup activities completed at the Site.

NYSDEC spill closure documentation is provided as an attachment in Exhibit C. No open NYSDEC spills are known to exist at the Site.

During the AKRF Phase II ESA, a fill port was observed in the central portion of the Site that may indicate the presence of an additional UST at the Site not documented in the above lists. Therefore, additional USTs may exist in the subsurface. If USTs are encountered during future investigation, demolition, remediation and/or development, they will be properly registered and closed in accordance with NYSDEC and WCDOH requirements. In addition, any USTs that were previously closed in place will be removed during Site redevelopment.

Volunteer Statement

BR RA Port Chester LLC (“Requestor”) is a Volunteer as defined in ECL 27-1405(1)(b) because its liability for contamination on the Site arises solely out of its ownership of the Site subsequent to the disposal or discharge of contaminants, and Requestor has exercised appropriate care with respect to the contamination found at the Site. Requestor has conducted no operations at the Site, and contamination found on the Site is historical in nature. Requestor carried out all appropriate inquiries into the previous ownership and uses of the facility in accordance with generally accepted good commercial and customary standards and practices, and took reasonable steps to: i) stop any continuing release; ii) prevent any threatened future release; and iii) prevent or limit human, environmental, or natural resource exposure to any previously released contamination. The Site is secured to minimize potential entrance by the public and the Requestor is applying to the BCP to fully investigate and remediate the Site in an expeditious manner.

EXHIBIT G - SECTION IX: CONTACT LIST INFORMATION
SUPPLEMENTAL INFORMATION

Exhibit G

Section IX. Contact List Information

1. Local, State, and Federal Officials

Hon. George Latimer County Executive Westchester County Michaelian Office Building 148 Martine Avenue White Plains, NY 10601	Hon. Richard “Fritz” Falanka Mayor Village of Port Chester 222 Grace Church Street Port Chester, NY 10573
Mr. Ken Jenkins Deputy County Executive Westchester County Michaelian Office Building 148 Martine Avenue White Plains, NY 10601	Mr. Eric Zamft, ACIP Director Village of Port Chester Department of Planning and Economic Development 222 Grace Church Street Port Chester, NY 10573
Ms. Norma Drummond Planning Commissioner Westchester County Department of Planning Michaelian Office Building 148 Martine Avenue White Plains, NY 10601	Mr. Anthony Baxter Chairman Village of Port Chester Planning Commission 222 Grace Church Street Port Chester, NY 10573
Mr. Richard Hyman Chairman Westchester County Planning Board Michaelian Office Building 148 Martine Avenue White Plains, NY 10601	New York State Department of Environmental Conservation Division of Environmental Remediation 625 Broadway Albany, New York 12233
Hon. Andrew M. Cuomo Governor of the New York State NYS State Capitol Building Albany, New York 12224	Hon. Charles Schumer U.S. Senator 322 Hart Senate Office Building Washington, DC 20510
Hon. Shelley B. Mayer NY State Senator 222 Grace Church Street, Suite 300 Port Chester, NY 10573	Hon. Kirsten Gillibrand U.S. Senator 478 Russell Senate Office Building Washington, DC 20510
Hon. Nita Lowey U.S. House of Representatives 2234 Rayburn House Office Building Washington, DC 20515	

2. Residents, Owners, and Occupants of the Site and Adjacent Properties

The Site is currently owned by BR RA Port Chester LLC and consists of multiple abandoned structures associated with the former New York United Hospital Medical Center. Operations at the hospital ceased in 2004, and the Site has remained vacant since that time. On-Site structures have been sealed from public access and the Site is secured by a locked fence. A list of adjacent properties and their owners is provided below:

<p style="text-align: center;"><u>Adjacent to the north:</u></p> <p><u>Section 141.52, Block 1, Lot 24</u> Village of Port Chester (Abendroth Park) 139 Touraine Avenue Port Chester, NY 10573</p> <p><u>Section 141.52, Block 1, Lot 13</u> Pauline J. Greige (Residence) 19 Gilbert Place Port Chester, NY 10573</p> <p><u>Section 141.52, Block 1, Lot 2.4</u> BR RA Port Chester LLC 777 Third Avenue, 6th Floor New York, NY 10017</p> <p style="text-align: center;"><u>Adjacent to the northeast</u></p> <p>Section 141.52, Block 1, Lot 4 Port Chester Apartments, Inc. (Apartments) 330-350 South Regent Street Port Chester, NY 10573</p> <p>Section 142.45, Block 1, Lot 1 Dpt Enterprises Inc. (Dunkin' Restaurant) 330 Boston Post Road Port Chester, NY 10573</p> <p style="text-align: center;"><u>Adjacent to the northwest:</u></p> <p>Section 141.51, Block 1, Lot 1 Church of Our Lady of Mercy (St. Mary's Cemetery) South Ridge Street (address not listed) Rye Brook, NY 10573</p>	<p style="text-align: center;"><u>Adjacent to the southwest:</u></p> <p><u>Section 141.60, Block 1, Lot 11</u> Port Chester Operating LLC (The Enclave Rehabilitation and Nursing Center) 1000 High Street Port Chester, NY 10573</p> <p style="text-align: center;"><u>Adjacent to the south:</u></p> <p><u>Section 141.52, Block 1, Lot 2.1</u> BR RA Port Chester LLC 777 Third Avenue, 6th Floor New York, NY 10017</p>
<p style="text-align: center;"><u>Adjacent to the east:</u></p> <p><u>Section 142.45-1-18</u> McDonalds Corp. (McDonalds Restaurant) 321 Boston Post Road Port Chester, NY 10573</p> <p><u>Section 142.45, Block 1, Lot 19</u> Maxso Realty Inc. (Mobil Gasoline Station) 425 Boston Post Road Port Chester, NY 10573</p>	<p style="text-align: center;"><u>Adjacent to the west:</u></p> <p><u>Section 141.60, Block 1, Lots 2 and 6</u> Frank and Cynthia Savage (Residence) 138 Grandview Avenue Rye, NY 10580</p> <p><u>Section 141.60, Block 1, Lot 1</u> Patrick J. and Susan S. McGovern (Residence) 142 Grandview Avenue Rye, NY 10580</p>

<u>Adjacent to the east and southeast</u>	<u>Section 141.52, Block 1, Lot 1</u>
<u>Section 142.53, Block 1, Lot 1</u> DPPC Holdings L.P. (Shopping Center) Boston Post Road (address not listed) Port Chester, NY 10573	W. Mason Rees (Residence) 164 Grandview Avenue Rye, NY 10580

3. *Local News Media*

The Journal News 1133 Westchester Ave, Suite N110 White Plains, NY 10604	News 12 Westchester 6 Executive Plaza Yonkers, NY 10701
Westmore News 38 Broad Street Port Chester, NY 10573	WABC-TV 7 Lincoln Square New York, NY 10023
The New York Times 229 West 43 rd Street New York, NY 10036	WNYW Fox 5 205 East 67 th Street New York, NY 10021
New York Daily News 4 New York Plaza New York, NY 10004	WNBC News 4 30 Rockefeller Plaza, 7 th Floor New York, NY 10112
New York Post 1211 6th Avenue New York, NY 10036	

4. *Public Water Supply*

Public water is provided by Suez North America (Westchester Operations: 2525 Palmer Avenue, New Rochelle, NY 10801) and is sourced entirely from the New York City Water System, which draws surface water from the Catskill and Delaware Systems.

6. *Nearby Schools and Day Care Centers*

Daycares:

Jan's Kidz 'N' Motion Site III 84 Grant Street Rye Brook, NY 10573 Contact Person: Sara J. Betwarda Phone: 914-779-5555 Distance: 950 feet northwest	Tots Place, Inc. 8 Bent Avenue Port Chester, NY 10573 Contact Person: Tetyana Palmisano Phone: 914-939-1617 Distance: 1,200 feet north
My 2nd Home Daycare 226 South Ridge Street Rye Brook, NY 10573 Contact Person: Karol A. Mejia Phone: 914-918-5518 Distance: 2,150 feet northwest	Happy Corner Day Care Center Inc. 80 South Regent Street Port Chester, NY 10573 Contact Person: Zoila M. Bravo Garzon Phone: 914-937-5250 Distance: 2,400 feet north

Schools:

Rye Country Day School 3 Cedar Street Rye, NY 10580 Principal: Jonathan Leef & Barbara Shea Phone: 914-967-1417 Distance: 1,050 feet southwest	John F. Kennedy Elementary School 40 Olivia Street Port Chester, NY 10573 Principal: Judy Diaz Phone: 914-934-7990 Distance: 1,200 feet northeast
Corpus Christi Holy Rosary School 135 South Regent Street Port Chester, NY 10573 Principal: Deidre McDermott Phone: 914-937-4407 Distance: 1,800 feet north	Midland School 321 Midland Avenue Rye, NY 10580 Principal: James Boylan Phone: 914-967-6100 Distance: 2,100 feet southeast

7. Document Repositories

Port Chester – Rye Brook Public Library 1 Haseco Avenue Port Chester, NY 10573 Director: Robin Lettieri Phone: 914-939-6710; rlettieri@wlsmail.org
--

Currently, the Port Chester Rye Brook Public Library is closed. Attached as part of this Exhibit is the letter of acknowledgement (email correspondence) that once the Port Chester Rye Brook Public Library reopens, it will act as the document repository. It is our understanding that NYSDEC will upload this BCP application to the online DEC info Locator (DIL) website (<https://gisservices.dec.ny.gov/gis/dil/>) for public access, if necessary. If appropriate or as directed by NYSDEC, AKRF will provide the BCP application to the Port Chester Rye Brook Public Library.

Exhibit G Attachments:

1. Port Chester Rye Brook Public Library Letter of Acknowledgement (Email Correspondence)

EXHIBIT G – ATTACHMENT 1

**PORT CHESTER RYE BROOK PUBLIC LIBRARY LETTER OF ACKNOWLEDGEMENT (EMAIL
CORRESPONDENCE)**



Scott Caporizzo <scaporizzo@akrf.com>

Re: NYSDEC Brownfield Cleanup Program Document Repository Request - 406 Boston Post Road

1 message

Robin Lettieri <rlettieri@wlsmail.org>

Fri, Jul 10, 2020 at 9:57 AM

To: Patrick McHugh <pmchugh@akrf.com>

Cc: Scott Caporizzo <scaporizzo@akrf.com>, Timothy McClintock <tmclintock@akrf.com>

Yes, this is fine.

But not until we open for the public.

I am not sure when this will be.

Robin

On Fri, Jul 10, 2020 at 9:51 AM Patrick McHugh <pmchugh@akrf.com> wrote:

Good morning Robin,

I hope this email finds you well and happy friday! I'm writing on behalf of the property owner at 406 Boston Post Road in Port Chester, New York (a.k.a. the former united hospital site). AKRF is the environmental consultant who is preparing the New York State Department of Environmental Conservation (NYSDEC) Brownfield Cleanup Program (BCP) application for the site and as part of the application we will need to keep documents related to the BCP at a document repository.

As such, we would like to request to use the Rye Brook Public Library as the public repository for this project for BCP related materials. When you find a moment, can you please let us know by email if this is acceptable?

Please feel free to reach out to me at either number below if you would like to discuss further.

Thanks,
Pat**Patrick McHugh, P.E.**
Environmental Engineer**AKRF, INC.***Environmental, Planning, and Engineering Consultants*34 South Broadway, Suite 401, White Plains, NY 10601
7250 Parkway Drive, Suite 210, Hanover, MD 21076
P) 914.922.2387 | C) 907.378.8737 | F) 914.949.7559www.akrf.com

--

Robin Lettieri, Director
Port Chester-Rye Brook Public Library
1 Haseco Ave
Port Chester, New York 10573
914-939-6710
rlettieri@wlsmail.org

**EXHIBIT H - SECTION X: LAND USE FACTORS
SUPPLEMENTAL INFORMATION**

Exhibit H

Section X. Land Use Factors

1. Zoning

The Site is currently vacant and is zoned as Planned Mixed Use (“PMU”). The proposed use of the Site is consistent with the objectives of the zoning district, including revitalizing an area that has been neglected since closure of hospital operations. A Zoning Map is included as an attachment in Exhibit D. The March 6, 2017 Resolution to Amend Zoning is attached as part of this Exhibit.

On March 6, 2017, the Board of Trustees of the Village of Port Chester adopted a Findings Statement pursuant to the State Environmental Quality Review Act (SEQRA) to amend the existing PMU Zoning District for the former United Hospital Site and for conceptual site plan approval. After adopting the Findings Statement, the Board approved the amendment of the PMU Zoning District to allow additional density on the Site, in order to facilitate the proposed development.

The March 6, 2017 Resolution Adopting the Statement of Findings and the March 6, 2017 Resolution to Amend Zoning are attached as part of this Exhibit. Additional information pertaining to the redevelopment is available on the Village of Port Chester’s website: <https://www.portchesterny.com/planning-economic-development/pages/starwood-united-hospital-redevelopment>.

2. Current Site Use

The Site is currently vacant and contains multiple abandoned structures, open asphalt paved areas, and vegetated areas. According to previous environmental reports, the Site was operated as a hospital starting in approximately 1915, with operations ceasing in 2004.

3. Proposed Site Use

The proposed development will consist of mixed uses, which include:

- 730 residential apartments;
- 180 assisted and senior living units;
- a 160-room hotel;
- 30,000 square feet of retail space;
- 10,000 square feet of flex office space; and
- Associated parking lots.

Construction excavation is anticipated to extend from approximately 2 to 10 feet below existing grade; however, final construction details are still being evaluated.

Exhibit H Attachments:

1. Resolution Adopting the Statement of Findings, dated March 6, 2017
2. Resolution to Amend Zoning, dated March 6, 2017

EXHIBIT H – ATTACHMENT 1

RESOLUTION ADOPTING THE STATEMENT OF FINDINGS, DATED MARCH 6, 2017

TRUSTEE DIDDEN made a motion to amend the Statement of Findings with the following changes:

“The Board finds that the Proposed Project has an impact on the provision of affordable housing within the Village of Port Chester of 36 units; 26 of which were known to be used as affordable housing, and 10 additional units on the reasonable basis that of the 16 households that left 999 High Street between the time the Applicant purchased the property and July 2015, it is reasonable to assume that the same percentage may be income qualified for housing assistance (63%) as was the case for the 41 households. To mitigate this impact, the Proposed Project shall be required to include at least 36 units of housing that are affordable to households making no more than 80% of the regional AMI for a period of twenty years. This is a conservative requirement, as a number of the households that occupied units at 999 High Street may have qualified for affordable housing due to the loss of employment at United Hospital. Accordingly, to maximize the availability of units in the Proposed Project as affordable, 80% AMI was chosen for the income threshold for all units. Based on the rental rate comparison between market-rate rents and rents affordable to households making a percentage of AMI, the Applicant would be expected to forgo approximately \$375,149 annually in rent from the inclusion of this affordable housing. The Board finds that, to the extent permissible by law, preference for this housing shall be given to members of the Village workforce, including but not limited to employees of the Village, School District, and volunteer fire department, and then Village residents (i.e., a residency but not a durational residency requirement). In addition, as noted below, the Proposed Project would contribute a \$3 million density bonus fee to a community planning and rehabilitation fund, which would allow for the creation of affordable housing within the Village or the rehabilitation of existing housing within the Village.”

TRUSTEE MARINO seconded the motion to amend.

The motion to amend was adopted by the Board of Trustees of the Village of Port Chester, New York:

ROLL CALL

AYES: Trustees Didden, Ferrara, Brakewood, Adams, Marino and Mayor Pilla.

NOES: Trustee Ceccarelli.

ABSENT: None.

DATE: March 6, 2017

ADOPTING THE STATEMENT OF FINDINGS FOR THE PROPOSED REDEVELOPMENT OF THE UNITED HOSPITAL SITE

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

WHEREAS, on April 21, 2014, the Village Board of Trustees (herein referred to as the “Board of Trustees”) adopted a resolution accepting the petition of PC406 BPR, LLC and PC 999 High Street Corp. (together the “Applicant”) for consideration of proposed zoning text and map amendments to the Village Code, Chapter 345 relating to a proposed Southern Gateway Mixed Use Overlay District or, in the alternative, to a text amendment modifying Article XI of the existing Zoning Regulation, Section 345-62, with respect to 406-408 Boston Post Road and 999 High Street (the “Subject Property”); and

WHEREAS, the Applicant seeks to develop the Subject Property for a mixed multi-family residential and commercial use development (the proposed zoning amendments and development are, collectively, the “Proposed Action”); and

WHEREAS, the Board of Trustees is the designated Lead Agency under the New York State Environmental Quality Review Act (“SEQRA”); and

WHEREAS, the Village Board determined that the Proposed Action is a Type I Action pursuant to the SEQRA and the regulations at 6 NYCRR Part 617 and issued a Positive Declaration that the Proposed Action may have a significant impact on the environmental, and required the Applicant to prepare an Environmental Impact Statement (“EIS”); and

WHEREAS, the Board accepted as complete the Draft Environmental Impact Statement (“DEIS”) on July 20, 2015; and

WHEREAS, public hearings were held on the DEIS on August 27, 2015 and September 8, 2015; and

WHEREAS, the comment period for the DEIS ended on September 25, 2015; and

WHEREAS, the Board held a public workshop specific to traffic on April 6, 2016; and

WHEREAS, the Board held a public workshop specific to the economic evaluation and potential impacts to the school district on April 26, 2016; and

WHEREAS, the Applicant prepared and submitted to the Village a preliminary Final Environmental Impact Statement (“pFEIS”), which includes additional revisions to the PMU Zoning District (“Proposed Revised Zoning”) on April 27, 2016; and

WHEREAS, the Board held public hearings on the pFEIS on May 24, 2016 and June 1, 2016 and held a written comment period open until June 17, 2016; and

WHEREAS, the Applicant, on July 25, 2016, submitted a revised pFEIS for consideration by the Village; and

WHEREAS, the Applicant, on November 14, 2016, submitted a revised pFEIS for consideration by the Village; and

WHEREAS, also on November 14, 2016, the Applicant submitted a letter withdrawing the request for consideration of the Southern Gateway Mixed Use Overlay Zone as part of the Applicant’s petition; and

WHEREAS, the Board of Trustees held a special meeting on the completeness of the pFEIS on November 29, 2016; and

WHEREAS, based upon the comments of the public, the Board of Trustees, Village staff and its consultants, and other interested and involved agencies, the Applicant, on December 12, 2016, December 14, 2016, and January 3, 2017 submitted certain amendments to the November 14, 2016 pFEIS for consideration by the Village; and

WHEREAS, the Village’s independent consultants provided the Board of Trustees with a Completeness Memorandum, dated December 16, 2016, which recommended that the FEIS except for the chapter regarding traffic and its technical analyses as well as the revised sewer report was complete pursuant to the requirements of SEQRA [6 NYCRR §617.9(b)(8)]; and

WHEREAS, the Village Consulting Engineer provided a Completeness Memorandum, dated December 16, 2016, which stated that all previously issued comments have been appropriately responded to in the FEIS; and

WHEREAS, the Village’s traffic engineer, Adler Consulting, provided the Board of Trustees with a Completeness Memorandum, dated January 5, 2017, which stated that the traffic chapter and related technical appendices, last revised January 3, 2017, was

complete; and

WHEREAS, the Village staff and its independent consultants provided the Board of Trustees with a list of text changes, dated January 5, 2017 that they suggested the Board incorporate into the FEIS; and

WHEREAS, the Board of Trustees adopted the December 16, 2016, Completeness Memorandum, the December 16, 2016 Memorandum from the Village Consulting Engineer, and the January 5, 2017 Memorandum from the Village's Traffic Engineer, Adler Consulting on January 17, 2017; and

WHEREAS, on January 10, 2017, at a special meeting, the Board the Board of Trustees accepted as complete pursuant to the requirements of SEQRA [6 NYCRR §617.9(b)(8)] the Final Environmental Impact Statement ("FEIS") submitted on November 14, 2016, as amended by the Applicant on December 12, 2016, December 14, 2016 and January 3, 2017, subject to the text changes as set forth in Exhibit D to the Board of Trustees' Resolution of January 10, 2017; and

WHEREAS, the Board of Trustees held a public workshop on school-aged children and affordable housing on January 17, 2017; and

WHEREAS, the Board of Trustees held a public hearing on the FEIS on January 31, 2017; and

WHEREAS, the Board of Trustees held a public hearing on the February 2017 Revised Proposed Zoning on March 6, 2017.

NOW THEREFORE, be it

RESOLVED, that the Board of Trustees hereby adopts the Statement of Findings attached hereto as Exhibit A, subject to the incorporation of edits included in Exhibit B, pursuant to SEQRA [6 NYCRR 617.11]; and be it finally

RESOLVED, that the Village Clerk is hereby directed to undertake, as appropriate, any other steps required by SEQRA and the Village Zoning Code to effectuate acceptance and circulation of the Statement of Findings.

Approved as to Form:



Anthony M. Cerreto, Village Attorney

ROLL CALL

AYES: Trustees Didden, Ferrara, Brakewood, Ceccarelli, Adams, Marino and Mayor Pilla.

NOES: None.

ABSENT: None.

DATE: March 6, 2017

EXHIBIT A to Resolution #1

LEAD AGENCY FINDINGS STATEMENT

State Environmental Quality Review Act

This Findings Statement has been prepared in accordance with Article 8 of the Environmental Conservation Law, the State Environmental Quality Review Act (SEQRA), and its implementing regulations promulgated at 6 NYCRR Part 617.

Lead Agency: Board of Trustees, Village of Port Chester (Village Board)

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

Name of Proposed Action: United Hospital Redevelopment

SEQRA Classification: Type 1 Action

Summary of Proposed Action:

The Applicant proposes to redevelop the approximately 15.45-acre property into a mixed-use development that replaces the existing vacant and underutilized former hospital buildings and an associated apartment building with a mixed-use development that includes 230 age-restricted housing units, 500 non-age restricted housing units, approximately 90,000 sf of retail/ restaurant uses, approximately 217,000 sf of office/ medical wellness use, and a 135-key limited service hotel. The Project would be supported by approximately 1,453 on-Site parking spaces.

To facilitate the proposed redevelopment, the Applicant has petitioned for a text amendment to the Site's current Zoning District (Planned Mixed Use – “PMU”) to allow additional density on the Site, as well as other changes.

Location: The Project Site is designated as 406 Boston Post Road (Section 141.52, Block 1, Lot 2; Section 141.52, Block 1, Lot 2.4) and 999 High Street (Section 141.52, Block, 1, Lot 2.1).

Description of Action

The Proposed Action being considered in this Statement of Findings consists of two distinct, but related, actions being considered by the Village of Port Chester Board of Trustees (“Board”). The first action being considered is an amendment to the Village’s Zoning Code, specifically modifications to Article XI, Planned Mixed Use (“PMU”) Zoning District (“Proposed Zoning”). The second action is consideration of a Conceptual Site Plan for redevelopment of the former United Hospital site (“Proposed Project”). Both actions were petitioned to the Board by PC 406 BPR, LLC and PC 999 High Street Corp., affiliates of Starwood Capital Group (“Applicant”).

A description of the Proposed Zoning and the Proposed Project, together the Proposed Action, are presented below. It should be noted that the descriptions below are of the actions as proposed by the Applicant. Based on the administrative record of the Applicant’s petition, including but not limited to the Draft Environmental Impact Statement (“DEIS”) and Final Environmental Impact Statement (“FEIS”) and the comments from the public and agencies, the Board has made modifications to the Proposed Action and to certain Applicant-proposed mitigation measures, and has added additional mitigation measures, in order to avoid or mitigate significant adverse impacts to the maximum extent practicable through this Statement of Findings.

Location

The Applicant owns three contiguous tax parcels in the southwest corner of the Village of Port Chester, Westchester County, New York: Section 141.52, Block 1, Lots 2, 2.1, and 2.4 (“Project Site” or “Site”). The lots are the site of the former United Hospital facility, with an address of 406 Boston Post Road, and its associated workforce housing building, with an address of 999 High Street. The Site is approximately 15.45 acres and has one entrance on Boston Post Road and two entrances on High Street. The Project Site contains large areas of impervious surfaces, including buildings and parking areas. The Site is entirely within the Village’s PMU Zoning District, which is made up exclusively of the three tax parcels of the Project Site.

The hospital facility, consisting of several buildings, has been vacant for approximately 10 years. The workforce housing building was occupied until November 2016. The Project Site is bordered to the south by Boston Post Road, the west by High Street, the north by Abendroth Park, and the southeast by residential co-ops that front on South Regent Street. Across Boston Post Road to the south is a commercial shopping center, known as the Kohl’s shopping center, which features several large-scale retailers and a Whole Foods grocery store. Across High Street to the west are the Port Chester Nursing and Rehabilitation Centre and Interstate 287 (“I-287”).

The Project Site is well served by existing transportation infrastructure. Boston Post Road, also known as U.S. Route 1, is a major north-south artery in Westchester County, which connects the Project Site with downtown Port Chester to the north, and the City of Rye to the south. I-287 and I-95 are both proximate to the Project Site, connecting it to the rest of the Mid-Hudson region, as well as south to New York City and north to New England. High Street, to the west of the Project Site, is a local road that connects the Village of Port Chester to the northern portion of the City of Rye and the southern portion of the Village of Rye Brook.

Action #1: Proposed Zoning

When the Applicant petitioned the Board for the proposed redevelopment of the former United Hospital Site in April 2014, it proposed two alternatives for Zoning Amendments related to the Project Site in order to allow for construction of the Proposed Project. The first was amendments to the PMU Zoning District. The second was the creation of an “Overlay District” that would apply to the PMU Zoning District, as well as the Village’s CD Zoning District. In November 2016, the Applicant amended its petition to remove consideration of the Overlay District.

PMU Zoning District Amendments

The Applicant petitioned the Board for amendments to the PMU Zoning District. Concurrent with the FEIS, the Applicant submitted revised proposed amendments to the PMU Zoning District in response to public and Board comments. The revised proposed amendments to the PMU Zoning District are referred to in these Findings as the “Proposed Zoning”. The Proposed Zoning would allow for the density and combination of uses proposed by the Applicant for the Project Site, as well as would make several other changes to the district, including:

Uses – The Proposed Zoning would add several permitted principal uses, including home professional office, research institute or laboratory, and uses operated by the Library or School District. In addition, medical and dental offices would become a permitted principal use instead of a special exception use as it is currently. Wireless telecommunication facilities would be added as special exception uses. Funeral homes and radio or television studios would be removed from the list of special exception uses.

Approval Authority – The Board of Trustees would have site plan approval authority for all permitted principal and special exception uses, except when an application was for wireless

telecommunication facilities only, in which case the Planning Commission would be the approving authority.

Dimensional Standards – The Applicant proposes to increase the ‘base’ floor area ratio (“FAR”) in the PMU Zoning District from 0.8 to 1.4, while still allowing for a density bonus of 0.2 FAR (discussed below). The Proposed Zoning clarifies that all bulk and dimensional standards would apply to the entire PMU Site, which is defined as the area of the three tax parcels of the former United Hospital Site as they currently exist. The FAR would not be apportioned among various uses on Site; rather, at least 25% of the floor area of the Project would be required to be non-residential.

Incentive Zoning – The Proposed Zoning would create an incentive zoning program for the PMU Zoning District and would remove the PMU Zoning District from the Village’s existing incentive zoning program codified in §345-16 of the Zoning Code. The incentive zoning program proposed would allow a project to receive up to a 0.2 FAR density bonus if an Applicant provides a monetary contribution to one or more of four community benefit funds: Housing Rehabilitation, Open Space, Job-Training, and Affordable Housing. In no case can the total FAR allowed on the PMU Site be more than 1.6 FAR. The Applicant proposed a payment of \$1,000,000 for up to an additional 0.2 FAR.

Parking – The Proposed Zoning requires that parking be provided and located based on a Site-wide plan. In addition, the Board is given the authority to reduce the number of off-street parking spaces otherwise required by the Zoning Code based on the implementation of a shared parking plan that is approved during Site Plan review.

Design Criteria – The Proposed Zoning includes a number of design criteria for any project within the PMU Zoning District. These criteria establish the basic parameters for any project proposed in the PMU Zoning District (i.e., site must be developed as a single site, rather than separate tax parcels and must feature an interior street grid), require a pedestrian and bike-oriented design, require connectivity to Boston Post Road and Abendroth Park, require high-quality architecture that enhances the public realm and promotes visual variety, and require a pre-approved list of streetscape features (lights, trees, furnishings) and signage features (size, location, illumination) that are allowed to be installed within the Site.

Green Building and Site Planning – The Proposed Zoning includes several green building requirements for all projects in the PMU Zoning District, including requiring a green building checklist to be submitted with a Site Plan application, allowing pervious paving and green roofs throughout the Site, and requiring the recycling of construction waste.

Overlay (Withdrawn from Consideration)

The Overlay District would have allowed residential development and development at an increased density in certain commercial areas of the Village, as well as provided for the development density necessary for the Proposed Project.

Subsequent to the DEIS and prior to the finalization of the FEIS, the Applicant withdrew the portion of their petition that identified the “Overlay District” as an alternative zoning approach. Instead, the Applicant only proposes a Text Amendment to the Zoning Code (the PMU Zoning District), which modifies Article XI of the existing Zoning Law (§ 345-62). The Overlay District was withdrawn based on consideration of comments received regarding the potential adverse impacts of the Overlay District that could occur outside of the Project Site, as well as other factors.

The Board finds that the amendments to the PMU Zoning District better meet the goals and objectives of the Applicant and the Village in having the United Hospital Site redeveloped into a vibrant, mixed-use and pedestrian-oriented community. While the DEIS contained an analysis of the potential impacts of the Overlay District on parcels outside of the Project Site, and the FEIS addresses the substantive issues raised regarding that analysis, the Board makes no findings with regard to the type or magnitude of impacts that could potentially result from enactment of the Overlay District, as the Applicant has withdrawn the petition for the Overlay District and the Board, on its own, does not propose such a zoning amendment.

Action #2: Proposed Project (Conceptual Site Plan)

The Applicant proposes to redevelop the Project Site in accordance with the Proposed Zoning into a mixed-use community that contains 230 age-restricted housing units for residents at least 55 years old, 500 non-age restricted housing units, 217,000 square feet of office space geared towards medical uses, a 135-key limited service hotel, 1,453 parking spaces, and 90,000 square feet of ground-floor retail and restaurant uses, which is critical to the success of the Proposed Project. The Applicant proposes that the non-age restricted residential units would include approximately 300 lofts or studios, 100 one-bedroom units, and 100 two-bedroom units that would be configured as two master bedroom units. The age-restricted housing is proposed to consist of an equal number (115) of one-bedroom and two-bedroom units. In order to construct the Project, the Applicant would demolish all existing Site buildings, pavement, and utilities. The Applicant would also engage in extensive regrading to create a more level area in the center of the Site to allow for the creation of a pedestrian-oriented street

design and a significant amount of publicly accessible open space. The layout of the Proposed Project is shown in Figure 1, and described below.

Main access to the Project Site would be from a new Site entry road that intersects with Boston Post Road opposite the existing Kohl's shopping center driveway and continues north through the Project Site. This Main Site Driveway would contain a landscaped median that is approximately 12 feet wide. Two perpendicular access drives, originating at High Street, would extend east into the Site, intersect the main driveway, and continue east the width of the Site. A third drive from High Street, located to the south of the other two drives, would serve the Site's southwest-most surface parking area, but would not intersect with the main driveway. All Site streets would feature wide, landscaped sidewalks and appropriately-scaled Site lighting and street furnishings.

The Project's internal roadway system would divide the Site into five main blocks. The two southern most blocks would contain approximately 44,000 square feet of retail/restaurant uses that front Boston Post Road on either side of the main driveway. The retail/restaurant buildings would be approximately 20 feet tall and would feature 15-foot wide sidewalks along the length of the Site's Boston Post Road frontage to encourage pedestrian activity. On the western side of the Site drive, a six-story limited service hotel with approximately 135 keys would be constructed 'behind' the retail building, set back from Boston Post Road. Primary access to the hotel would be from the rear of the building, which would be accessed from the southern-most High Street access drive. To the rear of the hotel would be two surface parking lots with approximately 98 spaces. On the eastern side of the main entry drive, set back from Boston Post Road, would be a six-story multi-family residential building. To the east of this building would be a 500-space parking garage and further to the east, another six-story residential building. Both residential buildings would feature interior courtyards. The parking garage would be accessed from both the main east-west driveway to the north, and the small surface lot along Boston Post Road to the south, which is accessible from Boston Post Road. There would be approximately 300 dwelling units in the two residential buildings on this block.

Moving north towards the center of the Site, to the west of the Main Site Driveway would be an eight-story building with approximately 217,000 square foot of medical/wellness office space on top of approximately 21,500 square feet of street level retail space. To the west of the office building would be a 6-story, 645-space parking garage, backing up onto High Street. To the east of the Main Site Driveway would be approximately 12,000 square feet of street-level retail/restaurant uses with approximately 200 dwelling units above in a six-story building. There would be a small surface parking lot behind that building with approximately 69 parking spaces. Finally, the northern most block on the Project Site would contain approximately 230 age-restricted dwelling units, along with approximately 12,500 square feet of ground-level retail/restaurant uses in two six-story buildings. To the northwest of the buildings would be approximately 98 parking spaces.

The center of the Project Site would be publicly accessible open space totaling approximately one acre, with retail kiosks and a variety of seating and activity areas. This area would be privately-owned, but publicly accessible, and would serve as the central gathering place for the Project. The space may be programmed with limited uses, such as a farmer's market, small stage area, or similar activities. All of the Site's buildings would be connected with a sidewalk system to encourage pedestrian activity. In addition, the Project would contain one or more pedestrian connections to Abendroth Park. The Proposed Project would contain a total density of approximately 1.56 FAR.

The Applicant proposes the shared use of all parking spaces between the Site's uses. That is, the Applicant is not proposing to reserve any spaces for any particular Project uses or users. Rather, the Applicant believes that the Site encourages a 'park-once' design and that the parking proposed is appropriately located to serve the Site's various users without the need for any reservations.

The Proposed Project would construct a new on-Site potable water and sanitary sewer system to serve the Site's buildings. These systems would connect to the existing public water and sanitary sewer systems in Boston Post Road and High Street.

The Proposed Project would be served by a stormwater management system, designed in accordance with state and local standards, which would reduce the total volume and peak rate of stormwater discharge from the Project Site, despite the Project increasing the Site's impervious coverage.

In addition to the on-Site building and infrastructure program proposed, the Proposed Project would include other off-Site improvements and programs. These are described throughout the Findings, and generally include the following.

Traffic and Roadway Improvements

The Applicant has proposed a number of roadway improvements as part of their Project that are designed to reduce Project-related traffic impacts and, in some cases, to improve conditions as compared to what would occur without the Project (the "No-Build condition"), including:

Signal timing and phasing modifications at the intersections of Boston Post Road with Slater Street, Pearl Street, South Regent Street, the Kohl's shopping center, High Street, the Exit 11 off-ramp from I-287, Grace Church Street/Purdy Avenue/South Main Street, and Peck Avenue, as well

as the intersections of Midland Avenue and Peck Avenue, South Ridge Street and Bowman Avenue, and Ridge Street and Westchester Avenue.

Elimination of left turns into and out of High Street at its intersection with Boston Post Road through the installation of a raised, planted median containing a significant work of art that complements the Village's gateway. Signal control would be retained for High Street and southbound Boston Post Road.

Widening of the I-287 Exit 11 off-ramp at Boston Post Road and restriping the ramp to accommodate three lanes.

Lengthening the existing, substandard right-turn lane on South Regent Street at its intersection with Boston Post Road, including through the elimination of the current median.

Reconstruction of the intersection of Boston Post Road and the proposed Main Site Driveway and Kohl's shopping center driveway to accommodate an additional southbound thru-right lane and two additional northbound left turn lanes. The right-of-way needed to accommodate these improvements would be provided by, and dedicated to the New York State Department of Transportation ("NYSDOT") by, the Applicant. In addition, a raised, planted median would be installed within Boston Post Road on the northern leg of the intersection.

Pedestrian improvements including sidewalks, American's with Disabilities Act ("ADA") curb ramps, and pedestrian signal heads at Boston Post Road's intersections with the I-287 Exit 11 off-ramp, I-287's westbound on-ramp, High Street, proposed Main Site Driveway, and South Regent Street.

Installation of adaptive signal controls along Boston Post Road from the I-287 Exit 11 off-ramp to South Regent Street.

Provision of a 'jitney' service to the train station(s) during peak hours.

Completion of a Post Implementation Study to monitor and verify traffic conditions after the Project is fully occupied. In addition, the Applicant proposes to establish one or more bonds that would pay for improvements found to be necessary as a result of this Post Implementation Study.

Provision of funds to the City of Rye for traffic calming measures in the Rye Park neighborhood as well as future potential traffic related capital improvements being considered by the City.

Utilities

The Applicant proposes to connect to the existing water, sewer, and electrical services adjacent to the Project Site. To offset the increased sanitary sewage flow from the Proposed Project, and in alignment with Westchester County's policy, the Applicant proposes to make a payment to the Village of Port Chester of \$495,000 for the removal of inflow and infiltration to the sewer system. In addition, the Applicant proposes the following sewer system improvements:

Line the existing sewer in High Street from manhole ("MH") 90536 to MH 90533 (Boston Post Road) with Cured-in-Place Pipe (CIPP).

Line the existing sewer in Boston Post Road from MH 90526 (South Regent Street) to MH 90523 with CIPP.

Reconstruct the sewer lines between MH 90533 (High Street) and MH 90526 with new pipes and manholes. Existing manholes would be removed and the existing sewer pipe would be abandoned in place.

Reconstruct the sewer lines between MH 90523 to MH 90507 (Olivia Street) with new 15-inch pipe and manholes. Existing manholes would be removed and the existing sewer pipe would be abandoned in place.

Noise Attenuation at the Port Chester Nursing and Rehabilitation Centre

To mitigate the potentially significant adverse impact to the Port Chester Nursing and Rehabilitation Centre (the "Nursing Home") to the west of the Project Site as a result of construction noise generated by the Proposed Project, the Applicant has proposed to install the following onto the interior of each nursing home resident room that has a direct line of sight to the Project Site:

Air Conditioner Covers of a material of at least two pounds per square foot. The covers will be removable to allow operation of the air conditioners.

Acoustical Storm Windows to be installed on the interior of the resident rooms over the existing windows.

However, the Applicant has not provided the Board with any evidence that the owner of the Nursing Home has or will agree to these mitigation measures.

Industrial Development Agency Project Inducements

The Applicant has applied to the Village of Port Chester's Industrial Development Agency ("PCIDA") to receive certain financial incentives. Specifically, the Applicant proposes to utilize the PCIDA's exemption from sales taxes on construction materials and on mortgage recording fees. In addition, the

Applicant proposes to enter into a Payment in Lieu of Taxes (“PILOT”) that would exempt it from paying local property taxes, in return for paying a contracted amount to all taxing jurisdictions for a period of 20 years. The Applicant has proposed to pay \$3,350,000 to all real property taxing jurisdictions and districts the first year of the PILOT agreement with annual increases of 2.5%. As required by law, the Port Chester Sewer District and Solid Waste District would receive payments based on the full assessed value of the Project. That is, their taxes would not be abated by the PCIDA. After subtracting payment to those districts, the remaining annual payment would be distributed among the other taxing jurisdictions in proportion to their relative tax rate pursuant to a PILOT. In Year One, the School District would be expected to receive approximately \$2,000,000, the Village would receive approximately \$919,000, the Town \$4,400 and the County would receive \$286,000 in PILOT payments.

Annual Reporting and Financial Assurance for School Children and Police Services

The Applicant will, for a period of 10-years after the first certificate of occupancy is issued for one of the Proposed Project’s non-age restricted housing units, provide an annual report to the School District, Village, and PCIDA on the number of school children living at the Project and attending the public schools, based on data obtained from the School District. In the event that the actual annual cost to the School District of educating the actual number of public school students living at the Project exceeds the incremental increase in yearly PILOT payments over the real property taxes paid by the Applicant to the Village as of the date of site plan approval for the Proposed Project, the Applicant will, for the 10-year period described above, pay the School District the difference. In addition, the Applicant has committed that, in the event the increment of a PILOT amount directed to the Village during any year a PILOT is in place over the real property taxes paid by the Applicant to the Village as of the date of site plan approval for the Proposed Project is less than the cost of providing two new police officers, the Applicant would pay to the Village the difference.

