

PROJECT AUTHORIZING RESOLUTION
(Tarry Lighthouse LLC Project)

A regular meeting of the Village of Port Chester Industrial Development Agency was convened on Wednesday December 8, 2021 at 6:30 p.m.at 222 Grace Church Street, Port Chester, New York 10573.

The following resolution was duly offered and seconded, to wit:

Resolution No. 12/2021 - __

RESOLUTION OF THE VILLAGE OF PORT CHESTER INDUSTRIAL DEVELOPMENT AGENCY (i) APPOINTING TARRY LIGHTHOUSE LLC (THE "COMPANY") AS ITS AGENT TO UNDERTAKE A CERTAIN PROJECT (AS MORE FULLY DESCRIBED BELOW); (ii) AUTHORIZING THE EXECUTION AND DELIVERY OF AN AGENT AGREEMENT, LEASE AGREEMENT, LEASEBACK AGREEMENT, PAYMENT-IN-LIEU-OF-TAX AGREEMENT AND RELATED DOCUMENTS WITH RESPECT TO THE PROJECT; (iii) AUTHORIZING THE PROVISION OF CERTAIN FINANCIAL ASSISTANCE TO THE COMPANY (AS FURTHER DEFINED HEREIN); (iv) ADOPTING FINDINGS WITH RESPECT TO THE STATE ENVIRONMENTAL QUALITY REVIEW ACT ("SEQRA"); AND (v) AUTHORIZING THE EXECUTION OF RELATED DOCUMENTS WITH RESPECT TO THE PROJECT.

WHEREAS, by Title 1 of Article 18-A of the General Municipal Law of the State of New York, as amended, and Chapter 632 of the Laws of 1972 of the State of New York, as amended (hereinafter collectively called the "Act"), the **VILLAGE OF PORT CHESTER INDUSTRIAL DEVELOPMENT AGENCY** (hereinafter called "Agency") was created with the authority and power to own, lease and sell property for the purpose of, among other things, acquiring, constructing and equipping industrial, manufacturing and commercial facilities as authorized by the Act; and

WHEREAS, **TARRY LIGHTHOUSE LLC**, for itself and/or a related entity or entities to be formed (collectively, the "Company"), has submitted an application to the Agency requesting the Agency's assistance with a certain project (the "Project") consisting of: (i) the acquisition by the Agency of a leasehold interest in approximately 1.2 acres of real property comprised of five (5) parcels of land located at 20 Abendroth Avenue, 18 Mill Street, and 179, 175 and 163 North Main Street, Port Chester, New York (the "Land", being more particularly described as tax parcel numbers 142.23-2-25, 26, 27, 28 and 29) along with the existing improvements thereon consisting principally of various residential, warehousing and parking space (the "Existing Improvements"); (ii) the demolition, renovation, reconstruction and rehabilitation of the Existing Improvements and the planning, design, construction, operation and leasing by the Company of a six story multi-tenanted, mixed use redevelopment project that will include: (a) approximately 209 residential apartment units, (b) approximately 27,905 square feet of multi-tenanted and mixed use commercial/retail space, (c) structured parking improvements in

and around the various structures providing for approximately 271 parking spaces, and (d) other amenities, various subsurface structural improvements, roadway improvements, access and egress improvements, storm water improvements, utility improvements, signage, curbage, sidewalks, and landscaping improvements (collectively, the "Improvements"); (iii) the acquisition of and installation in and around the Existing Improvements and Improvements by the Company of machinery, equipment, fixtures and other items of tangible personal property (the "Equipment" and, collectively with, the Land, the Existing Improvements and the Improvements, the "Facility"); and (iv) entering into a straight lease transaction (within the meaning of subdivision (15) of Section 854 of the Act), pursuant to which the Agency will retain a leasehold interest in the Facility for a period of time and sublease such interest in the Facility back to the Company (the "Straight Lease Transaction"); and

WHEREAS, on March 10, 2021, the Agency adopted an initial resolution (the "Initial Project Resolution") which (i) accepted the Company's application, (ii) authorized the scheduling and conduct of a public hearing in compliance with the Act, (iii) described the contemplated forms of financial assistance to be provided by the Agency (the "Financial Assistance", as described herein); and (iv) authorized the negotiation of an Agent and Financial Assistance and Project Agreement (the "Agent Agreement"), Lease Agreement (the "Lease Agreement"), Leaseback Agreement (the "Leaseback Agreement") and Payment-in-lieu-of-Tax agreement (the "PILOT Agreement") to be entered into with respect to the Project; and

WHEREAS, in accordance with the Initial Project Resolution, the Agency published and forwarded a Notice of Public Hearing to the Village of Port Chester (the "Village"), the Town of Rye (the "Town"), the County of Westchester (the "County"), and the Port Chester-Rye Union Free School District (the "School", and together with the Village, Town and County, the "Affected Tax Jurisdictions"), a copy of which is attached hereto within **Exhibit A**; and

WHEREAS, the Village of Port Chester Planning Commission reviewed the proposed Project pursuant to the State Environmental Quality Review Act, as codified under Article 8 of the Environmental Conservation Law and Regulations adopted pursuant thereto by the Department of Environmental Conservation of the State (collectively, "SEQRA") and related Environmental Assessment Form ("EAF") and issued a negative declaration (the "Negative Declaration"), a copy of which, along with the EAF, are attached hereto as **Exhibit B**; and