Project History

In 2005, United Hospital ceased operation. In 2006, the Applicant purchased the property with the intention of redeveloping the Project Site. Prior to submission of the instant application, the Applicant had proposed, and the Village had considered, several other plans for redeveloping the Project Site. On December 17, 2009, a formal submission was made to the Village for zoning text and map amendments and site plan approval for redevelopment of the United Hospital Site. The 2009 proposal included 773 residential units in multiple buildings, including five high rise buildings, approximately 254,000 square feet of commercial/office space, and was proposed to be served by approximately 2,000 parking spaces in mostly below grade facilities. In March, 2010, the Board declared itself to be Lead Agency for purposes of SEQRA and on April 5, 2010, held a public scoping session. On July 16, 2010, the Applicant submitted a preliminary DEIS document to the Village Board for consideration of completeness. After the Village Board, consistent with its discretionary authority related to zoning, decided to not act on that application, the Applicant submitted, on, May 18, 2012, a revised plan and zoning petition for the development of 820 residential units in five- and six-story buildings with 20,000 square feet of street level retail serviced by 1,350 parking spaces. The Board accepted the application, but there were no further proceedings relating to it. Based on an amended petition submitted by the Applicant on April 16, 2014 and a presentation made to the Village in April, 2014, the Board indicated a willingness to entertain and review the Proposed Action as it more closely aligned with the goals and objectives of the Village’s Comprehensive Plan adopted by the Village in December 2012. It is this April 2014 petition that was the subject of the DEIS and FEIS, and is the subject of these Findings.

SEQRA Process

As noted above, in April 2014, the Applicant submitted a petition requesting the implementation of one of two zoning amendments – PMU amendments or a new “Overlay District” – to facilitate the development of a Conceptual Site Plan, described above. In August 2014, the Board, acting as lead agency under the State Environmental Quality Review Act (“SEQRA”), approved a Scope for the DEIS. On December 31, 2014, the Applicant submitted the first draft of the DEIS to the Board. The Board, along with their technical consultants, reviewed the draft DEIS and provided the Applicant with written comments on the completeness of the draft. After several iterations, the Board accepted the DEIS as complete for the purposes of commencing public review in July 2015. The Board allowed a comment period for the DEIS through October 2015, longer than the 30 days required by law. There were four public hearings at which the Board received public comment. Dozens of letters and e-mails were also received during the public comment period.

In April 2016, the Board held two workshops to better understand and further discuss certain impacts analyzed in the DEIS as well as understand how the Applicant was proposing to respond to the substantive comments raised on the Project’s impacts. These sessions focused on the socioeconomic and traffic impacts of the Project. Subsequent to these workshops in April 2016, the Applicant submitted the first draft of FEIS to the Board – called the preliminary FEIS, or pFEIS. Though not required, the Board held two public hearings on the pFEIS (May 24, 2016 and June 1, 2016) and accepted written comments on the pFEIS through June 17, 2016.

In July 2016, the Applicant submitted another draft of the pFEIS to the Board. The Board, and their technical consultants, reviewed the document and provided comments to the Applicant. In November 2016, the Applicant filed the third draft of the pFEIS with the Board. At this time, the Applicant also withdrew that portion of their petition that requested the creation of the “Overlay District”. The Board, and their technical consultants, reviewed the document and provided comments to the Applicant.

In December 2016, the Applicant filed updated versions of the November pFEIS chapters and text, as well as provided additional technical information on air quality and sewer system impacts. The Village’s technical consultants reviewed the material and advised the Board that it was their opinion that with the updated text and the additional technical information, the pFEIS was complete, but for traffic. On January 3, 2017, the Applicant filed an updated version of the traffic chapter as well as the final traffic appendices. The Village’s technical consultants reviewed the material and advised the Board that it was their opinion that with the updated traffic text and the final traffic appendices submitted, the traffic portion of the pFEIS was complete. On January 10, 2017, the Village Board accepted the FEIS as complete. On January 17, 2017, the Applicant filed the accepted FEIS with the Village and sent copies to all involved and interested agencies, as well as made a copy of the FEIS available for public review at the Village Clerk’s office and the Public Library.

While a minimum 10 day consideration period of the FEIS after filing and prior to adoption of a written Statement of Findings is required by SEQRA, the Board extended this consideration period in order to hold a public hearing on January 31, 2017. The Board has determined that no new substantive issues were raised during public review of the FEIS that were not adequately addressed in the DEIS or FEIS or which otherwise would preclude the Board from proceeding directly with the preparation and filing of a Statement of Findings for the Proposed Action.

This Statement of Findings concludes the SEQRA process. It also sets forth the rationale of the Board for its decision on the Applicant’s zoning petition and sets forth conditions related to any future site plan application for the Proposed Project.

Evaluation of Potential Impacts

LAND USE AND ZONING

LAND USE

Existing On-Site Land Uses

The Project Site is currently unoccupied.¹ There are three primary structures on the Site: a ±380,000 square foot building formerly used as a hospital, a ±25,000 square foot office building, and the 133-unit 999 High Street residential building. The Project Site contains approximately 670 parking spaces throughout the property, including approximately 110 spaces in the northeast of the Site, adjacent to the 330-350 South Regent Street residential cooperative community. These 110 spaces have been made available to residents of the co-ops through an informal arrangement since 2006. Approximately 42 vehicles utilize the parking for overnight storage and would be displaced as a result of the Proposed Project. Based on surveys, there are approximately 23 spaces available in the neighborhood streets immediately adjacent to the co-ops that could be utilized by displaced vehicles. Additional parking resources that could be made available include parking on the north side of Grant Street, which is currently prohibited, and overnight parking at the Abendroth Park lot.

The Board finds that the displacement of these 42 vehicles is not a significant adverse impact for several reasons: there are at least 23 spaces immediately available in the vicinity of the co-ops, with additional potential spaces in the vicinity; and, the responsibility for identifying adequate parking resources for those vehicles lies with the co-op and not the Applicant. Further, the Applicant has indicated it may consider allowing limited overnight permit parking in the Proposed Project if the on-Site demand is lower than supply. Consistent with its finding in the “Traffic and Transportation” section, the Board finds that adequate on-Site parking is being proposed for Site-uses. Prior to entering an agreement allowing on-Site permit parking for neighboring residents or any other non-Project use, the Village’s consulting traffic engineer and Director of Planning and Economic Development must review and approve a parking plan that demonstrates the sufficiency of on-Site parking resources to accommodate that new demand.

Surrounding Land Uses

The area surrounding the Project Site consists of residential, commercial, and recreational uses. The residential uses to the north of the Project Site are primarily multi-family in nature. Single-family residential uses are located to the east across I-287. Commercial uses proximate to the Site include large-format retailers and grocery stores, as well as small retailers and restaurants.

¹ Until recently, the building at 999 High Street was partially occupied. The impact of the Proposed Project on affordable housing is discussed in the Socioeconomics section of these Findings.

In addition, I-287 and access ramps to and from I-95 are in close proximity to the Site. The Port Chester and Rye Metro-North Railroad train stations are within $\frac{3}{4}$ of a mile of the Site. The Board finds that that land uses proposed for the Project Site are consistent with and complementary to the surrounding land uses and are appropriately located at the gateway to the Village and on the site of a formerly active institutional and residential use. There would be no significant changes in community character to existing residential neighborhoods from the Project-generated traffic as most of the traffic would be oriented towards Boston Post Road, I-287, and I-95. Only 15% of Project-generated traffic is anticipated to utilize High Street to enter or exit the Project from the north. This equates to an additional 55 to 92 vehicles per peak hour that may utilize High Street in any one direction – or, 1 to 1.5 vehicles per minute in each direction. This is an increase of 19% to 36% during any peak hour with increases expected to be less during non-peak hours. Owing to the small overall increase in traffic on High Street, the Board finds that there is not likely to be an adverse impact on the existing character of the community surrounding this street. It is also noted that it is unlikely, as discussed below, that significant Project-generated traffic would “cut-through” the Rye Park neighborhood. However, to mitigate this potential, the Proposed Project includes \$50,000 towards implementing traffic calming measures in the Rye Park Neighborhood, which would serve to discourage any potential cut-through traffic. (Refer to the “Traffic and Transportation” section of these Findings.)

The mix of uses proposed, and the relative density of those uses, provides synergistic benefits to each other and to surrounding land uses. While other mixes of uses would be allowed under the Proposed Zoning, the Board makes no finding on whether another, not contemplated, mix of uses (including the percentages of different uses) would provide the same community benefit. Should a different mix of uses be proposed as part of any subsequent site plan application, at that time the Board will evaluate if such mix attains the same community benefit and determine if a supplemental analysis is warranted. The Board further finds that the specific design of the Proposed Project, which encourages street-level activity and prioritizes pedestrian design, would be a benefit to the community.

Intensity of Land Uses Proposed

Site Density

The Proposed Zoning would allow for a maximum Site density of 1.6 FAR (a base FAR of 1.4 with a 0.2 FAR density bonus) and would require that 25% of a project’s floor area be non-residential uses. This is an increase from the 1.0 FAR that is currently permitted in the District (a 0.8 base FAR with a 0.2 FAR density bonus), which is apportioned by specific use. The Proposed Project, as described and analyzed in the DEIS and FEIS, would have a density of approximately 1.56 FAR and, therefore, would be compliant with the Proposed Zoning.

There currently are 12 Zoning Districts within the Village of Port Chester that allow an FAR of 1.5 or greater, many of which are located along the Boston Post Road corridor. These include the RA3 Zoning District, in which the 330-350 South Regent Street co-ops are located (FAR of 1.5), and the C3 Zoning District located across South Regent Street from the co-ops, which allows an FAR of 3.0. The Board finds that the density of the Proposed Project is consistent with the density of other sites in the Village that, like the Project Site, are well-served by transportation and utility infrastructure and, accordingly, is appropriate for the Project Site.

The Board finds that the maximum density permitted by the Proposed Zoning is consistent with the density of surrounding Zoning Districts and is appropriate for the Site’s location within the Village. In addition, the Board finds that the density of the Proposed Project is appropriately reflective of the extraordinary site preparation costs associated with the Project Site, including demolition, hazardous materials remediation, and grading.

Residential Unit Size

The Proposed Project includes 500 non age-restricted residential units, 300 of which are studios or lofts, 100 of which are one-bedroom units, and 100 of which are two-bedroom units configured with two master bedrooms. The Proposed Project also includes 230 age-restricted units, equally split between one- and two-bedroom units. The Board finds that the unit mix proposed by the Applicant is appropriate for the Site’s location and is consistent with the Comprehensive Plan, which called for a unit mix that would not place a large burden on the School District. In addition, attracting ‘empty nesters’ and ‘millennials’, as is likely given the type, scale, location, and unit mix of the Project, is important to the Village’s economic development goals, which as stated in the Comprehensive Plan, calls for the creation of a “balanced range of housing types and densities.”

Community Character

The potential for the Proposed Project to adversely affect key anchors in downtown Port Chester, Rye, or nearby shopping centers in Port Chester and Rye Brook to an extent that would cause an adverse impact to community character was evaluated in the DEIS and FEIS. It is noted that mere competition is not an adverse impact under SEQRA. Rather, for SEQRA purposes, the relevant issue is whether competition would result in closings or moves that would have an effect on community character through impacts to anchors or partial anchors.

The 90,000 square feet of retail space proposed by the Applicant includes approximately 50,000 square feet of restaurant space, and 40,000 square feet of small business retail use. The intention is that this retail space would, in keeping with the Comprehensive Plan, “largely provide basic goods and services to residents living on or in close proximity to the new mixed use site so as to not adversely impact Downtown’s retail and commercial base.” It is anticipated that the 40,000 square feet of small business retail uses would primarily serve residents of the Proposed Project, employees working at the Project Site and hotel guests. The approximately 50,000 square feet of restaurant space would similarly serve residents, employees, and guests, as well as serve as an attraction to the general public.

The Board finds that neither Project component is of a sufficient size to adversely impact surrounding commercial areas. Moreover, the proposed retail uses are consistent with those envisioned by the Comprehensive Plan and are not expected to adversely affect key anchors within the existing retail landscape as the Project’s uses are much smaller in size. Within Port Chester, retail anchors such as Stop and Shop, Marshalls, Loews, and Costco can be found in proximity to Main Street and other anchors are located nearer to the Project Site in the Kohl’s shopping center. The Waterfront at Port Chester facility alone contains more than 500,000 square feet with large-format retailers and a multi-screen movie theater complex that help anchor downtown Port Chester. In addition, the rehabilitated Capitol Theatre, which hosts regular events, is a regional draw for downtown Port Chester. Main Street itself mainly consists of small specialized shops, full-service restaurants, limited-service restaurants, drinking establishments, and entertainment establishments. The presence of the anchor uses near Main Street attracts customers to the area, and has contributed to the build-out and success of Main Street. The increase in investment since the early 2000s has made Port Chester’s downtown more vibrant and increased spending in the Village. The addition of a relatively small amount of retail and restaurant uses at the Project Site is, therefore, not anticipated to significantly affect existing downtown anchors.

Port Chester’s retail anchors draw customers from well beyond the local trade area, and would continue to draw customers with or without the Proposed Project. The 2012 Route 1 Corridor Study found that within a three-mile area retail sales exceeded the area residents’ expenditure potential, meaning that local retailers are attracting residents of other areas (beyond the three mile radius) into their stores. Retail data from within a broader five-mile radius of Route 1/Main Street shows over \$100 million in retail “gap” or “leakage” from the trade area, indicating that this broader area is not saturated by retail offerings. Therefore, the Downtown Port Chester retail market is expected to continue to draw a mix of local and regional patrons even with the addition of the Proposed Project. As noted elsewhere in these Findings, the Proposed Project’s residents would also have the potential to inject an additional \$22.6 million in annual discretionary consumer spending into the local economy.

The Board finds that the anchors in downtown Rye are more civic in nature (e.g., City Hall, library, train station, YMCA, City Court) and would not be impacted by the proposed nonresidential components of the Proposed Project. These civic anchors support more than 120 businesses, many of which are independent shops and local chains, in ground floor space of approximately 210,000 square feet. For both of these reasons, the Board finds that the Proposed Project is not likely to have a significant adverse impact on the community character of the downtown Rye commercial area.

The Rye Ridge Shopping Center, which includes both the Rye Ridge and Rye Ridge South complexes (approximately 233,000 square feet) and Washington Park Plaza (approximately 163,000 square feet) together total approximately 396,000 square feet. Each of these areas/retail centers is significantly larger in overall size than the retail component of the Proposed Project. The character of the Project’s proposed commercial uses is also markedly different from the character of the Rye Ridge Shopping Center and downtown Rye, as reflected in the publically accessible open space at the core of the Project Site and the walkability and pedestrian-oriented nature of the Proposed Project. The public space, the mix of uses with both residential and commercial integrated into the development, and the pedestrian orientation differentiates the Proposed Project and the aforementioned commercial districts. For these reasons, the Board finds that the Proposed Project is not likely to have a significant adverse impact on the community character of the Rye Ridge Shopping Center.

Indirect Displacement

The Proposed Project is not anticipated to result in a significant adverse impact owing to indirect displacement of existing Village residents outside of the Project Site. The residential neighborhood to the north of the Project Site is well-established and is zoned for lower-density uses, which makes it unlikely to experience additional development or cause existing rents to increase and subsequently make the housing potentially unaffordable to existing residents. Immediately to the east of the Project Site are co-ops of medium residential density. While the Proposed Project may serve as a beneficial economic force for the Village and cause property values to rise incrementally, especially immediately adjacent to the Project Site, these co-ops have large portions of owner-occupants and, therefore, it is not likely that the potential for increased rents would create financial hardships and potential dislocation of a significant number of occupants.

Publicly Accessible Open Space

The Proposed Project includes several open space areas, primarily in the center of the Project Site, which would be publicly accessible. These areas would be owned and maintained by a Master Property Owner Association (“MPOA”), discussed below, which would also be responsible for the programming of events within these areas. Potential uses contemplated for these spaces include a farmer’s market, small stage area for performances, kiosks, etc. The MPOA will coordinate with the Village, especially in the event municipal approvals or permits are required for an event. Any activities occurring on the Project Site will be required to follow all applicable Village ordinances and regulations such as Chapter 224, Noise of the Village Code. It is contemplated by the Applicant that these uses would complement the proposed 90,000 square feet of street side retail and restaurant uses and provide an amenity for residents and their guests.

The Board finds that this publicly accessible open space is a major benefit of the Proposed Project. While privately-owned and maintained, the availability of this space to residents of the Village and the broader community is an asset to the Village and will help promote a more vibrant and economically successful project. In addition, the connection of this open space to Abendroth Park, an existing Village park, will be beneficial to users of the Park and the Project’s open space area.

Conveyance of Certain Roadways to the Village

The Applicant proposes to convey portions of the streets internal to the Project Site to the Village after the Proposed Project is constructed. Specifically, to replace the connection between High Street and northbound Boston Post Road, which will be removed as part of the Project’s proposed highway improvements, the Applicant proposes to dedicate to the Village the main entrance driveway from Boston Post Road to the first intersection and from that intersection west to High Street (See Figure 2). This conveyance will, after elimination of the northbound traffic signal on the Boston Post Road, convey existing – and future – High Street traffic to and from the Boston Post Road.

The area proposed to be conveyed to the Village along these roadways is curb to curb, excluding the center island in the entrance drive. The roadway is to be built to Village standards and specifications. In all cases, the Applicant has agreed that it would undertake snow plowing responsibility and maintenance of the utilities under these roadway sections in concert with other roadways on the Project Site. The Village would assume responsibility for all other maintenance, repair, safety control and ticketing, insurance and liability associated with those streets to be dedicated. In addition, the Applicant proposes to make the revenue of the approximately 42 on-street meters located on portions of the roadways not dedicated to the Village available to the Village, as allowed by New York State Vehicle and Traffic Law, which is estimated to generate approximately \$84,000 annually.

The Board finds that the approximately \$84,000 in estimated revenue from the private on-street meters, together with the other revenue generated by the Proposed Project for the Village as discussed below, is sufficient to cover the costs to the Village of maintaining this roadway and providing safety control and ticketing responsibilities, as well as insurance and liability. The Board also finds that it is important that access to and from High Street to northbound Boston Post Road remain on Village-owned roadways. Therefore, the Board finds that accepting dedication of those portions of the internal roadway described above, subject to the use limitations described above, is appropriate and in the best interests of the Village. The dedication shall be done in a manner and form satisfactory to the Village Attorney. Finally, to minimize the impacts of potential detouring, the Applicant shall make all reasonable efforts to establish the interior site roadway connection from High Street to Boston Post Road prior to the construction of the median in Boston Post Road that would restrict turns to and from High Street and northbound Boston Post Road. The Board will approve the sequencing of the Project and roadway construction during the site plan approval process.

PUBLIC POLICY

Village of Port Chester Comprehensive Plan (2012)

The 2012 Comprehensive Plan discussed the Project Site in detail and recommended the following:

“This Plan supports reactivating the United Hospital site as a mixed use development comprising some combination of a hotel/convention center, retail stores, restaurants, residential uses and community facilities. Potential new commercial uses would largely provide basic goods and services to residents living on or in close proximity to the new mixed use site so as to not adversely impact Downtown’s retail and commercial base. New residential development would be properly controlled so as to not result in potentially adverse impacts on public schools, traffic and infrastructure. Specifically, this Plan supports residential development that is primarily comprised of efficiency (studio), one-bedroom and two-bedroom dwelling units—configurations which generate relatively few school children. Senior housing and/or assisted living units would also be encouraged. Overall heights and densities would be of a scale and character in context with the surrounding area, taking into careful consideration adjacent uses, buffers, building locations and setbacks. The proposed new land uses and development patterns also will be closely coordinated with necessary access improvements with Boston Post Road.”

The Proposed Project’s mix of uses, the density of those uses, and the arrangement of the uses are consistent with the Plan’s recommendations. The unit mix that is included as part of the Proposed Project, which skews heavily towards studios, lofts, and one-bedrooms, is also in keeping with the goals of the Comprehensive Plan. In addition, as demonstrated in the D/FEIS and documented in these Findings, building locations, setbacks, and access have been designed to coordinate with the existing infrastructure and mitigate adverse impacts. In addition, the Comprehensive Plan envisioned a pedestrian-friendly development. The Proposed Project, through extensive site work prior to vertical construction, allows for this goal to be achieved by creating a large and relatively flat pad in the center of the Site.

Subsequent to the adoption of, and consistent with, the Comprehensive Plan, the Village adopted the current PMU Zoning District. The current PMU Zoning District limited FAR on the site to 1.0, achievable through a potential density bonus, and apportioned the allowable density between various uses. The Proposed Zoning would, among other things, increase the allowable density to 1.6, achievable via a potential density bonus, and remove the density limitations by use, while requiring that any project contain at least 25% non-residential uses by floor area.

Subsequent amendment to the PMU Zoning District was contemplated at the time that the PMU Zoning District was originally adopted. Specifically, in adopting the PMU Zoning District, the Board stated in its *Environmental Findings* that: “The Village Board of Trustees: approves the PMU Planned Mixed Use scenario, recognizing that the owner’s proposal for rezoning and redevelopment of that site and concomitant detailed, comprehensive site-specific environmental review under SEQRA could result in modifications to this district.” The *Findings* also stated that, “some variant of [the PMU] district could be found, after a site-specific review, to be as or even more consistent with the [Comprehensive Plan than the PMU district adopted].”

As stated above, the Board finds that the Project proposed by the Applicant is consistent with the Comprehensive Plan. Further, the Board finds that the Proposed Zoning is consistent with the Comprehensive Plan’s goals of creating a pedestrian-oriented, mixed-use development that has little impact on the School District as part of an overall Village plan to “encourage a balanced range of housing types and densities in the Village”.

Third Regional Plan

The Regional Plan Association’s *Third Regional Plan* focuses on three inter-related core objectives – Economy, Equity and Environment – that help foster the enhanced quality of life goal of the Plan. The *Third Regional Plan* identifies five initiatives for reinforcing the core objectives. Selected recommendations of the Plan that are related to the Proposed Action include: reinvest in urban parks, public spaces and natural resources; restoring and creating new spaces in urban neighborhood and along waterfronts; create incentives for new development and investment in transit- and pedestrian friendly centers throughout the region, so they have the quality of life that makes living and working in centers worthwhile; and, improve public and private decision-making processes, incorporating sustainable economics in accounting and tax and regulatory systems and utilizing smart infrastructure approaches to capital investments. The Proposed Project incorporates a publically accessible open space component which helps to tie the residential, office and retail components together. Further, the Proposed Project incorporates pedestrian connections to Boston Post Road and

Abendroth Park, integrating a pedestrian friendly center within the existing neighborhood. The Proposed Zoning includes design criteria that require public access to Abendroth Park be provided. The specific details of connections to Abendroth Park would be prepared as part of the site plan approval process and would be reviewed by the Board to ensure that the Site integrates with the Park to the maximum extent practicable. As such, the Board finds that the Proposed Action is consistent with the *Third Regional Plan*. The Board finds that the integration of the Site with Abendroth Park is an important benefit, and that the Applicant's plans cannot negate open access and integration, including by the unnecessary installation of fences or other obstacles to open access and integration.

Village Strategic Plan (2014)

The Village adopted a Strategic Plan in 2014, which included goals to strengthen the tax base, recruit new establishments, brand the Village to facilitate economic development, improve the Village's commercial areas, encourage new investment, and create more attractive locations for visitors and residents. The Board finds that the Proposed Project is consistent with these goals. Specifically, the Proposed Project will reuse a large vacant site located at the gateway to the Village and make a substantial investment in the Village. The Village tax base would be expanded and new businesses would be developed. In addition, the strategic intersection along Boston Post Road would be made more attractive and inviting for visitors and residents.

Route 1 / North Main Street Corridor Study (2012)

The Proposed Project includes a mix of uses consistent with those outlined in the 2012 Route 1 Corridor Study, with the addition of a residential component, which is otherwise consistent with the Comprehensive Plan. The traffic improvements included as part of the Proposed Project would enhance circulation along the western portion of the Boston Post Road corridor proximate to the Project Site. As such, the Board finds that the Proposed Project is consistent with the 2012 Route 1 Corridor Study.

Westchester County Planning Documents

The Board finds that the Proposed Project is consistent with the 'high density urban' development envisioned for the area in and around the Project Site by the County's *Patterns for Westchester* master plan.

ZONING

Village of Port Chester's Site Plan Review Criteria

The Village's Zoning Code includes several considerations that must be included in an agency's review of a Site Plan application. While a final site plan has not been submitted for the Proposed Project, the consistency of the Proposed Project with the site plan criteria can be preliminarily evaluated. These criteria would not be modified by the Proposed Zoning.

a) The proposed development should conform to this chapter, the Master Plan, the Urban Renewal Plan and Coastal Zone Management Plan, if applicable.

Final determination of compliance with the PMU regulations and all other requirements of the zoning code will be made during the review of a site plan application. However, as stated elsewhere in these Findings, and with the limitations included herein, the Proposed Project is consistent with the Village's Master Plan (the 2012 Comprehensive Plan). The Project Site is not located in an Urban Renewal Area or the Coastal Zone.

b) The development should be harmonious with the surrounding neighborhood, functional and aesthetically pleasing. The components of the Site should complement each other.

The Board finds that the arrangement of uses, with commercial uses along Boston Post Road and residential uses further back in the Site, is appropriate and in harmony with the surrounding uses. The Conceptual Site Plan proposed presents an aesthetically pleasing environment with street level vitality and an emphasis on architectural design, which is also required by the Proposed Zoning. In addition, the street grid proposed will complement the mix of uses and their placement on-Site and will encourage pedestrian activity throughout the Site. The final determination of compliance with this criterion will be made during review of a site plan application.

c) The plan should provide for safe and convenient vehicular and pedestrian traffic circulation both within and without the site, should not negatively impact the traffic conditions of the surrounding roadway systems, and should organize vehicular and pedestrian ingress and egress in a well-defined system in order to avoid conflicts.

The Conceptual Site Plan organizes vehicular and pedestrian access in an appropriate manner. Wide sidewalks and properly marked crosswalks are appropriately included at the Site's main entrance and within the Site. The impacts of the traffic associated with the Project are discussed elsewhere in these Findings. However, the Board finds that all impacts

of the Project on traffic have been mitigated to the maximum extent practicable, consistent with the balancing of social, economic and other considerations related to the Project. The Board also notes that with the road improvements proposed, traffic along Boston Post Road would experience an overall increase in travel speed, even with the addition of Project-generated traffic.

d) The proposed development should provide for adequate off-street parking and loading for the uses proposed.

As discussed elsewhere in these Findings in greater detail, the Conceptual Site Plan proposed provides adequate parking for the uses proposed on-Site and takes advantage of varying times of peak parking demand so as not to create an oversupply of parking. The Conceptual Site Plan provides adequate space for appropriate loading areas to be provided. The final design of those loading areas must be evaluated during any future site plan review to ensure they comply with the requirements of the Zoning Code, that they are sufficient in size and area, and that they are appropriately located to serve their intended purpose.

e) The proposed development should provide adequate facilities for the physically handicapped such as ramps, depressed curbs and reserved parking spaces.

Sidewalks along Boston Post Road would include ADA compliant curb ramps. In addition, the site plan must include the required amount of handicapped parking in appropriate locations, as well as appropriate provisions for the physically handicapped such as ramps and depressed curbs throughout the Project Site. This requirement is of special importance as the Proposed Project includes an age-restricted housing component, which may include a higher percentage of residents with physical disabilities than non-age-restricted housing. The final determination of compliance with this criterion will be made during the review of a site plan application when final design of these facilities is presented.

f) The proposed development should attempt to preserve the natural features of the site, such as wetlands, unique wildlife habitats, historic structures, major trees, and scenic views both from and into the Site.

The Project Site contains no significant natural features or habitats and does not contain any historic structures. The potential visual impacts of the Proposed Project are discussed elsewhere in these Findings and the Board finds that the Project as proposed would not have an adverse impact on views into or out of the Project Site. Finally, as required elsewhere in these Findings, the Applicant shall preserve existing on-Site mature trees to the maximum extent practicable, especially along the edges of the Project Site. The location, size, species, and condition of all trees proximate to the northern and eastern boundaries of the Project Site, and in any other locations where trees may be preserved, shall be surveyed and a tree removal and protection plan shall be developed as part of any site plan approval for the Proposed Project. As described below and in accordance with the conceptual landscape plan submitted, the Applicant shall include in their site plan application a detailed landscaping plan that utilizes native species to the maximum extent practicable and includes landscaping at varying scales that is reflective of its location within the Site.

g) Adequate storm- and surface water drainage facilities which will properly drain the site while minimizing downstream flooding shall be provided for.

As discussed elsewhere in these Findings, the Proposed Project has been shown to be able to adequately manage storm and surface water drainage through a system that would not exacerbate any existing downstream flooding condition. Compliance with this criterion would be reviewed during the review of any site plan approval in conjunction with the Village's review of the final stormwater management design.

h) All utility systems, including electric, telephone, cable television, etc., should be placed underground where possible.

All electric and telecommunication lines shall be placed underground throughout the Project Site, with the exception of wireless telecommunications facilities.

i) All connections to collector and regional sewage systems must be designed in accordance with local and Westchester County Treatment Standards.

Final design of the connections to the sewer system will be done in accordance with local and County standards and the design of the sewer system improvements proposed will be subject to review by the Village.

j) Landscape techniques, such as the use of various plantings, water features, earth berms, textures in paving materials and other site amenities, should be used to improve the appearance of the site, and in defining pedestrian areas, provide screening from

surrounding uses and ensure harmony with adjacent areas. All accessways, streets and parking areas should be adequately lighted.

The Applicant has provided a conceptual landscape plan. The Board finds that the Conceptual Site Plan proposed provides adequate and appropriate space for landscaping that meets this criterion to be installed and includes the appropriate type and variety of materials. Compliance with this criterion will be determined upon review of a site plan application; specifically, the Village will review the final landscape and lighting plans to ensure that the Site is developed in the manner proposed in the D/FEIS and is reflective of the high-quality design that is a major benefit of the Proposed Project.

i) The proposed development should reflect adequate fire safety measures.

The Fire Department has indicated that with the type of construction proposed, which would include sprinklered buildings, it is not expected that any new apparatus would be required to serve the Project. As stated elsewhere in these Findings, booster pumps with backup power supplies and/or storage tanks will be required to provide adequate fire flow to the top floors of Site buildings. Final design of the Proposed Project will require Village and Fire Department review of fire access to each building, structure, and place of public assembly. In addition, the adequacy of the Project's internal driveways, intersections, and parking lots to accommodate the appropriate emergency response vehicles must be confirmed during review of a site plan application. Finally, the Proposed Project must meet all applicable building and fire code regulations.

Setbacks

As currently exists in the PMU Zoning District, the Proposed Zoning does not include yard setback requirements in order to promote flexibility in overall site development. However, the setbacks proposed for the Proposed Project have a direct impact on the surrounding land uses, the pedestrian experience along Boston Post Road, the pedestrian experience within the Project Site, and the perceived mass of the buildings from the public rights of way. The Board finds that the manner in which the Conceptual Site Plan has been designed is appropriately protective of adjoining land uses, including the co-ops on South Regent Street and Abendroth Park. Further, the expansive sidewalks created along the Boston Post Road frontage and within the Project Site as a result of the setbacks proposed help to appropriately locate the mass of the Site's buildings. In the event that the Applicant proposes during site plan review meaningful changes to the building and parking setbacks conceptually presented in the FEIS (Exhibit III.A-6, included here as Figure 3), any such changes may have the potential to change the impacts of the Proposed Project on neighboring properties and on the aesthetic benefits being created for the Village's gateway, which are major benefits of the Project, and would require additional evaluation.

Open Space

The Proposed Zoning does not change the current requirement that a project provide 100 square feet of "usable open space" per dwelling unit. In addition, the Conceptual Site Plan demonstrates that the Proposed Project could accommodate the required "usable open space" required for 730 dwelling units. During site plan approval, confirmation of the plan's ability to meet this standard will be required. The Board finds that the open space proposed, which consists of hardscaped sidewalks along Boston Post Road, open space areas along the Site's eastern boundary, courtyards within the "C-Block" residential buildings, and the publicly accessible open space in the middle of the Site provides the appropriate mix of open space required for residents, employees, and visitors to the Site. In addition, the Board finds that the integration of the Site with Abendroth Park is an important benefit, and that the Applicant's plans cannot negate open access and integration, including by the unnecessary installation of fences or other obstacles to open access and integration.

Proposed Amendments to the PMU Zoning District Regulations

As stated above, the Applicant has petitioned the Village Board for an amendment to the Village's Zoning Code that would modify the PMU Zoning District regulations and make other, conforming amendments to the Zoning Code². The Board finds that the amendments proposed by the Applicant, as described above, are consistent with the Comprehensive Plan, which envisioned a Site-specific environmental review of a project for the Project Site. Further, the amendments proposed strengthen the intent of the PMU Zoning District to create a vibrant mixed-use, pedestrian-oriented development at a strategic location at the Village's gateway. The Proposed Zoning codifies the high architectural standards proposed for the Project and mandate energy efficiency measures throughout the District. Finally, the Proposed Zoning creates a tailored incentive zoning program for the District

² The Proposed Zoning does not constitute spot zoning. As described above, the Proposed Zoning is consistent with the goals and objectives of the Comprehensive Plan and has been designed to serve the interests of the general community.

that is reflective of the constraints of the Project Site and the uniqueness of the development proposed.³

Section F of the Proposed Zoning establishes design criteria for site plans within the PMU district. The criteria establish the basic parameters of any Project within the Zoning District (i.e., that the site must be developed as one project with an interior street grid), require a pedestrian and bike-oriented design, require connectivity to Boston Post Road and Abendroth Park, require high-quality architecture that enhances the public realm and promotes visual variety, and require a pre-approved list of streetscape features (lights, trees, furnishings) and signage features (size, location, illumination) that are allowed to be installed within the Site. The Proposed Project is consistent with these criteria. However, compliance must be confirmed during the review of any site plan application for the Proposed Project by the Board.

The Board finds that the term ‘efficiency’ as used in the Proposed Zoning, while consistent with the Comprehensive Plan and the current PMU zoning, could create confusion as to the type of residential dwelling unit proposed. Therefore, any amendments to the PMU Zoning District should replace the word “efficiency” with “efficiency or studio” to more accurately define the type of unit being proposed.

SUBDIVISION

The Proposed Project contemplates the potential future subdivision of the Project Site after construction. Subdivision shall be required prior to conveyance of ownership of any land within the Project Site of anything less than the entire Project Site, except for conveyances related to the widening of Boston Post Road and the conveyance of 999 High Street to the owner of the balance of the Project Site prior to Site construction. Subdivision of the Project Site would be subject to the procedures set forth in Chapter A402 of the Village Code, as applicable.

Subdivision of the Site may occur into the five ‘blocks’ of the Project. In addition, other potential lots may be created for the ‘shared’ spaces within the Project, including the central open space, private driveways, and parking areas. In all cases, the bulk standards and other dimensional requirements of the PMU District shall apply to the entire “PMU site”, as defined in the Proposed Zoning, regardless of ownership. Any future subdivision of the Site must, by means of deed restrictions, permanent easement, or some other form acceptable to the Village Attorney, preserve the cross-access to parking and open space that is the foundation of the Proposed Project, as well as ensure the continued maintenance of those public spaces.

MASTER PROPERTY ASSOCIATION

The Applicant proposes to establish a Master Property Owners Association (“MPOA”) that would enforce the conditions that may be applied to the Project Site as part of the site plan approval process. The MPOA would include all property owners, regardless of the type of use. The MPOA would be responsible for the maintenance and upkeep of the roads, sidewalks, landscaping and Site amenities, with the exception of that portion of the street system proposed to be dedicated to the Village. This includes the maintenance and programming of the open space.

The Board finds that the establishment of a MPOA is critical to assuring the appropriate ongoing maintenance of the Project Site, as well as to providing consistency in the visual character of each of the Project’s components. While any restrictions, conditions of approval or covenants would run with the land, the establishment of the MPOA would provide the Village with a single point of contact for the Project and would ensure that all future property owners would be aware of the standards to which their property would be held. Therefore, the Board finds that any future site plan approval for the Proposed Project shall include the establishment of a MPOA to meet these purposes. The means by which the MPOA will enforce the conditions of any Site Plan for the Proposed Project on future tenants and or owners must be approved by the Village Attorney and the Director of Planning and Economic Development as a condition of site plan approval.

³ As stated in Section B.3.c of the Proposed Zoning, the Special Exception Use Regulations do not apply to any of the Permitted Principal uses, consistent with the practice in other zoning districts. However, the Board notes that the adoption of the Proposed Zoning would be consistent with the purpose of the Zoning Regulation, as described in §345-1, and with the general requirements for Special Exception uses as described in Article X of the Zoning Regulation. Specifically, the Proposed Project is particularly suitable for the Project Site and is consistent with the Comprehensive Plan of the Village. Potentially adverse impacts, including those related to congestion and traffic access, have been minimized to the maximum extent practicable consistent with the other social and economic goals of the Village. Similarly, the Proposed Project would not inhibit the development of other properties proximate to the Project Site and the benefits to the proximate properties and the Village as a whole from the Proposed Project would outweigh the potential adverse impacts, described below. Of note, adequate traffic access and circulation are provided, as described below.

VISUAL RESOURCES

ON-SITE VISUAL CHARACTER

The Project Site is visually dominated by the former hospital building, which is set back from Boston Post Road, but located on the highest portion of the Site. The 12-story 999 High Street building is also visible from Boston Post Road and points to the north and west.

Impacts on existing visual resources occur as a result of the Proposed Zoning, as well as from the implementation of the Conceptual Site Plan submitted by the Applicant. The Board finds that a project designed in keeping with the intent of the Proposed Zoning would result in several significant positive visual benefits to the Village. The Board finds that the Conceptual Site Plan proposed by the Applicant would have significant positive benefits to the visual resources of the Village through the creation of an immersive, pedestrian-oriented place with an extensive public open-space in the middle of the Site, a street grid that limits dead end streets, the placement of street-level retail and other active uses throughout the Site, the thoughtful design of the pedestrian spaces as reflected in the Site renderings, and the proposed architectural design of the Site's buildings. Development and approval of Site-specific design standards, as required in §345-62 (F) of the Proposed Zoning, is necessary to ensure that the intent of the Zoning District is met through any future Site Plan application. As such, review and approval of Site-specific design standards is required as part of any future site plan approval for the Proposed Project. The Board intends that these design standards be reflective of the design concepts and details presented in the D/FEIS, specifically in Chapter II of the DEIS and FEIS. Any deviations from these standards may affect the benefits provided by the Proposed Project and may have adverse impacts that would need to be further evaluated by the Board.

OFF-SITE VISIBILITY OF PROPOSED PROJECT

The Board finds that, as discussed below, the visual impacts of the Conceptual Site Plan resulting from visibility of the Site's buildings from specific Vantage Points surrounding the Site do not create any significant adverse impact. While the visibility of the Site will change, the impacts of that change are largely beneficial. These benefits include the creation of a 'street presence' along Boston Post Road, the construction of buildings with more attractive and varied architectural styles to give the appearance of a place that grew over time, and the opening of the Site with a landscaped public street.

The Applicant has also proposed a conceptual landscaping plan to enhance the visual character of the Project. As proposed, the landscaping plan utilizes native species to the maximum extent practicable and includes landscaping at varying scales that is reflective of its location within the Site. Central elements of the landscaping plan proposed include the median within the main roadway, street trees along all roadways, appropriately scaled plantings within the public open space areas, and landscaping around and within surface parking areas. In addition, landscaping around the edges of the Project Site that abut Abendroth Park and the residential buildings along South Regent Street and Gilbert Place shall be installed to mitigate potential visual impacts from the Proposed Project, as discussed below, and existing trees shall be retained to the maximum extent practicable.

Any significant change to the Conceptual Site Plan would have the potential to create new significant adverse impacts even if the site plans are compliant with the bulk requirements of the Proposed Zoning. Accordingly, the impacts discussed below, and upon which these Findings are based, are based on the Conceptual Site Plan described and studied in the D/FEIS.

Grandview Avenue North of Project Site

The top of the 12-story residential building at 999 High Street is currently visible from this Vantage Point. With the Proposed Project, the six-story age-restricted housing buildings would be visible at a comparable scale because the age-restricted housing would be significantly closer to the Vantage Point than the existing structure at 999 High Street. As the scale and general character of the existing view does not substantially change, the Board finds there is no significant impact from the change in visibility of the Site from this Vantage Point.

Touraine Avenue North of Project Site

The Proposed Project would be visible from this Vantage Point, whereas the existing buildings on-Site are not. This change in visibility is not considered a significant adverse impact as the view would be of a multi-family residential building from a currently densely populated residential neighborhood. In addition, the scale of the building that is visible, the age-restricted multi-family building, is similar to other area residential buildings and would be viewed from across Abendroth Park, which contains extensive landscaping.

Abendroth Park Access at Touraine Avenue

The Proposed Project's buildings would be more visible from this Vantage Point than the existing Site buildings. To mitigate this impact, vehicular activity must be largely screened from the Park and an appropriately-scaled landscaping plan that includes deciduous and evergreen trees and shrubs must be developed for review and approval during any site plan

review. The landscaping should complement the existing park vegetation. In addition, to the extent practicable and in consideration of the specific Park and or Site connection features along the Site's perimeter, Project-generated lighting shall not illuminate the Park's ground surface. With these mitigation measures in place, and owing to the existing residential character of the surrounding area, this change in visibility will not result in a significant adverse impact nor create a significant adverse impact to users of the Park.

South Regent Street

The Proposed Project's residential buildings will be more visible than the existing on-Site hospital structures from this Vantage Point. However, under the Conceptual Site Plan proposed, the view will be of a residential building at approximately the same height as the co-ops at 330-350 South Regent Street. The façade of the Project's residential building facing South Regent Street will be of a similar, high-quality design as the facades that face the interior of the Project Site. In addition, there will be no on-Site vehicular activity between the Project's buildings and South Regent Street. A landscaping program that includes deciduous and evergreen trees and shrubs must be installed between the Project's residential buildings and the residential uses on South Regent Street and Gilbert Place, to the extent practicable. In addition, to the extent practicable and in consideration of the specific Site features along the Site's perimeter, Project-generated lighting shall not illuminate the adjacent property at this location. With these mitigation measures in place, and owing to the existing residential character of the surrounding area and the setbacks proposed (~27 feet), this change in visibility will not result in a significant adverse impact.

Boston Post Road

The Proposed Project would be visible from Boston Post Road at both the Kohl's shopping center and further east towards Olivia Street. From the east, the Proposed Project would appear to be of a similar scale to the existing hospital buildings, though concentrated more at the street level of Boston Post Road. From immediately across Boston Post Road at the Kohl's shopping center, the change in Site visibility would be considerable. A view of a predominantly monolithic architectural design removed from Boston Post Road would be replaced with a Site design that fronted Boston Post Road with active, pedestrian uses. Buildings would be stepped back from Boston Post Road in their height. A landscaped public roadway would lead into the Site, which would provide a welcoming entrance to both visitors of the Site and those that are passing by the Site. The Board finds that this change in view has the potential to have a significantly beneficial impact on the visual character of the Village. As the 'front door' of the Project Site is of significant strategic importance to the Village, the Board finds that the design of this portion of the Project must reflect the highest standards of architectural and building design and be complemented with appropriate Site-landscaping and lighting. Proper design of this gateway is critical to achieving the potential significant positive visual impact that is one of the primary benefits of the Proposed Project.

Views from the West of the Project Site

The Proposed Project would result in minimal, almost imperceptible changes in visibility of the Project Site from the northwest along High Street, and the southwest along Boston Post Road in Rye. These changes in visibility are not significant changes nor are they adverse impacts to visual resources.

OTHER VISUAL IMPACTS

Landscaped Median on Boston Post Road

The Applicant proposes to construct a raised, landscaped median in Boston Post Road at its intersection with High Street to facilitate required traffic improvements. The Applicant further proposes to install a significant piece of art in this median that is reflective of the Village's history and character and that serves as a visual welcome to Village. The Board finds that these improvements are critical to the overall benefits of the Proposed Project and must be included as part of any future site plan approval for the Proposed Project. Final design of this median must be reviewed and approved by the NYSDOT and, as a condition of site plan approval, by the Village's consulting traffic engineer for its operation. The Board finds that the final design of this median is of special significance to the Village as it will significantly change the character of the Village's southern gateway. As such, the design of this median must also be reviewed and approved by the Village's Director of Planning and Economic Development, as a condition of any future site plan approval.

Wireless Antennae

The Proposed Project includes the relocation of existing wireless antennas on 999 High Street to the top of the medical/office building. The Applicant proposes to use one or more stealthing techniques, which would be integrated into the building's overall architecture. The Board finds that incorporation of stealthing techniques is critical to the overall visual benefit proposed by the Project. As such, the details of the specific stealthing technique(s) proposed, and appropriate visual simulations confirming that the appearance of these antennas is

appropriately stealthed, must be reviewed and approved by the appropriate Village agency during any future site plan or special exception approval.

On-Site Lighting & Signage

On-Site lighting must comply with the Village of Port Chester's Code, as well as the intent of the PMU Zoning District. Adequate lighting to provide safety is required. However, light spillage onto adjacent properties shall be avoided to the maximum extent practicable. All on-Site lights shall be shielded to avoid impacts to the night-sky. Finally, a photometric plan must be prepared as part of any site plan application to ensure that these requirements, and the requirements related to off-Site light spillage enumerated above, are met.

A sign management plan must be developed for review and approval by the Board during any Site Plan approval. The plan shall detail the type, size, location, and illumination of signs that are permitted on the Project Site. Any changes to the sign management plan must be approved by the Board.

STORMWATER MANAGEMENT

The Project Site currently contains approximately 10.57 acres of impervious surface. Much of the Site contains bedrock at or close to the surface, reducing the opportunities for infiltration of stormwater runoff. The Site runoff now enters the Village's stormwater system. Although much of the Site is now impervious, the Proposed Project would increase this impervious area by approximately 2.2 acres. The Applicant has prepared a preliminary Stormwater Pollution Protection Plan ("SWPPP"). The SWPPP must be finalized in accordance with New York State Department of Environmental Conservation ("NYSDEC") and Village standards based upon any final site plan for the Proposed Project. With the implementation of a SWPPP in accordance with NYSDEC and Village standards, no significant adverse impacts from the increase in impervious coverage and resultant stormwater runoff, including any existing downstream flooding issues, are anticipated.

The preliminary SWPPP anticipates that total stormwater runoff volume and peak stormwater runoff rates would be reduced by the Proposed Project as compared to current conditions and therefore the Proposed Project would have no adverse impact as a result of the Site's stormwater discharge. The Applicant plans to achieve this reduction through the implementation of oversized infiltration practices, hydrodynamic structures for water quality treatment and the installation of detention systems and green infrastructure practices throughout the Proposed Project. Given the large amount of impervious surface proposed for the Site, both in absolute terms and relative to the size of the Project Site, the existing load on this stormwater system to which the Site discharges, and the existing condition of the stormwater system serving the Site, the Board finds that any site plan for the Proposed Project shall minimize the stormwater runoff from the Project Site to the maximum extent practicable and shall, consistent with the preliminary SWPPP, reduce runoff volumes and runoff rates from the current condition. Green infrastructure practices and the preservation or construction of 'green' spaces throughout the Site must also be maximized to the maximum extent practicable during final site plan design.

The preliminary SWPPP described in the D/FEIS treats the entire Site as one Project for purposes of designing a stormwater management system. Separate systems for each of the Site's proposed 'blocks' are not contemplated. As such, the final SWPPP presented for any site plan for the Proposed Project must likewise contemplate development of the entire Site. The Board finds this is essential to meeting the stormwater management objectives.

The final SWPPP must be reviewed and approved by the Village during site plan approval and must meet the requirements of the NYSDEC Design Manual, which requires treatment of 25% of the volume of stormwater resulting from areas that were impervious prior to development and 100% of the stormwater resulting from the addition of impervious area. Soil testing must be conducted in the presence of the Village Engineer or Village consulting engineer to confirm the appropriateness of the stormwater practices proposed for the various practice location (this is in addition to soil testing previously conducted by the Applicant). Detailed design of the stormwater management system, including cross-sections at each stormwater infiltration and/or detention system, must be provided during final design. Cross-sections must include existing and proposed grades, stormwater system invert elevations, and elevations of bedrock and groundwater, when encountered.

The stormwater drainage system that serves the majority of the Project Site travels through the Kohl's shopping center, beneath the Metro-North railroad tracks, and across the Home Depot shopping center to Midland Avenue. As described in the FEIS, a TV inspection of that system identified several existing defects, including deformations, obstacles, intrusions, holes, and infiltration stains. During site plan review, the Applicant must confirm the ownership of the off-Site drainage lines serving the Proposed Projects. To the extent that the Applicant is currently required to contribute to the on-going maintenance of these lines, the Applicant shall be required to pay their fair share of future maintenance costs associated with these lines.

UTILITIES

WATER SUPPLY

The Project Site is served by Suez, formerly known as United Water. The Proposed Project will remove the existing on-Site supply lines and install new 8-inch and 12-inch water mains that connect to the existing mains at four locations; two in High Street and two in Boston Post Road. Based on the mix of uses proposed, the Proposed Project is anticipated to have a combined domestic and irrigation water demand of 183,000 gallons per day. As the Project Site is currently vacant, the net increase in water usage attributable to the Proposed Project is this volume. (The Board notes that this amount is similar to the former hospital use, which ceased a decade ago, though the times and amount of peak usage are likely different.)

Based on hydrant flow tests, the proposed development program, and the proposed on-Site water system improvements, Suez has indicated that adequate water capacity and pressure exists to serve the Proposed Project based on its water-system model. During a worst case scenario, where a fire fighting demand within the Village occurs at the same time as a period of peak usage, the Village consulting engineer determined that booster pumps or tanks would be required to maintain adequate water pressure at the upper floors of certain buildings. All booster pumps will require auxiliary power (i.e., standby generators). The final design of these systems must be reviewed and approved by the Village Engineer or Village consulting engineer (as determined by the Board) and will be required to meet the requirements of the New York State Plumbing Code and the Westchester County Department of Health Code. Booster pumps shall be located within building mechanical space and, to the maximum extent practicable, water storage tanks shall be shielded from public view. The Board notes that, as stated elsewhere in these Findings, the aesthetic and visual improvements of the Project Site are important benefits of the Proposed Project.

Installation of new, and relocation of existing, water mains must be done in a manner that minimizes impact to the offsite system and customers. All such methods must be reviewed and approved by Suez and, as part of any site plan approval process, the Village. In addition, all utility work occurring within Boston Post Road must be coordinated with the roadway and other utility improvements planned so as to minimize disruption to this important thoroughfare.

Finally, the Applicant proposes to utilize a planting palette that prioritizes native species adapted to the region's climate to reduce the need for irrigation. Irrigation that is used will be highly efficient, such as drip irrigation and rain sensor controlled systems.

The Board finds that with these measures, the Proposed Project would not have a significant adverse impact with respect to water supply.

SANITARY SEWER SYSTEM

The Proposed Project is anticipated to have an average daily sewage flow of 165,000 gallons and a maximum hourly flow rate of 602,000 gallons per day. As the Project Site is currently vacant, the net increase in sewage generation attributable to the Proposed Project is this volume. (The Board notes that this amount is similar to the former hospital use, which ceased a decade ago, though the times of peak generation and the amount of peak generation are likely different.) The Port Chester Wastewater Treatment Plant, operated by Westchester County, has the capacity to treat the amount of sewage estimated to be generated from the Proposed Project. The Proposed Project would connect to the existing sanitary sewer system in four locations; two along its High Street frontage and two along its Boston Post Road frontage. The on-Site sanitary system will be reviewed and approved as part of any site plan approval for the Proposed Project and is subject to approval from the Westchester County Department of Health.

To mitigate the impact of this increase in Site-generated sewage, and in accordance with County policy, any future site plan application for the Proposed Project must remove existing inflow and infiltration (I&I) to the sewer system at a ratio of three to one. The Applicant has proposed to contribute \$495,000 towards the removal of I&I. Approval of any future site plan for the Proposed Project will be conditioned on the Applicant providing those funds to the Village of Port Chester for the express purpose of removing I&I.

The Applicant conducted a survey of the sub-sewer system in which the Project Site is connected to identify pipe size and rim invert and elevations. The Applicant also performed dry weather flow monitoring within the same system. Using that information, combined with TV inspections of the sewer line performed by the Village consulting engineer and the Applicant, the capacity of the sub-sewer system was determined. This analysis demonstrated that several improvements to the sub-sewer system are required to adequately serve the flow from the Proposed Project. The Applicant shall be required to design and install the following sewer system improvements as part of any future site plan approval for the Proposed Project:

- Line the existing sewer in High Street from MH 90536 to MH 90533 (Boston Post Road) with Cured-in-Place Pipe (CIPP).
- Line the existing sewer in Boston Post Road from MH 90526 (South Regent Street) to MH 90523 with CIPP.

Reconstruct the sewer lines between MH 90533 (High Street) and MH 90526 (South Regent Street) with new pipes and manholes. Existing manholes would be removed and the existing sewer pipe would be abandoned in place and filled with Control Low Strength Material (“CLSM”) or the pipe would be removed.

Reconstruct the sewer lines between MH 90523 to MH 90507 (Olivia Street) with new 15-inch pipe and manholes. Existing manholes would be removed and the existing sewer pipe would be abandoned in place and filled with CLSM or the pipe would be removed.

The final design of these improvements, including profiles showing existing and proposed inverts and other standard design information, must be reviewed and approved by the Village Engineer or Village consulting engineer as a condition of site plan approval. All utility work occurring within Boston Post Road must be coordinated with the roadway and other utility improvements planned so as to minimize disruption to this important thoroughfare.

As no significant wet weather events occurred during the time of flow monitoring, the extent to which pipe capacity might be diminished in wet weather events could not be ascertained. Therefore, any site plan approval for the Proposed Project shall be conditioned on additional confirmatory flow monitoring that includes a wet weather event. If significant inflow conditions are discovered by this monitoring, the monetary contribution required above for the removal of inflow and infiltration would be applicable and may be used in all or in part to effectuate corrective measures that would assure adequate sewer capacity to meet the Project’s demand. Similarly, any site plan approval for the Proposed Project shall be contingent on smoke testing to identify any significant sources of illicit connections to the sub-sewer system that may similarly reduce the capacity of the system to serve the users, including the Proposed Project. The removal of illicit connections identified in the studies will be performed by the Village as part of a future I&I removal program.

The Board finds that with the measures proposed, the Proposed Project would not have a significant adverse impact with respect to sanitary sewer service.

GAS, ELECTRICAL, CABLE, TELECOMMUNICATIONS

The Proposed Project is anticipated to use 161,267.4 MMBtu of energy (electricity and gas usage) per year. While ConEdison, the service provider, has informally indicated that they have the capacity to serve the Proposed Project without off-Site improvements, any site plan approval for the Proposed Project will be contingent on receipt of a written ‘will serve’ letter. All utility work occurring within Boston Post Road must be coordinated with the roadway and other utility improvements planned so as to minimize disruption to this important thoroughfare. Portions of public roadways that are disturbed must be resurfaced in a manner approved by the Village. All electric and telecommunication lines shall be placed underground throughout the Project Site, with the exception of wireless telecommunication systems.

No significant adverse impacts with respect to the provision of telecommunications services are anticipated from the Proposed Project. As such, no mitigation is required.

TRAFFIC AND TRANSPORTATION

TRAFFIC OPERATIONS

A Traffic Impact Study (“TIS”) was performed to evaluate the potential impacts to the traffic network from the Proposed Project and was discussed in the DEIS, with the full report in Appendix E of the DEIS. Based on the review and comments by the Board, members of the public, the Village’s consulting traffic engineer, the NYSDOT (an Involved Agency), the Village of Rye Brook’s traffic consultants (an Interested Agency), and the City of Rye’s traffic consultants (an Involved Agency), the TIS study was modified (the “modified TIS”). The modified TIS was discussed in the FEIS and the full study is Appendix E to the FEIS. The Board bases its Findings regarding the impacts of the Proposed Project with respect to traffic and transportation on this Modified TIS.

The modified TIS used standard methodology, and in some cases modified methodology to create a ‘conservative’ analysis of potential impacts (i.e., an analysis that is likely to overstate traffic impacts due to assumptions in the computer modeling methodology that are not likely to be realized, or fully realized). The incremental impacts of the Proposed Project as identified in the modified TIS are similar to the TIS presented in the DEIS. The Board notes that extensive coordination between involved and interested agencies regarding the potential traffic impacts of Proposed Project was conducted. This included six meetings hosted by NYSDOT to discuss the Project, to which representatives from the Applicant, the Village of Port Chester, City of Rye, and Village of Rye Brook were invited and generally attended. In addition, the Board has held several workshops, a public hearing, and meetings at which the traffic impacts were discussed and comments received.

With the specific exceptions noted below, the Board finds that the improvements proposed by the Applicant are required to mitigate the Project’s impacts to the maximum extent practicable. While some improvements also serve to benefit the traffic network more generally and improve upon existing or expected conditions without the Project, the improvements proposed would not be

required but for the Proposed Project. Improvements required by this Finding Statement shall be included as conditions of any site plan approval for the Proposed Project and shall also require the review and approval of all applicable permitting agencies.

Methodology

To evaluate the impacts of the Proposed Project, capacity analyses were conducted. Capacity analysis is a method by which traffic volumes are compared to the calculated roadway and intersection capacities to evaluate existing and future traffic conditions. The methodology used is described more fully in the 2010 Highway Capacity Manual published by the Transportation Research Board. In general, the term “Level of Service” (“LOS”) is used to provide a “qualitative” evaluation based on certain “quantitative” calculations related to empirical values. Level of Service “A” represents the best traffic operating condition and Level of Service “F” represents the worst traffic operating condition with the varying levels in between. Levels of Service for signalized and unsignalized intersections are defined in terms of average delay. Delay is used as a measure of driver discomfort, frustration, efficiency, etc. For signalized intersections, delay is based upon a number of variables, including traffic volumes, geometry, cycle length and green time, etc. For unsignalized intersections, delay is based upon the availability of gaps in the mainline traffic stream and the acceptance of the gaps by motorists waiting on the side street to enter the traffic flow. Level of Service for ramp junctions is defined in terms of density (passenger cars per mile per lane - “pcpmpl”). Table 1, Level of Service Standards, summarizes the various Level of Service designations for signalized and unsignalized intersections:

**Table 1
Level of Service Standards**

Level of Service (LOS)	Signalized Intersection Average Vehicle Delay (seconds)	Unsignalized Intersection Average Vehicle Delay (seconds)
A	10.0 or less	10.0 or less
B	10.1 to 20.0	10.1 to 15.0
C	20.1 to 35.0	15.1 to 25.0
D	35.1 to 55.0	25.1 to 35.0
E	55.1 to 80.0	35.1 to 50.0
F	80.1 or greater	50.1 or greater

Source: 2010 Highway Capacity Manual

Base Parameters for Analysis

Scoping & Existing Traffic Counts

A Scoping Document was prepared in 2014 by the Village of Port Chester’s consulting traffic engineer which identified 19 intersections to be analyzed. A total of 22 intersections overall were analyzed in the TIS, including three that were added to the modified TIS as a result of comments by involved and interested agencies. Existing traffic volumes were collected in 2014 (except for the three new intersections, for which data was collected in October 2015), when school was in session. Both manual turning movement counts and Automatic Traffic Recorder (ATR) counts were collected. Three Peak Hours were selected for analysis that represent the times during which existing traffic on the adjacent roadways would peak: AM Weekday between 7:30 AM and 8:30 AM; PM Weekday between 5:15PM and 6:15 PM; and, Saturday Midday between 1:30 PM and 2:30 PM. Analysis of traffic conditions during these hours represents the ‘worst-case’ conditions anticipated and the Board finds that they are the appropriate hours during which to analyze the impacts of the Proposed Project.

In order to verify the appropriateness of the 2014 counts, the Village Board required the Applicant to conduct two sensitivity analyses. First, additional traffic counts were conducted in October 2015 at five locations throughout the Study Area. Except for counts at one intersection (Ridge Street and High Street), the May 2014 counts were higher than the October 2015 counts. In the case of the counts at Ridge Street and High Street, the October 2015 counts were within 4% of the May 2014 counts. This differential is not considered to be meaningful. Second, the City of Rye’s traffic consultant provided traffic counts for the intersection of Boston Post Road and I-287 that were collected in May 2016. The City of Rye’s consultant’s traffic data were collected two (2) years after the Applicant’s data collection program and only at select locations. These data are not representative of activity along the corridor. However, the traffic data collected in 2014 included all the studied intersections in the corridor and were a comprehensive data collection and analysis program. The Board finds that it is appropriate to use the May 2014 counts as the basis for the TIS at all intersections because the 2014 counts are generally higher than the more recent counts, thereby making the overall traffic impact study more conservative.

No-Build Analysis

To create a baseline to which the impacts of the Project could be compared, the modified TIS grew existing traffic volumes, including those at private driveways and at all studied intersections by an annual compounded growth rate of 2.0% for four years (e.g., from 2014 counts to a 2018 build year), which resulted in a total growth rate of 8.24%. According to the NYSDOT Traffic Data Forecaster, traffic in the Village of Port Chester and City of Rye yields an annual growth rate of 0.32%. Compounded for 14 years, that is from 2014 to 2018 and then again for 10 years as is now standard for many NYSDOT projects, the 0.32% annual rate yields a total growth rate of 4.57%. As such, the Board finds that the 2.0% growth rate used was conservative in that it added more traffic to the network than is likely to occur and sufficiently accounts for the few small-scale No-Build projects identified in the D/FEIS, as well as the fact that the Project, with a three-year construction period, will not be operational until at least 2020. The growth factor also adequately compensated for the *de minimis* amount of vacant space within the Kohl's shopping center at the time of the traffic counts.

Project-Generated Trips

The number of vehicle trips generated by the Proposed Project was estimated based on the various land uses proposed by the Applicant in their Conceptual Site Plan. The trips were estimated based on the Institute of Transportation Engineers' (ITE) "Trip Generation" Report, 9th edition. After generating the 'raw' numbers of potential new vehicle trips, several adjustments were made. First, to account for the trips that would be avoided owing to the Project's mix of uses (i.e., a Project-resident would not need to drive to a retail store within the Project), a percentage of each land uses' trips were reduced in the various peak hours based on ITE data. No credits were taken for the potential diverted-link trips owing to the Project's proximity to the Kohl's shopping center. Second, in accordance with ITE standards, a reduction in the amount of trips generated by the Project's retail and restaurant facilities was taken to account for the fact that not all of the trips associated with those uses are 'new' trips; that is, some of the vehicles using these facilities are expected to already be on the traffic network and 'passing-by' the Project Site. (The modified TIS corrected a mistake in the pass-by trip volumes for the Project that were included in the DEIS.)

Finally, an adjustment to the Project's trip generation was made to account for the anticipated use of mass transit by Project residents and employees. Based on census information, the Applicant estimated that 42% of residential trips and 24% of office-generated trips would be made using mass transit. Based on comments from the Village's consulting traffic engineer that the 42% mass-transit credit for residential trips might over-estimate the actual reduction in trips that could be anticipated, the Applicant performed a sensitivity analysis to determine the potential impacts if only 25% of residential trips utilized mass transit. As documented in the modified TIS, a reduction in the mass-transit credit for residential uses to 25% would result in an approximately 5% increase in Project-generated trips, which would then be distributed among various intersections. Further, an analysis of the five intersections most critical to the Project using the reduced mass transit credit showed no significant increases in delay at any of the intersections.

Therefore, the Board finds that the number of Project-generated trips used in the modified TIS is reasonable and provides an appropriate basis from which Project impacts to the traffic network can be estimated.

Project-generated trips were then assigned to the traffic-network based on census data and a review of the roadway network by professional engineers. In response to comments received from the Village's consulting traffic engineer and the City of Rye's traffic consultant, the Applicant performed travel time studies to verify the distribution assumed in the DEIS. Based on these travel time studies, the modified TIS shifted 5% of the traffic from Boston Post Road to the north of the Project Site to I-95 and Midland Avenue/Peck Avenue and shifted 5% of the traffic from I-287's Exit 11 to I-287's Exit 10 and subsequently Purchase Street, Ridge Street, and High Street to increase potential impacts to residential neighborhoods and present a worst-case scenario for impacts to those neighborhoods. The Board finds that the trip distributions used in the modified TIS are representative of estimated travel patterns of Project-generated trips and are therefore appropriate in analyzing the potential impacts of the Proposed Project.

Additional TIS Adjustments

The modified TIS made several other adjustments to the base parameters used in the DEIS study. First, NYSDOT issued a Pedestrian Safety Action Plan in June 2016 that required, among other things, that all signalized intersections along New York State roads install a 5-second Pedestrian Lead Interval (PLI). This interval gives pedestrians a head start when entering an intersection with a corresponding green signal in the same direction prior to vehicular movement. As a result, vehicles experience increased red time. The implementation of the PLI will enhance pedestrian safety and the Board is supportive of its

implementation. The modified TIS incorporated the PLI into the signal timing in the No-Build condition (the future without the Project) so that only Project-related impacts were analyzed. Second, in response to comments from the Village Board, Village consultants, and NYSDOT, the Applicant modeled the intersections along the Boston Post Road corridor using the “Central Business District” (CBD) factor in the SYNCHRO software. This parameter accounts for various conditions that tend to slow traffic and impede turning movements, many of which are present along Boston Post Road.

As required by the NYSDOT, right turns on red were restricted in the model along Boston Post Road during the PLI and at locations where LED blankout signs are not present. While this is appropriate, the Board finds that the use of LED blankout signs, where permitted by NYSDOT, should be implemented to allow right turns on red where the safety of pedestrians can be maintained. In this way, impacts to the traffic network, especially side streets that are largely under Village control, can be minimized.

Finally, as required by the Village’s consulting traffic engineer, additional pedestrian volumes were added to the network to represent the potential increase in pedestrian activity associated with the Project. The Board finds the inclusion of additional pedestrian volumes to be appropriate given the pedestrian orientation of the Project. However, the Board notes that the pedestrian trips that are oriented to the train stations may be overstated in the model as the Applicant will be running a jitney service to the train station(s) during the peak hours, which may accommodate these pedestrians.

Project Impact Analysis

Using the inputs described above, the LOS for each studied intersection was calculated for the existing condition, the future without the Proposed Project (i.e., No-Build), the future with the Project’s traffic, but without the roadway improvements proposed (“Build” condition), and the future with the Project’s traffic and the roadway improvements proposed (“Build with Improvements” condition). The LOS in the No-Build condition was compared to the Build and Build with Improvements condition to determine the impacts of Project-generated traffic on each intersection. Generally, intersections that continue to operate at LOS A – D with the addition of Project-generated traffic are not considered to require mitigation. Intersections are generally identified for mitigation if the Project causes the LOS to deteriorate to a LOS E or LOS F or if additional delay is added to an intersection that is already operating at LOS F. However, the context of each intersection must be considered when determining whether mitigation should be required. For example, an intersection might deteriorate from LOS D to LOS E due to the additional delay of only several seconds; such an impact would not necessarily be considered to be significant. In the case of the Proposed Project, this context includes intersections currently operating at LOS E or F with extensive delays.

Intersections Not Requiring Mitigation

Three Site Driveways with High Street. Except for one approach during one peak hour, no approaches operate at worse than a LOS d (note that lowercase letters are utilized when describing LOS for unsignalized intersections). During the PM Peak Hour, the middle driveway’s approach to High Street is estimated to operate at LOS e with a 41.0 second vehicle delay. As the other two driveways from the Project Site onto High Street operate at LOS c and LOS b during that time, it is likely that some of the delayed traffic would use one of the other driveways. As such, the Board finds it unlikely that the middle driveway approach during that peak hour will consistently operate at LOS e and as such, no mitigation is required. Note that the center driveway does not exist today, nor would it in the No-Build condition. The northern and southern Site driveways on High Street did not convey a meaningful amount of traffic in the existing condition count, nor do they today. Therefore, a comparison to those conditions is not applicable.

Boston Post Road & I-95 Northbound Off-Ramp/ I-287 WB On-Ramp – During the Peak PM Hour, the LOS for the I-95 off-ramp deteriorates from a LOS c with a 21.9 second delay in the No-Build condition, to a LOS e with a 38.2 second delay in the Build with Improvements condition. The Applicant proposes no mitigation for this delay and the Board finds that is appropriate for the following reasons. First, a 38.2 second delay is just over the threshold from LOS d, making it a ‘low-level’ LOS e. Second, the intersection is not controlled by a signal and the delay is a function of the availability to merge onto Boston Post Road. As discussed below, as a result of other Project improvements, Boston Post Road is expected to experience improvements to the rate of flow that provides a net benefit to a large number of motorists, especially those traveling north. Third, through the improvements to High Street, the Applicant is ‘moving’ the 95th percentile queue⁴ on Boston Post Road northbound at High Street further to the north, effectively ‘unblocking’ the I-95 off-ramp. In addition to

⁴ The 95th percentile queue is the vehicular queue that has a 5-percent probability of being exceeded during the peak hour.

providing an operational benefit, this also provides a safety benefit for motorists exiting I-95 and attempting to turn left onto the Main Site Driveway. Fourth, there are no impacts to the mainline of I-95 from any increase in vehicle queuing that may result from an increase in delay. Fifth, the installation of a traffic signal at this location would restrict the flow of vehicles on Boston Post Road northbound and result in a significant increase in delay for a large number of motorists. Finally, NYSDOT, which operates this intersection and is an involved agency in this environmental review, has preliminarily indicated that it does not prefer a signal at this location.

Boston Post Road & Hillside Road – During the Peak PM hour, the traffic coming out of Hillside Road and turning either left or right onto Boston Post Road will experience an increase in delay of 20.5 seconds and deterioration in LOS from LOS d to LOS f. All other approaches to this intersection during all other peak hours do not experience a significant increase in delay from Project-generated traffic. The Applicant proposes no mitigation at this intersection and the Board finds that is appropriate for the following reasons. First, the increase in delay is created primarily by including an increased number of pedestrians crossing Hillside Road during the Peak PM hour, which were added to the model due to the relative proximity of the Rye MNR train station. The Board finds that the 55 Project-generated pedestrians projected for this intersection during the peak PM hour is conservative as the Applicant will be required to operate a jitney service to the train station(s) (Rye and/or Port Chester MNR train station). Therefore, it is likely that many pedestrians identified as potentially occurring at this intersection would likely take the Applicant's jitney instead; therefore, the model likely overstates the impact at this intersection, and thus these two turns. Second, the Board notes the concern that the Rye Park neighborhood has identified for potential cut-through traffic to occur as a result of the Proposed Project. If a significantly decreased LOS exiting the Rye Park neighborhood from Hillside Road were to be experienced, though it is not anticipated, it would be a disincentive for additional cut-through traffic (i.e., there would be no reason to use this neighborhood as a cut-through as it would not save time). Finally, the Board finds that the improvements in travel speed along Boston Post Road as a result of the Applicant's proposed improvements that will accrue to the approximately 1,500 cars per PM peak hour at this intersection outweigh the potential for increased delay (even to a LOS f) that could be experienced by the approximately 70 cars that use Hillside Road during the same period. As such, the Board finds that it is appropriate that no mitigation is proposed for this intersection.

Ridge Street & High Street – The Proposed Project is not anticipated to have any significant adverse impact at this intersection. Therefore, the Board finds that no mitigation is required.

Grandview Avenue & High Street – The Proposed Project is not anticipated to have any significant adverse impact at this intersection. Therefore, the Board finds that no mitigation is required.

Evergreen Avenue & High Street – The Proposed Project is not anticipated to have any significant adverse impact at this intersection. Therefore, the Board finds that no mitigation is required.

Boston Post Road & Cedar Street – The Proposed Project is not anticipated to have any significant adverse impact at this intersection. Therefore, the Board finds that no mitigation is required.

Purchase Street & Wappanocca Avenue/Hillside Road – The Proposed Project is not anticipated to have any significant adverse impact at this intersection. Therefore, the Board finds that no mitigation is required.

Grandview Avenue & Hillside Road – The Proposed Project is not anticipated to have any significant adverse impact at this intersection. Therefore, the Board finds that no mitigation is required.

Boston Post Road/Purdy Avenue & South Main Street/Grace Church Street – The Proposed Project is not anticipated to have any significant adverse impact at this intersection. Therefore, the Board finds that no mitigation is required. The Board does note, however, that the Applicant has proposed signal timing adjustments in the PM Peak Hour to reduce Project-generated delays for traffic turning left from Boston Post Road onto South Main Street. The Board notes that improvement of this movement, at a critical intersection within the Village, is appropriately the burden of the Applicant. The Board also notes that the NYSDOT may, at a future date, extend the proposed adaptive signal control system on Boston Post Road from South Regent Street further east into the Village. The Board is supportive of such an extension.

Boston Post Road & Olivia Street – The Proposed Project is not anticipated to have any significant adverse impact at this intersection. Therefore, the Board finds that no mitigation is required.

Ridge Street & Purchase Street – The Proposed Project is not anticipated to have any significant adverse impact at this intersection. Therefore, the Board finds that no mitigation is required.

Ridge Street & Bowman Avenue – The Proposed Project is not anticipated to have any significant adverse impact at this intersection. Therefore, the Board finds that no mitigation is required. The Board also notes that the Applicant has proposed signal timing modifications to improve vehicle flow in the No-Build condition, which is projected to be suboptimal for several movements without the addition of Project-generated traffic. Specifically, the Applicant has proposed to remove the dedicated pedestrian phase. The Board finds that the elimination of the dedicated pedestrian phase is not needed to mitigate any significant Project-related impact. Therefore, the Board determines that Westchester County (the operator of the roads) and the Village of Rye Brook, the municipality in which the intersection is located, are best suited to decide whether to make this modification, which the Board notes is proximate to a public school, shopping center, and residential area.

Ridge Street & Westchester Avenue – The Proposed Project is not anticipated to have any significant adverse impact at this intersection. Therefore, the Board finds that no mitigation is required. The Board notes that in the Peak AM hour the intersection is expected to degrade from a LOS F with a 109.8 second delay in the No-Build condition to a LOS F with a 125.7 second delay in the Build condition. This is primarily due to an increase in delay on the southbound Ridge Street approach to Westchester Avenue from 260.6 seconds in the No-Build to 320.0 seconds in the Build condition. The Board notes that because the volume on Westchester Avenue is much greater than Ridge Street, and the Westchester Avenue approaches experience a much smaller increase in delay, the intersection as a whole only experiences a 16 second increase in average delay and remains at a LOS F. As such, the Board finds that mitigation is not required. The Board also notes that the Applicant has proposed signal timing modifications to improve vehicle flow in the No-Build condition, which is projected to be suboptimal for several movements without the addition of Project-generated traffic. Specifically, the Applicant has proposed to remove the dedicated pedestrian phase. The Board finds that the elimination of the dedicated pedestrian phase is not needed to mitigate any significant Project-related impact. The Board determines that Westchester County and NYSDOT (the operator of the two roads) and the Village of Rye Brook, the municipality in which the intersection is located, are best suited to decide whether to make this modification, which the Board notes is proximate to a public school, shopping center, and residential area.

Boston Post Road & Site Driveway North – The Board finds that this intersection will operate at acceptable levels of service and no mitigation is required.

I-95 Southbound Ramp – A commenter suggested that the Project might have a significant adverse impact to the operations of the I-95 southbound ramp. As discussed in the FEIS, the Proposed Project would increase the vehicle utilization of this ramp by approximately 3%-5% and would not significantly impact existing operating conditions. In addition, the same commenter questioned whether additional ramps serving I-95, both northbound and southbound, from Boston Post Road should be considered. As demonstrated in the FEIS and documented in these Findings, the Proposed Project includes adequate mitigation for the Project's anticipated traffic impacts. As such, additional ramps would not be required to mitigate the impacts of the Proposed Project. Finally, NYSDOT, which is an involved agency in this environmental review, has not opined that these measures are necessary.

Impacts to the Traffic Network and Mitigation Proposed

The Applicant has proposed, as part of their Project, a series of improvements to the traffic network. For the reasons set forth below, the Board finds that these improvements are appropriate. In addition, the Board finds that additional measures are necessary at certain locations to mitigate the impact of the Proposed Project, as set forth below.

Intersections with Minor Improvements Required

Boston Post Road & Slater Street – With the implementation of signal timing and phasing modifications to the existing signals as proposed by the Applicant, there will be no significant adverse impacts from the Proposed Project.

Boston Post Road & Pearl Street – With the implementation of signal timing and phasing modifications to the existing signals as proposed by the Applicant, there will be no significant adverse impacts from the Proposed Project. It is also noted that the implementation of these improvements is expected to improve the operating conditions in the Build with Improvements condition to better than found in the No-Build condition.

Boston Post Road & Peck Avenue – With the implementation of signal timing and phasing modifications to the existing signals as proposed by the Applicant, there will be no significant adverse impacts to LOS from the Proposed Project. 95th-percentile queue lengths in the Build with Improvements condition would increase slightly from the No-

Build condition and would continue to exceed the available storage in the AM Peak Hour. The Board finds that the mitigation proposed by the Applicant mitigates the Project impact to the maximum extent practicable. Since this is an intersection not under the Village's jurisdiction, the Board further finds that should the proposed signal timing and/or phasing modifications not be approved by the City of Rye, on balance the minor impacts at this intersection would be outweighed by the benefits of the Project to the traffic flow along Boston Post Road, as well as the social, economic and land use benefits of the Project.

Midland Avenue & Peck Avenue – With the implementation of signal timing and phasing modifications to the existing signals as proposed by the Applicant, there will be no significant adverse impacts from the Proposed Project. As such, the mitigation proposed by the Applicant is the maximum practicable and should be pursued. Since this is an intersection not under the Village's jurisdiction, the Board further finds that should the proposed signal timing and phasing modifications not be approved by the City of Rye or other approving agency, on balance the minor impact to this intersection would be outweighed by the benefits of the Project to traffic along Boston Post Road, as well as the social, economic and land use benefits of the Project. Finally, it is noted that the Applicant, as part of their Project, has offered a financial contribution to potential future capital improvements at this intersection given the local concern.

Intersections with Major Improvements: Boston Post Road & High Street

The Applicant proposes to physically restrict left turns into and out of High Street at its intersection with Boston Post Road by installing a raised planted median with a significant piece of art that is reflective of its location at the gateway to the Village. This median would be reviewed and approved by the Board during any future site plan approval for the Proposed Project. Northbound traffic on Boston Post Road would operate under free-flow conditions, while southbound traffic on Boston Post Road and eastbound High Street right-turning traffic would remain under signal control. This control would allow vehicles exiting High Street onto Boston Post Road and continuing south to do so under protection of a signal. Vehicles that currently use High Street to turn left onto northbound Boston Post Road would, instead, travel on a new public road through the Project Site and turn left onto Boston Post Road. This configuration is preferable to the full closure of High Street (i.e., not allowing any turns to or from High Street at Boston Post Road and diverting all traffic through the Project Site), which would put more traffic on the new Project Site driveway and internal roadway network than is necessary. The Applicant's proposed improvement is also preferable to closing High Street to the west of the Project Site, which may lead to additional traffic on local roads, including those in the City of Rye.

In addition to mitigating the increase in Project-generated traffic, the intersection improvement proposed by the Applicant would improve the No-Build condition at this intersection, which is anticipated to deteriorate to LOS F without Project-generated traffic, primarily owing to significant increases in delay on the northbound Boston Post Road approach and the eastbound High Street approach. As demonstrated in the Applicant's arterial analysis, described below, this improvement also results in improvements to the overall flow of Boston Post Road, particularly in the northbound direction. Finally, removing the traffic signal for the northbound traffic has the result of reducing the queue of vehicles at High Street that, in the No-Build condition, would back-up across the bridge over I-287 and completely block the I-95 northbound off-ramp onto Boston Post Road. In the future with the Project-generated traffic, the 95th percentile queue from the Main Site Driveway would not extend to the I-95 ramp. The Board finds that this results in safety and operational benefits at this critical location.

The Applicant also proposes to upgrade or install pedestrian signal heads on either side of High Street and upgrade the crosswalk across High Street and install ADA curb ramps as well. In addition, crosswalks would be installed along Boston Post Road across the I-287 westbound on-ramp from Boston Post Road with ADA curb ramps.