WHEREAS, pursuant to Section 859-a of the Act, the Agency held a public hearing on December 2, 2021 at 222 Grace Church Street, Port Chester, New York 10573 with respect to the Project (the "Public Hearing") and the proposed Financial Assistance (as further defined herein) being contemplated by the Agency whereat interested parties were provided a reasonable opportunity, both orally and in writing, to present their views, and a copy of the minutes of the Public Hearing is also attached hereto within **Exhibit A**; and

WHEREAS, in furtherance of the foregoing, the Agency desires to authorize (i) the undertaking of the Project and the appointment of the Company as agent of the Agency to undertake same; (ii) the execution and delivery of the Agent Agreement, Lease Agreement, the Leaseback Agreement, the PILOT Agreement, and related documents; and (iii) the provision of the Financial Assistance to the Company, which shall include (a) an exemption from all state and

local sales and use taxes with respect to the qualifying personal property included in or incorporated into the Facility or used in the construction and equipping of the Facility, (b) mortgage recording tax exemptions in connection with financings undertaken by the Company for the Project, and (c) a partial real property tax abatement through the execution of an agreement with the Agency regarding payments in lieu of real property taxes to be made for the benefit of the Affected Tax Jurisdictions.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE VILLAGE OF PORT CHESTER INDUSTRIAL DEVELOPMENT AGENCY AS FOLLOWS:

Section 1. Based upon the representations made by the Company to the Agency in the Application, the Agency hereby finds and determines that:

(A) By virtue of the Act, the Agency has been vested with all powers necessary and convenient to carry out and effectuate the purposes and provisions of the Act and to exercise all powers granted to it under the Act; and

(B) It is desirable and in the public interest for the Agency to (i) acquire title to or other interest in the Land, the Existing Improvements, Improvements and the Equipment constituting the Facility, (ii) lease or sell the Agency's interest in the Land, Existing Improvements, Improvements and Equipment constituting the Facility to the Company pursuant to a lease agreement or sale agreement to be negotiated, and (iii) enter into a Straight Lease Transaction with the Company; and

(C) The Agency has the authority to take the actions contemplated herein under the Act; and

(D) The action to be taken by the Agency will induce the Company to undertake the Project, thereby increasing employment opportunities in the Village, and otherwise furthering the purposes of the Agency as set forth in the Act; and

(E) The Project will not result in the removal of a facility or plant of the Company or any other proposed occupant of the Project from one area of the State of New York (the "State") to another area of the State or result in the abandonment of one or more plants or facilities of the Company or any other proposed occupant of the Project located within the State; and the Agency hereby finds that, based on the Company's Application, to the extent occupants are relocating from one plant or facility to another, the Project is reasonably necessary to discourage the Project occupants from removing such other facility or plant to a location outside the State and/or is reasonably necessary to preserve the competitive position of the Project occupants in their respective industries; and

(F) Based upon a review of the Application, the EAF and the Negative Declaration issued by the Village Planning Commission and submitted to the Agency, the Agency hereby:

(i) consents to and affirms the status of the Village Planning Commission as Lead Agency for review of the Facility, within the meaning of, and for all purposes of complying with SEQRA;

(ii) ratifies the proceedings undertaken by the Village Planning Commission as Lead Agency under SEQRA with respect to the construction and equipping of the Facility pursuant to SEQRA; and

(iii) finds that the Project involves an “unlisted action” (as such quoted term is defined under SEQRA). The review is “uncoordinated” (as such quoted term is defined under SEQRA). Based upon the review by the Agency of the EAF and related documents delivered by the Company to the Agency and other representations made by the Company to the Agency in connection with the Project, the Agency hereby finds that (i) the Project will result in no major impacts and, therefore, is one which may not cause significant damage to the environment; (ii) the Project will not have a “significant effect on the environment” (as such quoted term is defined under SEQRA); and (iii) no “environmental impact statement” (as such quoted term is defined under SEQRA) need be prepared for this action. This determination constitutes a “negative declaration” (as such quoted terms are defined under SEQRA) for purposes of SEQRA.

Section 2. The Agency hereby accepts supplements and amendments to the application as submitted by the Company, along with comments received at the Public Hearing. Subject to (i) the Company executing the Agent Agreement and/or Leaseback Agreement, (ii) payment by the Company of all outstanding fees and costs incurred by the Agency in connection with reviewing the Project, and (iii) the delivery to the Agency of a binder, certificate or other evidence of liability insurance policy for the Project satisfactory to the Agency, the Agency hereby authorizes the Company to proceed with the acquisition, renovation, construction, reconstruction, rehabilitation and equipping of the Project and hereby appoints the Company as the true and lawful agent of the Agency: (i) to acquire, construct and equip the Project; (ii) to make, execute, acknowledge and deliver any contracts, orders, receipts, writings and instructions, as the stated agent for the Agency with the authority to delegate such agency, in whole or in part, to agents, subagents, contractors, and subcontractors of such agents and subagents and to such other parties as the Company chooses; and (iii) in general, to do all things which may be requisite or proper for completing the Project, all with the same powers and the same validity that the Agency could do if acting in its own behalf; *provided, however*, the Agent Agreement shall expire on December 31, 2022 (*unless extended for good cause by the Administrative Director of the Agency*).