The Board finds that the improvements listed above, while beneficial to the conditions expected to occur without the Project, are needed to mitigate the impacts of the Project and therefore any future site plan for the Proposed Project must be contingent upon the implementation of the proposed improvements. Final design of these improvements must be reviewed and approved by the NYSDOT and the Village's consulting traffic engineer as a condition of any future site plan approval for the Proposed Project. The Board finds that the final design of the median used to restrict the left-turns at High Street is of special significance to the Village as it will substantially change the character of the Village's southern gateway. As such, the design of this median must also be reviewed and approved by the Village's Director of Planning and Economic Development, as a condition of any future site plan approval for the Proposed Project.

Intersections with Major Improvements: Boston Post Road & I-287 Exit 11 Off-Ramp

The Applicant proposes to widen the I-287 off-ramp to the west in order to provide a third lane at its approach to Boston Post Road (see Figure 4). This widening will necessitate the construction of a new retaining wall on the south side of the ramp. The ramp would be configured with an exclusive left turn lane, exclusive right turn lane, and a shared right-left turn lane in the center. In addition, the southbound Boston Post Road stop bar would be moved back to allow dual left-turning vehicles on the ramp to perform the maneuver without encroaching on each other's lane and within the physical constraints of the existing bridge. Trucks turning left off of the ramp would be required to use the center lane and will be directed to do so via signage. Traffic signal modifications would also be made. In addition, new pedestrian signal heads would be installed on both sides of the ramp and a new crosswalk with ADA compliant ramps would connect the sidewalks on both sides of the ramp. Finally, the sidewalk between I-287 and Hillside Road would be reconstructed.

Improvement to this intersection is required as a result of the significant adverse impact that Project-generated traffic would have absent mitigation. Therefore, any future site plan for the Proposed Project must be contingent upon the implementation of this improvement. With the mitigation implemented, the intersection is expected to operate at better conditions than without the Proposed Project. Average delay will be reduced and, critically, the 95th percentile queue along the ramp will be reduced from the No Build condition. Finally, the Board finds that, consistent with the analysis in the FEIS, there will be no significant adverse noise impacts from the widening of the ramp to the adjacent residential receptors, as discussed elsewhere in these Findings. Implementation of this improvement is subject to the review and approval of NYSDOT.

Intersections with Major Improvements: Boston Post Road & South Regent Street

The intersection of Boston Post Road and South Regent Street is currently a poorly performing intersection. Most approaches are expected to operate at LOS F conditions in the No-Build condition with extensive delays. Similarly, 95th percentile queue lengths in the No-Build condition are anticipated to extend several hundred feet. While there is an existing right-turn pocket on South Regent Street to allow turns onto southbound Boston Post Road, the pocket frequently is blocked by vehicles queuing to turn left. As such, the right-turn pocket, though present, is not available for use. The Proposed Project is anticipated to add between 220-260 cars to this intersection during any of the Peak hours. This is less than 11% of the anticipated number of vehicles at this intersection in the No-Build condition in any peak hour. At the South Regent Street approach to Boston Post Road, the Project is anticipated to add between 4% and 6% of the number of trips estimated in the No-Build condition. As such, the Board finds that the mitigation modeled by the Applicant, signal timing adjustments, is appropriate for this impact and shall be included as a condition of any site plan approval for the Proposed Project.

The Board notes the Applicant's position that (i) any residual Project-generated increase in vehicular delay would be off-set by the overall improvement to the flow of traffic on Boston Post Road with the Applicant's proposed improvements; and (ii) any increase in the 95th percentile queue, which is already extensive, especially along South Regent Street, would not constitute a significant adverse impact due to the existing length of the queue and the anticipated reduction in vehicular delay along many of the intersection's approaches.

However, given the critical nature of this intersection to the Village, and the volume of traffic that utilizes this intersection, the Board finds that any incremental impact to this intersection must be offset to the maximum extent practicable. Specifically, the Board finds that the improvements proposed by the Applicant, but not included in the modeled impacts, should be implemented in order to realize operating conditions that are better than modeled in the worst-case scenario included in the Modified TIS. These improvements include a left-turn lane on South Regent Street in the area of the current median, provided sufficient time for safe pedestrian operations can be accommodated, so as to allow the maximum length possible for a dedicated right turn lane within the existing right-of-way (see Figure 5). Therefore, any future site plan for the Proposed Project shall be conditioned on the approval by the Village's consulting traffic engineer of the improvements at this intersection. Further improvements to this intersection would require the acquisition of private property to accommodate a widening of the South Regent Street approach to Boston Post Road. In addition, significant grading may be required (on private property) and parking areas for existing residences and businesses may have to be relocated to allow for a wider approach. The Board finds that these measures are not the responsibility of the Applicant given the relatively small incremental impact of the Project and the extraordinary costs associated with making those improvements. The Village will continue to coordinate with NYSDOT to make any improvements that are practicable to this intersection to improve its existing condition.

Finally, the Applicant has proposed pedestrian improvements to this intersection, which are critical to the safety and operation of this intersection for all modes. Specifically, the Board finds that pedestrian signal heads, crosswalks, and ADA ramps along all three faces of this intersection shall be required as part of any future site plan approval for the Proposed Project. The design of these improvements shall be subject to review and approval by the NYSDOT and the Village's consulting traffic engineer as a condition of any future site plan approval for the Proposed Project.

Intersections with Major Improvements: Boston Post Road & Main Project Site Driveway

The Applicant proposes to construct a new driveway into the Project Site along Boston Post Road opposite the existing "Kohl's" driveway and make significant modifications to the existing intersection for several hundred feet in both directions along Boston Post Road as shown in FEIS Exhibit III.E-28 and repeated here as Figure 6. The new driveway is proposed to have two lanes in each direction with a raised planted median. Boston Post Road southbound would be widened to add an additional shared thru-right lane. The left turn lane (into Kohl's) would be extended to 260 feet and would be bordered by a raised planted median, which would provide aesthetic benefits as well as a pedestrian refuge. The raised median would extend north past the existing northerly Site driveway, where it would transition to a striped median to provide access to existing curb cuts and continued access for emergency vehicles. Northbound Boston Post Road would be widened from three lanes (two thru and one right into Kohl's) to accommodate two exclusive left-turn lanes into the new driveway. The Board notes that these lanes will accommodate not only Project-generated traffic, but traffic that used to turn left into High Street, which will now make use of a protected left turn at the new driveway. The Board finds that, given the poor levels of service and extensive queues anticipated at the High Street and Boston Post Road intersection in the No-Build condition, providing additional northbound left-turn lanes for this movement is a benefit to traffic conditions. These extra lanes could not be accommodated south of High Street as the existing bridge over I-287 is not wide enough. As such, the Proposed Project provides an opportunity to add these additional lanes by essentially 'moving' the intersection of High Street and northbound Boston Post Road to the Main Site Driveway. The Village will retain ownership and control over the internal Site driveways sufficient to convey traffic to and from High Street and Boston Post Road, as described above. Re-routing some of the High Street traffic through the Project Site would not significantly affect the performance of the interior Site roadways. In addition, the 'increased' traffic through the Site would help integrate the Project into the surrounding area and reduce the potential for the Project to feel like an 'island'. This integration is important to the success of the Proposed Project, especially the street level retail, and to the realization of the goals of the Comprehensive Plan as it helps create a sense of vitality and relevance to the Site.

The new double-left turn lanes are proposed to extend 250 feet with a raised planted median installed opposite High Street at the beginning of the lanes. The existing traffic signal would be modified. In addition, crosswalks along the north and west sides of the intersection would be installed and would join ADA compliant ramps onto the sidewalk. The land required to facilitate the widening of Boston Post Road along the Project's Site frontage would be dedicated by the Applicant to NYSDOT.

Overall, this intersection is anticipated to operate at LOS D in the AM Peak Hour and LOS E in the PM and Saturday Peak Hours in the Build with Improvements condition, which represents increased delays from the No Build condition (see Table 2). In the PM and Saturday Peak Hours, both the traffic exiting the Project Site and the Kohl's Shopping Center would be expected to experience a LOS F, with delays ranging from approximately 88 seconds to 130 seconds. As discussed below, it is important to understand and evaluate the impact of these LOS conditions in the context of the LOS changes at High Street. Specifically, the intersection of Boston Post Road and High Street is expected to operate at LOS F in the No-Build condition with a vehicle delay of nearly 240 seconds in the PM Peak Hour. As shown in Table 2, while all movements at this intersection would operate at poor LOS, northbound Boston Post Road is expected to experience delays of 205-430 seconds in the No-Build condition. These delays would result in extensive queuing to the south, continuing to block the I-95 northbound off-ramp. By redirecting the left turns into and out of High Street to the signalized intersection at the Main Site Driveway, the delays on northbound Boston Post Road are eliminated at this intersection, and travel throughout Boston Post Road is improved.

Table 2

LOS Comparison for High Street and Site Driveway Intersections

Movement	No-Build LOS (avg. delay)			Build Condition (no High St Restrictions)			Build with Improvements (Right In/Out at High St)		
	AM	PM	Sat	AM	PM	Sat	AM	PM	Sat
High Street & Boston Post Road	F 103.6	F 238.0	F 205.3	F 296.2	F 339.5	F 323.8	B 10.7	C 30.9	B 13.8
Northbound BPR	F 205.5	F 429.5	F 366.5	F 582.5	F 541.8	F 566.4	A 0.6	A 0.8	A 0.8
Southbound BPR	B 19.1	F 94.3	F 90.2	C 26.4	F 91.2	F 120.1	B 16.7	D 48.1	C 20.3
Eastbound High St	D 52.2	F 94.6	D 54.2	E 68.3	F 373.6	F 144.0	C 34.2	E 72.6	D 48.2
Main Site Driveway & Boston Post Road	B 13.5	D 47.2	C 30.7	C 29.5	E 62.4	E 64.8	D 49.2	E 70.2	E 79.8
Northbound BPR	B 16.1	F 83.3	C 31.0	C 23.9	E 68.0	E 61.8	D 39.1	E 61.3	D 48.4
Southbound BPR	B 10.3	B 14.2	B 16.4	C 29.9	D 37.5	D 41.8	D 54.4	E 64.0	E 77.1
Eastbound Site Drive (leaving Project Site)	--	--	--	D 38.4	E 57.2	E 73.3	E 70.7	F 93.9	F 114.3
Westbound Kohl's Driveway	C 22.0	C 26.6	C 26.8	D 43.6	E 79.7	F 84.1	E 63.8	F 87.7	F 130.5

With regard to the length of the new northbound double left turn lanes on Boston Post Road, the Board finds that the conceptual length of the lanes proposed mitigates Project-impacts with respect to Project-generated vehicular queue lengths to the maximum extent practicable, especially in light of the elimination of the queues at High Street. However, the potential for further extending the lanes to create additional storage within the existing right-of-way should be explored during final design, including consideration of surveyed right-of-way, NYSDOT design standards, and the aesthetic and community character benefits of the raised planted median in the vicinity of High Street, on which the Applicant proposed to include a significant piece of art. As such, the final design of this improvement must be approved by NYSDOT, the Village's consulting traffic engineer, and the Director of Planning and Economic Development as a condition of site plan approval.

The Village consulting traffic engineer recommended adding two additional lanes at this intersection, including an additional southbound right turn lane into the Project Site and an additional left turn lane out of the Project Site, in order to provide improved operating conditions for the Kohl's driveway and Site driveway approaches in all peak hours and certain Boston Post Road approaches in certain peak hours as well as reduce vehicle delays (see Figure 7). Delays would be especially reduced for vehicles exiting the Kohl's driveway and for the left turns from the Site driveway, which contain a significant number of cars diverted from High Street where motorists would no longer be able to make that left turn.

The Board notes that these proposed additional lanes would reduce average delay by 10-20 seconds, but would not change the estimated overall LOS for the intersection in any peak hour. The most notable improvement in operating conditions from the additional lanes would be all of the movements exiting the Main Site Driveway, especially during the Peak PM and Peak Saturday hours and the left turn out of Kohl's. These movements would be expected to realize between a 20 and 70 second reduction in average vehicle delay with resulting LOS E operations. The reduction in vehicle delays for those movements, while large in absolute size, would accrue to a small percentage of vehicles that use the intersection as a whole. In addition, while some of the vehicles exiting the Project Site would be traffic that would otherwise be using High Street, it is noted that these vehicles are now afforded a much safer turning movement and the elimination of the High Street left-turns results in much improved operating conditions on northbound Boston Post Road.

The Applicant has opined that this improvement should not be undertaken at this time for several reasons. First, the Applicant has posited, as noted above, that the traffic analysis contains numerous conservative assumptions that, in its view, over-estimate the volume of traffic associated with the Project and the impacts on intersections and on LOS. Second, the proposed design of the driveway area is intended to serve as a "gateway" to the Village, with expansive planted medians and open area. The addition of the two lanes would change these aesthetics, and create a wider roadway, more akin to a highway, without the planted median in the Site driveway. Third, the Applicant has

proposed that the Board defer a decision on the need for these improvements until a Post Implementation Study of traffic effects has been undertaken, which would allow a Board determination of whether the improvements are warranted. (See the discussion of the Post Implementation Study below.) On the other hand, the Board recognizes that if the improvement is needed, the area will be subject to a second round of construction, with the attendant traffic delays, construction-related impacts, and inconvenience.

Based on the foregoing competing considerations, the Board finds that, the negative effects of the additional improvements, which would effectively make this area into a very wide roadway with reduced greenery, and be detrimental to the area serving as an attractive “gateway” to the Village, would be meaningful and would, on balance, offset the benefits of the additional lanes for vehicles leaving the Main Site Driveway and Kohl’s shopping center during certain peak hours. Requiring the additional lanes now would result in the permanent widening of Boston Post Road and permanent loss of the “gateway” concept that the Board finds is a major benefit of the Proposed Project, whereas a study of the actual impacts of the Proposed Project on this intersection may allow the gateway concept to be realized and the avoidance of further widening Boston Post Road to be achieved. Accordingly, the Board finds that, on balance, the improvement is a measure not warranted as a condition of site plan approval, and would only be implemented if found necessary by the results of the Post Implementation Study. However, to ensure that the improvement can be implemented if found to be necessary in a way that would not be unreasonably disruptive to existing uses, the Applicant shall design the site plan and roadway improvements in the vicinity of the subject intersection to ensure sufficient room for construction of the improvement (which the Conceptual Site Plan currently allows for), and such design must be reviewed by the Village’s consulting traffic engineer and Director of Planning and Economic Development during Site Plan approval and during the Highway Work Permit process with NYSDOT. Further, as discussed below, the Applicant shall post a bond that includes sufficient funds to implement this improvement.

The Board also notes that NYSDOT must approve the final improvements planned for this intersection and issue a Highway Work Permit. Although NYSDOT has not indicated that it would require the additional lanes, it is within the agency’s purview, therefore, to require the Applicant to construct the additional lanes as described above. If NYSDOT so orders, the Board finds that given the size of the Project Site, the conceptual nature of the Site Plan advanced, and the importance of the public realm improvements proposed to the overall benefits of the Project, the Applicant shall complete final design of the improvements in a way that maximizes the raised planted median in the Project Site driveway and that preserves the expanded sidewalk and public realm envisioned by the Applicant along Boston Post Road and the Site driveway to the maximum extent practicable.

Arterial Analysis

The Board finds that the improvements proposed by the Applicant along Boston Post Road to mitigate Project-impacts will improve the functioning of the Boston Post Road corridor. While the corridor will still feature relatively slow travel speeds, which is appropriate for a business district and can provide increased safety for other modes of travel, vehicles traveling from one end of the corridor (Peck Avenue) to the other (Grace Church Street) will experience improved speeds of 0.3 to 1.4 miles per hour on average from the No-Build condition to the Build with Improvements condition. That is to say, even with the addition of Project-generated traffic, the operation of the corridor is expected to improve as compared to the No-Build condition. For vehicles traveling northbound, the increase in speed will be between 36% and 72%. Within the ‘core’ of the corridor, from the I-287 off-ramp to South Regent Street, northbound drivers will experience meaningful increases of travel speeds between 64% and 113%. These increases outweigh the minimal degradation in southbound speed. In addition, the Board finds that these improvements to travel speeds are critical to the evaluation of the Project’s overall benefits and impacts and the improved operating conditions will be experienced by thousands of motorists daily.

Cut-Through Traffic

No significant increases in ‘cut-through’ traffic within adjacent residential neighborhoods in Port Chester, the City of Rye, or Village of Rye Brook are anticipated as a result of the Proposed Project, primarily because the Project is expected to improve the operation of the Boston Post Road corridor from its present condition, including improved travel speeds along the corridor, as well as the elimination of queuing exclusively on the northbound Boston Post Road through lanes in the vicinity of High Street and the I-95 off-ramp. As such, the Project will not create an incentive for vehicles to attempt to bypass the corridor and travel through residential neighborhoods. The Board also notes that the Applicant has included as part of their Proposed Project, a contribution of \$50,000 toward traffic calming measures for the Rye

Park neighborhood as determined appropriate by the City of Rye. Any traffic calming measures installed would minimize the impacts of any existing cut-through traffic and provide further disincentive for potential new, future cut-through traffic.

Emergency Access

Appropriate access for emergency vehicles to all Site-buildings and public spaces will be required. The Board finds that the Conceptual Site Plan presented would allow for the appropriate provision of emergency access, delivery, and refuse removal. The details of this access, including access to buildings, internal street turning radii, and parking and driveway configurations, will be reviewed and refined during site plan approval. Similarly, the adequacy of the site plan to appropriately accommodate delivery trucks and refuse removal trucks will be reviewed and refined during any future site plan approval, as noted above in these Findings.

Truck Traffic

The Board finds that the Proposed Project is not anticipated to change the relative composition of vehicular traffic in the study area. Since the Project does not contain large scale retail uses, it is not likely that the Project will be served by large semi-trailers; rather smaller “box” trucks would be expected to provide deliveries. As is customary, the site plan shall also include limits on the hours of deliveries for the various Project buildings. Therefore, no significant impact with respect to the addition or changing types of commercial delivery vehicles is anticipated.

Train Station Jitney

The Applicant proposes to operate a ‘jitney’ service between the Project Site and the Port Chester and/or Rye MNR train stations during the AM and PM peak hours Monday through Friday. The operation of this service is critical to reducing the number of vehicle trips into and out of the Project Site, reducing the number of pedestrians that potentially walk to the train station and could conflict with vehicle movements at key intersections, as well as to providing access to the Project Site for potential employees. The precise hours of operation of the service and manner in which the service will be operated will be finalized during site plan approval, but operation will encompass, at a minimum, the periods between 7:00 A.M. and 9:00 A.M. and between 5:00 P.M. and 7:00 P.M., the morning and evening peak hours when commuter demand is greatest. An operational plan for the jitney service must be reviewed and approved by the Village during any future site plan approval for the Proposed Project in order to ensure that the service will achieve adequate vehicular and pedestrian trip reduction and promote appropriate levels of access to the Site by employees. The operational plan must also prohibit the use of High Street northwest of the Project Site for jitney operations. The jitney service must operate until such time as the Village’s consulting traffic engineer and Director of Planning and Economic Development determine, based on quantitative data provided by the Post Implementation Study or other, subsequent data collection, that discontinuation of the service will not significantly impact traffic conditions, pedestrian safety, or employee access to the Project Site. Data collected and analyzed shall include Project-generated vehicular and pedestrian trips as well as jitney ridership.

Adaptive Signal Control

The Applicant has proposed to install adaptive signal controls at all study area intersections along Boston Post Road between and including the I-287 EB off-ramp and South Regent Street. These signals, which respond to real time traffic volumes, are anticipated to improve the operational conditions of the intersections compared to what is modeled in the modified TIS. Given the high volume of traffic along Boston Post Road and the critical nature of many of the intersections’ movements, the Board finds that installation of adaptive traffic signals is necessary as an additional mitigation measure for Project-generated impacts. Further, given the lower amount of traffic volume and the relatively ‘better’ predicted operating conditions at the intersection of Boston Post Road and Peck Avenue as compared to the Boston Post Road intersections within the Village of Port Chester, the Board finds it is not necessary to install an adaptive signal at this intersection to mitigate Project-generated impacts. Additionally, the Board notes that an adaptive signal at Boston Post Road and Peck Avenue would either have to be maintained by the City of Rye or the intersection would have to be controlled by NYSDOT, if the agency were willing to do so, and coordinated with the other adaptive signals along Boston Post Road.

Intersection Design Considerations

The Applicant has indicated that they may pursue additional improvements at intersections under the authority of NYSDOT that are proposed to be physically modified by the Proposed Project. These improvements have the potential to improve the operation of particular intersections from the conditions modeled in the modified TIS. These improvements may include allowing right turns on red where it can be implemented safely, and installing LED blankout signs warning turning vehicles that pedestrians in the crosswalk have the right-of-

way. Implementation of these measures is at the discretion of NYSDOT. The Board finds that improvements to the conditions modeled in the modified TIS may occur with their implementation, but that in the absence of NYSDOT approval, the Board would still approve the Proposed Project.

As was included in the Modified TIS, the Board finds that the final signal design of signals being modified by the Proposed Project must include appropriate timing to permit pedestrians to safely cross streets. The traffic signal designs should include pedestrian push-button activation as needed. In addition, the final intersection design should also include the establishment of pedestrian refuges as required and should include consideration of bicycling as an alternate mode of transportation. Finally, the Board is supportive of NYSDOT's policies that encourage the design of complete streets that are safe and efficient for all modes of transportation.

Impacts to Bridges

Consistent with the analysis in the FEIS, the Board finds that there is no Project-generated impact to the safety, operations, integrity, or longevity of any bridges, including those bridges over I-287 that carry Boston Post Road and High Street. Further, the Board notes that these bridges have not been identified as having any current structural or safety issues.

Other Improvements Proposed

While not required to mitigate identified significant adverse impacts, the Applicant also proposes to include the following additional measures in the Proposed Project and, as such, these measures would be required to be implemented as a condition of any site plan approval for the Proposed Project.

City of Rye

The Applicant proposes to make the following financial contributions to the City of Rye:

\$22,500 payable to the City of Rye towards the installation of a roundabout at the intersection of Purchase Street & Ridge Street/Hillside Road/Wappanocca Avenue.

\$34,500 payable to the City of Rye towards the installation of intersection improvements at the intersection of Midland Avenue and Peck Avenue.

\$50,000 payable to the City of Rye towards the installation of traffic calming measures in the Rye Park neighborhood.

Post Implementation Study

The Applicant proposes to conduct a Post Implementation Study of the traffic generated by the Proposed Project and the future operating conditions of several critical intersections that would be affected by the Proposed Project. Although this study is not mitigation for any reasonably foreseeable Project impact, it is a critical component of the Proposed Project. As stated by the Applicant, and agreed to by the Board, the Post Implementation Study would be used to determine if "the Proposed Project is generating more traffic than anticipated or additional impacts are seen at particular locations due to Proposed Project traffic." The Applicant has stated that in the event that either condition mentioned above is realized "the Applicant would be required to make additional Financial Contributions towards further improvements." The Post Implementation Study would occur after the Project is operating at full occupancy, as determined by the Village's consulting traffic engineer and Director of Planning and Economic Development.⁵

The methodology by which the Post Implementation Study would be conducted shall be formalized and included in any site plan approval for the Proposed Project. At a minimum, the Post Implementation Study would collect data on Project-generated trips as well as operating conditions at the most critical Project-related intersections, including: the Main Site Driveway/Kohl's driveway and Boston Post Road; I-287 eastbound Exit 11 Off-Ramp and Boston Post Road; I-95 northbound off-ramp and Boston Post Road; Boston Post Road and High Street; Boston Post Road and South Regent Street; Boston Post Road and Peck Avenue; and, Peck Avenue and Midland Avenue. If any of these intersections experience a significant degradation in LOS or other operational conditions that are worse than predicted by the modified TIS due to Project-generated vehicles, the Applicant will be required to make a financial contribution toward ameliorating that impact. The method by which that contribution will be calculated, including the potential improvements that could be considered, will be included in the approved scope of the Post Implementation Study, which will be developed and approved during site plan review with input from the Village's

⁵ Full occupancy would occur when all approved and constructed buildings are operating in a stabilized manner and exhibit conditions that are reflective of their expected ongoing operation. It is anticipated that full occupancy would not require 100% occupancy of the Project's hotel, residential, office, or commercial components. Rather, full occupancy would occur when the vacancy rate for the Project stabilizes at a reasonable rate that would be expected during normal operations.

consulting traffic engineer and Director of Planning and Economic Development, as well as other Involved Agencies. The Post Implementation Study shall also collect data on the number of residents, employees, patrons, and guests that use the jitney service, as well as the number of Project-generated pedestrians to the surrounding sidewalk network.

In order to assure that the funding necessary for the Post Implementation Study and any financial contribution required based on the results of that study are available, the Applicant will be required to post a bond in an amount determined by the Village as part of site plan approval. The amount of the bond will be determined based on the potential financial contributions determined in the final study scope. In no case shall the bond be less than the cost of the Post Implementation Study plus 5% of the estimated cost of the NYSDOT-permitted improvements, including the additional lanes at the Main Site Driveway. In addition, the Applicant proposes to post a separate bond, in an amount not less than \$200,000, to cover any financial contributions required for intersections within the City of Rye. The Village of Port Chester will hold both bonds. Disbursement shall be subject to authorization of the Village's consulting traffic engineer and the Director of Planning and Economic Development; however, solely for the separate bond posted for financial contributions for intersections in the City of Rye, the Post Implementation Study shall provide that, in the event the City of Rye traffic engineer disagrees with the recommendation of the Village's consulting traffic engineer and the Director of Planning and Economic Development with regard to the need for an improvement, those parties shall select an independent, third party traffic engineer to make a final recommendation on the disputed improvement.

ACCIDENT IMPACTS

The improvements proposed for Boston Post Road, specifically those between High Street and Willow Street, are anticipated to lessen the overall accident rate by at least 18% per NYSDOT methodology. This improvement is due to the upgraded traffic signal modifications and roadway improvements proposed. At the intersection of High Street and Boston Post Road, it is anticipated that the left turns restrictions into and out of High Street will improve the safety of motorists and pedestrians. The Board finds that these improvements in safety are among the benefits of the Proposed Project.

TRANSIT

While the Rye and Port Chester MNR train stations are located 0.64-mile and 0.72-mile, respectively, from the Proposed Project, and within potential walking distance, the Applicant will (as described in detail above) provide a jitney service to one or both of the stations, to be determined as part of the site plan approval process. This will encourage the use of mass-transit, reduce vehicular trips in the Study Area, and reduce potential pedestrian conflicts at critical intersections. The Board, therefore, finds that the Proposed Project is encouraging the potential for the use of train service to the maximum extent practicable.

The existing bus route along High Street and Boston Post Road proximate to the Project Site will need to be re-routed through the Site in at least the eastbound direction. The stops adjacent to the Project Site on High Street and Boston Post Road will serve the Proposed Project and it is not anticipated that other local bus stops will experience increased utilization as a result of the Proposed Project. The re-routing will require the eastbound bus stop along High Street to be relocated. In addition, the bus stops along the Project's frontage on High Street and Boston Post Road for the westbound route will have to be relocated or re-established after the Project's construction. These improvements will require coordination with the Westchester County Department of Transportation. Turning radii along the newly dedicated streets within the Project Site must be designed to accommodate appropriate bus movements in both directions. The Applicant must also consider locating one or more bus stops within the Project Site during final Site design, in coordination with the County. Appropriate design and location for paratransit loading zones within the Site shall also be required in the final Site design. In all instances, the location of the bus stops to be relocated must be reviewed and approved as part of site plan approval to ensure their appropriate integration into the design of the Project and to ensure that utilization of this mass-transit resource is encouraged to the maximum extent practicable, especially in light of the potential future east-west BRT system being considered by New York State.

PARKING

The Applicant proposes to construct 1,453 parking spaces on-Site, an increase of 73 spaces from what was proposed in the DEIS. Those spaces would be within surface lots, garages, and 'on-street' spaces throughout the Site. Assignment of parking spaces based upon land use is not proposed. The projected demand for parking, when appropriately considering the mix of uses and varying times of parking demand generated by each, is not expected to exceed the overall on-Site supply of 1,453 spaces. Further, the Applicant projects that parking demand will exceed 90% of the on-Site capacity at some point during only 5-7 weekdays and two Saturdays per month. Finally, through valet parking and 'nesting' of infrequent car users, an additional 210 spaces could be provided if necessary within the Site's proposed garages.

The Board, therefore, finds that the amount of parking proposed by the Applicant adequately meets the expected Project demand, especially when considering the ability to create additional spaces. The Board further finds that the amount of parking provided appropriately balances the competing needs of ensuring enough parking to prevent ‘circling’ and not ‘overbuilding’ parking, which would be an inefficient allocation of financial resources and may lead to a less safe and visually appealing Site. Final design of the parking garage proposed for Block C shall give consideration to the appropriate proximity of the garage to the adjacent residential units.

Given the narrow margin between anticipated demand and actual supply of striped spaces, the Board finds that the thoughtful and attentive management of parking resources is important to the prevention of unanticipated adverse impacts related to ‘circling’. As such, the Applicant shall include in the Post Implementation Study a report on on-Site parking utilization. This report shall include information on the occupancy status of the Site’s buildings as well as the utilization of the various on-Site parking resources. Data shall be collected for representative periods during an entire calendar year. In addition, the Applicant shall prepare a Parking Management Plan for review and approval during site plan review that will detail the ways by which additional parking can be provided within the Site’s existing resources in the unanticipated event that it becomes needed. The Plan will also detail the circumstances by which the MPOA will determine the need for implementation of these parking maximizing measures.

Prior to entering an agreement allowing on-Site permit parking for neighboring residents or any other non-Project use, the Village’s consulting traffic engineer and Director of Planning and Economic Development must review and approve a parking plan that demonstrates the sufficiency of on-Site parking resources to accommodate that new demand.

SOCIO-ECONOMIC AND FISCAL IMPACTS

AFFORDABLE AND WORKFORCE HOUSING

There are many definitions for affordable and workforce housing; however, affordable housing is generally defined as housing where no more than 30% of the household’s gross income goes toward housing costs, inclusive of principal, interest, taxes, and insurance.

Existing Conditions

The Village of Port Chester has the most affordable housing units receiving State or Federal subsidies of any village in Westchester County (714), as documented in the 2012 Housing Conditions Report. The Village also has the 5th highest ratio of subsidized housing units to total housing units (7.7%) of all Westchester villages.

In 2004, the Village enacted legislation to require the inclusion of moderate income housing (affordable to those making 80% of Area Median Income) in new developments of 10 units or more in certain Village Zoning Districts.

The 2012 Comprehensive Plan, adopted by the Village, recommended rezoning the Project Site from R2F to PMU to “encourage a mixed use development” that contains “residential development that is primarily comprised of efficiency (studio), one-bedroom and two-bedroom dwelling units aimed at serving a young age group, and empty nester age group, and possibly a combination of both.” The potential for requiring affordable housing in the future PMU district was not mentioned in the Comprehensive Plan. In 2013, the Project Site was rezoned from R2F to PMU. The PMU Zoning District did not, when implemented, require the provision of workforce or affordable housing in new developments.

As stated in the DEIS, “The workforce housing issues in central Westchester and the Village of Port Chester relate to the fact that there is an insufficient supply of housing available in this segment of the market.” (DEIS, III.F-34) The County’s planning document, Westchester 2025, states, in part, that, “the development of affordable housing in a way that affirmatively furthers fair housing is a matter of significant public interest because the broad and equitable distribution of affordable housing promotes sustainable and integrated residential patterns, increases fair and equal access to economic, educational and other opportunities and advances the health and welfare of the residents of Westchester County.” Westchester 2025 goes on to state that, “a varied supply of all types of housing, at all reasonable locations is necessary for a healthy county. Communities must create more “livable” neighborhoods for our aging population that feature transit-oriented development.” Finally, Westchester County recommended in its comments to the Village regarding the Proposed Zoning that the Village require at least 10% of housing units to be set aside as affordable.

Affordable and Workforce Housing on the Project Site

999 High Street is a 133-unit multi-family residential building on the Project Site. The building was regulated by New York State’s “Mitchell-Lama” law. In general, there are two ways to provide eligibility for Mitchell-Lama apartments. The first is income based. The second provides for other criteria, including employment affiliation.

There was never a state-mandated income-maximum to qualify for housing at 999 High Street. Rather, housing was conditioned upon employment at United Hospital. 999 High Street was originally incorporated by United Hospital as providing housing for employees of the hospital, regardless of income. Leases required households to vacate the unit within 30 days of cessation of employment at the Hospital. The Applicant incorporated its own Mitchell-Lama corporation to purchase the building from the Hospital. This new corporation was also formed to serve employees of the former hospital and is the current owner of 999 High Street.

The building cannot be demolished until the Mitchell-Lama Corporation is dissolved. (As described later in these Findings, the Mitchell-Lama Corporation was dissolved subsequent to the filing of the FEIS and prior to these Findings. See Exhibit A.) The NYS Division of Housing and Community Development (NYS DHCR) agreed that the Applicant could dissolve the Mitchell-Lama Corporation and seek eviction of all tenants. While the Applicant served a notice to quit on all tenants remaining in the building as of April 2015, the Applicant did not seek eviction of any tenant.

When the Applicant purchased the property, they allowed existing households to stay in the building, although United Hospital was no longer operating. The Applicant signed no new leases, and no evictions took place, except for non-payment of rent. Since purchasing the property, the Applicant did not increase rent. Average rent for a two-bedroom apartment in 999 High Street was approximately \$650 per month at the time of the DEIS filing in July 2015. Finally, consistent with the corporation's charter to provide housing for employees of the hospital, NYS DHCR did not require the Applicant to re-tenant vacant units or conduct income checks.

At the time the Applicant purchased the property (2006), 57 of the 133 units at 999 High Street were occupied. At the time the DEIS was accepted as complete (July 2015), there were 41 units occupied. As of November 2016, there were no households residing at 999 High Street.

The Applicant arranged relocation packages for each household through the service of a representative. Households that were income qualified received lifetime Section 8 vouchers. Generally, Section 8 vouchers are limited to households earning less than 50% of the area median income (AMI), which in Westchester for a family of 4 was \$53,900 in 2016. Twenty-six (26) of the 41 households that were present at the time of the DEIS' acceptance and were considered for eligibility qualified for these vouchers. It is unknown whether any of the other 16 units occupied at the time the Applicant purchased the building qualified for such vouchers, as they had moved from 999 High Street before the DEIS. Other households received between 12 and 24 months of rental assistance at the household's current rental rate as well as a cash payment. All households received a stipend for moving expenses.

Project Considerations of Affordable Housing

The zoning proposed by the Applicant does not require the set aside or provision of affordable housing on the Project Site. In addition, the Applicant is not proposing to include any income-restricted residential units in the Project.

The Applicant's Proposed Zoning includes a density bonus program that includes the provision for contribution to a housing rehabilitation fund and/or a Village affordable housing fund, among others. See the discussion in Section 6.6 below for the Board's modification to the density bonus proposed by the Applicant.

Legal

The Board notes the following legal considerations with respect to the provision of affordable housing within the Proposed Project:

Generally, exclusionary zoning applies to zoning that prohibits multi-family or affordable zoning. The Proposed Action would increase the number of multi-family units over that allowed by the current zoning. Therefore, there are no exclusionary impacts from the Proposed Action; that is, the Proposed Zoning would not result in the exclusion of multi-family or affordable units from either the Site or the Village. As such, the Project does not have the effect of excluding residents from the Village

There is no requirement that a project, as opposed to a municipality, have a "balanced plan" for affordable or workforce housing. It should be noted that the Comprehensive Plan "encourages[s] a balanced range of housing types and densities in the Village," which includes redevelopment of the United Hospital Site.

Rental Rate Comparison

The Applicant contends that inclusion of an affordable housing component would negatively affect Project viability absent an increase in PCIDA benefits (e.g., reduction in PILOT payment). The average market-rate monthly rent for new apartments in Port Chester is nearly \$2,100 for a studio, \$2,450 for a one-bedroom, and \$3,160 for a two-bedroom. Rents affordable to a household making 80% or 50% of AMI in 2016 are between \$675 and \$2,100

less per month than market rate, as shown in Table 3 below. For every five units of affordable housing included in the Project, assuming they are provided at the same ratio of studio, one-, and two-bedroom units now proposed for all 730 units proposed, the Applicant could expect to forgo \$52,104 per year if the housing was affordable at 80% of AMI and \$88,482 if the housing was affordable at 50% AMI.

Table 3
Rental Rate Comparison

	Studio	1-Bedroom	2-Bedroom
Average Market Rent	\$2,092	\$2,454	\$3,160
80% AMI Affordable Rent	\$1,416	\$1,499	\$1,801
Difference Between Market and 80% AMI Rents	\$676	\$955	\$1,359
50% AMI Affordable Rent	\$850	\$893	\$1,074
Difference Between Market and 50% AMI Rents	\$1,242	\$1,562	\$2,086
Notes: Numbers may not add due to rounding.			

Impact of Project and Mitigation Required

There are differing opinions regarding the SEQRA impact of the Proposed Project on affordable housing within the Village and County. They include opinions that the Project directly displaces:

- 133 units of affordable housing, based on the overall size of 999 High Street.
- 57 units of affordable housing, based on the fact 57 units were occupied by Village residents at the time the Applicant purchased the property.
- 41 units of affordable housing, based on the number of units occupied at the time the DEIS was filed.
- 26 units of affordable housing, based on the number of households (out of the 41 remaining in July 2015) that were income-eligible for Section 8 housing vouchers as the units in 999 High Street were serving as ‘affordable’ housing units for those 26 households.
- 36 units of affordable housing, which starts with the 26 units described above, and adds 10 more on the theory that of the 16 households that left 999 High Street between the time the Applicant purchased the property and July 2015, it can be assumed that the same percentage would be income qualified for housing assistance (63%) as was the case for the 41 households.
- Zero units as 999 High Street was incorporated and continually operated, including by the Applicant, as an employment-based housing corporation that required a member of the household to work for United Hospital, but did not set a maximum household income level for occupancy.

Other commenters have opined that the Village should require 10% of the Proposed Project units be affordable, while others have suggested a 20% requirement. Some of the comments have suggested these percentages be included in the Proposed Zoning. Finally, some commenters believe the Village has more than enough affordable housing and is instead in need of market-rate housing.

The Board acknowledges the recommendation by the Westchester County Planning Board that the Proposed Zoning require at least a 10% set-aside for affordable housing. As stated in the County’s letter, this recommendation is made with respect to all ‘projects of this scale, regardless of where they are located in the county.’ The Board notes that the Village of Port Chester is not included among the list of municipalities identified by the recent settlement between Westchester County and the Federal Government as not providing their fair share of affordable housing within the County. The Board finds, upon a specific analysis of the conditions of this Project Site, which is the target of the Proposed Zoning, and the specific conditions within the Village of Port Chester with respect to the provision of affordable housing and the percentage of the Village’s housing stock that is subsidized as affordable, that a 10% set-aside in this zoning district is not appropriate. The bases for this conclusion are articulated in greater detail in this section of these Findings; in addition, the requirement of 10% affordable housing could jeopardize the fiscal integrity of the Proposed Project and its concomitant benefits. Moreover, such a set-aside would be a departure from the Site’s current zoning, which does not currently require such a set-aside. The Board notes that the current PMU zoning was enacted based upon the recommendations of the Village’s Comprehensive Plan, one of which was to ‘encourage a balanced range of housing types and densities in the Village.’ The Comprehensive Plan, which was reviewed by the County Planning Board, did not require affordable housing in the PMU district. In addition, 999 High Street was not dedicated to affordable housing, but for employees of the now-defunct United Hospital. Further, at the time of the acquisition of 999 High Street by the Applicant, most of the units in the building had been vacated. These Findings analyze in detail the impacts of the loss of this building and the Board has provided mitigation for any

impact. Finally, the Board notes that the Proposed Zoning, as amended by these Findings, allows for an increase in the base zoning density in exchange for the provision of a defined community benefit. The community benefit identified by the Proposed Zoning, as amended by these Findings, is a monetary contribution to a Community Planning and Rehabilitation Fund, which has among its purposes, the provision of affordable housing, housing rehabilitation, neighborhood revitalization, and community planning. The Board believes that the significant monetary contribution to this fund envisioned by the zoning will allow the Village to provide a benefit to the existing Village community by improving existing housing opportunities and conditions.

The Village's staff and consultants are of the opinion that the Project will cause the loss of at least 26 units that, at the time of the Applicant's notice to residents of its plans to dissolve the Mitchell-Lama Corporation, were occupied by households that qualified for Section 8 vouchers and were thus households that would have qualified for affordable housing.

The Board finds that the Proposed Project has an impact on the provision of affordable housing within the Village of Port Chester of 36 units; 26 of which were known to be used as affordable housing, and 10 additional units on the reasonable basis that of the 16 households that left 999 High Street between the time the Applicant purchased the property and July 2015, it is reasonable to assume that the same percentage may be income qualified for housing assistance (63%) as was the case for the 41 households. To mitigate this impact, the Proposed Project shall be required to include at least 36 units of housing that are affordable to households making no more than 80% of the regional AMI for a period of twenty years. This is a conservative requirement, as a number of the households that occupied units at 999 High Street may have qualified for affordable housing due to the loss of employment at United Hospital. Accordingly, to maximize the availability of units in the Proposed Project as affordable, 80% AMI was chosen for the income threshold for all units. Based on the rental rate comparison between market-rate rents and rents affordable to households making a percentage of AMI, the Applicant would be expected to forgo approximately \$375,149 annually in rent from the inclusion of this affordable housing. The Board finds that, to the extent permissible by law, preference for this housing shall be given to members of the Village workforce, including but not limited to employees of the Village, School District, and volunteer fire department, and then Village residents (i.e., a residency but not a durational residency requirement). In addition, as noted below, the Proposed Project would contribute a \$3 million density bonus fee to a community planning and rehabilitation fund, which would allow for the creation of affordable housing within the Village or the rehabilitation of existing housing within the Village.

Indirect Displacement

The Proposed Project is not anticipated to result in a significant adverse impact owing to indirect displacement of existing Village residents outside of the Project Site. This is due to the existence of a lower-density, well-established residential neighborhood to the north of the Project Site and the presence of predominantly owner-occupied (as opposed to rental) co-ops to the east. As such, the potential for increased rent is not likely to create financial hardships for existing residents proximate to the Project Site that could cause the dislocation of a significant number of occupants.

IMPACTS TO THE SCHOOL DISTRICT

Existing Conditions

Based on a 2014 study commissioned by the PCIDA, the Port Chester-Rye Union Free School District ("School District") was expected to have a six classroom deficit in the elementary grades in the year of its peak enrollment, which was anticipated to be 2016-2017. In 2015, the School District released its own 10-year enrollment forecast that predicted District-wide peak enrollment in 2019-2020, with declining enrollment through the end of the study period (2024-2025).

In the 2014-15 school year, the average annual cost per student, net of aid (i.e., from the local tax levy) was \$15,217. This average includes the costs of special needs students and transportation.

Public School-Age Children Living at the Proposed Project

The number of school-aged children that would live at the Proposed Project and attend the public schools was estimated using two different multipliers.

Using data from the PCIDA report, which queried recent and local census data in an effort to accurately project the number of children that could enter the School District, the Project's residential units would be expected to house 34 students that attend the Port Chester Schools.

Using data from the 2000 census for a larger-geographical region, commonly referred to as the “Rutgers” data, the Project’s residential units would be expected to house 23 students that attend the Port Chester Schools.

As a result of a September 2015 FOIL request, information on the actual number of school-age children living at the Mariner (a recently constructed market-rate residential project in downtown Port Chester) was provided. The Mariner contains 60 one-bedroom and 40 two-bedroom units, some of which have ‘dens’. The School District stated that two children were enrolled temporarily in 2013-2014, zero children in 2014-2015, and two children in 2015-2016.

The Board finds that the Proposed Project is unlikely to house more than 34 children, as conservatively estimated by the PCIDA report, that attend the public schools.

Using data from the PCIDA report (2014-15 school year), the 34 school age children that are estimated to live at the Proposed Project and attend the public schools would cost approximately \$517,378 to the School District per year, net of aid.

Capital Costs

The PCIDA report estimated, based on contemporaneous, but subsequently publicly rejected, plans for school expansion and modernization, that each new student to the School District would have the effect of ‘costing’ the District \$18,370 in one-time capital costs, net of state aid. Based on the estimate of 34 public school children living at the Project, this would amount to a one-time capital cost to the School District of \$624,572. It is noted that the School District is currently proposing a similar building program with a slightly higher construction cost.

Mitigation

The Applicant is proposing a PILOT that would increase by 2.5% each year. In Year One, the Applicant proposed a PILOT amount of \$3,350,000, of which approximately \$1,993,529 would be paid to the School District based on current tax rates.

Accounting for the annual cost to the School District, and assuming a PILOT amount is approved by the PCIDA in an amount at least as large as proposed, the School District would receive \$1,082,151 more in revenue from the Project Site than it does currently (i.e., \$384,863).

The Applicant will also, for a period of 10-years after the first certificate of occupancy is issued for one of the Proposed Project’s non-age restricted housing units, provide an annual report to the School District, Village, and PCIDA on the number of school children living at the Project and attending the public schools, based on data obtained from the School District. In the event that the actual annual cost to the School District of educating the actual number of public school students living at the Project exceeds the incremental increase in yearly PILOT payments over the real property taxes paid by the Applicant to the Village as of the date of site plan approval for the Proposed Project, the Applicant will, for the 10-year period described above, pay the School District the difference.

The Applicant is not proposing any direct payments to the School District in response to the capital costs of the new students attending the School District estimated at a one-time cost to the District of \$624,572. The Applicant does not expect to be exempt from its fair share of any capital bond that is passed as part of PCIDA benefits it receives.

The Board finds that the Proposed Project, through the commitment to pay the School District the incremental annual cost associated with any new public school student living at the Project, either through PILOT revenue or a separate payment, adequately mitigates the potential annual impact to the School District from school children living at the Project Site. The period of 10 years for which this ‘look-back’ provision would apply is a reasonable period given the declining enrollment projections for the School District.

The Board finds that in order to adequately mitigate the one-time capital cost to the School District of new public school students living at the Project while continuing to preserve the economic benefit to the School District from the Project, any site plan for the Proposed Project must be conditioned on the Applicant paying its ‘fair share’ of any capital bond that is passed to benefit the School District based on the Project’s full assessed value.

PCIDA FINANCIAL ASSISTANCE: PILOT

The Project Site, inclusive of all three tax parcels, has a current total assessed value of \$16,192,100 and generates approximately \$659,223 in real property taxes and special district fees as shown in Table 4.

The Village’s consultants estimate that the total assessed value of the Proposed Project would be between \$133 million and \$183 million. Based on these values, the Proposed Project would be estimated to pay between \$5.4 and \$7.5 million per year in property taxes as shown in Table 5.

Table 4
Existing Property Tax Payments

District	Tax Rate per \$1,000 AV (2015)	Tax Generation
Port Chester School	\$24.635947	\$398,908
Village	\$11.367334	\$184,061
Town	\$0.054768	\$887
County	\$3.535149	\$57,241
Subtotal	\$39.593198	\$641,097
Port Chester Sewer	\$0.788874	\$12,774
Solid Waste	\$0.330581	\$5,353
Grand Total	\$40.712653	\$659,223

Table 5
Theoretical Property Taxes at Full Build Out

District	Property Taxes at \$133 Million Assessed Value	Property Taxes at \$183 Million Assessed Value
Port Chester School	\$3,276,581	\$4,508,378
Village	\$1,511,855	\$2,080,222
Town	\$7,284	\$10,023
County	\$470,175	\$646,932
Subtotal	\$5,265,895	\$7,245,555
Port Chester Sewer	\$104,920	\$144,364
Solid Waste	\$43,967	\$60,496
Grand Total	\$5,414,783	\$7,450,415

The Applicant has requested financial assistance from the PCIDA to complete the Proposed Project. The Applicant states that in addition to the PCIDA assistance being necessary to make the Proposed Project financially viable, the Proposed Project provides other public benefits, including roadway improvements, sales taxes, the reuse and visual enhancement of a strategically important site, and the provision of construction and permanent jobs. The Village’s consultant, after reviewing the Applicant’s financial models and other supporting data (including proprietary information), concluded that the “savings to the Applicant associated with the use of a PILOT Agreement are vital to the Project’s economic feasibility... based on their requested density and mix of uses proposed.” Contributing factors to this conclusion are the unusually large site preparation costs, which include demolition, abatement of hazardous materials, and site work such as extensive excavation and grading. The Village’s consultants note that the PCIDA would conduct its own review of the Project’s financials as part of that agency’s review of the Applicant’s request for assistance prior to determining the appropriate amount of financial benefits, if any.

Any assistance package will be finalized by the PCIDA and the details of any assistance package are not yet known. The Applicant has proposed, however, that the financial assistance package would include exemptions from sales taxes on construction materials, which could save the Applicant approximately \$14.1 million in sales taxes otherwise payable to New York State, Westchester County, and the Metropolitan Transportation Agency (“MTA”), and mortgage recording fees, as well as an exemption from property taxes pursuant to a payment of a PILOT. In the DEIS, the Applicant proposed a PILOT in the amount of \$2,975,000 to be apportioned between the various real property taxing jurisdictions. In the FEIS, the Applicant proposed to pay \$3,350,000 to all real property taxing jurisdictions and districts the first year of the agreement with annual increases of 2.5%. As required by law, the Port Chester Sewer District and Solid Waste District would receive payments based on the full assessed value of the Project. That is, their taxes would not be abated by the PCIDA. After subtracting payment to those districts, the remaining annual payment would be distributed among the other taxing jurisdictions in proportion to their relative tax rate pursuant to a PILOT. Based on the current relative tax rates, the Applicant’s proposed annual payment would be allocated between the various taxing jurisdictions as shown in Table 6.

Table 6
Proposed PILOT Payment

District	Current Tax Generation	Proposed Year One PILOT Payment**	Savings to Applicant from PILOT in Year One^	Revenue Increase from Current Taxes to PILOT
Port Chester School	\$398,908	\$1,993,529	\$1.3M - \$2.5M	\$1,594,621
Village	\$184,061	\$919,839	\$0.6M - \$1.2M	\$735,778
Town	\$887	\$4,432	\$3K - \$6K	\$3,545
County	\$57,241	\$286,063	\$184K - \$361K	\$228,822
Subtotal	\$641,097	\$3,203,863	\$2.1M - \$4.0M	\$2.6M
Port Chester Sewer*	\$12,774	\$103,079	\$0	\$90,305
Solid Waste*	\$5,353	\$43,058	\$0	\$37,705
Grand Total	\$659,223	\$3,350,000	\$2.1M - \$4.0M	\$2.7M

Notes: * Based on full assessed value of Proposed Project; not subject to PCIDA abatement.
** Year One payment based on the Applicant's estimated assessed value for the Proposed Project of \$130,479,680. Applicant proposes 2.5% annual increase in PILOT payments. While ultimate assessed value is likely to be higher than estimated by the Applicant, the resulting difference in revenue to the taxing jurisdictions is minimal, as the total dollar amount proposed by the Applicant would remain constant, but the amount paid to the sewer and solid waste districts would increase slightly. For example, with an assessed value of \$183 million, the School District would receive \$1,956,990 in Year One, which is \$36,539 or 1.7% less than the amount estimated by the Applicant. This is not a significant difference and would not cause a significant change in the assessment of the impacts associated with the Project.
^ Range is given based on \$133M and \$183M assessed value of Proposed Project.

Table 6 also indicates the savings to the Applicant from the Proposed PILOT, as well as the increases in revenue associated with the Proposed Project given the Proposed PILOT. As noted by the Village's consultants, the net present value of the savings to the Applicant from the PILOT proposed is approximately \$20 million over a 20-year PILOT.

The Applicant's proposed PILOT structure has relatively flat PILOT payments over the course of the 20-year PILOT term. The PCIDA has used other PILOT structures that feature a lower initial PILOT payment, with future years' payments ramping up over the course of the abatement period. As found by the Village's consultants, a typical 'ramp up' PILOT structure would produce lower overall revenues to the taxing jurisdictions over the course of the abatement period than the PILOT proposed, both in absolute terms and when the net present value of the 20 years of payments are considered.

The PCIDA has comprehensive 'recapture provisions' in the event of an Applicant who provided knowing material misstatement to the PCIDA or an Applicant that failed to achieve goals that were the original reason for the PCIDA in granting the benefits (such as a number of permanent jobs, dollar value of new investment, the number of construction jobs or any other goal identified by the PCIDA). In this way, the PCIDA has the authority to recapture financial benefits given to an Applicant that does not meet the public objectives of those benefits.

FISCAL & OTHER BENEFITS OF CONSTRUCTION AND OPERATION OF PROPOSED PROJECT

The economic benefits of the Proposed Project, both during construction and operation, were based in large part upon the IMPLAN (IMPact analysis for PLANning) model. IMPLAN is an industry-standard tool. The estimates were generated using IMPLAN default values for Westchester County, which is appropriate.

Construction Period Benefits

The Applicant, in the DEIS, prepared estimates of the economic benefits during the construction period based on an estimated construction cost of \$335 million. The Applicant now estimates that the cost of construction for the Proposed Project is nearly \$450 million, based on a substantial increase in the cost of vertical construction and better information on the site remediation and preparation costs involved with the Project. As noted by the Applicant's consultants, this cost is on the "high end of a reasonable range," of construction costs and is attributable to extremely high site preparation costs as well as higher than average tenant improvement costs.

The DEIS provided the following estimates of total construction period economic benefits. It is likely that some of these benefits are understated given the higher current construction cost, which will likely require additional employment and will definitely result in additional expenditures.

1,075 direct construction jobs (full and part time); 736 indirect and induced jobs (excluding all jobs associated with architecture, engineering, and similar professions).

\$483.7 million in total economic activity associated with construction of the Proposed Project.

Operational Period Benefits

The Proposed Project is expected to directly create 973 new permanent jobs on the Project Site within the retail, office, hotel, and residential uses. In addition, the Project is anticipated to create 209 indirect jobs (i.e., those jobs created in support of the Project's commercial enterprises, such as suppliers) and 519 induced jobs (i.e., those jobs created to support the expenditures of the new direct and indirect jobs). These jobs are anticipated to result in approximately \$360.2 million in annual economic output.

The Project's residents are separately estimated to induce approximately 283 jobs from their household spending, resulting in an additional \$41.25 million in annual economic output.

The Project is estimated to generate \$1.867 million in sales taxes annually; \$1,012,500 to New York State; \$759,375 to Westchester County; and, \$94,922 to the MTA.

Finally, New York State has recently authorized the Village of Port Chester to levy a tax on hotel room rentals of up to 3%. The Village does not currently levy such a tax as it was not previously allowed, nor does it currently have any hotels. The implementation of such a hotel tax could result in additional revenue to the Village of Port Chester from the Proposed Project.

Community Benefit Agreements

Community Benefit Agreements ("CBAs") can take many forms depending on the nature of the development, community needs, and parties' interests. In general, CBAs establish conditions a developer will meet in order to secure the cooperation, or at least forbearance, of community organizations regarding a proposed development. In some instances, possibly to lend authority and order to the process, local governments will join the negotiations or sign the agreement as a party. However, there is a risk that government participation could be considered an illegal exaction or illegal contract zoning, either of which could place in jeopardy a Board decision. As such, and based on the advice of Special Counsel, the Village Board has not and will not participate in the negotiation of, or be a party to, a CBA.

The Board notes, however, that many of the areas of the community's concern are being addressed through the SEQRA process. For instance, the Applicant has agreed to 'make the School District whole' in the case the Proposed Project houses more public school children than anticipated. Affordable housing has been addressed. In addition, through the D/FEIS process, and as documented in these Findings, protections have been included for workers and the public from potential impacts related to the presence of currently known building or soil contamination and any contamination that may be discovered during construction. Other community benefits will also be realized through the implementation of a density bonus fee. The Board does not find it appropriate to enter into a CBA, as that is an agreement that would be entered by the Applicant, and makes no findings on the issues of pre-apprenticeship and apprenticeship programs. However, the Board does express its general encouragement for such programs.

OTHER MUNICIPAL AND COMMUNITY FACILITIES

Police Department

The Proposed Project is expected to require two additional police officers, as estimated by the Village Police Department. These two officers are anticipated to cost the Village approximately \$210,000 annually. As noted above, the Applicant's proposed PILOT would increase the Village's property tax revenue by approximately \$735,000 per year. In addition, the Applicant has committed that, in the event the increment of a PILOT amount directed to the Village during any year a PILOT is in place over the real property taxes paid by the Applicant to the Village as of the date of site plan approval for the Proposed Project is less than the cost of providing two new police officers, the Applicant would pay to the Village the difference over the length of the PILOT. The annual cost of the two additional police officers shall be based upon the average salary of all Village police officers, with the exception of the Chief, and shall include the appropriate level of benefits for each. The Board finds that with this mitigation measure in place, the Proposed Project would mitigate potential impacts with respect to the provision of police services to the maximum extent practicable.

Fire & Ambulance Services

The Fire Department and Ambulance Corps has indicated that while the Proposed Project would increase calls for service, both organizations would be able to service the Proposed Project with existing staffing and equipment. Therefore, no significant impact to the provision of fire or ambulance services is anticipated from the Proposed Project.

The Fire and Building Departments must approve Project Site-circulation during any site plan review. Likewise, the emergency access provided to all buildings must be reviewed by

the Fire and Building Departments, as well as the police and ambulance corps, during any site plan review.

Solid Waste

The Applicant proposes to use private carters for solid waste removal, including removal of solid waste from the 'public' portions of the Proposed Project, such as the sidewalks and open spaces. The removal would be done at the Applicant's expense. It is anticipated that the Proposed Project would generate approximately 44 tons of solid waste, including recyclables, a month. The details of the Project's solid waste management, including the storage location of the Project's solid waste and the manner in which the waste is collected, will be finalized during site plan approval and documented in a Solid Waste Management Plan. The Board, therefore, anticipates no significant adverse impact with respect to the provision of solid waste services from the Proposed Project.

Recreation

The Project's new residents, approximately 1,082, are expected to make use of the immediately adjacent Abendroth Park, on-Site open space programmed into the Proposed Project (spaces both publicly accessible and those accessible only to Project-residents), and the Project's indoor amenities, such as common fitness rooms. In addition, the Proposed Zoning requires that 100 square feet of 'usable open space,' as currently defined in the Village's Zoning Code, be provided for every on-Site dwelling unit. The Proposed Project would include approximately 2.29 acres of usable open space, more than the 1.68 acres required based on the number of dwelling units proposed. As such, no significant adverse impacts with respect to the availability of recreational resources are anticipated from the Proposed Project.

The Applicant has included, as part of the Proposed Project, construction of new pedestrian connections to Abendroth Park, which would be constructed at the same time as the other components of the Project. The details of this connection will be designed and finalized during site plan approval. The connections are important Project features that will allow Project residents and guests to access the nearby resource of Abendroth Park.

Library

The Proposed Project is not anticipated to result in a significant adverse impact to the library system. The Applicant may, but has not committed to nor is it obligated to, "consider a lease arrangement to accommodate a satellite library facility during site plan approval." (DEIS, III.F-43)

Energy

The Proposed Project would use energy for heating, cooling and lighting. This consumption is anticipated to be typical of similar mixed use developments in Westchester County. The Proposed Project is anticipated to utilize 89,810 MMBtu of energy and emit 7,644 tons of carbon-dioxide annually.

The proposed residential units would be designed to meet or exceed the New York State Energy Conservation Code, which requires the use of energy efficient products in all new and renovated construction. The Applicant proposes to target a 5% energy cost reduction compared to the energy costs associated with building to the New York State Energy Conservation Code. The exterior walls and roofs of the residential units would have thermal insulation to reduce heat loss in the winter and heat gain in the summer. The windows shall be double paned, insulating glass for winter heating and low emissivity for summer cooling, unless the Applicant demonstrates during site plan review that this requirement cannot be met in certain buildings or portions thereof due to specific circumstances. The Proposed Project would also include green roof surface treatments to both encourage the use of the roof space by residents and visitors, and to reduce the urban heat island effect. Additionally, as required by the Proposed Zoning, any site plan application must contain a completed sustainability or green project checklist. Completion of this checklist will help to identify other areas of potential energy savings that could be incorporated into the Project's final design.

The Proposed Project would include 75-100 bicycle racks throughout the Project Site to encourage alternate modes of transportation, which would reduce energy consumption. Additionally, the Applicant will consider the use of a car share program on-Site and has committed to providing a jitney service to nearby commuter rail station(s).

The Proposed Project will reduce energy consumption when compared to a similarly scaled development that is spread out over a larger area, such as an entire Village, through building efficiencies and a reduction in the number of vehicular trips associated with the Project through the consolidation of trips (e.g., coffee shop and clothing shop in one vehicular trip) and the internal capture of trips (e.g., residents and employees can walk to stores). Together

with the other measures proposed to be incorporated into the Project, the Board finds that the Proposed Project would not create a significant adverse impact on energy resources.

FUNDS FOR DENSITY BONUS FEE

The Applicant has proposed that the Village establish a density bonus fee that would be contributed to one or more of four Village community benefit funds. The four funds proposed by the Applicant are:

The Village Housing Rehabilitation Program

The Village Open Space Fund

The Village Job-Training Fund

The Village Affordable Housing Fund

The Applicant proposed a density bonus fee in the amount of \$1 million to increase the allowable density on the site from 1.4 FAR to 1.6 FAR. The Village's consultants estimated that "a bonus density fee appropriate for the additional FAR sought by the Applicant ranges from approximately \$2.4 million to \$3.4 million." Both sets of figures were based on the mix of uses contemplated by the Proposed Project. The Village's consultants also noted that "a successfully-executed project would generate substantial public benefits that, if fully monetized, would exceed by orders of magnitude the one-time density bonus fee."

The Board finds that incentivizing the provision of a community benefit by affording the opportunity to increase density on the Project Site is appropriate and in the best interests of the Village and the Applicant. The Board believes that the 'base density' of the PMU district, however, should remain at 0.8 and not be changed to 1.4 as proposed by the Applicant. This is consistent with the Applicant's original "Overlay" zoning concept, which has since been withdrawn, that contemplated keeping the base density of the underlying PMU and CD districts unchanged and achieving the desired Project density of 1.6 FAR through the provision of various community benefits. Retaining a base FAR of 0.8 also encourages the full build out of the Project, as any increase above the existing allowable FAR of 0.8 would require the payment of the density bonus fee. Full build out of the Proposed Project maximizes the likelihood of the Project's financial success, reduces the extent of any tax abatement needed for the Project, and fulfills the Comprehensive Plan's objectives of creating a vibrant mixed-use community on the Site. Therefore, any amendments to the PMU Zoning District regulations should therefore keep the base density at 0.8 FAR and allow a maximum density of 1.6 FAR. In order to qualify for an increase in density above 0.8 FAR, a community benefit must be provided in the form of a density bonus fee.

The Board finds that the density bonus fee for an additional 0.8 FAR (for an overall 1.6 FAR) should appropriately be set at \$3 million. Therefore, any amendments to the PMU Zoning District shall include a density bonus fee of \$3 million. The Board further finds that such a density bonus fee should be paid in two installments so as not to unnecessarily burden the Applicant with upfront costs while still providing the Village with a much needed community benefit in a reasonable amount of time. Each installment shall be one-half of the total density bonus fee and shall be payable: prior to the issuance of the first building permit for one of the Project's buildings (i.e., vertical construction); and, prior to issuance of the first Certificate of Occupancy for any of the Project's buildings.

With respect to the fund(s) into which the density bonus fee shall be paid, the Board is generally supportive of the community benefits targeted by the funds proposed by the Applicant. However, the Board prefers that a single fund be created for the purpose of community planning and rehabilitation. In this way, any density bonus fee paid could be utilized for a variety of specific community benefits, not simply a single benefit, which will afford the Board greater flexibility to utilize the funding than has been the case with prior density bonus fees paid to the Village. This particular fund will allow the Board to provide needed community benefits for the entire Village, including, but not limited to, funding of neighborhood revitalization, affordable housing, community planning, and housing rehabilitation. Therefore, any amendments to the PMU Zoning District regulations should specify that any density bonus fee be paid to the community planning and rehabilitation fund.

DEMOGRAPHICS

The Village of Port Chester had a total population of 28,967 persons in 2010, an increase of approximately 4% from 2000. During the same period, the number of households in the Village fell by 3.1% to 9,240. As a result, the average household size for the Village increased 6.6% from 2000. During that same time period, the number of housing units increased by 2.8% to 10,046. Within Westchester County as a whole, during the same time period, the population increased by 2.8% (slightly less than Port Chester's growth rate) and the number of households grew by 3%. The average household size in Westchester increased slightly to 2.80, significantly less than the Village's average household size of 3.08. The Median Household Income ("MHI") in Port Chester was estimated at \$56,127 in 2013, a 23.5% increase from 2000. While Westchester County as a whole experienced a similar, but slightly greater, increase in MHI, the MHI in Westchester in 2013 was \$81,946, 46% higher than the Village of Port Chester.

The Proposed Project would create 730 additional housing units in the Village with an anticipated population of 1,082 residents. The increase of nearly 8% in the Village's housing units is anticipated to result in a 3.7% increase in the Village's population; this differential in percentages is attributable to the small unit size proposed by the Applicant.

NATURAL RESOURCES

[Note: While discussions of hazardous materials and site contamination were discussed in the Natural Resources chapter, this Statement of Findings addresses those issues in the section dealing with Construction impacts.]

The Proposed Project will require disturbance of virtually the entire Project Site. This section focuses on the impacts to natural resources themselves from this disturbance. Other impacts of the Site disturbance, such as those related to stormwater, are discussed elsewhere in these Findings.

VEGETATION & SOILS

The Project Site contains large areas of impervious surfaces, including buildings and parking areas. Areas of pervious ground cover consist of small patches of manicured lawn and some areas of limited tree cover. The existing soils are mapped as Udorthents, smoothed, which indicates soils that have been previously disturbed by cutting and filling. The NYSDEC has no records of rare, state-listed animals or plants or significant natural communities at the Project Site or its immediate vicinity.

After the Project's construction, there will be a decrease of approximately 2.71 acres of vegetated land cover and an equal increase in impervious Site coverage. All of the Site's steep slopes, approximately 2.27 acres, will be disturbed as a result of the Project's goals to create a pedestrian-oriented environment through the creation of a relatively flat open space area in the middle of the Project Site, and the location of street level retail along Boston Post Road, where many of the Site's most steep slopes are located. Construction of the Proposed Project is anticipated to require the removal of approximately 30,000 cubic yards of Site material, including rock and excess soil.

To mitigate the impacts to vegetation, an extensive landscaping plan that is consistent with the conceptual landscape plan proposed must be reviewed and approved by the Board as part of any site plan approval, as described in the "Visual Resources" section of these Findings. Finally, the Applicant shall preserve existing on-Site mature trees to the maximum extent practicable, especially along the edges of the Project Site. The location, size, species, and condition of all trees proximate to the northern and eastern boundaries of the Project Site, and in any other locations where trees may be preserved, shall be surveyed and a tree removal and protection plan shall be developed as part of any future site plan approval.

With the implementation of these mitigation measures, the Board finds that there will be no significant adverse impacts to vegetation. Impacts related to the visual character of the Site are discussed in a previous section of these Findings. Impacts to on-Site soils and rock, while substantial, are necessary to achieve the objectives of the Village and Applicant to redevelop the Project Site. With appropriate erosion and sediment and other stormwater controls, discussed elsewhere in these findings, significant adverse impacts from the disturbance of on-Site soil and rock will be minimized to the maximum extent practicable.

WILDLIFE

The Project Site is a highly developed and disturbed site that provides little to no habitat for selective species. Wildlife expected to occur on-Site are generally urban generalist species, such as song birds and small mammals, including rodents. The NYSDEC has no records of rare, state-listed animals or plants or significant natural communities at the Project Site or its immediate vicinity. Species that currently use the Site may be directly displaced during construction. However, suitable habitat of similar characteristics (i.e., disturbed and fragmented areas) surrounds the Project Site. In addition, many species that likely inhabit the Project Site, such as rats, are considered nuisance species and will be eradicated to the extent practicable during construction. Finally, after construction of the Proposed Project, new vegetation will provide similar habitat as currently exists for disturbance-tolerant species. As such, the Proposed Project is not anticipated to have a significant adverse impact on wildlife species on or near the Project Site.

HISTORIC AND CULTURAL RESOURCES

The Project Site contains no features that are listed or eligible for the State or National Register (S/NR) of Historic Places or the County Inventory of Historic Places. The mile marker on the Boston Post Road frontage is a replica, and not the original. As such, it is likely not eligible for S/NR listing. In addition, only two potential historic features are present on the Project Site; a cut-stone basement and stone pillars at the eastern entrance to the Project Site. Removal of these features as part of the Proposed Project is not considered a significant adverse impact as they are not S/NR eligible. Nevertheless, during final site plan design, the Applicant shall evaluate the feasibility of preserving the stone entrance pillars.

The Project Site has been heavily disturbed through many decades of construction and excavation. As such, there is little potential for significant archaeological resources to remain on the Project Site. Therefore, the Proposed Project is not anticipated to have any significant adverse impact on archaeological resources.

There are no S/NR-listed structures, structures determined to be eligible for S/NR listing, or sites listed on the Westchester County Inventory of Historic Places within the Area of Potential Effect (APE) established around the Project Site. Therefore, the Proposed Project would not have any significant adverse direct/physical or visual/contextual impacts on historic architectural resources outside of the Project Site. The closest S/NR listed or eligible structure or structure listed on the Westchester Inventory or designated by the City of Rye adjacent to any roadway that may experience an increase in Project-generated traffic is the Rye Post Office. The Proposed Project would increase traffic levels on Boston Post Road by approximately 20 vehicles in the peak hour proximate to the Post Office, some of which may travel past the Post Office. This increase is not significant and would not adversely affect the Post Office and its historic context.

AIR RESOURCES

This section sets forth the Findings of the Board with respect to potential air quality impacts of the Proposed Project during its operational phase. The potential for the *construction* of the Proposed Project to have air quality impacts is discussed in the ‘Construction’ section of these Findings.

STATIONARY SOURCES OF EMISSIONS

A computer modeling analysis, based on United State Environmental Protection Agency (“EPA”)-approved models, was undertaken to project the impacts of Project emissions (i.e., boilers, hot-water heaters) based on background (ambient) air quality conditions derived from NYSDEC-approved monitoring locations. The concentrations projected were then compared to the National Ambient Air Quality Standards (“NAAQS”) that are established by EPA, pursuant to the Clean Air Act, for pollutants considered harmful to public health and the environment. The concentrations of pollutants established in the NAAQS are designed to protect the most vulnerable members of the population. This analysis, along with the results, is summarized below.

A modeling analysis was conducted with the EPA AERMOD refined dispersion model for calculating worst-case impacts at ground-level and at publicly accessible rooftops and open balconies from the Proposed Project’s building air emissions sources from the combustion of fossil fuels. The modeling assessment was conducted utilizing the appropriate stack emissions, stack exhaust parameters, and receptor locations as identified in the FEIS. The NYSDEC provided five years (2010-2014) of AERMOD ready meteorological data from the nearest representative National Weather Service meteorological station, which is located in White Plains, New York. Based on the model, the maximum-modeled Project-generated concentrations, when added to existing background concentrations, are less than the associated NAAQS, as shown in Table 7. Therefore, the on-Site combustion of fuel for HVAC and hot water are not anticipated to result in a significant adverse air quality impact. The Board notes, however, that this analysis was based on the Conceptual Site Plan described in the D/FEIS. If any of the modeled parameters changes significantly based on the final site plan, a revised air quality model may be required to confirm that the Project would have no significant air quality impacts.

Table 7
Maximum HVAC Modeled Concentrations (ug/m3)

	CO		SO ₂		PM ₁₀	PM _{2.5}		NO ₂	
	1-Hour	8-Hour	1-Hour	Annual	24-hour	24-Hour	Annual	1-Hour	Annual
Maximum Project Concentration	31	27	2.7	2.6	2.1	2.1	0.4	29.4	4.3
Background Concentration	2,185	1,495	81.0	12.2	36.0	24.2	10.2	112.0	39.0
Total Concentration	2,216	1,522	84	15	38	26	10.6	141	43
NAAQS	40,000	10,000	197	80	150	35	12	188	100

MOBILE SOURCES OF EMISSIONS

Off-Site Traffic Emissions

Project-generated traffic has the potential to cause adverse impacts to local air quality as a result of increased vehicular emissions, particularly with regard to carbon monoxide (CO) and fine particulate matter less than 2.5 microns in width (PM-2.5), which can penetrate into the respiratory tract. All intersections included in the Modified TIS were evaluated using the methodology contained in the NYSDOT Environmental Procedures Manual. This methodology first screens intersections based on LOS and volume to identify those intersections that have the potential to experience a significant adverse impact from a project. Intersections identified as having the potential for impacts are then subjected to a refined air quality modeling analysis to

determine the significance of the potential impact. Based on the screening analyses, none of the intersections studied in the Modified TIS exceeded the screening criterion and thus were not required to undergo a refined air quality analysis. Therefore, there is little potential for Project-generated traffic to have a significant adverse impact on air quality.

On-Site Parking Structure Emissions

Air quality impacts associated with the proposed aboveground parking garages at the Proposed Project were studied for CO and PM-2.5 resulting from large concentrations of vehicles at those locations. A six-level naturally ventilated parking garage for the residential component will have approximately 461 spaces and will serve the majority of the market rate residential units. A separate six-level naturally ventilated parking garage will have approximately 645 spaces and will primarily service the wellness/medical offices.⁶

The air quality analysis for the parking facilities was conducted following the guidance provided in the New York City Environmental Quality Review (“CEQR”) Technical Manual: Appendices (CEQR, 2014), as the NYSDOT Environmental Procedures Manual does not present a methodology for this type of analysis. It was conservatively assumed that vehicles entering and exiting the parking facilities would idle for one minute on each parking level and travel at five miles per hour (mph) through the parking areas. The idling time accounts for individuals warming up their vehicle during cold weather and other traffic/parking queues while entering and exiting the parking facilities. Engines of the vehicles entering the parking facilities were assumed to be in hot stabilized mode (warm or hot engines), while the vehicles exiting the parking facilities were assumed to be in cold stabilized mode (cold engines).

Although most vehicles will only travel one or two portions of a parking level before locating a parking space, it was conservatively assumed that all vehicles would travel $\frac{1}{2}$ the width and $\frac{2}{3}$ the length of each level in addition to the length of the ramps connecting each level before locating a parking space and/or leaving the parking facility (consistent with CEQR guidance).

Emissions of CO and PM-2.5 for vehicles in the parking garages were calculated using the EPA MOVES mobile source emission factor model. Model inputs pertaining to inspection/maintenance, anti-tampering programs, age distribution, etc., were obtained from the NYSDEC. Model inputs pertaining to vehicle operating modes and ambient conditions were based upon CEQR Guidance. The equations used to calculate the maximum CO and PM-2.5 concentrations due to the parking garages yield maximum one-hour CO and PM-2.5 concentrations. These concentrations need to be converted to the additional time periods that are set forth in the NAAQS, so that it can be determined whether the resultant concentrations of CO or PM-2.5 may exceed the applicable NAAQS and thus have a potentially significant adverse impact when taking into account existing background conditions. To convert the maximum one-hour CO concentration to a maximum eight-hour concentration the NYSDOT and EPA recommended conversion factor of 0.7 was applied. To convert the maximum modeled one-hour PM-2.5 concentration to a 24-hour concentration utilized the NYSDOT and EPA recommended conversion factor of 0.6.

Results of calculating the maximum one-hour and eight-hour CO and 24-hour PM-2.5 concentrations due to the Proposed Project parking garages indicates that the one-hour and eight-hour CO NAAQS and 24-hour PM-2.5 NAAQS will not be threatened or exceeded when accounting for the existing background concentrations, as shown in Table 8. Therefore, there will be no significant adverse air quality impacts as a result of the parking garages.

⁶ The air quality analyses that included the parking garage sources referenced in this Chapter were done with a project that included only 550 spaces in the medical/wellness parking garage. Subsequent to the analyses, the project was modified so that this garage now includes 645 spaces on an additional level of parking. While the additional level of parking would result in potentially longer travel distances, there should not be a substantial change in pollutant concentrations due to the garage being naturally ventilated. In addition, as the additional travel distances would occur at the top of the structure, the effect of the additional travel would be minor compared to the activity at the receptor locations at the base of the structure.

Table 8

Parking Garage Maximum CO and PM-2.5 Concentrations

Source	Concentration
1-Hour CO Concentration (ppm)	
Project Parking Garage (Office Deck D)	0.9
Project Parking Garage (Residential Deck C)	1.1
Calculated 2018 Background	2.9
Garage Total	4.6
NAAQS	35
8-Hour CO Concentration (ppm)	
Project Parking Garage (Office Deck D)	0.6
Project Parking Garage (Residential Deck C)	0.8
Calculated 2018 Background	2
Garage Total	3.4
NAAQS	9
24-Hour PM-2.5 Concentration (ug/m3)	
Project Parking Garage (Office Deck D)	0.69
Project Parking Garage (Residential Deck C)	0.59
Monitored Background	24.2
Garage Total	25.5
NAAQS	35

Combined Parking & Roadway Emissions

The maximum modeled concentrations of adjacent street traffic for CO and PM-2.5 were modeled per guidance in the CEQR Technical Manual (CEQR, 2014), as the NYSDOT Environmental Procedures Manual does not present a methodology for this type of analysis. This model combines the anticipated concentrations from the parking garages and adjacent traffic, together with background conditions, to determine if the NAAQS would be exceeded based on the combined emissions of both sources. The Boston Post Road and Kohl's site driveway traffic was conservatively modeled to occur directly adjacent to the sidewalks of both parking garages to determine maximum modeled cumulative impacts of the parking garages and adjacent street traffic. The maximum impacts from the two parking garages were added to the maximum impacts from the adjacent street traffic. This methodology results in a very conservative estimate of cumulative impacts as there is no credit being taken for the horizontal separation between the parking garages and adjacent street traffic. The intersection traffic for the peak PM time period was modeled with the CEQR Technical Manual Guidance and emissions for adjacent vehicle traffic per the MOVES model. The resulting maximum modeled one-hour and eight-hour CO impacts are 0.5 ppm and 0.4 ppm, respectively. The maximum modeled 24-hour PM-2.5 impact for the adjacent street traffic is 0.78 ug/m³. With the addition of the contributions of adjacent street traffic to the modeled concentrations from the parking garages and monitored background concentrations, the maximum cumulative impacts are 5.1 ppm for one-hour CO, 3.8 ppm for eight-hour CO, and 25.9 ug/m³ for 24-hour PM-2.5. All of these cumulative concentrations are well below the respective NAAQS.

Therefore, the cumulative impact of the proposed parking garages, adjacent street traffic, and background CO and PM-2.5 concentrations will not exceed the CO and PM-2.5 NAAQS and there will be no significant adverse air quality impact associated with mobile sources for the Proposed Project.

NOISE RESOURCES

This section details the Findings of the Board with respect to potential noise impacts of the Proposed Project during its operational phase. The potential for the *construction* of the Proposed Project to have noise impacts is discussed in the 'Construction' section of these Findings.

Ambient noise monitoring was conducted in the vicinity of the Project Site to establish baseline (ambient) noise conditions. Projected levels of noise from the Project were then added (logarithmically) to the ambient noise levels to determine the anticipated increase in noise levels attributable to the Proposed Project and the potential for the Project to have a significant adverse impact. Those levels were then compared to accepted guidance to determine the potential significance of the increase and of the overall projected decibel ("dBA") level.

STATIONARY SOURCES OF NOISE

The potential for on-Site building HVAC systems to create significant adverse noise impacts was evaluated using a 'typical' HVAC unit that could be expected to be used for the Proposed Project. This unit has a sound power level of 78 dBA, which corresponds to a sound pressure level of 46 dBA at a distance of 50 feet. For purposes of analysis, the unit was assumed to be placed at 50 feet from the co-ops on South Regent Street at ground-level. The co-ops were chosen as they would be the closest

sensitive receptor to an occupied Project building.⁷ (The Board notes that it is likely the unit would be placed on a roof and likely not at the building's edge, which is 50 feet from the co-ops.) The analysis demonstrated that sound levels at the co-ops would increase approximately 3 dBA over existing nighttime conditions, which is when the lowest ambient sound levels are typical and sensitivity to noise is the greatest. The Board finds that this increase is not a significant adverse impact owing to the relatively small increase in sound level, which would be barely perceptible, and the absolute noise level that would be generated (approximately 49 dBA) is well below NYSDEC's recommended sound level of 65 dBA for residential uses, even considering the potential for this noise to occur at night.