Section 3. Based upon the representation and warranties made by the Company the Application, the Agency hereby authorizes and approves the Company, as its agent, to make purchases of goods and services relating to the Project and that would otherwise be subject to New York State and local sales and use tax in an amount up to approximately **\$25,995,200.00**, which result in New York State and local sales and use tax exemption benefits (“sales and use tax exemption benefits”) not to exceed **\$2,177,098.00**. The Agency agrees to consider any requests by the Company for increase to the amount of sales and use tax exemption benefits authorized by the Agency upon being provided with appropriate documentation detailing the

additional purchases of property or services, and, to the extent required, the Agency authorizes and conducts any supplemental public hearing(s).

Section 4. Pursuant to Section 875(3) of the Act, the Agency may recover or recapture from the Company, its agents, consultants, subcontractors, or any other party authorized to make purchases for the benefit of the Project, any sales and use tax exemption benefits taken or purported to be taken by the Company, its agents, consultants, subcontractors, or any other party authorized to make purchases for the benefit of the Project, if it is determined that: (i) the Company, its agents, consultants, subcontractors, or any other party authorized to make purchases for the benefit of the Project, is not entitled to the sales and use tax exemption benefits; (ii) the sales and use tax exemption benefits are in excess of the amounts authorized to be taken by the Company, its agents, consultants, subcontractors, or any other party authorized to make purchases for the benefit of the Project; (iii) the sales and use tax exemption benefits are for property or services not authorized by the Agency as part of the Project; (iv) the Company has made a material false statement on its application for financial assistance; (v) the sales and use tax exemption benefits are taken in cases where the Company, its agents, consultants, subcontractors, or any other party authorized to make purchases for the benefit of the Project fails to comply with a material term or condition to use property or services in the manner approved by the Agency in connection with the Project; and/or (vi) the Company obtains mortgage recording tax benefits and/or real property tax abatements and fails to comply with a material term or condition to use property or services in the manner approved by the Agency in connection with the Project (collectively, items (i) through (vi) hereby defined as a “Recapture Event”).

As a condition precedent of receiving sales and use tax exemption benefits and real property tax abatement benefits, the Company, its agents, consultants, subcontractors, or any other party authorized to make purchases for the benefit of the Project, must (i) if a Recapture Event determination is made by the Agency, cooperate with the Agency in its efforts to recover or recapture any sales and use tax exemption benefits, mortgage recording tax benefits and/or real property tax abatements abatement benefits, and (ii) promptly pay over any such amounts to the Agency that the Agency demands, if and as so required to be paid over as determined by the Agency.

Section 5. Subject to the conditions set forth within Section 2, above, the Chairman, Vice Chairman and/or Administrative Director of the Agency are hereby authorized, on behalf of the Agency, to execute and deliver the Agent Agreement, Lease Agreement, Leaseback Agreement, PILOT Agreement, a PILOT Mortgage, and related documents with such changes as shall be approved by the Chairman, Vice Chairman, the Administrative Director and counsel to the Agency upon execution.

Section 6. The Chairman (or Vice Chairman), and/or Administrative Director of the Agency are hereby authorized, on behalf of the Agency, to execute and deliver any mortgage, assignment of leases and rents, security agreement, UCC-1 Financing Statements and all documents reasonably contemplated by these resolutions or required by any lender identified by the Company (the “Lender”) up to a maximum principal amount necessary to undertake the Project, acquire the Facility and/or finance or refinance equipment and other personal property

and related transactional costs (hereinafter with the Straight Lease Documents, the “Agency Documents”); and, where appropriate, the Secretary (or Assistant Secretary) of the Agency is hereby authorized to affix the seal of the Agency to the Agency Documents and to attest the same, all with such changes, variations, omissions and insertions as the Chairman (or Vice Chairman), Administrative Director of the Agency shall approve, the execution thereof by the Chairman (or Vice Chairman), Administrative Director of the Agency to constitute conclusive evidence of such approval; provided, that, in all events, recourse against the Agency is limited to the Agency's interest in the Project.

Section 7. The officers, employees and agents of the Agency are hereby authorized and directed for and in the name and on behalf of the Agency to do all acts and things required and to execute and deliver all such certificates, instruments and documents, to pay all such fees, charges and expenses and to do all such further acts and things as may be necessary or, in the opinion of the officer, employee or agent acting, desirable and proper to effect the purposes of the foregoing resolutions and to cause compliance by the Agency with all of the terms, covenants and provisions of the documents executed for and on behalf of the Agency.

Section 8. These Resolutions shall take effect immediately upon adoption.

The question of the adoption of the foregoing resolutions was duly put to vote on roll call, which resulted as follows:

	<i>YEA</i>	<i>NEA</i>	<i>ABSTAIN</i>	<i>ABSENT</i>
Hon. Daniel Brakewood	[X]	[]	[]	[]
Michael Brescio	[X]	[]	[]	[]
Richard Cuddy	[]	[X]	[]	[]
Hon. Frank Ferrara	[X]	[]	[]	[]
John Hiensch	[]	[]	[X]	[]
Richard O’Connell	[X]	[]	[]	[]
James Taylor	[X]	[]	[]	[]

The resolutions were thereupon duly adopted.