Given that the HVAC systems, and on-Site generators, have not yet been specified and their location and potential shielding has not been identified, the Board finds that any future site plan approval for the Proposed Project must be conditioned on an analysis that confirms that the final specification and configuration of all on-Site noise generating equipment would not create a significant adverse increase in sound levels to residential or other sensitive receptors proximate to the Project Site.

MOBILE SOURCES OF NOISE

A noise impact evaluation was performed to calculate expected noise level increases associated with increases in traffic owing to Project-generated vehicular trips. Traffic noise was evaluated using traffic count data from the DEIS Traffic Study. The analysis properly assumed that the posted speed and vehicle mix would not change with the Proposed Project. With no large-format retailers proposed, Project-generated vehicles are not likely to contain large numbers of semi-trailers or other large trucks. Rather, personal vehicles and small- to medium-sized delivery trucks are anticipated to make up the largest share of Project-generated trips. Therefore, only increases in vehicular volumes have the potential to increase noise levels.

The analysis, based on a standard screening-level technique that utilizes a proportional calculation to determine future noise levels based on increases in traffic, demonstrated that no intersection would be expected to experience more than a 0.8 dBA increase in sound levels over the No-Build condition, with the exception of the Main Site Driveway, which would be expected to experience up to a 1.5 dBA increase in sound levels over the No-Build condition. These increases are minor, and in many cases barely perceptible.

The analyses performed in the DEIS to determine the potential for significant adverse impacts from Project-generated traffic were not updated using the FEIS traffic study as only minor changes in traffic volumes predicted at a given intersection occurred. All other changes to the traffic study dealt with pedestrian access, intersection configuration, and signal timing. As shown in the DEIS, the greatest calculated increase in noise owing to Project traffic was at the Boston Post Road intersection with the Kohl's driveway at an increment of 1.5 dBA.

Only two intersections experienced traffic volume increases of more than 15% in the Modified TIS during any peak hour as compared to the volumes used to estimate noise level increases in the DEIS. As a point of reference, a 25% change in traffic volumes would be expected to result in a change of approximately 1.0 dBA.

High Street and the Existing Site Driveway West experiences a 16.5% increase in volumes during the peak PM hour from what was analyzed in the DEIS. In the DEIS, the estimated impact of the noise attributable to Proposed Project-generated traffic at that intersection during the peak PM hour was 0.6 dBA.

High Street and Proposed Site Driveway Middle during the AM, PM, and Saturday peak hours experiences volume increases from the traffic study in the DEIS of 20.5%, 26.2%, and 30.9%, respectively. In the DEIS, the estimated impact of the noise attributable to the Proposed Project-generated traffic at that intersection during the AM, PM, and Saturday peak hours was 0.4 dBA, 0.6 dBA, and 0.2 dBA.

Therefore, the Board finds that sound level increases from Project-generated traffic are not anticipated to create a significant adverse impact.

WIDENING OF I-287 EXIT 11 OFF-RAMP

The Applicant proposes to widen the Exit 11 off-ramp from I-287 to Boston Post Road by adding another lane to the western side of the existing ramp and restriping the existing ramp so that three lanes can be accommodated. This action has the potential to increase sound levels at nearby receptors, such as the residences along Cope Circle and Hillside Road. To evaluate the potential impacts to these residences, an analysis using the Federal Highway Administration's ("FHWA") Traffic Noise Model ("TNM") v2.5⁸ was performed. Analysis of potential impacts associated with the combination of a

⁷ While the nursing home, to the west of the Project Site, is as close to the Project Site as the co-ops, the closest Project structure would be a naturally ventilated parking garage that would not be a major source of HVAC noise.

⁸ The TNM version 2.5 was developed by the FHWA and is required to be used to evaluate potential noise impacts on all Federal-aid highway projects.

widened exit ramp (i.e., closer to the residences) and additional Project-generated traffic on the six closest residences along Cope Circle and Hillside Road demonstrated that sound level increases would be expected to be approximately 0.5 dBA greater than in No-Build conditions. These increases would be barely perceptible. In addition, the absolute sound levels at these receptors of approximately 58 dBA would be well below the NYSDOT noise abatement threshold of 67 dBA. As such, the Board finds that the widening of the Exit 11 Ramp off of I-287, combined with the increase in Project-generated traffic on that ramp, would not cause a significant adverse impact with respect to noise.

CONSTRUCTION

The Proposed Project includes the demolition of all existing on-Site structures and infrastructure, extensive grading and rock removal, installation of Site utilities and new Site roadways, construction of buildings and parking structures, and installation of landscaping. In addition, off-Site roadway and utility improvements, described elsewhere in the Findings, are included as part of the Proposed Project. The Proposed Project is anticipated to be constructed as a single project over approximately three years; that is, all major Project components are proposed to be constructed during the same single approximately three-year time period. It is upon this basis that the evaluation of potential construction-period impacts in the D/FEIS was based. If there is a change in the construction sequencing (e.g., the Project Site is proposed to be developed in separate phases, such as for separate blocks), there is the potential for new significant adverse impacts not previously addressed to occur, such as the duration of construction sound level and air quality impacts, the removal of contaminated material, and the on-Site location of construction worker parking. Such a change would necessitate an analysis of the potential for new, significant adverse impacts not previously addressed.

Construction is generally proposed to be sequenced as follows:

Secure Site perimeter; establish field offices, implement initial erosion/sediment control; implement pest/rodent remediation (~2 months).

Building abatement and demolition; demolition of sidewalks, pavement, and on-Site utilities; Site remediation (~12 months).

Create staging area in Block E; rough grading of Blocks A and C and internal roadway; construction of block A infrastructure and roads/buildings; construction of internal roadway network (~6 months).

Construct Block C (~6 months).

Grading of Blocks B and D; construction of Blocks B and D; begin to construct and install Site amenities; begin fine grading and installation of permanent soil erosion practices and landscaping (~6 months).

Establish construction worker parking within Blocks B/D; construct Block E; complete fine grading and installation of permanent soil erosion practices and landscaping (~4 months).

PRELIMINARY CONSTRUCTION PERIOD IMPACTS

Demolition and construction activities have the potential to harm persons that, intentionally or not, accesses the Project Site without authorization. To mitigate the potential for such impacts, prior to any demolition or construction activities on the Project Site, the Applicant shall adequately secure the Project Site. Site security shall include, at a minimum, safety fencing, on-Site security, and restrictions on access to authorized personnel only. The final design of Site-safety measures shall be included as part of the Construction Management Plan (CMP), discussed below.

To mitigate the potential for off-Site migration of vermin, the Applicant shall implement a pest control program prior to demolition of any on-Site structures. This program shall include the on-Site extermination and/or trapping of vermin prior to demolition, as well as the ongoing monitoring and trapping and/or extermination of vermin along the Project Site's perimeter throughout the construction period. No building/demolition permit or site plan approval shall be granted without demonstration of an adequate pest management plan. The pest eradication and monitoring program shall be included as part of the CMP, discussed below.

EROSION AND SEDIMENT CONTROL

An Erosion and Sediment Control Plan ("ESCP") shall be reviewed and approved by the Village Engineer or Village consulting engineer prior to the commencement of any earthwork on Site. The NYSDEC and Village Engineer or Village consulting engineer must approve the construction-period SWPPP prior to disturbance of more than five acres at one time. At a minimum the ESCP must include the following to avoid the potential out-migration of sediment to the maximum extent practicable: placement of a silt fence along the perimeter of the areas to be disturbed; installation of stabilized construction entrances; stabilization of soil stockpiling areas and disturbed areas of steep slopes; diversion of upstream stormwater from off-Site; protection of existing drain inlets; and, the use of sediment traps and interceptor swales. On-Site dust suppression measures and off-Site street sweeping must be implemented, as required by the approved ESCP or directed by the Village Engineer or Village consulting engineer. De-watering during excavation must be treated and discharged to a suitably designed sediment trap, sediment basin, or stabilized area, such as a filter strip. If oil contaminated

water is encountered, it shall be pumped into an oil-water-grit separator unit, in compliance with all federal state, and local regulations. Implementation of these measures will mitigate the potential for impacts related to erosion and sediment migration to the maximum extent practicable.

Given the large area of the Project Site and the large areas contemplated for disturbance during any single phase of construction, there is the potential for airborne particulates, also known as fugitive dust, to migrate off-Site during construction. As the Project Site is in close proximity to sensitive receptors, fugitive dust must be controlled during the entire construction process. Therefore, a Fugitive Dust Control Plan must be prepared by the Applicant and reviewed and approved as part of any site plan approval for the Proposed Project. The Fugitive Dust Control Plan would, at a minimum, establish enforceable guidelines on truck loading and operations on the Project Site, including speed limits, require dust control agents, such as water, before and during Site disturbance when needed, require water misting systems or alternative equivalent during demolition, require the maintenance of existing ground coverings or stabilization of disturbed soil, and ultimately allow for construction activity to be discontinued if the generation of dust cannot be controlled. Compliance with the Fugitive Dust Control Plan must be a condition of any site plan approval and shall be enforced by the Village of Port Chester. Implementation of a Fugitive Dust Control Plan will avoid impacts related to the migration of fugitive dust to the maximum extent practicable.

HAZARDOUS MATERIALS & SITE CONTAMINATION

Beneficial Reuse of Site Materials

Disposal of excess soil and rock will be performed in accordance with applicable State requirements, including those for addressing contaminated material: 6 NYCRR Part 360 Solid Waste Management Facilities, Part 370 Hazardous Waste Management System-General, Part 371 Identification and Listing of Hazardous Wastes, Part 372 Hazardous Waste Manifest System and Related Standards for Generators, Transporters and Facilities, and Part 374 Management of Specific Hazardous Waste. In addition, federal regulations at 40 Code of Federal Regulations (CFR) Parts 260 through 273 will be followed.

As discussed below, the Applicant shall manage and reuse soils and rock consistent with the Pre-Determined Beneficial Use Determinations [6 NYCRR Part 360-1.15(b)] to the maximum extent practicable. (Beneficial use determinations allow the reuse of certain materials from excavation and construction and demolition activities, subject to NYSDEC regulations.) Subject to approval by the Village Engineer or Village consulting engineer, materials subject to beneficial use may include, but not be limited to:

- Uncontaminated soil which has been excavated as part of a construction project, and which is being used as a fill material, in place of soil native to the site of disposition;
- Nonhazardous petroleum contaminated soil which has been decontaminated to the satisfaction of NYSDEC and is being used in a manner acceptable to NYSDEC; and,
- Recognizable, uncontaminated concrete and concrete products, asphalt pavement, brick, glass, soil and rock placed in commerce for service as a substitute for conventional aggregate.

Soil and rock that is not subject to beneficial use will be disposed in a permitted treatment, storage or disposal facility or recycled off-Site at a NYSDEC-registered construction and demolition debris processing facility. Consistent with NYSDEC, Division of Environmental Remediation's document entitled "DER-10 Technical Guidance for Site Investigation and Remediation", excavated bedrock containing less than 10% by weight material which would pass through a size 80 mesh sieve will typically not be subject to sampling and analytical testing for reuse or disposal.

Potential Subsurface Contamination

A Phase I Environmental Site Assessment ("ESA") was performed to identify Recognized Environmental Conditions ("RECs") and Historic Recognized Environmental Conditions ("HRECs") on the Project Site. The RECs and HRECs identified were associated with several closed-in-place underground storage tanks ("USTs"), as well as other noted issues including construction and demolition debris ("C&D") piles, possible former septic fields and/or dry wells, and a history of hazardous waste generation associated with the day-to-day operations of the former hospital. The Phase I ESA also documented that a portion of the United Hospital property historically contained coal storage and an incinerator that was associated with a boiler house. It is unknown how coal or incinerator ash was disposed, and thus it could be present within the onsite fill material. Impacts and/or potential impacts associated with the items documented in the Phase I ESA include:

- Known petroleum contaminated soil in the vicinity of the USTs, and potential petroleum contaminated soil in building areas, including elevator pits, which are unable to be accessed prior to decommissioning and demolition of existing structures.
- Potential for petroleum, solvent, metals, and polychlorinated biphenyl ("PCB") contaminated soil within/below any former septic system and/or dry well discharge areas.

Potential for coal ash or incinerator ash in the fill material on-Site.

Potential for hazardous waste (aromatic and halogenated Volatile Organic Compounds (“VOCs”), acids, and/or metals compounds) in the subsurface (e.g., soil) associated with any inappropriate handling and/or on-Site disposal of chemicals documented by the Resource Conservation and Recovery Act (“RCRA”) Large Quantity Generator (“LQG”) status are present on-Site.

If not properly removed or otherwise remediated, the presence of subsurface contamination has the potential to adversely affect workers and the neighboring community during construction and / or new residents and employees after construction is complete. Therefore, the Applicant must appropriately remediate subsurface contamination to minimize the potential for adverse impacts. The scope of subsurface remediation is generally anticipated to involve excavation and off-Site disposal of soil exhibiting concentrations of compounds above the NYSDEC Restricted Residential, if not Unrestricted Use, Soil Cleanup Objectives (“SCOs”); establishing institutional controls (e.g., deed restrictions) and engineering controls (i.e., site cover systems of impervious surfaces, maintained lawn and/or landscaping) consistent with the proposed uses of the Site; and periodic environmental monitoring and reporting. The excavation and disposal of contaminants in soil is an accepted and common remediation, and does not require unusual techniques to complete. If warranted by the subsurface conditions associated with the areas noted above, a Phase II Environmental Site Investigation (“ESI”) will be performed to facilitate any necessary remediation. Measures to protect the health and safety of the workers on-Site and the neighboring community must be implemented during such removal, as described below. If known contaminated materials will remain after remediation that require deed restrictions, the Applicant would be required to file a deed restriction or similar document that will incorporate such restriction and engineering controls, will run with the land, and be enforceable by the Village.

The Site-specific subsurface geotechnical investigation encountered groundwater, that appeared perched, in only two of the 25 test borings at depths of nine and 12 feet below the existing ground surface. Groundwater treatment, either in-situ (i.e., treating the contaminated media in place in the subsurface) or ex-situ (i.e., treating the contaminated media at the ground surface following removal), may be performed if there is an indication of contamination during construction.

Remediation of Potential Subsurface Contamination

Based on the results of the Phase I ESA, the following scope of work would be completed during the initial phase of Project construction to mitigate the potential impacts at the Project Site:

Waste characterization, removal, and disposal of C&D piles in accordance with disposal facility requirements.

The active 4,000-gallon No. 4 fuel oil above ground storage tank (“AST”) currently serving the apartment building at 999 High Street will be formally closed at the appropriate time, by removal and deregistration in accordance with NYSDEC and Westchester County Department of Health (“WCDH”) rules and regulations. Additionally, the closed-in-place UST that formerly served the 999 High Street will be removed and disposed as a part of the redevelopment. UST closure will include removal of soil that exhibits evidence of petroleum contamination, and collection of post-excavation endpoint soil samples to confirm that petroleum contamination has been effectively mitigated. Removal of USTs that were closed in place will include collection of soil samples from beneath the tanks to confirm that the soil meets the SCOs.

During the closure and removal in March 2013 of two 25,000-gallon USTs that had stored No. 6 fuel oil, impacted soil was observed, excavated and soil samples were collected. The tanks (along with a nearby 2,000 AST that had stored No. 2 fuel oil) were located in close proximity to the east side of the Power House. Review of files provided by the Village of Port Chester in response to a request for records during the Phase I ESA indicates that five of the 18 post-excavation samples taken had exceedances of the NYSDEC Unrestricted SCOs. Removal and off-Site disposal or beneficial reuse off-Site in New York (in accordance with 6 NYCRR Part 360 or analogous requirements for States outside of New York) of petroleum-impacted soil containing compounds above the Unrestricted Use SCOs associated with this, and, if it becomes known, other historic UST areas noted in the Phase I ESA, will be undertaken.

In the event that the possible former septic fields and/or dry wells and/or the potential areas for ash disposal are discovered during excavation, the area(s) will be investigated. The investigation will include the collection of continuous soil samples through the zone of potential contamination, and laboratory analysis of soil samples for VOCs, Semi-Volatile Organic Compounds (“SVOCs”), PCBs, Pesticides, and Metals 8270 to verify the completion of the removal. If ash is observed, the ash will be excavated and disposed of and post-excavation samples for RCRA 8 metals and semi volatile organic compounds (EPA

Method 8270) and waste characterization data for disposal off-Site. Based on the investigation results, the Applicant will excavate soils that exceed the Restricted Residential SCOs, provide for proper disposal of those soils, and collect of post-excavation endpoint samples consistent with NYSDEC's DER-10 to confirm that the contamination area was appropriately mitigated.

If encountered, abandoned septic systems(s) or cesspool(s) associated with former liquid waste management practices prior to the presence of the municipal sanitary sewer system, will be removed, along with any soil that exhibits evidence [staining, odors, detection of VOCs with a photoionization detector ("PID")] of contamination. Post-excavation endpoint soil samples will be collected to confirm that the concentration of any remaining contaminants is below the Restricted Residential Use, if not Unrestricted Use, SCOs.

The Applicant will develop a written contingency plan to address unknown conditions (undocumented USTs and/or areas of unknown soil contamination) encountered during redevelopment. The contingency plan will generally identify procedures to be followed by the parties implementing the Proposed Project for such scenarios, for the purpose of managing full resolution in a timely and comprehensive manner.

An environmental professional will be present during all excavation work.

Workers involved in activities involving hazardous materials will be required to have appropriate training in accordance with federal, state, and local laws, in conjunction with the implementation of project-specific work plan(s) and Health and Safety Plan(s), which would be subject to approval by the Village of Port Chester. Worker health and safety procedures will comply with Occupational Safety and Health Act ("OSHA") requirements.

Remediation of Existing Buildings

The existing Site buildings contain the following materials, which must be properly handled and removed: asbestos building materials, mold, PCBs, lead, medical waste and other biohazards, dead animals and animal waste, mercury-containing materials, batteries, electrical equipment, and refrigerants. All identified hazardous materials associated with the Site's structures will be removed prior to demolition, unless the building is structurally unsafe. Should one or more of the existing buildings be ruled structurally unsafe in writing by an official of competent jurisdiction, such buildings may alternatively be demolished in accordance with the controlled demolition procedures contained within 12 NYCRR 56-11.5. These procedures apply specifically to asbestos containing materials and rely on wet methods (i.e., wetting materials before, during and after demolition; with collection and treatment of wastewater) and other controls to protect the workers and public. Other regulated wastes would be addressed via these same wet methods if appropriate, or would be managed in accordance with established or approved alternative protocols prior to the controlled demolition. Engineering controls such as misting/wetting and containment will be utilized in association with the disruption and management of the hazardous building materials. The specific plans and procedures developed for any Site building that will be demolished using controlled demolition procedures must be reviewed and approved by the Village to ensure the protection of public health and safety.

In all cases, prior to commencement of work activities the nature of the hazards associated with the hazardous materials will require development of a project-specific work plan and Health and Safety Plan ("HASP"). Materials, including those that may require special handling, shall be disposed of in accordance with federal, state and local regulations. All hazardous materials within the Site buildings will be abated in accordance with the regulations in 12 NYCRR Part 56. Abatement must be performed by trained workers employing appropriate personal protective equipment in accordance with a HASP, as described below. Asbestos-containing materials will be managed according to all regulations and disposed of at an approved off-Site location.

Oversight of Remedial Activities

Remedial actions will either be self-implemented or be performed under NYSDEC and/or WCDOH oversight should the Applicant encounter a condition that requires reporting to one or both of these agencies. Self-implemented remedial actions, to the extent known to be required prior to construction, will be described in a remedial work plan that would be reviewed and approved by the Village prior to implementation. Remediation completed under NYSDEC and/or WCDOH oversight would include preparation and implementation of the specific investigation and remedial work plans required by State program. Remedial actions will be planned and conducted in accordance with relevant NYSDEC rules, regulations, and guidance including; but not limited to, the DER-10 Technical Guidance for Site Investigation and Remediation, 6 NYCRR 360, 6 NYCRR Part 364, 6 NYCRR Part 371, 6 NYCRR Part 374, and 6 NYCRR 375. The decision to self-implement remediation or perform remediation under NYSDEC oversight will be determined based on information, including the magnitude of the required remediation, which will be determined based on the

results of the work performed, as well as project schedule and cost factors. If unanticipated contamination is discovered, its presence will be reported to the Village (as well as NYSDEC and/or WCDOH, if required), along with an anticipated schedule for remediation.

The Board finds that, given the extent of building abatement and Site remediation known to be required and the potential for additional building and Site contamination to be discovered during the demolition and excavation activities, Village oversight of the building abatement and Site remediation is required to be protective of public health and the environment. It is anticipated that the building permit fees would cover the cost to the Village to retain an independent consultant with expertise in the investigation and remediation of hazardous materials to review the abatement and remedial plans and to oversee their implementation, and to review and approve any plans for further investigation and/or to direct any further investigation; however, to the extent the cost of retaining such an independent consultant is determined by the Village to not be covered by the building permit fees, the Applicant will be required to establish an escrow fund for that purpose, subject to replenishment, as a condition of any site plan approval for the Proposed Project. The Applicant will be required, at a minimum, to submit a daily status report via e-mail to the Village and the Village's consultant on the status of investigation, abatement and remediation activities. In addition, the Village, through their independent consultant, shall review and approve the qualifications of the abatement and remediation contractors prior to their on-Site work to ensure that public health and the environment are protected.

Measures to Protect Public Health During Abatement and Remediation

Health and Safety Plan

Remedial investigations and actions will be subject to a HASP, which must be reviewed and approved by the Village prior to any demolition or Site work on the Project Site. At a minimum, the HASP must address the following items:

Provide safety and health risk or hazard analysis for each Site task and operation.

Identify key personnel responsible for Site safety, including name and qualifications of the Safety Officer.

Address personal protection equipment to be employed during work.

Designate work area exclusion zone(s) and decontamination zone(s) as defined by OSHA.

Provide procedures for decontamination of personnel materials and equipment.

State the frequency and types of air monitoring, personnel monitoring, and environmental sampling techniques and instrumentation to be used, including methods of maintenance and calibration.

Establish Site emergency procedures and describe emergency equipment to be made available on-Site.

Identify, provide location of, and list arrangements with the nearest medical facility.

Community Air Monitoring Program

The Applicant, as stated in the DEIS, will prepare and implement a Community Air Monitoring Program (CAMP) protective of the public during all ground intrusive activities, including Site remediation, as well as during the demolition of contaminated or potentially contaminated structures. The Village may exempt the continuous monitoring requirements based on a reasonable showing by the Applicant, which may include general earth moving and utility installation activities in areas where Site contamination is known or determined not to be present. The CAMP will, at a minimum, be prepared in accordance with the New York State Department of Health ("NYSDOH") generic CAMP requirements (see NYSDEC DER-10). The CAMP will be subject to review and approval of the Village of Port Chester, as well as the NYSDEC if the Site is in a NYSDEC program that provides direct oversight. CAMP activities will include real-time dust monitoring and organic vapor monitoring. The dust monitoring will take the form of background and down-wind particulate matter of 10 microns in diameter or smaller (PM10) monitoring, on a 15-minute time weighted average basis, utilizing calibrated field-monitoring equipment. The results of CAMP monitoring will be made available to the public via the Internet in a timely fashion. If the pre-determined CAMP response levels are exceeded, the CAMP will include a response and mitigation program that will include an instruction to stop work and re-evaluate both dust suppression measures and the CAMP and to report such occurrences to the Village. Finally, the CAMP document will include a provision requiring the monitoring program to be upgraded should conditions warrant.

In the case of the abatement of asbestos-containing materials ("ACM") associated with the Site, activities will be performed in accordance with federal, state, and local rules and requirements. In particular, particulate monitoring for ACM fibers outside the work areas will be performed in accordance with 12 NYCRR Part 56. This monitoring typically consists of air sampling, with laboratory analysis of samples, at multiple perimeter locations such as

entrances to work areas and any HEPA exhaust locations. This air monitoring will be subject to oversight by the NYSDOH.

Fugitive Dust Control Plan

A Fugitive Dust Control Plan, subject to review and approval by the Village of Port Chester, and potentially the WCDOH and NYSDOH, will be prepared. Dust management during soil disturbing work will include, at a minimum, the items listed below:

- Keeping construction vehicle speed to five mph to reduce dust suspension;
- Covering trucks carrying soils and other dry materials;
- Covering exposed stockpiles of soil and gravel to eliminate wind-driven dust suspension, and possibly also minimizing the height of these piles;
- Periodic wetting of paved surfaces during dry periods as a means to suppress dust suspension;
- Applying water, as necessary, during concrete slab removal and crushing;
- The application of water on stockpiles and unpaved roads during dry periods as a means to suppress dust suspension; watering will be provided by the use of a dedicated onsite water truck (or equivalent) equipped with a water cannon and/or sprayer system;
- Wetting shall also be used to control dust where drilling, grinding, compacting, crushing, or other similar construction activities occur, as well as at non-enclosed transfer points such as conveyors and chutes;
- The wheels of all trucks shall be washed as they exit from the Site. A wheel washing station shall be constructed at each truck exit, whereby truck wheels shall be washed, and the water shall be contained to avoid tracking mud out of the construction Site and recycled if practicable;
- Final grading and landscaping of exposed areas as soon as possible;
- Truck cleaning pads; and
- Establishment of a decontamination zone.

With the implementation of the measures required above, the potential impacts associated with existing Site and subsurface contamination would be mitigated to the maximum extent practicable. Further, there is not anticipated to be any significant adverse impact from construction or operation of the Proposed Project owing to potential Site or subsurface contamination.

CONSTRUCTION PERIOD TRAFFIC AND PARKING

Construction of the Proposed Project is anticipated to require the removal of approximately 50,000 cubic yards of material from the existing buildings and Site infrastructure. Removal of this material from the Project Site is anticipated to occur during the first 12 months of construction and require 10-20 roundtrip truck trips per day for 52 weeks. During times of peak demolition debris removal, it is anticipated that up to 30 truck trips per day will be required. During the remaining 18-24 months of construction, the Proposed Project is estimated to require the removal of approximately 30,000 cubic yards of Site material. This will require 4-8 roundtrip truck trips per day over that time period. During times of peak earth removal, it is anticipated that up to 12 trips per day may be required. The Applicant has proposed to limit the exportation of material from the Project Site to weekdays during this time period. In addition, the Applicant proposes to use 20-cubic yard trucks for the removal of building and Site material to reduce the overall volume of truck trips on the roadways. The Board finds that these two measures would serve to mitigate the impact to the adjacent traffic network and the noise from truck operations. As such, exportation of building and Site material shall be limited to weekdays, unless otherwise permitted by the Village in accordance with the approved CMP. In addition, the Applicant shall use 20-cubic yard trucks to the maximum extent practicable for the removal of building and Site debris. The Applicant shall also reuse rock and earth material on Site for fill purposes to the maximum extent practicable, given other regulatory and construction specification needs, to reduce the number of truck trips required. Documentation of the Applicant's plans to reuse Site material, based on final Site layout must be included in the CMP. In addition, as required by the Proposed Zoning, construction waste is required to be recycled. Documentation of compliance with this requirement shall be provided in a report to the Building Inspector, which shall be provided on a monthly basis unless otherwise determined by the Building Inspector.

Construction truck trips have the potential to cause noise and safety impacts if they are routed on local streets. Given this potential impact and the Project Site's proximity to several major highways and roads, construction truck traffic, including trucks required for the removal of debris and the delivery of materials, shall be prohibited from utilizing local streets to access the Project Site. Specifically, with the exception of Peck Avenue in its entirety and the section of High Street between Boston Post Road and the northwest corner of the Project Site, construction trucks shall only utilize interstate highways, State-highways, or County-highways to access the Project Site. If a truck operator receives two violations from the Village for not adhering to the approved construction routes, the driver and trucking company shall be prohibited by the Applicant and/or its contractor/subcontractor from working on the Project Site for the duration of construction

activities. In addition, except as required for work within the right-of-way, no construction vehicles shall be permitted to stand or queue on a public street. Compliance with these restrictions shall be a condition of any future site plan approval for the Proposed Project and shall be included in the approved CMP.

Providing sufficient on-Site parking for all construction workers during the various stages of construction is required to avoid potential impacts to off-Site streets. A schematic construction phasing plan was developed by the Applicant in order to demonstrate the ability of the Project Site to accommodate the required amount of construction worker parking during each construction phase. Based on these plans, the Board finds that given the proposed phasing plan, there is adequate space on-Site to accommodate the required parking on-Site during the various stages of construction. As part of any site plan approval for the Proposed Project, finalized staging plans that delineate the areas of on-Site parking available and calculate the amount of on-Site parking required, must be reviewed and approved. Any site plan approval for the Proposed Project shall also prohibit construction workers from parking within the residential neighborhoods surrounding the Project Site or in the parking lot for Abendroth Park. Finally, all parking and staging areas shall be staked by a licensed surveyor based on any final site plan approval prior to the beginning of work for that construction phase.

Vehicle trips by construction workers have the potential to cause adverse impacts to existing traffic conditions. Most construction worker vehicle trips will occur before the Peak AM hour in the morning and before the Peak PM hour in the afternoon. In addition, the number of construction worker vehicle trips is a small percentage of the number of vehicles currently on the roadway. As such, the Board finds that traffic impacts from construction worker vehicle trips are not likely to be significant. In addition, the Applicant proposes to coordinate transportation services to and from the Project Site to the train stations, and potentially through the use of car pools, at the commencement of construction to accommodate construction workers. This action will reduce the burden on the traffic network during construction and will reduce the potential for impacts associated with construction worker traffic. As such, the Board finds that this action is a necessary requirement of any site plan approval for the Proposed Project. Details of these transportation services must be finalized in the CMP.

CONSTRUCTION NOISE

Construction of the Proposed Project is anticipated to occur over approximately 36 months. In addition to the demolition of the existing Site buildings and infrastructure, the Proposed Project includes extensive Site work, including the removal of approximately 30,000 cubic yards of rock and significant earth moving within the Project Site. As such, noise from the construction of the Proposed Project would result in elevated sound levels within the areas surrounding the Project Site throughout the duration of construction. While temporary, and in many cases intermittent, the noise impacts from construction will be noticeable. Construction-generated sound levels will vary by construction phase and location. The Applicant proposes to limit construction to the times allowed by the Port Chester Village Code; specifically weekdays between the hours of 8:00 AM and 8:00 PM and on weekends and legal holidays from 10:00 AM to 7:00 PM.

The FEIS contains a quantified range of construction-period noise impacts that may be experienced by receptors in proximity to the Project Site during periods when construction is closest or furthest from the receptor, as well as when construction occurs in the center of the Project Site. The baseline sound levels used in the analysis were the weekday existing sound measurements conducted by the Applicant. Based on supplementary weekend sound level measurements, these weekday measurements were found to be representative of both weekday and weekend conditions. The analysis does not take into account potential shielding from topography, existing buildings, or proposed buildings after they are constructed. As such, the sound levels predicted can be considered to represent conservative estimates. At times when construction is furthest away from a given receptor, most receptors will not experience readily noticeable increases in sound levels. Noticeable increases that do occur are expected for intermittent periods only and would not constitute a significant adverse impact.

When construction is located in the 'center' of the Project Site, which is expected to occur for approximately 12 months, the receptors at the south end of Abendroth Park, Gilbert Place, and South Regent Street would experience sound level increases of up to 14 dBA. These increases would be expected to occur when the maximum construction equipment is being used on-Site, which would not be for the entire 12 month period. Sound level increases of 1-4 dBA, which are barely perceptible, would be expected to occur during periods when the minimum amount of construction equipment is being used. The Board finds that given the intermittent nature and temporary duration during which increases in sound levels are anticipated to be readily noticeable (5 dBA) or appear to represent a doubling in sound (10 dBA), construction generated sound levels are not anticipated to result in significant adverse impacts during this period of construction.

As shown in Table III.J-6a of the FEIS, construction of the Proposed Project is anticipated to result in increases in ambient noise levels of up to 28 dBA when construction is closest to a given receptor and the maximum amount of construction equipment is in use. Absolute noise levels would be increased to 89 dBA at the nursing home along High Street during those same conditions. It is anticipated that, given the size of the Project Site and the nature of the Conceptual Site Plan

proposed, 'worst-case' construction noise would occur for approximately 3 months for any given receptor. The sound levels predicted are those that would be experienced for people outdoors. A building (house) is expected to provide up to 27 dBA of noise attenuation with the windows closed and up to 17 dBA with the windows open. Given the limited duration in which these worst-case sound level increases are expected to occur (intermittently for three months), the degree to which existing buildings are expected to provide significant noise attenuation for persons indoors, and the fact that construction will occur mostly during the day when many residents will be away from their house, the Board finds that with one exception, the anticipated construction-generated sound level increases do not constitute a significant adverse impact.

Impacts to the residents of the nursing home on High Street from construction-generated sound level increases could constitute a significant adverse impact of the Project. The nursing home contains older, single pane windows and through the wall air conditioner units in each resident room, which provides less noise attenuation than other construction types and could provide less than the 17 dBA reduction assumed for other buildings with their windows open. As such, interior noise levels could be greater than 70 dBA during the time when construction work is closest to the nursing home, which could constitute a significant adverse impact to this population. In addition, nursing home residents are more likely to be home during the day during construction work than other similarly proximate residential users and thus are more likely to experience construction noise impacts throughout the day. To mitigate that potentially significant adverse impact, the Applicant has proposed to install the following onto the interior of each nursing home resident room that has a direct line of sight to the Project Site:

Air Conditioner Covers of a material of at least two pounds per square foot. The covers will be removable to allow operation of the air conditioners. During times of air conditioner use, the noise of the air conditioner will 'mask' the exterior sound transmitted through the wall.

Acoustical Storm Windows to be installed on the interior of the resident rooms over the existing windows.

The Board finds that these measures will mitigate the impact of construction-generated sound levels to the residents of the nursing home to the maximum extent practicable. The Applicant has not yet received the permission of the nursing home owner to install these mitigation measures. Installation of these measures, or another measure approved by the Village that is at least as effective as the measures proposed above, or good-faith attempts to secure permission for the same, prior to any substantial building demolition or Site construction activity shall be a condition of any future site plan approval for the Proposed Project. If permission to install these measures is not received, there will likely be an unavoidable significant adverse impact to residents of the nursing home from construction-generated sound level increases.

While other impacts from construction-generated increases in ambient sound levels may not be individually significant, the Board finds that given the magnitude of the impacts and the extended duration of construction, implementation of the following mitigation measures will avoid or mitigate the impacts of construction-generated noise to the maximum extent practicable and therefore shall be a condition of any future site plan approval for the Proposed Project and incorporated into the CMP:

Portable noise barriers shall be installed during rock-splitting activities within 200 feet of the property line abutting a residential receiver;

Utilization of self-regulating backup beepers that adjust to a level 5 dBA above ambient levels;

Utilization of low noise generators;

Utilization of functional mufflers on all construction equipment;

Limiting blasting and rock chipping to non-holiday weekdays between 8:00 AM and 5:00 PM;

Prohibiting construction within 200 feet of the nursing home or the South Regent Street co-ops on weekends and holidays; and

Locating any construction or staging activities that result in significant increases in ambient sound levels and that are not required to be located in proximity to the Nursing Home and the South Regent Street co-ops to be undertaken as far from those buildings as practicable.

The methods by which these measures would be implemented shall be included in the CMP.

The Board recognizes the concerns regarding the duration of the construction noise expressed by some members of the community. The Board finds that the most efficient way to limit the overall duration of construction, and thus of construction noise, is to allow construction activities to occur within the time periods proscribed by current Village Law, as modified by these findings. In addition, as stated below, the Board finds that to the extent practicable, blasting in accordance with the restrictions listed below should be maximized for the removal of on-Site rock and rock chipping should be minimized.

CONSTRUCTION PERIOD AIR QUALITY IMPACTS

In addition to the potential for impacts from fugitive dust, discussed above, construction of the Proposed Project has the potential to result in adverse impacts to air quality from the operation of construction equipment. Equipment, including mobile and non-mobile sources, are anticipated to primarily use diesel fuel, which releases pollutants when combusted, such as carbon monoxide,

nitrous oxides, hydrocarbons, sulfur dioxide and particulate matter. The most intense period of construction with respect to the release of air pollutants during construction would occur during the 18-24 months of demolition, excavation, earthwork, and foundations. The Applicant proposes to avoid adverse air quality impacts during construction by employing the following measures:

Maximize Use of Electric Engines. When practicable, the construction of the Proposed Project will eliminate diesel emissions through the use of electric engines.

Clean Fuel. Ultra-low sulfur diesel (“ULSD”) would be used exclusively for all diesel engines throughout the construction site. This will reduce the emission of sulfur dioxide.

Installation of Best Available Tailpipe Reduction Technologies. Non-road diesel engines with a power rating of 50 horsepower (“hp”) or greater and controlled truck fleets (i.e., truck fleets under long-term contract, such as concrete mixing and pumping trucks) would utilize the best available tailpipe (“BAT”) technology for reducing diesel particulate matter (“DPM”) emissions to the extent practicable. Diesel particulate filters (“DPFs”) are the tailpipe technology currently proven to have the highest reduction capability. Construction contracts would specify that all diesel non-road engines rated at 50 hp or greater would utilize DPFs, either installed by the original equipment manufacturer (“OEM”) or a retrofit DPF verified by the EPA or the California Air Resources Board, and may include active DPFs, if necessary; or other technology proven to achieve an equivalent reduction.

Utilization of New Equipment. All non-road construction equipment with a power rating of 50 hp or greater would meet at least the Tier 3 and 4 emissions standards⁹. Any exceptions would require the approval of the Village pursuant to the CMP.

Idle Restriction. In addition to adhering to the local law restricting unnecessary idling on roadways, on-Site vehicle idle time will also be restricted to five minutes for all equipment and vehicles that are not using their engines to operate a loading, unloading, or processing device (e.g., concrete mixing trucks) or otherwise required for the proper operation of the engine.

Large emission sources and activities will be located away from sensitive receptors to the maximum extent practicable.

The methods by which these measures will be implemented will be included in the CMP and the Village will enforce compliance with these measures through its enforcement of the CMP. With the implementation of these measures, the impacts to air quality from diesel emissions during construction of the Proposed Project would be mitigated to the maximum extent practicable and there would be no significant adverse impact.

BLASTING

Blasting of rock will likely be required as part of the Proposed Project. While blasting to accomplish rock removal is likely to reduce noise impacts and overall construction duration, there is the potential for significant adverse impacts to neighboring properties. Adjacent automotive and pedestrian traffic could be required to temporarily stop during blasting. Coordination with NYSDOT and the Village with respect to traffic control will be required prior to any blasting activity. To mitigate the potential for significant adverse impacts from blasting, any site plan approval for the Proposed Project will be conditioned on the review and approval of a Blasting Specification for the Proposed Project. The Blasting Specification will list the general requirements for all on-Site blasting activities, including the applicable state and federal regulations regarding the use of explosives as well as the applicable safety guidelines. Blasting operations may only be conducted by a licensed, experienced, and insured blasting contractor and only upon the issuance of a permit from the Village. The Blasting Specification will also require that prior to every blast, and as a condition of every blasting permit, a Blasting Plan must be prepared for the review and approval of the Village’s Building Department. The contents of the Blasting Plan will be enumerated in the Blasting Specification, but will include at a minimum: the qualification of the blasting specialist, description of blasting method, explosive types, blasting mats, pre- and post-blasting surveys, vibration and air-blast monitoring, vibration limits, and record keeping and reporting requirement. A pre-blast survey of all surrounding structures within a minimum of 300 feet from each blast site must be conducted to document their current condition. The actual radius of the survey area will be determined based on Site-specific conditions documented in the Blasting Plan by the Project’s Geotechnical Engineer and Blast Control Specialist. In addition, the Village and neighbors within a distance defined in the Blasting Specification must be given no less than 24 hours’ notice of any blast via a method outlined in the Blasting Specification. Any damage to buildings, structures, facilities, and property caused by blasting shall be repaired and replaced to the reasonable satisfaction of the property owner and occupant at the Applicant’s expense.

As described above, blasting will be limited to non-holiday weekdays. In addition, the Board finds that utilizing blasting would reduce the duration of construction and thus the duration of adverse construction impacts, including noise. Therefore, the Board finds that to the extent practicable,

⁹ The EPA has established emission standards for new non-road heavy equipment engines, such as those used for construction, to limit emissions from the combustion of diesel fuel. Tier 3 standards were phased in between 2006 and 2008. Tier 4 standards were phased in between 2008 and 2015. Each successive tier requires more stringent emission controls.

blasting in accordance with the restrictions listed above should be maximized for the removal of on-Site rock and rock chipping should be minimized.

CONSTRUCTION WITHIN PUBLIC ROADWAYS

Construction within the Boston Post Road right-of-way, necessary for the transportation and utility improvements required for the Proposed Project, will require a Highway Work Permit from the NYSDOT. The work is anticipated to occur over approximately six months and require temporary and intermittent lane closures and narrowing of lanes. This will result in slower traffic through the work area and likely increased vehicular delays. It is not anticipated that any detours will be required. All work will be performed in accordance with the NYSDOT Work Zone Traffic Control manual. A detailed Maintenance and Protection of Traffic Plan (“MPT”) will be developed for review and approval by NYSDOT and the Village. This plan will detail the anticipated duration of construction, the times of day during which construction is anticipated to occur, the safety measures to be implemented, and the traffic control measures to be utilized. While inconvenient, construction of these roadway and utility improvements is not anticipated to create a significant adverse traffic impact owing to the short term duration of construction and the implementation of the NYSDOT-required MPT. All utility work occurring within Boston Post Road must be coordinated with the roadway and other utility improvements planned so as to minimize disruption to this important thoroughfare. Finally, to the extent practicable, lane closures shall be avoided during the Peak AM and PM travel hours, as well as during holiday periods.

Construction within High Street would include the installation of utility connections. Temporary intermittent and short-term lane closures will be required. Lane closures would be scheduled to avoid peak AM and PM hours and all open trenches would be covered by traffic plates at the end of each work day prior to the PM peak hour. All work within the High Street right-of-way will be performed in accordance with the standards set form in the NYSDOT Work Zone Traffic Control Manual. The Village must review and approve all applications for work within the High Street right-of-way.

CONSTRUCTION MANAGEMENT PLAN

A CMP must be reviewed and approved as part of any site plan approval for the Proposed Project. The purpose of the CMP is to formalize the requirements of these Findings and any other condition identified during Site Plan Approval, as required, to mitigate the adverse impacts from construction of the Proposed Project. In addition, the CMP will define the ways in which the Village will monitor and enforce the requirements of these Findings and the Site Plan Approval. The Applicant shall require that compliance with the CMP be made a condition of every contract and sub-contract for construction of the Proposed Project. The CMP shall also allow the Village access to the Project Site during all times of construction and other reasonable times so that compliance with the CMP can be monitored and enforced.

The CMP shall include, but not be limited, to:

- Safety protocol
- Locations of Site ingress and egress
- Construction phasing and sequencing plans, including limits of disturbance, areas of staging, parking, and active construction
- Contact information for General Contractor and other appropriate Site personnel
- Contact information for appropriate Village staff
- Establishment and schedule of regular coordination meetings
- Establishment of inspection protocols
- Construction truck routing limitations
- Construction Worker Transportation Plan
- Fugitive Dust Control Plan
- Noise Mitigation Plan
- Diesel Emission Reduction Plan
- Blasting Specification

To facilitate public notice of major construction activities, the Applicant shall maintain a website devoted entirely to the construction of the Proposed Project. In addition to containing copies of record site plan drawings and permits, the website would contain an overall summary of the construction process; a notice of where in the process the construction is; and notice of upcoming major construction activities (road closures, blasting, building demolition, etc.). The Village will work with the Applicant to ensure the timely update of the website with information that is of value to the community.

GROWTH INDUCING AND CUMULATIVE IMPACTS

The Proposed Project will result in the redevelopment of a vacant, but previously developed, 15.45 acre Site surrounded by currently developed land uses. It is anticipated that the Proposed Project

would add 1,082 people to the Village's population, approximately 3.7% over the 2010 population. In addition, 90,000 square feet of restaurant and retail space will be constructed. It is anticipated that Project residents would spend a portion of their discretionary income on-Site. The remaining portion of their discretionary spending is not anticipated to require additional commercial development; rather, existing businesses are likely to experience increases in demand. Similarly, given the temporary nature of the construction jobs on-Site, additional commercial development would likely not be necessary to serve their needs; rather, construction workers are likely to patronize existing businesses. Finally, the Proposed Project does not extend utility service or other infrastructure into un-served areas.

Therefore, the Board finds that the construction and operation of the Proposed Project are not anticipated to result in any significant growth-inducing impacts.

ENERGY CONSUMPTION AND CONSERVATION

Construction of the Proposed Project would result in the consumption of gasoline, oil and electricity used in the operation and maintenance of construction equipment. Once completed, the new residences and businesses would need energy for heating, cooling and lighting. Project generated vehicular traffic would result in the consumption of fossil fuels. This consumption is anticipated to be typical of similar mixed use developments in Westchester County. The Proposed Project is anticipated to emit 7,644 tons of carbon-dioxide annually.

The proposed residential units would be designed to meet or exceed the New York State Energy Conservation Code, which requires the use of energy efficient products in all new and renovated construction. The Applicant proposes to target a 5% energy cost reduction compared to the New York State Energy Construction Conservation Code. The exterior walls and roofs of the residential units would have thermal insulation to reduce heat loss in the winter and heat gain in the summer. The windows shall be double paned, insulating glass for winter heating and low emissivity for summer cooling. Additionally, as required by the Proposed Zoning, any site plan application must contain a completed sustainability or green project checklist. Completion of this checklist will help to identify other areas of potential energy savings that could be incorporated into the Project's final design.

Finally, the Proposed Project will reduce energy consumption when compared to a similarly scaled development spread out over a larger area through building efficiencies and a reduction in the number of vehicular trips.

IRREVERSIBLE AND IRRETRIEVABLE COMMITMENT OF RESOURCES

The Proposed Project would irreversibly and irretrievably consume the energy needed to construct the Proposed Project. Owing to the expected life expectancy of the Project's buildings and infrastructure, the building materials and the land on which the Project is located can also be considered to be irreversibly and irretrievably committed to this Project. Finally, the energy required to operate and maintain the Project would likewise be irreversibly and irretrievably committed to this Project.

UNAVOIDABLE ADVERSE IMPACTS

The Proposed Project may have a significant adverse impact from the noise generated during construction on the adjacent Nursing Home if permission to install the noise mitigation measures proposed is not granted.

ALTERNATIVES

The Final Scope adopted for the DEIS required the evaluation of ten alternatives to the Proposed Action. As discussed below, SEQRA requires the "evaluation of the range of reasonable alternatives to the action that are feasible, considering the objectives and capabilities of the project sponsor." (6 NYCRR 617.9(b)(5)(v)) Therefore, alternatives that were determined to be infeasible were not fully evaluated.

NO ACTION ALTERNATIVE

The "No Action" alternative considers the environmental impacts that are expected to occur on the Project Site in the absence of the Proposed Action. With this alternative, no new impervious surfaces would be created on the Project Site and the existing vegetation and topography would remain. The buildings on-Site would be expected to continue to deteriorate and any existing subsurface contamination would remain. In addition, none of the beneficial impacts of the Proposed Action would be realized. This alternative does not meet the purpose and need of the Applicant nor does it meet the Village's goal of redeveloping this important Site.

REDEVELOPMENT UNDER EXISTING ZONING

With this alternative, the Project Site would be redeveloped with a density of 0.8 FAR. The Redevelopment Under Existing Zoning Alternative would contain the same amount of retail and restaurant uses as the Proposed Project (90,000 square feet), as these uses are the key components

in making the Site a pedestrian-oriented and active place, and other Site uses would be reduced proportionately. As a result, the Redevelopment Under Existing Zoning Alternative would contain approximately 108 age-restricted residential units, 140 non-age restricted lofts/studios, 47 non age-restricted one-bedroom units and 47 non age-restricted two-bedroom units. The office space would be reduced to approximately 101,650 square feet and the limited-service hotel would feature 63 keys.

In the DEIS, the Applicant claimed that this alternative would be financially infeasible and should therefore not be studied in the EIS. To evaluate this claim, the Board directed its consultant to evaluate the Applicant's financial models. The Village's consultant, after reviewing the Applicant's financial models and other supporting data (including proprietary information), concluded that the "the allowable density in the existing code does not provide for the development density necessary to create a viable project given [the Applicant's] requested mix of uses proposed," and that such a project "would not generate returns that would make it a desirable investment." Contributing factors to this conclusion are the unusually large site preparation costs, which include demolition, abatement of hazardous materials, and site work such as extensive excavation and grading. As this alternative is not financially feasible, it would not meet the purpose and need of the Applicant.

Even though this alternative would not meet the purpose and need of the Applicant, potential impacts of this alternative were evaluated for comparative purposes. The Redevelopment Under Existing Zoning Alternative would be anticipated to have fewer school children attend the public schools (approximately 15 students, or a 56% reduction from the Proposed Project), contribute less tax revenues or PILOT payments (at least 50% based on the reduction in assessed value), and create fewer on-Site jobs (approximately 563, or a 42% reduction from the Proposed Project). Impacts related to natural resources, cultural resources, and stormwater would be similar to the Proposed Project as the Site disturbance and Site coverage would be similar. Impacts to air quality and noise from Project-generated traffic and HVAC systems would be less than the Proposed Action, owing to the decreased building program and subsequent traffic generation. Construction noise, however, would be similar to the Proposed Action as the Site would still need to be cleared of existing buildings and undergo significant earthwork and rock removal to accomplish a flat pad on which a pedestrian-oriented development could be constructed. The water demand and sanitary sewer generation, as well as the electric demand, would be less with the Redevelopment Under Existing Zoning Alternative than the Proposed Action as a result of the smaller building program.

As shown in Table 9 below, this alternative would generate between 17% and 26% fewer peak hour vehicular trips than the Proposed Project. Despite the reduction in peak hour trips, the LOS expected at the intersection of the Main Site Driveway and Boston Post Road would not change from that expected with the Proposed Project. Average delays on Boston Post Road north and southbound would decrease between 7 and 10 seconds, and the intersection as a whole would experience decreases in delay of five to eight seconds depending on the peak hour. Critically, the movements on the Main Site Driveway and the Kohl's driveway, which experience the longest delays at this intersection, would not experience a significant reduction in delay with this alternative: 0-9 seconds depending on the peak hour. Any improvements to traffic conditions at other studied intersections would be expected to be smaller in magnitude than those experienced at the Site driveway, which is the Project's '100% corner'.

The Board finds that the reduction in delay at the Main Site Driveway under the Redevelopment Under Existing Zoning Alternative is not significant and is far outweighed by the benefits of a Project at a density of 1.6 FAR; including the increased number of on-Site jobs and the anticipated increase in the tax revenue or PILOT payments to the Village, School District, and other taxing jurisdictions.

Reduced Density Alternatives

The adopted DEIS scope did not explicitly require the evaluation of lower density alternatives to the Proposed Project; however, it did require evaluation of alternative building footprints and mixes of uses. Based on the finding that the Redevelopment Under Existing Zoning Alternative would not be financially feasible, the Board required the Applicant to evaluate key potential impacts of two reduced density alternatives. Similar to the Redevelopment Under Existing Zoning Alternative, these two reduced density alternatives retained the ground-floor retail and restaurant uses at 90,000 square feet. The 1.4 FAR Alternative reduced the office space by 117,000 square feet and retained the balance of the program. The 1.2 FAR Alternative reduced the office space by 117,000 square feet and the residential program by 130,000 square feet, which equaled a reduction in non-age restricted housing from 500 units to 353 units. The Applicant has stated that it is not proposing either of these alternatives as a project that it would construct.

Table 9
Comparison of Alternatives

	AM Traffic Trips	PM Trips	Sat Trips	On-Site Jobs	Public School Children	Assessed Value ¹	Population
Proposed Project (1.56 FAR)	980	896	987	973	34	\$130.5 M	1,082
1.4 FAR Alternative	836	797	949	622	34	\$116M	1,082
Percent Reduction	-15%	-11%	-4%	-36%	--	-11%	--
1.2 FAR Alternative	806	754	912	616	24	\$103.5M	877
Percent Reduction	-18%	-16%	-8%	-37%	-33%	-21%	-19%
Existing Zoning (0.8 FAR)	751	662	816	563	15	\$65.1M	502
Percent Reduction	-23%	-26%	-17%	-42%	-56%	-50%	-54%

¹ While the assessed value of the Proposed Project as estimated by the Applicant likely underestimates the potential Site value, as previously discussed, the estimated assessed values for each alternative were developed using the same methodology. Therefore, it can be assumed that the percentage change in assessed value for each alternative, if not the assessed value itself, is accurate.

Both Reduced Density Alternatives would result in fewer on-Site jobs (36% - 37%) and would be expected to have an assessed value 11% to 21% less than the Proposed Project. It is likely, therefore, assuming that one or both of the Reduced Density Alternatives were financially viable, that the Village, School District, and other taxing jurisdictions could be expected to receive at least 11% to 21% less tax revenue or PILOT payments.

As shown in Table 9 above, the Reduced Density Alternatives would reduce the number of peak hour vehicular trips as compared to the Proposed Project. As with the Redevelopment Under Existing Zoning Alternative, neither Reduced Density Alternative would result in a change to the LOS expected at the Main Site Driveway from that expected with the Proposed Project. Movements along Boston Post Road would experience a reduction in delay of one to nine seconds, while the intersection as a whole would experience a reduction in delay of one to seven seconds depending on the peak hour. Critically, the movements on the Main Site Driveway and the Kohl's driveway would not experience a significant reduction in delay with either Reduced Density Alternative: 0-6 seconds depending on the peak hour. An analysis of potential impacts to the intersection of Boston Post Road and South Regent Street with both Reduced Density Alternatives found that the intersection would experience a reduction in delay of 1-6 seconds depending on the peak hour and the alternative selected. The vehicles coming out of South Regent Street and turning left or right onto Boston Post Road would experience reductions in delay of 1-4 seconds when compared to the Proposed Project. Similarly, the 95th percentile queue on South Regent Street would only be reduced by 2-14 feet, which is not even a full car length. Finally, the Applicant evaluated the impacts of both Reduced Density Alternatives on the intersections of Boston Post Road with the I-287 Exit 11 off-ramp, High Street, and the I-95 NB off-ramp. Under each alternative and for each peak hour, no intersection experienced a reduction in delay of more than 8.5 seconds.

The Board finds that the reduction in delay and queuing at the intersections evaluated with either of the Reduced Density Alternatives is not significant and is far outweighed by the benefits of a Project at a density of 1.6 FAR; including the increased number of jobs and the anticipated increase in the tax revenue or PILOT payments to the Village, School District, and other taxing jurisdictions. The Board further finds that substantial reductions in density below that which is being proposed may have a negative impact on the economic viability of the Proposed Project, as well as on the street-level vitality of the Project, both of which are key goals of the Village for the redevelopment of this Site.

REDEVELOPMENT OF THE SITE AS A HOSPITAL USE

This alternative may not be feasible given that the hospital closed in 2005, indicating that the market may not absorb a new hospital. As discussed previously, the water demand and sanitary sewage generation would be expected to be similar to that of the Proposed Project with a hospital use similar in size to the former United Hospital. As the sanitary sewage generated from a hospital could be similar to, or slightly more than, the Proposed Project, it is likely that the same off-Site upgrades to the sewer system would be required. The number of peak hour vehicular trips would be dramatically less than the Proposed Project; more than 50% in certain peak hours. The hospital would be expected to employ relatively fewer people on-Site when compared to the Proposed Project (633 to 973). In addition, the hospital would likely be a tax-exempt facility and, while such a facility could provide a valuable community service, it would not contribute additional revenue to the Village, School District, or other taxing jurisdictions. Re-use of the hospital facility would not require significant Site disturbance, though it is likely that Site improvements would be required in order to make a hospital a viable concern.

Reuse of the Site as a hospital would not meet the goals and objectives of either the Applicant or the Village, and would not be consistent with the Comprehensive Plan, which envisioned a thriving mixed-use community for the Site. In addition, the Board finds that reuse of the Site as a hospital is likely not economically viable.

ALTERNATIVE REDEVELOPMENT PROPOSALS

Full Service Hotel

This alternative considers a full-service hotel, with banquet facilities, to be developed instead of the limited-service hotel. The Applicant does not believe this is an economically viable alternative. A full-service hotel would require the hotel building to be much larger in order to accommodate additional guest rooms, a banquet center, kitchen facilities, and back-of-house space. In addition, significantly more parking would be required on-Site. If other Project-uses were developed at the same density, a full service hotel would result in the Site being developed with a greater overall density. This would increase the water and sewer demand, as well as the potential traffic impacts. Therefore, the Board finds that this alternative would not minimize adverse impacts while still achieving the Village's (and Applicant's) purpose and need to redevelop the Site into a thriving mixed-use community.

Owner-Occupied Housing

The main differences in impacts associated with owner-occupied housing as opposed to renter-occupied housing are: a decrease in the number of public school children estimated to live at the Project (10 to 23 as compared to 34); and an increase in the assessed value of the housing as compared to rental housing. With respect to the number of public school children potentially living at the Project, the Board finds that a reduction in the number of students from an owner-occupied project would not be significant as the potential impact to the School District of additional public school students living at the Site has been sufficiently mitigated by the Proposed Project. With respect to a potential increase in assessed value, the Board finds that the potential impact to the Village, School District, and other taxing jurisdictions over the next 20 years may not change. That is to say, it is likely that the Project would still require financial incentives from the PCIDA as the need for the PILOT is driven in large part by the extraordinary site preparation and demolition costs that would not change, such that an increase in assessed value may not change the amount of the PILOT. Further, the PCIDA is unable to provide financial incentives to for-sale housing projects, meaning that either the entire Project would cease to be viable, or the other components of the Project (hotel, commercial, retail) would require greater tax abatement.

Finally, the Board is unable to dictate whether the housing that is constructed is for rent or for sale.

ALTERNATIVE SITE LAYOUT

An alternative Site layout, similar to the layout proposed in 2010 for the Site, was considered in the EIS. This layout would have slightly more residential and office space as compared to the Proposed Project, but no retail, restaurant or hotel uses. This alternative Site layout was configured with taller buildings (10-story) arranged on the perimeter of the Site with a large interior courtyard. Such a layout would be inconsistent with the goal of the Comprehensive Plan, which envisioned a pedestrian-oriented mixed-use development that integrated land uses and buildings along an interior street grid so as to create a vibrant community. Impacts related to water and sewer demand and traffic generation would not change if the on-Site program did not change. Visual impacts to neighboring properties would likely increase owing to increased building heights. Such a development scheme would involve substantial site work to create the courtyard and below-grade parking, similar to, or even more so than, the Proposed Project. The Board finds that this alternative would not meet the Village's needs and objectives for the Site's redevelopment and would not result in a reduction of adverse impacts.

ALTERNATIVE SITE ACCESS

The Proposed Project includes five vehicular access points to the Project Site. Varying the Site access would, therefore, likely include the elimination of one or more of the access points. Eliminating one or more access points would degrade on-Site circulation and access to the Project's various uses (i.e., the separate drives for the hotel use and the retail use on Block C). In addition, reducing the number of internal Site roadways restricts the connectivity of the Site both internally and externally, and restricts the ability to temporarily close one of the private drives to accommodate larger public events at the interior of the Site.

Constructing a 'perimeter road' within the Project Site would require the Site's buildings to be placed closer to the center of the Site, reducing the amount of publicly accessible open space, which is a major benefit of the Proposed Project.

The Board finds that this alternative would decrease the positive impacts of the Proposed Project in terms of connectivity and access and would not reduce any other environmental impact.

REDUCED PARKING ALTERNATIVE

The Proposed Project includes a reduced number of parking spaces from what would otherwise be required by the Zoning Code for a Project that does not utilize shared parking. The Board finds that reducing the amount of on-Site parking proposed further may result in an inadequate amount of on-Site parking for the uses proposed.

REUSE OF 999 HIGH STREET

Reuse of the existing, vacant building at 999 High Street would require the elimination of the middle driveway off of High Street. In addition to reducing the connectivity of the Site to High Street, eliminating this drive would preclude closing off the upper portion of the Site to accommodate larger events. The existing 12-story building would also be out of character with the proposed 6-8 story buildings currently proposed. The existing building would remain visible from the same Vantage Points as it is currently, reducing the potential positive visual benefits of the Proposed Project. Finally, reuse of 999 High Street would require the relocation of some, or all, of the parking garage proposed for that location. Construction of a taller parking garage at the southwest most corner of the Project Site would have a significant negative impact on the aesthetic of the Village's gateway.

As confirmed by DHCR (see Exhibit A), the Applicant has the legal right to, and has, dissolved the Mitchell-Lama Corporation that owns the building. Therefore, the impacts to affordable housing from the Proposed Project would not be changed by the reuse of this building. Reuse of 999 High Street would also increase the impacts to the School District as the apartments in that building were larger in size and number of bedrooms from those in the Proposed Project.

The Board finds that reuse of the building at 999 High Street would have adverse impacts related to Site circulation, connectivity, and visual resources when compared to the Proposed Project. In addition, the Board finds that there would be no significant reduction in other environmental impacts associated with the Proposed Project from this alternative. Accordingly, the Board finds that the reuse of 999 High Street shall not be permitted during site planning.

ALTERNATIVE COMMERCIAL/RESIDENTIAL RATIOS

Originally considered as part of the Overlay District, which has since been withdrawn, the DEIS required the evaluation of alternative ratios of commercial to residential uses within the Project. As originally proposed, the Overlay District required a minimum of 25% of a project to contain non-residential uses. (This is the same percentage included in the Proposed Zoning.) The Proposed Project contains approximately 38% non-residential uses. Maintaining the overall Site-density and increasing the percentage of residential uses would increase the number of public school children likely to live at the Project, which would be inconsistent with the goals of the Comprehensive Plan. Increasing the percentage of non-residential uses would likely require multi-floor retail uses, which is not as economically viable and would not contribute to the street-level vitality envisioned for the Site. Likewise, increasing the amount of office space proposed may not be economically viable.

ALTERNATIVE PUBLIC BENEFITS FOR INCENTIVE ZONING

There would be no reasonably anticipated change in the environmental impacts of the Proposed Project from a change in the public community benefit included in the incentive zoning program proposed for the PMU Zoning District. It is a matter of public policy for the Board to decide on the appropriate community benefit that is required for any permitted increase in Project density; in any event there is no adverse environmental impact from increasing the density bonus fee to \$3 million.

Lead Agency Discussion of Decision

As reflected in the foregoing, the Board of Trustees has carefully considered the Proposed Action, and has considered in detail the social, economic, fiscal, land use and other relevant factors, as well as the reasonably anticipated environmental impacts of the Proposed Action and measures to mitigate impacts. The Board has given particularly close attention to issues that were the subject of extensive comment by the public and other agencies and/or the Board, including the importance of redevelopment of a critical site in the Village, density, socioeconomics (including impacts on the school district, fiscal implications, and affordable housing), traffic (in Port Chester, the City of Rye, and Village of Rye Brook), and construction impacts. These findings are the result of the Board's weighing and balancing of these and other relevant factors and considerations as set forth above.


Certificate of Findings to Approve the Action:

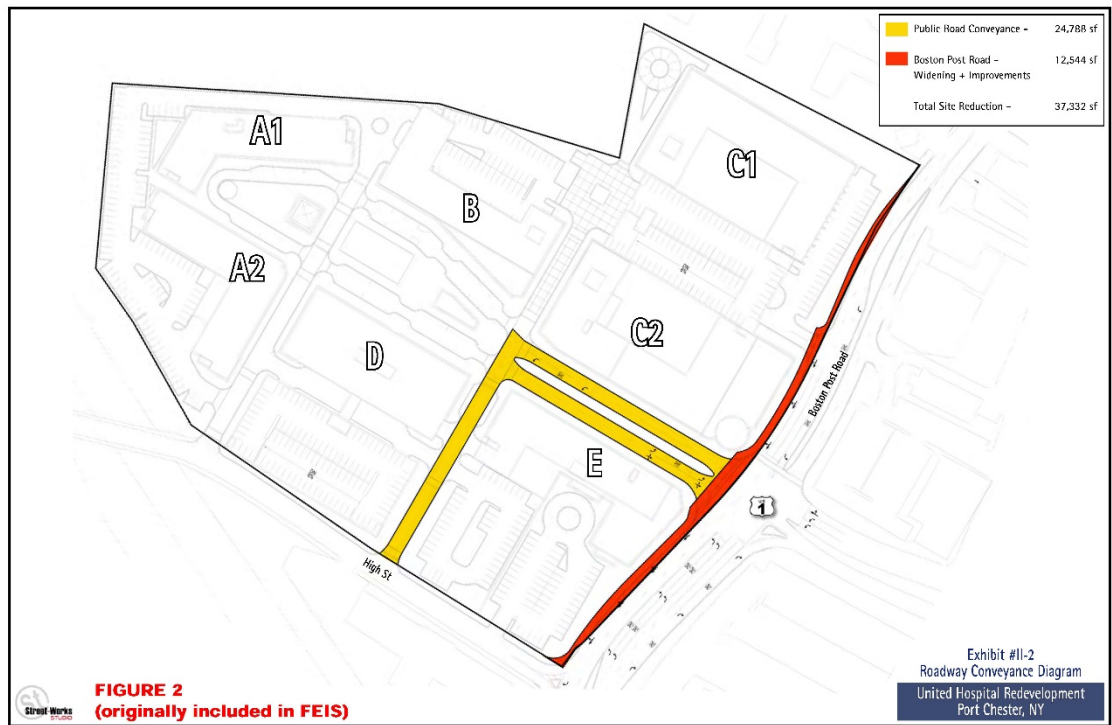
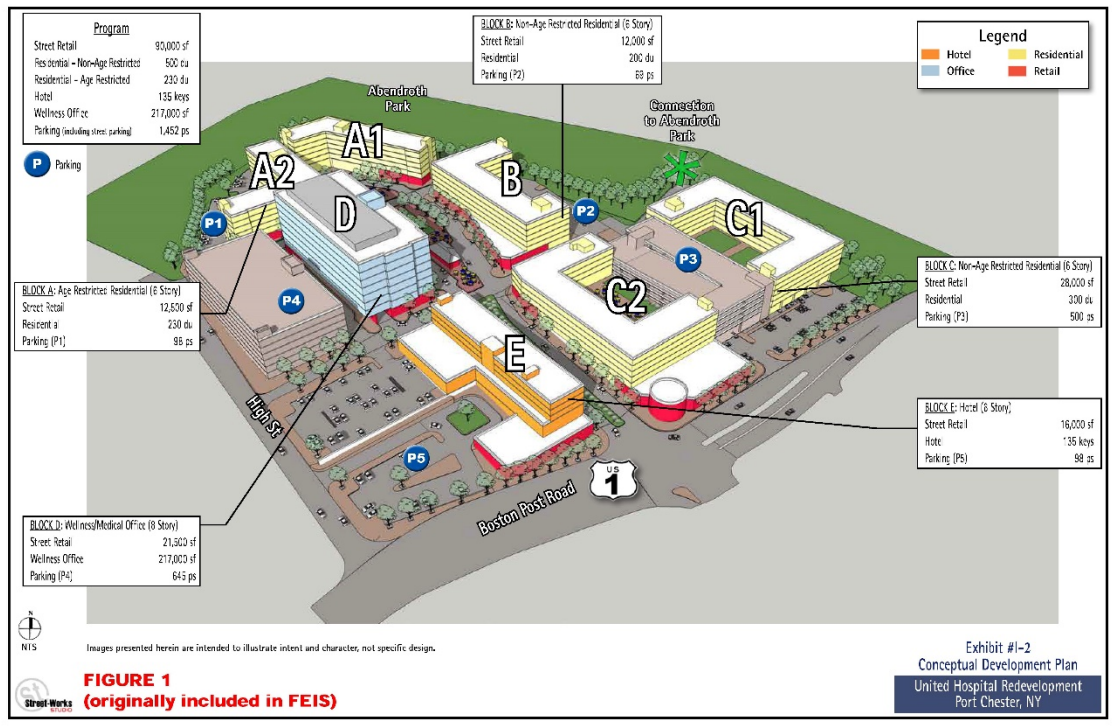
Accordingly, having considered the DEIS and FEIS, the Village Board through this Findings Statement, certifies that:

- A. It has considered the relevant environmental impacts, facts and conclusions disclosed in the DEIS and FEIS;
- B. It has weighed and balanced the relevant environmental impacts with social, economic and other considerations;
- C. The requirements of 6 NYCRR Part 617 have been met; and
- D. Consistent with social, economic and other essential considerations from among the reasonable alternatives available, the Proposed Action, as modified by this Statement of Findings, avoids or minimizes adverse environmental impacts to the maximum extent practicable; and
- E. Adverse environmental impacts will be avoided or minimized to the maximum extent practicable by incorporating as conditions of any site plan approval within the Project Site those relevant mitigation measures identified in the DEIS, FEIS and this Statement of Findings.

Certified by the Village Board by Resolution adopted on March 6, 2017.

Village of Port Chester

By: 
David Thomas, Village Clerk



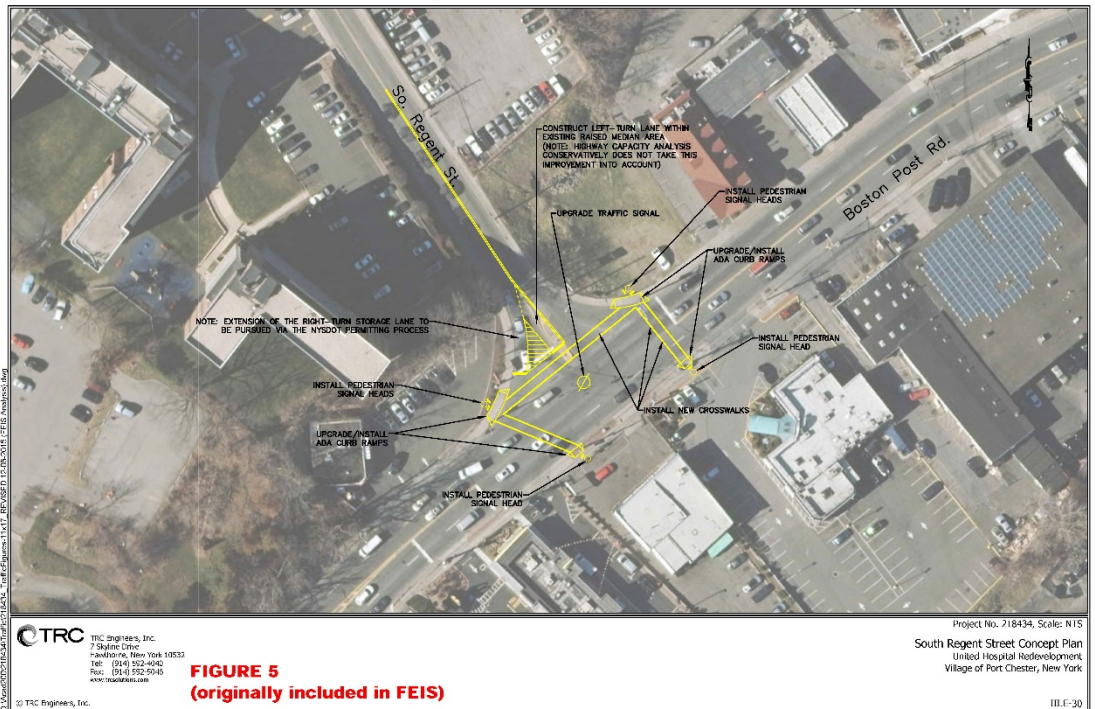
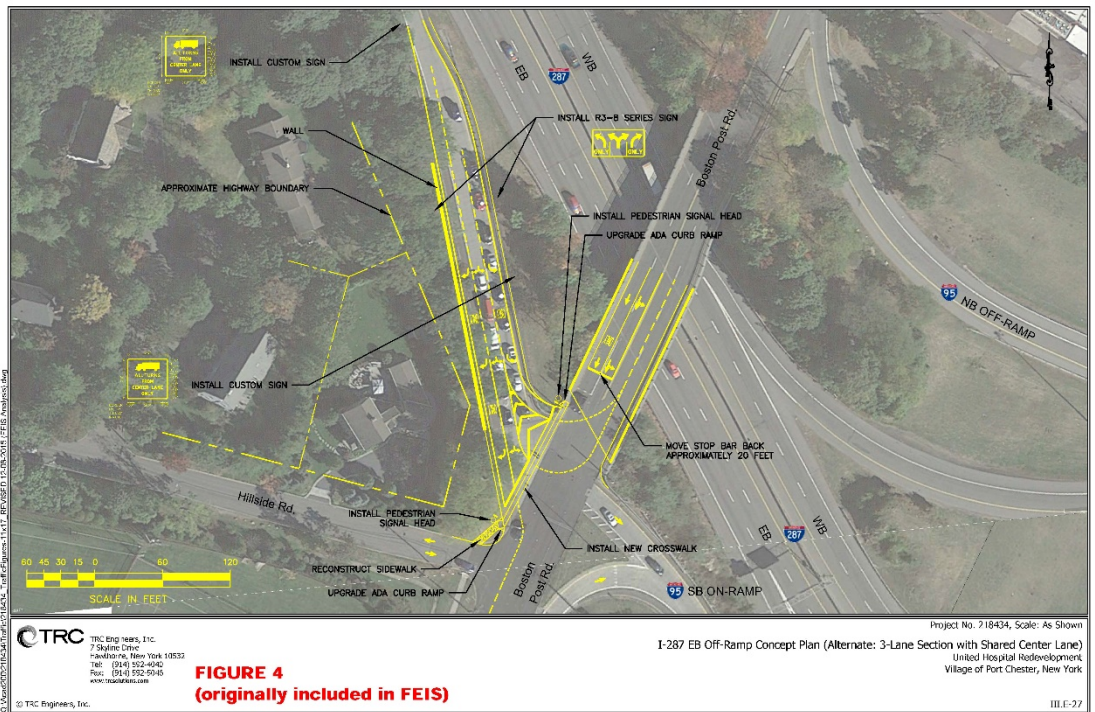
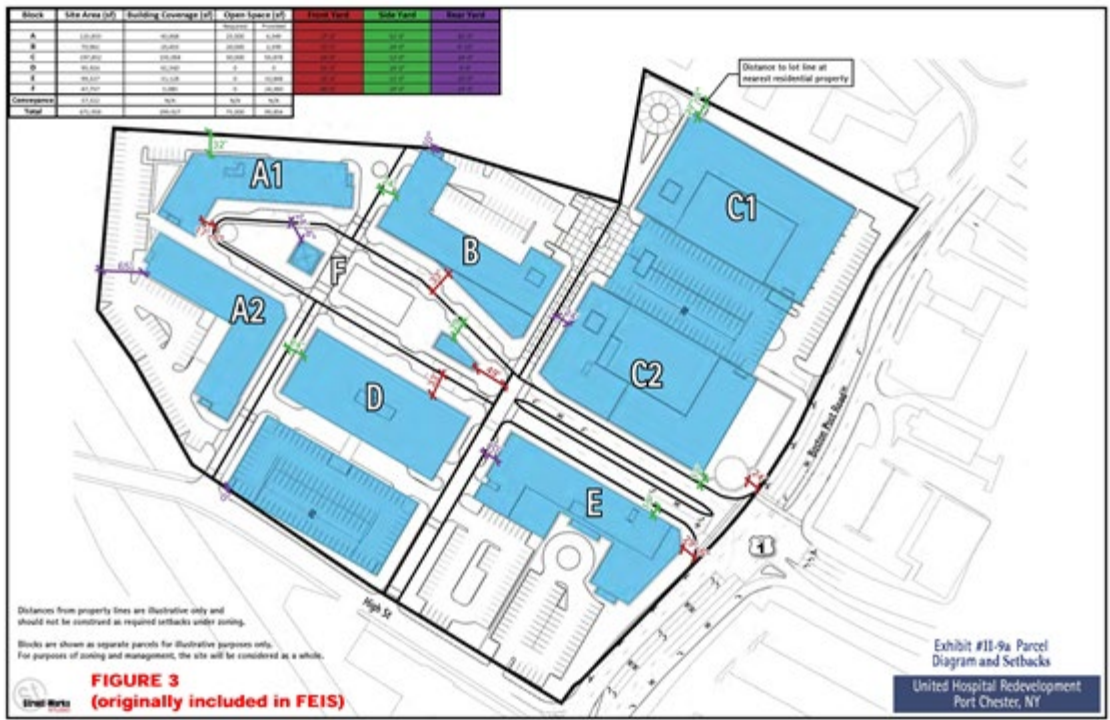


EXHIBIT A

STATE OF NEW YORK
DEPARTMENT OF STATE

I hereby certify that the annexed copy has been compared with the original document in the custody of the Secretary of State and that the same is a true copy of said original.



WITNESS my hand and official seal of the Department of State, at the City of Albany, on February 8, 2017.

A handwritten signature in black ink, appearing to read "B. Fitzgerald", is written over a horizontal line.

Brendan Fitzgerald
Executive Deputy Secretary of State

Rev. 09/16

170208000749

CT-07

RESTATED
CERTIFICATE OF INCORPORATION
OF
PC 999 HIGH STREET CORP.

Under Section 807 of the Business Corporation Law

Pursuant to the provisions of Section 807 of the Business Corporation Law, the undersigned, being the sole shareholder and sole director of PC 999 High Street Corp. do hereby certify that:

1. The name of the corporation is PC 999 High Street Corp. (referenced to herein as the "Corporation").

2. The Certificate of Incorporation of the Corporation was filed in the office of the Secretary of State on April 11, 2006.

3. The Corporation is being dissolved under the New York Private Housing Finance Law and reconstituted as a corporation under the New York Business Corporation Law. The Certificate of Incorporation is amended and restated in the following manner:

(a) Amend the caption by deleting therefrom the reference to the Section 13 of the Limited Profit Housing Companies Law and substituting in its place the Business Corporation Law.

(b) Delete all references to the term "Company" and replace it with "Corporation".

(c) Amend the introductory paragraph by deleting the reference to Article 2 of the Private Finance Law of the State of New York and substituting in its place the Business Corporation Law of the State of New York. In order to effect this amendment, said paragraph is amended to read as follows:

"We, the undersigned, for the purpose of forming a corporation pursuant to the Business Corporation Law of the State of New York (which said Business Corporation Law is sometimes hereinafter referred to as the 'Law'), hereby certify:"

(d) To amend and restate Article 1 to remove the reference to a limited for profit corporation and change the term "Company" to "Corporation". Article I is hereby amended and restated in its entirety to read as follows:

"The name of the proposed corporation is PC 999 High Street Corp. (which said corporation in this Certificate Information is hereafter referred to as the "Corporation")."

#49439144_v1

(e) To amend and restate Article II to remove all references to the Private Housing Finance Law of State of New York and revise the purposes for which the corporation was formed for. In order to effect this amendment, Article II is hereby amended and restated in its entirety to read as follows:

"II. The purposes for which the Corporation is formed are as follows:

a. The purpose of the Corporation is to own, maintain, operate, sell and convey real property located 999 High Street, in the Village of Port Chester, County of Westchester, in the State of New York, and all real property appurtenant thereto; to renovate existing building or buildings; to hold, operate, manage, sell or exchange, and lease the same; to connect, erect, alter and demolish buildings and other structures and improvements thereon; to do and transact all other lawful business incident to, necessary and suitable or advisable for, or in any way connected with, the purposes for which the Corporation is formed as set forth below.

b. (i) To acquire in any manner, purchase, hold, own, develop, improve, grant, convey, assign, transfer, sell or otherwise dispose of, mortgage, pledge, lease or otherwise deal in real and personal property of any nature, and any interest or right therein; (ii) to connect, erect, alter and demolish buildings and other structures and improvements on or in connection with any such real property acquired by the Corporation; (iii) to equip, furnish, rent, hire and manage buildings and structures of any kind; and (iv) to act as agent or representative of the owners of real and personal property;

c. To do each and everything necessary, suitable, convenient or proper for, or in connection with, or incidental to, the accomplishment of any one or more of the purposes herein enumerated, or designed directly or indirectly to promote the interests of the Corporation or to enhance the value of its properties; and in general to do any and all things and exercise any and all powers, rights and privileges, to do or to exercise which a corporation may now or hereafter be organized under the Business Corporation Law or any act amendatory thereof, supplemental thereto or substituted therefor.

d. The Corporation, in furtherance of its corporate purposes, shall have all of the powers enumerated in Section 202 of the Business Corporation Law or any other statute of the State of New York.