STATE OF NEW YORK)
COUNTY OF WESTCHESTER) SS:

I, the undersigned Secretary of the Village of Port Chester Industrial Development Agency, DO HEREBY CERTIFY:

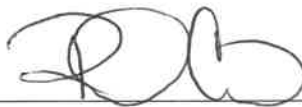
That I have compared the annexed extract of minutes of the meeting of the Village of Port Chester Industrial Development Agency (the "Agency"), including the resolution contained therein, held on December 8, 2021, with the original thereof on file in my office, and that the same is a true and correct copy of the proceedings of the Agency and of such resolution set forth therein and of the whole of said original insofar as the same related to the subject matters therein referred to.

I FURTHER CERTIFY, that all members of said Agency had due notice of said meeting, that the meeting was in all respects duly held and that, pursuant to Article 7 of the Public Officers Law (Open Meetings Law), said meeting was open to the general public, and that public notice of the time and place of said meeting was duly given in accordance with such Article 7.

I FURTHER CERTIFY, that there was a quorum of the members of the Agency present throughout said meeting.

I FURTHER CERTIFY, that as of the date hereof, the attached resolution is in full force and effect and has not been amended, repealed or modified.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of said Agency this 8th day of December, 2021.



Secretary



EXHIBIT A

PUBLIC HEARING MATERIALS

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that a public hearing pursuant to Article 18-A of the New York General Municipal Law (the “Act”) will be held by the Village of Port Chester Industrial Development Agency (the “Agency”) on Thursday December 2, 2021 at 6:30 p.m. at the Village of Port Chester Senior Center, 222 Grace Church Street, Port Chester, New York 10573, in connection with the matter described below.

TARRY LIGHTHOUSE LLC, for itself and/or a related entity or entities to be formed (collectively, the “Company”), has submitted an application to the Agency requesting the Agency’s assistance with a certain project (the “Project”) consisting of: (i) the acquisition by the Agency of a leasehold interest in approximately 1.2 acres of real property comprised of five (5) parcels of land located at 20 Abendroth Avenue, 18 Mill Street, and 179, 175 and 163 North Main Street, Port Chester, New York (the “Land”, being more particularly described as tax parcel numbers 142.23-2-25, 26, 27, 28 and 29) along with the existing improvements thereon consisting principally of various residential, warehousing and parking space (the “Existing Improvements”); (ii) the demolition, renovation, reconstruction and rehabilitation of the Existing Improvements and the planning, design, construction, operation and leasing by the Company of a six story multi-tenanted, mixed use redevelopment project that will include: (a) approximately 209 residential apartment units, (b) approximately 27,905 square feet of multi-tenanted and mixed use commercial/retail space, (c) structured parking improvements in and around the various structures providing for approximately 271 parking spaces, and (d) other amenities, various subsurface structural improvements, roadway improvements, access and egress improvements, storm water improvements, utility improvements, signage, curbage, sidewalks, and landscaping improvements (collectively, the “Improvements”); (iii) the acquisition of and installation in and around the Existing Improvements and Improvements by the Company of machinery, equipment, fixtures and other items of tangible personal property (the “Equipment” and, collectively with, the Land, the Existing Improvements and the Improvements, the “Facility”); and (iv) entering into a straight lease transaction (within the meaning of subdivision (15) of Section 854 of the Act), pursuant to which the Agency will retain a leasehold interest in the Facility for a period of time and sublease such interest in the Facility back to the Company (the “Straight Lease Transaction”).

The Agency is contemplating providing financial assistance to the Company with respect to the Project (collectively, the “Financial Assistance”) in the form of: (A) an exemption from all State and local sales and use taxes with respect to qualifying personal property included in or incorporated into the Facility or used in the acquisition, construction or equipping of the Facility; (B) mortgage recording tax exemption(s) relating to financings undertaken by the Company in furtherance of the Project, and (C) a partial real property tax abatement through a payment-in-lieu-of-tax agreement (collectively, the “PILOT Agreement”), pursuant to which the Company would make payments in lieu of real property taxes to each affected tax jurisdiction (the “Affected Tax Jurisdictions”).

In accordance with Section 859-a of the Act, a representative of the Agency will be at the above-stated time and place to present a copy of the Company’s Project Application (including a cost-benefit analysis), which is also available for viewing on the Agency’s website at:

<https://www.portchesternyida.org/>. Interested parties be provided a reasonable opportunity, both orally and in writing, to present their views with respect to the Project. The Agency will also stream the public hearing via a video link that will also be provided at <https://www.portchesternyida.org/>. Finally, the Agency also encourages all interested parties to submit written comments to the Agency, which will all be included within the public hearing record. The Agency also welcomes and encourages written comments to be submitted to Agency Administrative Director Christopher Steers at 222 Grace Church Street, Port Chester, New York 10573 and/or CSteers-IDA@portchesternyida.org and (914) 939-5200.

Dated: November 16, 2021

VILLAGE OF PORT CHESTER INDUSTRIAL
DEVELOPMENT AGENCY

PORT CHESTER **AFFIDAVIT OF**
Westmore
NEWS **PUBLICATION**

State of New York }
County of Westchester }

as Angelina Brescia, being duly sworn,
deposes and says that (s)he is the office manager of the
WESTMORE NEWS, a weekly newspaper published in the Village of
Port Chester, County of Westchester, State of New York, and the notice
of which the annexed is a printed copy was published in said newspaper
on the following dates of publication:

11/19/21 _____

Sworn to before me
this second day of November 2021
Hope B. Vespa
Notary Public, Westchester County

Signed: Angelina Brescia

HOPE B. VESPIA
Notary Public, State of New York
No. 01VE5084028
Qualified In Westchester County
Commission Expires August 25, 2025

Public Notice

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that a public hearing pursuant to Article 18-A of the New York General Municipal Law (the "Act") will be held by the Village of Port Chester Industrial Development Agency (the "Agency") on Thursday December 2, 2021 at 6:30 p.m. at the Village of Port Chester Senior Center, 222 Grace Church Street, Port Chester, New York 10573 in connection with the matter described below:

TARRYLIGHTHOUSE LLC for itself and/or a related entity or entities to be formed (collectively, the "Company"), has submitted an application to the Agency requesting the Agency's assistance with a certain project (the "Project") consisting of (i) the acquisition by the Agency of

a leasehold interest in approximately 1.2 acres of real property comprised of five (5) parcels of land located at 20 Abendroth Avenue, 18 Mill Street, and 179, 175 and 163 North Main Street, Port Chester, New York (the "Land") being more particularly described as tax parcel numbers 142.23-2.25, 26, 27, 28 and 29) along with the existing improvements thereon consisting principally of various residential, warehousing and parking space (the "Existing Improvements"); (ii) the demolition, renovation, reconstruction and rehabilitation of the Existing Improvements; and the planning, design, construction, operation and leasing by the Company of a six-story multi-tenanted, mixed-use redevelopment project that will include: (a) approximately 209 residential apartment units, (b) approximately 27,905 square feet of multi-tenanted

Public Notice

and mixed use, commercial/retail space (c) structured parking improvements in and around the various structures providing for approximately 271 parking spaces; and (d) other amenities, various subsurface structural improvements, roadway improvements, access and egress improvements, storm water improvements, utility improvements, signage, curbside, sidewalks, and landscaping improvements (collectively, the "Improvements"); (iii) the acquisition of and installation in and around the Existing Improvements and Improvements by the Company of machinery, equipment, fixtures and other items of tangible personal property (the "Equipment") and collectively with the Land, the Existing Improvements and the Improvements, the "Facility"); and (iv) entering into a straight lease transaction (within the

meaning of subdivision (15) of Section 854 of the Act), pursuant to which the Agency will retain a leasehold interest in the Facility for a period of time and sublease such interest in the Facility back to the Company, (the "Straight Lease Transaction"). The Agency is contemplating providing financial assistance to the Company with respect to the Project (collectively, the "Financial Assistance"), in the form of (A) an exemption from all State and local sales and use taxes with respect to qualifying personal property included in or incorporated into the Facility or used in the acquisition, construction or equipping of the Facility; (B) mortgage recording tax exemption(s) relating to financings undertaken by the Company in furtherance of the Project; and (C) a partial

Public Notice

real property tax abatement through a payment in lieu of tax agreement (collectively, the "PIL-OT Agreement"), pursuant to which the Company would make payments in lieu of real property taxes to each affected tax jurisdiction (the "Affected Tax Jurisdictions").

In accordance with Section 859-a of the Act, a representative of the Agency will be at the above-stated time and place to present a copy of the Company's Project Application (including a cost-benefit analysis) which is also available for viewing on the Agency's website at <https://www.portchesternyida.org/public-hearing-notices>. Interested parties be provided a reasonable opportunity, both orally and in writing, to present their views with respect to the Project. The Agency will also stream the public hearing via

Public Notice

a video link that will also be provided at <https://www.portchesternyida.org/public-hearing-notices>. The Agency also encourages all interested parties to submit written comments to the Agency which will all be included within the public hearing record. The Agency also welcomes and encourages written comments to be submitted to the Port Chester Industrial Development Agency (PCIDA) at 222 Grace Church Street, Room 202, Port Chester, New York 10573 and/or IDAPublicComments@portchesternyida.org and (914) 768-7399.

Dated: November 19, 2021

VILLAGE OF
PORT CHESTER
INDUSTRIAL
DEVELOPMENT AGENCY



Village of Port Chester Industrial Development Agency

222 Grace Church Street, Port Chester, New York 10573

Agenda: Thursday, December 2, 2021

Time: Immediately following a Public Hearing at 6:30 PM

Village Hall Conference Room, 222 Grace Church St., Port Chester, NY

- 1. Chairman's Remarks**
- 2. Public Hearing Notice**
 - a. Public Hearing Notice
- 3. Public Hearing Document Links**
 - a. Public Hearing Document Links [Public Hearing Documents](#)
- 4. Public Comments**

Board member Daniel Brakewood will be attending the meeting via videoconferencing from 103 Richards Road, Lincolnville, Maine, which will be open to the public for this meeting as well as the 350 North Main Street location.

How to Follow the PCIDA

The meeting will be:

- Streamed on [PCTV](#)
- Broadcast over local cable system public access channels
 - Channel 43 FIOS
 - Channel 75 Optimum

Past meetings are [archived for streaming](#).

For more information on the PCIDA, visit the [website](#).

**PUBLIC HEARING MINUTES
VILLAGE OF PORT CHESTER INDUSTRIAL DEVELOPMENT AGENCY**

(Tarry Lighthouse, LLC)

Thursday December 2, 2021 at 6:30 p.m.

Village of Port Chester Senior Center, 222 Grace Church Street, Port Chester, New York 10573

ATTENDANCE LIST:

Agency Staff and Board Members:

Board Members Michael Brescio, Richard O’Connell, and James Taylor
Christopher Steers, PCIDA Administrative Director

CALL TO ORDER: (Time: 6:30 p.m.). IDA Chairman Frank Ferrara served as the Hearing Officer and opened the hearing.

PURPOSE:

Pursuant to and in accordance with General Municipal Law Section 859-a, the Village of Port Chester Industrial Development Agency (the “Agency”) is conducting this public hearing in connection with a certain proposed project, as more fully described below (the “Project”), to be undertaken by the Agency for the benefit of Tarry Lighthouse, LLC (the “Company”).

The Agency published a Notice of Public Hearing in *The Westmore News* and mailed a copy of the Notice of Public Hearing to each affected tax jurisdiction. An Affidavit of Publication of and Proof of Mailing are attached.

DISCUSSION:

Mr. Ferrara read a description of the Project, as follows:

TARRY LIGHTHOUSE LLC, for itself and/or a related entity or entities to be formed (collectively, the “Company”), has submitted an application to the Agency requesting the Agency’s assistance with a certain project (the “Project”) consisting of: (i) the acquisition by the Agency of a leasehold interest in approximately 1.2 acres of real property comprised of five (5) parcels of land located at 20 Abendroth Avenue, 18 Mill Street, and 179, 175 and 163 North Main Street, Port Chester, New York (the “Land”, being more particularly described as tax parcel numbers 142.23-2-25, 26, 27, 28 and 29) along with the existing improvements thereon consisting principally of various residential, warehousing and parking space (the “Existing Improvements”); (ii) the demolition, renovation, reconstruction and rehabilitation of the Existing

Improvements and the planning, design, construction, operation and leasing by the Company of a six story multi-tenanted, mixed use redevelopment project that will include: (a) approximately 209 residential apartment units, (b) approximately 27,905 square feet of multi-tenanted and mixed use commercial/retail space, (c) structured parking improvements in and around the various structures providing for approximately 271 parking spaces, and (d) other amenities, various subsurface structural improvements, roadway improvements, access and egress improvements, storm water improvements, utility improvements, signage, curbage, sidewalks, and landscaping improvements (collectively, the "Improvements"); (iii) the acquisition of and installation in and around the Existing Improvements and Improvements by the Company of machinery, equipment, fixtures and other items of tangible personal property (the "Equipment" and, collectively with, the Land, the Existing Improvements and the Improvements, the "Facility"); and (iv) entering into a straight lease transaction (within the meaning of subdivision (15) of Section 854 of the Act), pursuant to which the Agency will retain a leasehold interest in the Facility for a period of time and sublease such interest in the Facility back to the Company (the "Straight Lease Transaction").

It is contemplated that the Agency will acquire a leasehold interest in the Facility and lease the Facility back to the Company. The Company will operate the Facility during the term of the leases. The Agency contemplates that it will provide financial assistance (the "Financial Assistance") to the Company in the form of (a) a sales and use tax exemption for purchases and rentals related to the Project; (b) mortgage recording tax exemptions(s) related to financings undertaken by the Company to construct the Facility; and (c) a partial real property tax abatement structured through a PILOT Agreement. The foregoing Financial Assistance and the Authority's involvement in the Project are being considered to promote the economic welfare and prosperity of residents of the Village of Port Chester.

Mr. Ferrara then introduced Mr. David Mann, the Managing Partner of Tarry Lighthouse, LLC to further describe the project and its features.

AGENCY COST-BENEFIT ANALYSIS:

Based upon information provided by the Company in its Application, the Project will involve an approximately \$71.5M capital investment by the Company, with significant full time job creation and the creation of construction jobs. The Agency has estimated the amounts of financial assistance to be provided to the Company in the attached cost-benefit analysis (see Appendix A)

Other benefits include:

- mitigations and mitigation payments mandated under SEQRA, including payments to the Village and Schools, and County leading 10% Affordable Housing set aside at 60% of County AMI
- Non-wood construction addressing fire safety concerns
- Widened sidewalks and amenities

- Traffic improvements on Highland Street and Abendroth Avenue
- Parking provided in excess of requirements that will be shared with the public
- The project replaces property that was 75% vacant at acquisition thus revitalizing underinvested property
- While embracing the vision of the Village’s Master Plan and Form Based Code, it increases that AV of the properties from about \$8.5M to \$50M per estimate of the Town of Rye Assessor

SEQRA:

The Village of Port Chester Planning Commission served as Lead Agency for purposes of SEQRA review for the Project.

PUBLIC COMMENT:

Speakers

Name	Address	Representing
Gregg Hamilton	Village Green	Sustainable Port Chester Alliance and himself
Lorena Cochachi	King St	X-S Hair Salon
Megaly Cochachi	Adee St	X-S Hair Salon
Dennis Schack		Proprietor of Sam’s
Jeffrey Kohn	Rye Brook	Proprietor of The Kneaded Bread
Anthony Tirone	White Plains	The Capitol Theatre

Submitted Written Comment

Name	Address	Representing
Kiki Short	Quintard Drive	herself
Arianna Christopher	Betsy Brown Road	herself

Verbal comments paraphrased

Gregg Hamilton

Why should Village taxpayers should be burdened with providing this developer with return of 7 – 9%? What is the benefit value to the Village, for example, the value of the jobs over time?

There are ethical implications. This developer is a bully. He turned off electricity with little to no warning to tenants on the second floor and turned off gas to ground floor tenants including the Hair Salon. Do we want to encourage investors and developers to behave in this fashion?

Lorena Cochachi

Her store is the last one in this complex of buildings. If she leaves, she will have to pay a lot more in rent in another location. It's a very stressful time to impacted business owners and their clients. The developer has gaslighted his tenants and does not have the best intentions of the Village at heart.

Megaly Cochachi

We should not consider giving a tax break to a developer who will not buy out their lease.

A few weeks ago, a construction fence around the building collapsed creating a hazard putting tenants, their clients, and passersby at risk.

Other developers are acting in good faith with their tenants, but this one is inhumane. Of all the developers in Port Chester he should be the last one to get any tax breaks

Dennis Schack

There are many small businesses downtown that will be negatively impacted by development, but this is inevitable. Overall this kind of development will be a boon for downtown. It will put in place more people to support businesses and this particular project will assist in correcting the parking deficiency downtown.

Business owners expect too much from their leases and the process that has been put in place. Many leases have demolition clauses, for example.

Mr. Mann reached out when the fence blew down to get assistance in restoring the fence promptly.

PILOTs are a common tool for economic development.

I don't want downtown to be White Plains but I want to see revitalization and vibrancy. I want to see progress in the Village.

7 - 9% is a pretty modest return given the investment risk. People that think this is excessive may not be familiar with the investment landscape.

Jeffrey Kohn

I don't know the developer but as a local business owner I want to be a good neighbor. This will be good for Port Chester. The project will benefit the Village long term. This is needed. I support the project and progress.

Too many things have gotten in the way of development and it's high time. Main Street looks awful.

I believe in the Village. My dream came true in Port Chester.

Parking is a problem everywhere throughout the Village. This helps address it.

There are hiccoughs along the way, but this moves us in the right direction.

Anthony Tirone

I'm not taking a position on this development, but I appreciate development in general.

Parking is really key for the Capital Theatre. The Village is challenged in this manner and additional parking is desperately needed. If parking is available on show nights, it's a public good.

IDA benefits are a necessary evil to initiate development. A PILOT is a small price to pay to get the development done. The benefits over the long term are clear.

Kikki Short

I am writing to voice my opposition to the Tarry Lighthouse Project being considered for a PILOT of any length.

The developer is currently in litigation with tenants at the location. Furthermore, Lighthouse Living, LLC is being sued by The Fair Housing Justice Center. "FHJC dispatched a couple posing as a husband and wife to inspect The Light House, a five-story, 50-unit building in Port Chester. The entrance was inaccessible, according to the lawsuit, a large gap at the rooftop entrance impeded access to the deck, and the two kitchens they viewed had inadequate space for maneuvering a wheelchair."

(<https://westfaironline.com/124985/lighthouse-living-accused-of-building-apartments-with-barriers/>)

It would make sense that ongoing litigation would make this development ineligible for assistance from a public agency such as the IDA.

Arianna Christopher

The application for a PILOT should be denied or substantially reduced for at least the following reasons:

(1) The IDA is operating under a faulty UTEP. There were material representations to the public regarding the operation of the revised UTEP matrix that were incorrect (e.g., that the matrix was a baseline only; substantive modifications to UTEP after presentation to the public). See Nov. 10, 2021 IDA meeting. The BOT did not approve the UTEP. (Note that the inclusion of two BOT members on the IDA is not sufficient for this purpose and is contrary to New York State prohibition against government personnel having the simultaneous role of supervisor and supervised. See [AGO opinion](#) stating "you cannot be your own boss" and you cannot be responsible for review of your own performance and case law cited therein. The BOT is the supervising body of the IDA making a BOT member's concurrent role on both the BOT and IDA a violation of this law.)

(2) The IDA has apparently already decided to grant the PILOT prior to the public hearing. See Nov. 10, 2021 IDA meeting. The BOT did not approve the grant or opine on the value of the development. The site plan should not have been approved, but regardless simply passing the

muster of the existing code should not be sufficient to warrant granting the significant benefit proposed.

(3) Insufficient benefit to village:

- a. No meaningful benefit was identified or analyzed. The report obtained by the IDA addresses the applicant's purported need. There is no assessment of benefit to Village. There is a generic description of the project on one page based on the Applicant's submissions.
- b. The addition of rental apartments does not further the Village's interests (there are existing rental vacancies and to the extent needed, there are multiple projects already in the pipeline that would include hundreds of rental units). In addition, rental apartments does not further the diversity of housing stock (as opposed to condominiums, e.g.).
- c. The asserted addition of 155 jobs was not analyzed in any way, but simply taken as a given from the applicant's application. There was no disclosure of existing jobs or potential jobs from the buildings as existed prior to the premature demolition of the premises, or if the buildings were populated as they existed. The applicant provides no support for why it was reasonable to assume 155 jobs (apparently the location was not adequate to support the prior well known and popular restaurant).
- d. The report relied on statistics from Westchester County writ large. The Village is not even close to being in the same position as the County overall.

(4) Insufficient assessment of claimed need

- a. The report does not analyze any of the assumptions or assertions. Compare with the procedures for similar development review in NYC.

(5) The development has negative impacts on Village that were not analyzed and are not outweighed by any benefit, e.g.:

- a. State adverse impact conclusion was not addressed or resolved.
- b. Destroying historic buildings
- c. Breaking leases/removing tenants
- d. Buildings are not inline with existing character
- e. Ugly construction lot & barricades indefinitely, eliminated sidewalk
- f. Developer negative indicators:
 - i. Demolished buildings prematurely given ongoing litigation
 - ii. Developer subject of claims of violation of accessibility requirements and discriminatory conduct. See *Fair Hous. Justice Ctr. v. Lighthouse Living LLC*, 20 CV 4066 (NSR), (S.D.N.Y. Sep. 20, 2021) ("similarities in properties developed within approximately three years of one another indicate that the Lighthouse Defendants, their related entities, and the design and other firms they engaged, including Papp . . . have a regular practice of designing and constructing multi-family residential dwellings . . . that do not comply with the accessibility requirements of the [FHA]" (Am. Compl. ¶¶ 22, 54.) The similarities between the Properties include the size of the buildings, the entities that helped develop or manage them, the location in Westchester County, and the allegation that they were all opened for occupancy within three years of each other. (Am. Compl. ¶¶ 9-11, 23, 54.) They also share similar defects, with at least two of the Properties having inaccessible mailboxes,

roof terraces, and environmental controls, and a lack of floor space. (Am. Compl. ¶¶ 36, 44, 50.) Further, Plaintiff alleges it has identified additional multi-family residential apartment buildings that Papp and other defendants are in the process of designing and constructing, including “a seven-story, 242-unit building to be located in Port Chester and over 150 apartments units across three buildings in White Plains and Mamaroneck.” (Am. Compl. ¶ 55.) Taken together, these allegations present a pattern of discriminatory conduct ”)

Thank you for your consideration.

ADJOURNMENT (Time: 7:08 p.m.)

APPENDIX A

VILLAGE OF PORT CHESTER INDUSTRIAL DEVELOPMENT AGENCY - TARRY LIGHTHOUSE COST BENEFIT ANALYSIS

Assumes Closing prior to May 1, 2022 Taxable Status Date

PILOT Year	CALENDAR YEAR:	PILOT Base Assessed Valuation	Estimated PILOT Payments for Base Value	Abatement Schedule for Added Value	Estimated Abated Assessment	**Estimated Full Taxes with No PILOT	Estimated PILOT Payments for Added Value	Total PILOT Payments	Estimated Mil Rate	**Estimated Full Taxes with No PILOT on Added Value
Interim	2021	\$ 8,453,600	\$ -	\$ -	\$ -	\$ 270,600	\$ -	\$ 270,600	\$ 32.01	\$ -
Interim	2022	\$ 8,453,600	\$ -	\$ -	\$ -	\$ 273,306	\$ -	\$ 273,306	\$ 32.33	\$ -
Interim	2023	\$ 8,453,600	\$ -	\$ -	\$ -	\$ 276,039	\$ -	\$ 276,039	\$ 32.65	\$ -
Year 1	2024	\$ 8,453,600	\$ 278,799	100%	\$ 40,546,400	\$ 1,616,017	\$ -	\$ 278,799	\$ 32.98	\$ 1,337,218
Year 2	2025	\$ 8,453,600	\$ 281,587	95%	\$ 39,519,080	\$ 1,632,177	\$ 67,529	\$ 349,117	\$ 33.31	\$ 1,350,590
Year 3	2026	\$ 8,453,600	\$ 284,403	90%	\$ 38,491,760	\$ 1,648,499	\$ 138,410	\$ 420,813	\$ 33.64	\$ 1,364,096
Year 4	2027	\$ 8,453,600	\$ 287,247	85%	\$ 37,464,440	\$ 1,664,984	\$ 206,661	\$ 493,908	\$ 33.98	\$ 1,377,737
Year 5	2028	\$ 8,453,600	\$ 290,120	80%	\$ 36,437,120	\$ 1,681,634	\$ 278,303	\$ 568,422	\$ 34.32	\$ 1,391,514
Year 6	2029	\$ 8,453,600	\$ 293,021	75%	\$ 35,409,800	\$ 1,698,450	\$ 351,357	\$ 644,378	\$ 34.66	\$ 1,405,429
Year 7	2030	\$ 8,453,600	\$ 295,951	70%	\$ 34,382,480	\$ 1,715,434	\$ 425,845	\$ 721,796	\$ 35.01	\$ 1,419,483
Year 8	2031	\$ 8,453,600	\$ 298,910	65%	\$ 33,355,160	\$ 1,732,589	\$ 501,787	\$ 800,698	\$ 35.36	\$ 1,433,676
Year 9	2032	\$ 8,453,600	\$ 301,900	60%	\$ 32,327,840	\$ 1,749,915	\$ 579,206	\$ 881,106	\$ 35.71	\$ 1,448,015
Year 10	2033	\$ 8,453,600	\$ 304,919	55%	\$ 31,300,520	\$ 1,767,414	\$ 658,123	\$ 963,041	\$ 36.07	\$ 1,462,495
Year 11	2034	\$ 