The foregoing provisions of this Article II shall be construed both as purposes and powers and each as an independent purpose and power, in furtherance of and not in limitation of, the powers granted to the Corporation by virtue of the Laws of the State of New York, including but not limited to the Business Corporation Law, and the purposes and powers hereinbefore specified shall be in no way limited or restricted by reference to or inferences from, the terms of any provision of this Certificate of Incorporation; provided that the Corporation shall not carry on any business or exercise any power which the Corporation may not lawfully carry on or exercise."

(f) To amend and restate Article V in its entirety by including reference to the Secretary of State's designation as agent for service of process. To give effect to this amendment, Article V is hereby amended and restated in its entirety to read as follows:

"The office of the Corporation is to be located in the City, County and State of New York.

The Secretary of State of the State of New York is hereby designated as the agent of the Corporation upon whom service of any process in any action or proceeding may be made on behalf of the Corporation. The address to which the Secretary of State shall mail a copy of process in any action or proceedings against the Corporation which may be served upon it is: c/o Starwood Capital Group, 591 West Putnam Avenue, Greenwich, CT 06830."

(g) To amend and restate Article VII in its entirety by deleting all references to the director appointed by the Commissioner of Housing and Community Renewal and setting forth the existing number of directors. To give effect to this amendment, Article VII is hereby amended and restated in its entirety to read as follows:

"The number of directors of the Corporation shall be not less than one, nor more than twenty-one. The Directors need not be stockholders, but shall be elected by stockholders of the Corporation. The stockholders and the directors elected by the stockholders shall be at all times members of PC 999 Holdings, L.P., a Delaware partnership (referred to hereafter as the "Partnership"), or their designee."

(h) To amend and restate Article VIII in its entirety by deleting all references to the non-current directors and delete the director appointed by the Commissioner of Housing and Community Renewal and setting forth the existing number of directors. To give effect to this amendment, Article VIII is hereby amended and restated in its entirety to read as follows:

"The name and post address of the sole director of the Corporation is:

<u>Name</u>	<u>Address</u>
Jerome Silvey	1601 Washington Avenue Suite 800 Miami Beach, FL 33139"

(i) Articles IX-XII are hereby deleted in their entirety.

(j) To delete Article XIII relating to restrictions and limitations imposed by the Limited-Profit Housing Companies Law, renumber Article XIII as Article IX, and restate it in its entirety. To give effect to this amendment, renumbered Article IX is hereby amended and restated to read as follows:

"The Corporation shall have the powers and be subject to the limitations contained in the Business Corporation Law."

(k) Articles XIV-XV are hereby deleted in their entirety.

4. To accomplish the foregoing amendments, the text of the Certificate of Incorporation is hereby restated as amended in its entirety to read as set forth in the Certificate of Incorporation of the Corporation as hereinafter restated.

5. This Restated Certificate of Incorporation was authorized upon the unanimous vote of the board of directors and sole shareholder of the Corporation as set forth.

6. The text of the Certificate of Incorporation is hereby restated in its entirety to read as follows:

We, the undersigned, for the purpose of forming a corporation pursuant to the Business Corporation Law of the State of New York (which said Business Corporation Law is sometimes hereinafter referred to as the 'Law'), hereby certify:

I.

The name of the proposed corporation is PC 999 High Street Corp., a corporation (which said corporation in this Certificate of Incorporation is hereafter referred to as the "Corporation").

II.

The purposes for which the Corporation is formed are as follows:

a. The purpose of the Corporation is to own, maintain, operate, sell and convey real property located 999 High Street, in the Village of Port Chester, County of Westchester, in the State of New York, and all real property appurtenant thereto; to renovate existing building or buildings; to hold, operate, manage, sell or exchange, and lease the same; to connect, erect, alter and demolish buildings and other structures and improvements thereon; to do and transact all other lawful business incident to, necessary and suitable or advisable for, or in any way connected with, the purposes for which the Corporation is formed as set forth below.

(i) To acquire in any manner, purchase, hold, own, develop, improve, grant, convey, assign, transfer, sell or otherwise dispose of, mortgage, pledge, lease or otherwise deal in real and personal property of any nature, and any interest or right therein;

(ii) to connect, erect, alter and demolish buildings and other structures and improvements on or in connection with any such real property acquired by the Corporation;

(iii) to equip, furnish, rent, hire and manage buildings and structures of any kind; and

(iv) to act as agent or representative of the owners of real and personal property.

b. To do each and everything necessary, suitable, convenient or proper for, or in connection with, or incidental to, the accomplishment of any one or more of the purposes herein enumerated, or designed directly or indirectly to promote the interests of the Corporation or to enhance the value of its properties; and in general to do any and all things and exercise any and all powers, rights and privileges, to do or to exercise which a corporation may now or hereafter be organized under the Business Corporation Law or any act amendatory thereof, supplemental thereto or substituted therefor.

c. The Corporation, in furtherance of its corporate purposes, shall have all of the powers enumerated in Section 202 of the Business Corporation Law or any other statute of the State of New York.

The foregoing provisions of this Article II shall be construed both as purposes and powers and each as an independent purpose and power, in furtherance of and not in limitation of, the powers granted to the Corporation by virtue of the Laws of the State of New York, including but not limited to the Business Corporation Law, and the purposes and powers hereinbefore specified shall be in no way limited or restricted by reference to or inferences from, the terms of any provision of this Certificate of Incorporation; provided that the Corporation shall not carry on any business or exercise any power which the Corporation may not lawfully carry on or exercise.

III.

The amount of the capital shares of the Corporation shall be one hundred seventeen thousand five hundred dollars (\$117,500), all of which shall be common shares.

IV.

The total number of capital shares of the Corporation shall be one hundred (100) shares, and each share shall have a par value of one thousand one hundred seventy five dollars (\$1,175).

V.

The office of the Corporation is to be located in the City, County and State of New York.

The Secretary of State of the State of New York is hereby designated as the agent of the Corporation upon whom service of any process in any action or proceeding may be made on behalf of the Corporation. The address to which the Secretary of State shall mail a copy of process in any action or proceedings against the Corporation which may be served upon it is: c/o Starwood Capital Group, 591 West Putnam Avenue, Greenwich, CT 06830.

VI.

The duration of the Corporation shall be perpetual.

VII.

The number of directors of the Corporation shall be not less than one, nor more than twenty-one. The Directors need not be stockholders, but shall be elected by stockholders of the Corporation. The stockholders and the directors elected by the stockholders shall be at all times members of PC 999 Holdings, L.P., a Delaware partnership (referred to hereafter as the "Partnership"), or their designee.

VIII.

The names and post office addresses of the directors of the Corporation until the first annual meeting are:

<u>Name</u>	<u>Address</u>
Jerome Silvey	1601 Washington Avenue Suite 800 Miami Beach, FL 33139

IX.

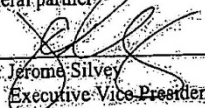
The Corporation shall have the powers and be subject to the limitations contained in the Business Corporation Law.

IN WITNESS WHEREOF, we have signed this Certificate on the 7th day of
February, 2017 and affirm the foregoing to be true under the penalty of perjury.

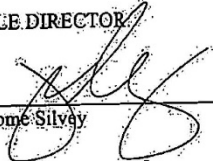
SOLE SHAREHOLDER:

PC 999 HOLDINGS, L.P.,
a Delaware limited partnership

By: VI PC Holdings, L.L.C.
its general partner

By: 
Name: Jerome Silvey
Title: Executive Vice President

SOLE DIRECTOR


Jerome Silvey

Andrew M. Cuomo
Governor



James S. Rubin
Commissioner

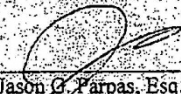
New York State Division of Housing and Community Renewal
25 Beaver Street
New York, NY 10004

CERTIFICATE OF NO OBJECTION

I, Mark C. Colon, Deputy Commissioner, of the Division of Housing and Community Renewal of the State of New York, hereby certify that PC 999 High Street Corp., which owns and operates a housing development located in Port Chester, New York, has complied with the requirements of Section 35(2) of the Private Housing Finance Law and the regulations promulgated thereunder (9 NYCRR Part 1750), and that the Division has no objection to the filing of the annexed "Restated Certificate of Incorporation" of PC 999 High Street Corp. with the Honorable Secretary of State.


MARK C. COLON

Dated: January 30, 2017

Attest: 
Jason G. Pappas, Esq.
Office of Legal Affairs

www.nysbcr.org

CT-07

170208000749

RESTATED CERTIFICATE OF INCORPORATION

OF

PC 999 HIGH STREET CORP.

UNDER SECTION 807 OF THE BUSINESS CORPORATION LAW

Jiang Lu

Rinaldi Finkelstein & Franklin, LLC

591 W. Putnam Avenue

Greenwich, CT 06830

2017 FEB - 8 PM 3: 19

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STATE OF NEW YORK
DEPARTMENT OF STATE

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BY: MC

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FILING RECEIPT

ENTITY NAME: PC 999 HIGH STREET CORP.

DOCUMENT TYPE: AMENDMENT (DOMESTIC BUSINESS) COUNTY: NEWY
COUNTY PURPOSES PROCESS PROVISIONS RESTATED

FILED:02/08/2017 DURATION:***** CASH#:170208000790 FILM #:170208000749

FILER:

RINALDI FINKELSTEIN & FRANKLIN, LLC
591 W. PUTNAM AVENUE

GREENWICH, CT 06830

ADDRESS FOR PROCESS:

C/O STARWOOD CAPITAL GROUP
591 WEST PUTNAM AVENUE
GREENWICH, CT 06830

REGISTERED AGENT:



SERVICE COMPANY: C T CORPORATION SYSTEM - 07

SERVICE CODE: 07

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FILING	60.00
TAX	0.00
CERT	0.00
COPIES	10.00
HANDLING	300.00

PAYMENTS	370.00

CASH	0.00
CHECK	0.00
CHARGE	0.00
DRAWDOWN	370.00
OPAL	0.00
REFUND	0.00

10334689CS

DOS-1025 (04/2007)

The following changes should be incorporated into the final Statement of Findings for the United Hospital Redevelopment.

1. §4.2. *Replace first sentence with:* The Proposed Project is anticipated to have an average daily sewage flow of 165,000 gallons and a maximum hourly flow rate of 602,000 gallons per day.

2. §6.1.6. *Insert the following sentences as a new paragraph immediately before the paragraph beginning, “The Village’s staff and consultants...”:* The Board acknowledges the recommendation by the Westchester County Planning Board that the Proposed Zoning require at least a 10% set-aside for affordable housing. As stated in the County’s letter, this recommendation is made with respect to all ‘projects of this scale, regardless of where they are located in the county.’ The Board notes that the Village of Port Chester is not included among the list of municipalities identified by the recent settlement between Westchester County and the Federal Government as not providing their fair share of affordable housing within the County. The Board finds, upon a specific analysis of the conditions of this Project Site, which is the target of the Proposed Zoning, and the specific conditions within the Village of Port Chester with respect to the provision of affordable housing and the percentage of the Village’s housing stock that is subsidized as affordable, that a 10% set-aside in this zoning district is not appropriate. The bases for this conclusion are articulated in greater detail in this section of these Findings; in addition the requirement of 10% affordable housing could jeopardize the fiscal integrity of the Proposed Project and its concomitant benefits. Moreover, such a set-aside would be a departure from the Site’s current zoning, which does not currently require such a set-aside. The Board notes that the current PMU zoning was enacted based upon the recommendations of the Village’s Comprehensive Plan, one of which was to ‘encourage a balanced range of housing types and densities in the Village.’ The Comprehensive Plan, which was reviewed by the County Planning Board, did not require affordable housing in the PMU district. In addition, 999 High Street was not dedicated to affordable housing, but for employees of the now-defunct United Hospital. Further, at the time of the acquisition of 999 High Street by the Applicant, most of the units in the building had been vacated. These Findings analyze in detail the impacts of the loss of this building and the Board has provided mitigation for any impact. Finally, the Board notes that the Proposed Zoning, as amended by these Findings, allows for an increase in the base zoning density in exchange for the provision of a defined community benefit. The community benefit identified by the Proposed Zoning, as amended by these Findings, is a monetary contribution to a Community Planning and Rehabilitation Fund, which has among its purposes, the provision of affordable housing, housing rehabilitation, neighborhood revitalization, and community planning. The Board believes that the significant monetary contribution to this fund envisioned by the zoning will allow the Village to provide a benefit to the existing Village community by improving existing housing opportunities and conditions.

3. *§1.1.3, Residential Unit Size. Replace the first sentence with: “The Proposed Project includes 500 non age-restricted residential units, ~~200~~ 300 of which are studios or lofts, 100 of which are one-bedroom units, and 100 of which are two-bedroom units configured with two master bedrooms.”*

**EXHIBIT H – ATTACHMENT 2
RESOLUTION TO AMEND ZONING, DATED MARCH 6, 2017**

RESOLUTION #2

Mayor Pilla asked for a motion to bring the resolution to adopt Local Law No. 4 of 2017, to the table for Board action.

There being no objections, on motion of TRUSTEE FERRARA, seconded by TRUSTEE ADAMS, the resolution to adopt Local Law No. 4 of 2017, was brought to the table for Board action.

TRUSTEE DIDDEN, made a motion to amend the resolution by adding the following whereas clauses that were read in to the record by Mr. Peter Feroe, Planner AKRF, Inc.;

“WHEREAS, the Board of Trustees received and considered the March 6, 2017 letter from the Westchester County Planning Board that recommended including a 10% set-aside of residential units within the PMU Zoning District for the purposes of affordable housing; and

“WHEREAS, the Board of Trustees disagrees with the recommendation of the County Planning Board to include a 10% set-aside for affordable housing for the reasons set forth in the Statement of Findings.”

TRUSTEE MARINO seconded the motion to amend.

The motion to amend the resolution was adopted by the Board of Trustees of the Village of Port Chester, New York:

ROLL CALL

AYES: Trustees Didden, Ferrara, Brakewood, Adams, Ceccarelli, Marino and Mayor Pilla.

NOES: None.

ABSENT: None.

DATE: March 6, 2017

ADOPTING LOCAL LAW NO. 4 OF 2017 AMENDING THE TEXT OF CHAPTER 345 OF THE CODE OF THE VILLAGE OF PORT CHESTER FOR THE PLANNED MIXED USE ZONING DISTRICT ON THE FORMER UNITED HOSPITAL SITE

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

WHEREAS, on April 21, 2014, the Village Board of Trustees (herein referred to as the “Board of Trustees”) adopted a resolution accepting the petition of PC406 BPR, LLC and PC 999 High Street Corp. (together the “Applicant”) for consideration of proposed zoning text and map amendments to the Village Code, Chapter 345 relating to a proposed Southern Gateway Mixed Use Overlay District or, in the alternative, to a text amendment modifying Section 345-62 of the Village Code (the “Proposed Zoning”), with respect to property owned by the Applicant located at 406-408 Boston Post Road and 999 High Street, known as Section 141.52, Block 1, Lots 2, 2.1 and 2.4 of the Town of Rye Official Tax Map (the “Subject Property”); and

WHEREAS, the Applicant seeks to develop the Subject Property for a mixed multi-family residential and commercial use development (the proposed zoning amendments and development are, collectively, the “Proposed Action”); and

WHEREAS, the Board of Trustees is the designated Lead Agency under the New York State Environmental Quality Review Act (“SEQRA”); and

WHEREAS, the Village Board determined that the Proposed Action is a Type I Action pursuant to the SEQRA and the regulations at 6 NYCRR Part 617 and issued a Positive Declaration that the Proposed Action may have a significant impact on the environmental, and required the Applicant to prepare an Environmental Impact Statement (“EIS”); and

WHEREAS, the Board accepted as complete the Draft Environmental Impact Statement (“DEIS”) on July 20, 2015; and

WHEREAS, public hearings were held on the DEIS and the Proposed Zoning on August 27, 2015 and September 8, 2015; and

WHEREAS, the comment period for the DEIS and Proposed Zoning ended on September 25, 2015; and

WHEREAS, the Applicant prepared and submitted to the Village a preliminary Final Environmental Impact Statement (“pFEIS”), which included additional revisions to the PMU Zoning District (“Revised Proposed Zoning”) on April 27, 2016; and

WHEREAS, the Board held public hearings on the pFEIS and the Revised Proposed Zoning on May 24, 2016 and June 1, 2016 and held a written comment period open until June 17, 2016; and

WHEREAS, also on November 14, 2016, the Applicant submitted a letter withdrawing the request for consideration of the Southern Gateway Mixed Use Overlay Zone as part of the Applicant’s petition; and

WHEREAS, on January 17, 2017, the Board of Trustees accepted as complete pursuant to the requirements of SEQRA [6 NYCRR §617.9(b)(8)] the Final Environmental Impact Statement (“FEIS”) submitted on November 14, 2016, as amended by the Applicant on December 12, 2016, December 14, 2016 and January 3, 2017, subject to the text changes as set forth in Exhibit D to the Board of Trustees’ Resolution of January 17, 2017; and

WHEREAS, the Board of Trustees held a public hearing on the FEIS and on the Revised Proposed Zoning on January 31, 2017; and

WHEREAS, the Village Director of Planning and Economic Development submitted a further revised Proposed Zoning (the “2017 Revised Proposed Zoning”) to the Board of Trustees on February 23, 2017; and

WHEREAS, the 2017 Revised Proposed Zoning was referred to the Village of Port Chester Planning Commission and to the Westchester County Department of Planning; and

WHEREAS, the Board of Trustees held a public hearing on the February 2017 Revised Proposed Zoning on March 6, 2017; and

WHEREAS, the Board of Trustees received and considered the March 6, 2017 letter from the Westchester County Planning Board that recommended including a 10% set-aside of residential units within the PMU Zoning District for the purposes of affordable housing; and

WHEREAS, the Board of Trustees adopted a Statement of Findings pursuant to SEQRA [6 NYCRR 617.11] on March 6, 2017, and directed the Village Clerk to undertake, as appropriate, any other steps required by SEQRA and the Village Zoning Code to effectuate acceptance and circulation of the Statement of Findings; and

WHEREAS, the Board of Trustees disagrees with the recommendation of the County Planning Board to include a 10% set-aside for affordable housing for the reasons set forth in the Statement of Findings.

NOW THEREFORE, be it

RESOLVED, by the Village of Port Chester Board of Trustees that Local Law No. 4 of 2017 is hereby enacted as follows and effective upon its filing with the New York State Department of State.

Adoption of Local Law No. 4 of 2017

Village of Port Chester, New York

Local Law No. 4 of the year 2017

Be it enacted by the Board of Trustees of the Village of Port Chester, New York as follows:

A LOCAL LAW AMENDING THE CODE OF THE VILLAGE OF PORT CHESTER, CHAPTER 345, “ZONING” WITH REGARD TO THE PLANNED MIXED USE DISTRICT

SECTION 1: Purpose and Intent

On December 17, 2012, the Village adopted a Comprehensive Plan with subsequent related zoning amendments, which resulted in three tax parcels (Section 141.52, Block 1, Lots 2, 2.1 and 2.4) being rezoned from a Two Family Residence (R2F) District to a new Planned Mixed Use (PMU) District. The PMU District consists of property containing a former hospital campus and associated residential workforce apartment building that is bounded on the south by the Boston Post Road and High Street, on the west by High Street and Interstate 287, on the north by Abendroth Park, and on the east by the Boston Post Road. Access to Interstate 95 is also in close proximity.

The Village Board of Trustees created the PMU District to encourage a mixed use development, including a variety of commercial, office, residential and community facility uses. While the PMU District permits this mix of uses (and others as indicated in the Schedule of Regulations for Non-Residential District in Chapter 345), it only allows for a base (or as of right) Floor Area Ratio (FAR) of 0.8, with a 0.2 density bonus, which would result in an approximate potential build-out of up to ±538,000 square feet and ±673,000 square feet, respectively, in the PMU District. The Village Board of Trustees, after it completed its environmental review of the PMU District in the Village of Port Chester Environmental Findings as part of the adoption of the Village’s Comprehensive Plan, adopted the current PMU District Section 345-62, with the understanding that future “rezoning and redevelopment of the site and concomitant detailed, comprehensive site-specific environmental review under SEQRA could result in modifications to this district.” The Board now desires to implement the proposed amendments to Section 345-62 to promote the permitted mix of uses in this area, to enhance the character of the Village’s “gateway” and to foster the redevelopment of the property included within the PMU District consistent with the Comprehensive Plan.

This local law will retain an as of right FAR of 0.8. In addition, this local law will allow incentive density increases which may be granted to allow a FAR of up to 1.6, as well as uses as of right as opposed to the existing PMU District text which prescribes FAR by use and requires a stringent bonus program and/or variances to achieve additional FAR. The Board finds and determines that this local law is consistent with the Village’s Comprehensive Plan which encourages the redevelopment of the property to accommodate a mixed-use “gateway” project.

SECTION 2: The Code of the Village of Port Chester, New York, Chapter 345, Article II, “Word Usage, terms defined”, Section 345-2B is hereby amended to read as follows:

345-2B Terms defined.

...

FLOOR AREA RATIO

The figure obtained by dividing the aggregate floor area of the several floors, mezzanine floors and basement of a building and its accessory buildings by the lot area, but excluding any floor area devoted to parking areas and/or garages. All floor area dimensions shall be measured horizontally between the exterior faces of walls.

...

GREEN ROOF

A building roof that is engineered to be covered with low-maintenance growing plants that: insulate in winter, cool the building in summer, reduce solar absorption, reduce precipitation runoff from roof surfaces, and improve interior heating, ventilating and air conditioning (HVAC) efficiency.

...

PERVIOUS PAVING

A hard surface with load bearing capacity engineered to allow for the passage of water through it. The surface may be comprised of paving blocks with open corners, lattices or edges or asphalt/concrete mixes without “fines.”

PLAZA

An area predominantly open to the sky that is generally open to the public and used for passive recreational activities and relaxation. Plazas are paved areas typically provided with amenities, such as seating, drinking and ornamental fountains, art, trees, and landscaping for use by pedestrians.

...

RESEARCH INSTITUTE OR LABORATORY

A structure that contains research, development, and testing laboratories that do not involve the mass manufacture, fabrication, processing, or sale of products. Such uses shall not be detrimental to the environment through the release of dust, smoke, fumes, odor, noise, or vibration and shall not create and unsafe risk of fire or explosion given the location of the use, the building in which it is located, and the nature of the surrounding uses and structures.

...

SECTION 3: The Code of the Village of Port Chester, New York, Chapter 345, Article IV, “Supplementary Regulations”, Section 345-16 is amended, in part, as follows:

345-16B. 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 DW2 Downtown Design Waterfront 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.

...

- (3) Projects in the C5 Train Station Mixed Use and C5T Downtown Mixed Use Transitional Districts are permitted to use both the building height and floor area options. (See Schedule of Regulations for Nonresidence Districts, Attachment 3B.)

...

C. Bonus floor area option.

- (1) In the C2 Main Street Business, C5 Train Station Mixed Use, C5T Downtown Mixed Use Transitional, and DW2 Downtown Design Waterfront Districts, additional development potential in the form of floor area can be earned for a project when the project includes any of the specified provisions listed herein. The bonus floor area amount is additional to the maximum floor area ratio in the respective district. (See Schedule of Regulations for Nonresidence Districts, Attachment 3B.)

...

D. Bonus building height option.

- (1) Bonus building height is also earned in the C5 Train Station Mixed Use, and C5T Downtown Mixed Use Transitional Districts in addition to the bonus floor area achieved through the provisions established in this section. Bonus height is in addition to the maximum building height in the respective district, as established in the Schedule of Regulations for Nonresidence Districts, Attachment 3B. Bonus height is earned by contributing to any of the three provisions specified in § 345-16C(3), (4) and (5) above.

...

SECTION 4: The Code of the Village of Port Chester, New York, Chapter 345, Article IX, Use and Dimensional Regulations for Nonresidence Districts, Schedule of Regulations for Nonresidence Districts, Attachment 3A, is hereby amended as shown on revised Attachment 3A attached to this local law.

SECTION 5: The Code of the Village of Port Chester, New York, Chapter 345, Article IX, Use and Dimensional Regulations for Nonresidence Districts, Schedule of Regulations for Nonresidence Districts, Attachment 3B, is hereby amended as shown on revised Attachment 3B attached to this local law, and as follows:

NOTES:

- 9 The standards contained in the Schedules of Regulations for Nonresidence Districts shall apply to a PMU site as a whole.

SECTION 6: The Code of the Village of Port Chester, New York, Chapter 345, Article X, "Special Exception Use Regulations", Section 345-59 is hereby amended as follows:

D. Jurisdiction to hear specific applications is as follows, unless otherwise provided in this Zoning Code; in the event of a conflict the Regulation pertaining to a specific district or specific use shall govern:

...

- (3) Notwithstanding the above, the Board of Trustees shall have jurisdiction for all applications for all special exception uses within the PMU District, with the exception of wireless telecommunications facilities. When a wireless telecommunication facility is proposed as part of a site plan or site plan amendment and no other use or site plan element is proposed or amended, the Planning Commission shall have jurisdiction pursuant to Article XVIII. When a wireless telecommunication facility is proposed as part of a site plan

or site plan amendment and other uses or site plan elements are proposed or amended, the Board of Trustees shall have jurisdiction.

SECTION 7: The Code of the Village of Port Chester, New York, Chapter 345, Article XI, “Planned Mixed Use District” is hereby amended to read as follows:

§ 345-62. PMU Planned Mixed Use District

A. Purpose of district.

- (1) It is the purpose of the Planned Mixed Use (PMU) District to provide an opportunity for appropriately scaled and context-sensitive redevelopment to replace the decommissioned hospital located at 406 Boston Post Road and/or the adjacent twelve-story residential apartment building located at 999 High Street, which together comprise the largest remaining potential development site in the Village, at approximately 15 acres, and a prominent gateway to the Village.
- (2) This section provides the criteria and design standards so that high-quality, mixed-use development, including a variety of commercial, office, residential, and community facility uses, may be planned and developed in a unified and architecturally appropriate manner. The mixed-use development shall encourage active pedestrian uses through appropriately designed, furnished, lighted, and planted streetscapes and open spaces.
- (3) This section creates an incentive zoning program, similar to the one contained in §345-16, but tailored to the type of integrated mixed-use development envisioned for the PMU District in the 2012 Village of Port Chester Comprehensive Plan (“Comprehensive Plan”). It provides a mechanism for the community to receive one or more defined community benefits that would not otherwise be provided in exchange for an Applicant receiving additional development density.
- (4) The development standards contained in this section shall apply to the “PMU site”, known as Section 141.052, Block 1, Lot 2, and Section 141.052, Block 1, Lot 2.4 and Section 141.052, Block 1, Lot 2.1 on the Boundary Survey titled Topographic Survey, prepared by Barrett, Bonacci & Van Weele, PC and dated August 5, 2014 and revised through January 17, 2015, available in the Village Clerk’s office.

B. Uses. The creation of a mixed-use development on the PMU site shall be comprised of one or a combination of the following uses. No uses shall include a drive-thru window.

(1) Permitted principal uses.

- (a) Multifamily dwellings containing efficiency or studio, one-bedroom and two-bedroom units only.
- (b) Age-restricted housing (e.g., 55+).
- (c) Convalescent home or nursing home.
- (d) Hotel or motel.
- (e) Limited service hotel.
- (f) Bar or tavern.
- (g) Catering or events establishment.
- (h) Cabaret.
- (i) Restaurant including outdoor seating, no drive-in restaurant.
- (j) Fast Food restaurant including outdoor seating and/or kiosk, no drive-in window.
- (k) Assembly hall, membership club, fraternal organization or similar social institution not operated for a profit.
- (l) Health club, including racquetball facilities and indoor swimming pools.
- (m) Commercial indoor athletic training facility.
- (n) Bowling alley.
- (o) Theater.
- (p) Retail or personal services.

- (q) Office.
- (r) Medical and dental offices including x-ray and therapy rooms.
- (s) Bank.
- (t) Home professional office.
- (u) Off-street parking lot or garage for motor vehicles.
- (v) Research institute or laboratory.
- (w) Uses operated by the Port Chester-Rye Brook Library, or Port Chester-Rye Union Free School District.

(2) Permitted accessory uses.

- (a) Private garage or private off-street parking area.
- (b) Signs, in accordance with the requirements of this section.
- (c) Plazas accessible to the public.

(3) Special exception uses:

- (a) Board of Trustees
 - (i) Church or other place of worship, parish house, rectory, Sunday school, convent, seminary; customary accessory structure or use, including cultural, recreational or athletic facility, meeting room or similar accessory structure or use related to a school, church or other place of worship.
 - (ii) Hospital; ethical pharmacy.
 - (iii) School, elementary or high, public, private or parochial, having a curriculum equivalent to that ordinarily given in public schools; nursery school, day camp or day-care center.
 - (iv) Veterinary hospital or board and care of small animals.
- (b) Planning Commission and/or Building Inspector
 - (i) Wireless Telecommunication Only Facility, which shall mean an application solely for such a facility that is not part of another application, including but not limited to an application for a variance or site plan approval.
- (c) Except as provided above, no permitted principal use authorized in this § B(1), shall be subject to the Special Exception Use Regulations set forth in Chapter 345, Article X of the Village Code.

C. Dimensional standards and requirements.

- (1) Dimensional standards shall apply to the PMU site as a whole, as defined in §345-62A(4) above. All buildings and site coverage within the “PMU site” shall count toward calculations of floor area ratio (FAR), site coverage and all other dimensional requirements. For purposes of calculating FAR, site coverage, building coverage, and other dimensional requirements, the “lot area” for the PMU is considered to be the total area of the PMU site.
- (2) The maximum floor area ratio (FAR) for all uses shall be, 0.80 excluding any incentive density increases which may be granted pursuant to the provisions of paragraph (E), below.
- (3) The minimum FAR for all non-residential uses shall be 25%.
- (4) The maximum site coverage (buildings, access roads and parking, but excluding walkways) shall be 90%.
- (5) The maximum building height shall be the lesser of eight stories or 115 feet.
- (6) A minimum of 100 square feet per dwelling unit of usable open space shall be provided on the site.

Parking and loading.

- (1) Off street parking and loading areas shall be designed and located based on a site-wide plan approved as part of a site plan approval.
- (2) In order to soften the appearance of parking lots, parking lots shall be landscaped with groundcover, grasses, or low shrubs.
- (3) The Board of Trustees, pursuant to its authority under §345-62.G, may reduce the number of off-street parking and loading spaces required by §345-14 based upon a finding that, owing to the combination of uses proposed, adherence to the off-street parking and loading standards in §345-14 would result in the construction of unnecessary off-street parking spaces. This finding must be based on a shared parking/loading analysis completed by the Applicant and approved by the Board of Trustees at its discretion as determined during the site plan approval process. Shared parking and loading approvals shall be conditions of site plan approval and will be enforceable on all subsequent owners of property within the PMU site.

E. Zoning Incentives and Community Benefits Program.

- (1) Owing to the existing conditions of the lots within the PMU District and the unique nature of the integrated mixed-use development envisioned for the PMU District by the Comprehensive Plan, an in accordance with §7-703 of the Village Law of the State of New York, the Village finds it necessary to provide for a system of zoning incentives in exchange for specific community benefits.
- (2) Applicants for new development within the PMU district shall earn additional development potential of an additional FAR of 0.8 by a monetary contribution in the amount of \$3,000,000 to the following Village community benefit fund:
 - (a) The Community Planning and Rehabilitation Fund, to include, but not be limited to, funding of neighborhood revitalization, affordable housing, community planning, and housing rehabilitation.
- (3) In no cases shall the maximum FAR for a site, including additional floor area granted pursuant to this section, be more than 1.60.
- (4) In accordance with §7-703h of the Village Law of the State of New York, the fund listed in §345-62(E)(2) shall be kept by the Village as dedicated funds in a separate account to be used only for the respective purposes set forth above.

F. Design Criteria. In order to implement the vision of an integrated mixed-use development envisioned by the Comprehensive Plan, the following design requirements shall apply to all development within the PMU District. Applications for site plan approval shall include specific design standards, to be approved by the Board of Trustees, which implement these requirements.

- (1) Projects shall consider all contiguous lots proposed to be included within a proposed development as one 'site' and the site plan shall reflect this integrated design concept.
- (2) Projects shall feature an interior street grid and limit the use of dead end streets.
- (3) Adequate facilities for pedestrians and bicycles shall be provided and the site plan shall demonstrate that adequate and safe circulation for pedestrians and bicyclists exists within the site and between the site and the surrounding land area.
- (4) Facilities for alternative modes of transportation, including mass-transit, pedestrian, and bicycles, shall be integrated into the site design to the maximum extent practicable.
- (5) Commercial uses shall front the street-level along Boston Post Road.
- (6) Public access to Abendroth Park shall be provided to the maximum extent practicable.

- (7) Street-level architecture shall re-inforce the importance of the pedestrian and public realms. Ribbon windows are discouraged, while windows that are distinguished from the shaft of the building through the use of arches, pediments, mullions, and other treatments are encouraged.
- (8) Facades visible from Boston Post Road and Interstate 287 (I-287) shall reflect the architectural significance of their location within the site and their significance as a gateway into the Village of Port Chester.
- (9) Sites shall contain a variety of building design types to avoid excessive similarity in visual appearance.
- (10) Buildings shall be architecturally broken up vertically into a base (first-floor only), middle, and top. Likewise, buildings should be broken up architecturally into bays. These sections should be defined by building articulation or change in materials. No solid expanse of wall may exceed 30 feet in length.
- (11) Architectural elements such as cornices, belt courses, corbelling, molding, string courses, ornamentation, changes in material or color, and other sculpturing of the base shall be provided to add special interest.
- (12) Vinyl siding of any type or grade shall be prohibited on any building façade.
- (13) Parking structures shall be screened from Boston Post Road and any primary internal roadways with building uses or shall include architectural materials, elements, and treatments that are consistent with the design and quality of the proximate buildings. No vehicles shall be visible from the Boston Post Road or any primary internal roadway, except at the entrances to the structure. Where residential buildings face onto garage facades within 100 feet, garage spandrels facing those residential buildings shall be high enough (at least 30 inches) to block light from car headlights.
- (14) Ramps servicing levels of parking shall be internal and not visible from Boston Post Road and any primary internal roadway.
- (15) Rooftop mechanical equipment shall be screened.
- (16) Wireless antennae shall be screened, appropriately masked or otherwise be “stealthed”.
- (17) The streetscape, including any open space, shall be appropriately furnished to facilitate the goals of the PMU District, including the activation of the site for pedestrian use. A specific palette of street tree, lighting, sidewalk, and furnishing components shall be submitted by an Applicant for site plan approval and shall be approved by the Board of Trustees.
- (18) Signs within the PMU District shall be of varied types, sizes, and styles. A consistent approach to signage that favors expressions of tenant identity is encouraged. Allowed signage types include, but are not limited to, flat mounted signs, awning signs, canopy signs, blade signs, flags and banners, wall signs, window signs, entry embeds, sidewalk signs (menu boards) and temporary signs.
- (19) Applications for site plan approval shall include a sign management plan, which details the types, sizes, locations, and illumination of signs that are proposed to be permitted in the various portions of the PMU site. Signs may be of any durable material and shall be of a high level of craftsmanship. Signs shall be limited to a business’ name, logo or three-dimensional symbol and brief descriptive tagline (i.e., restaurant and bar, homemade ice cream). The sign management plan shall be reviewed and subject to the approval of the Board of Trustees.

G. Green Building and Site Planning. The intent of this subsection is to identify new and refer to the existing green building regulations within the Code of the Village of Port Chester. All new development within the PMU District shall adhere to the regulations contained in this subsection.

- (1) Any application for new commercial, mixed-use, or multi-family buildings shall provide a completed Leadership in Energy and Environmental Design for Neighborhood Development (LEED-ND) checklist, Enterprise Green Communities checklist, Institute of Sustainable Infrastructure (ISI) Envision checklist, or equivalent green project checklist acceptable to the Director of Planning and Economic Development or his/her designee.
- (2) All new development shall conform to Chapter 281, Stormwater Management, of the Code of the Village of Port Chester.
- (3) All new development shall conform to the applicable requirements set forth in the most current version of the New York State Stormwater Design Manual, as interpreted by the Village of Port Chester, especially Chapter 5, Green Infrastructure Practices.
- (4) Energy- and water-efficient fixtures and building technologies shall be incorporated that meet the requirements of the New York State Energy Code.
- (5) Pervious paving shall be permitted on all sites.
- (6) Green roofs shall be permitted for all building types.
- (7) The recycling of construction waste shall be required.

H. Site Plan Approval

- (1) The Board of Trustees shall be the approving agency for site plan applications within the PMU District, excluding special exception permits for Wireless Telecommunication Only Facility applications, which shall be the purview of the Planning Commission and/or the Building Inspector, per Article XVIII, Wireless Telecommunications Facilities of the Village Code.
- (2) The Board of Trustees, in exercising this authority, will follow the procedures and criteria in §345-23(C), (D), and (E), except that a Pre-Submission Conference (§345-23(C)) need not be held if an Environmental Impact Statement had previously been prepared that contemplated a site plan substantially similar to the plan being submitted for approval.
- (3) All site plan applications shall adhere to the submission procedures as listed in §345-23(C) and contain the information listed in §345-23(F) and comply with the standards of §345-23(G) and (H).
- (4) The Board of Trustees shall refer the site plan application to the Planning Commission for its review and recommendation.

SECTION 8: Conflicts with Other Provisions

If any portion of this Article is found to be in conflict with any other provision of any other local law or ordinance of the Code of the Village of Port Chester, the provision which establishes the higher standard shall prevail.

SECTION 9: Severability

If any clause, sentence, paragraph, subdivision, section or other part of this local law shall for any reason be adjudged by any court of competent jurisdiction to be unconstitutional or otherwise invalid, such judgment shall not affect, impair or

invalidate the remainder of this Article, and it shall be construed to have been the legislative intent to enact this local law without such unconstitutional or invalid parts therein.

SECTION 10: Effective Date

This local law shall take effect immediately upon due publication and filing with the Secretary of State.

Approved as to Form:

Village Attorney, Anthony Cerreto

ROLL CALL

AYES: Trustees Didden, Ferrara, Brakewood, Adams, Ceccarelli, Marino and Mayor Pilla.

NOES: None.

ABSENT: None.

DATE: March 6, 2017

Trustee DIDDEN asked for a motion to combine resolution 3, 4 and 5 of the agenda for the purpose of casting one vote for all of the combine resolutions. There being no objections, on motion of TRUSTEE DIDDEN, seconded by TRUSTEE MARINO, the motion was accepted by the Board of Trustees of the Village of Port Chester, New York.

ROLL CALL

AYES: Trustees Didden, Ferrara, Brakewood, Ceccarelli, Adams, Marino and Mayor Pilla.

NOES: None.

ABSENT: None.

DATE: March 6, 2017

RESOLUTION #3

REAPPOINTMENT OF EMILY IMBESI TO THE BEAUTIFICATION COMMISSION

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

RESOLVED, that Emily Imbesi, of Port Chester, NY, be and he hereby is appointed as a member of the Port Chester Beautification Commission, effective immediately, with said term to expire on 7/1/2019

Approved as to Form:

Anthony M. Cerreto

Anthony M. Cerreto, Village Attorney

ROLL CALL

AYES: Trustees Didden, Ferrara, Brakewood, Ceccarelli, Adams, Marino and Mayor Pilla.

NOES: None.

ABSENT: None.

DATE: March 6, 2017

RESOLUTION #4

REAPPOINTMENT OF LOU DEL BIANCO TO THE BEAUTIFICATION COMMISSION

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

RESOLVED, that Lou Del Bianco, of Port Chester, NY, be and he hereby is appointed as a member of the Port Chester Beautification Commission, effective immediately, with said term to expire on 7/1/2019

Approved as to Form:

Anthony M. Cerreto

Anthony M. Cerreto, Village Attorney

ROLL CALL

AYES: Trustees Didden, Ferrara, Brakewood, Ceccarelli, Adams, Marino and Mayor Pilla.

NOES: None.

ABSENT: None.

DATE: March 6, 2017

RESOLUTION #5

REAPPOINTMENT OF TARYN HERBERT TO THE BEAUTIFICATION COMMISSION

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

RESOLVED, that Taryn Herbert, of Port Chester, NY, be and he hereby is appointed as a member of the Port Chester Beautification Commission, effective immediately, with said term to expire on 7/1/2017

Approved as to Form: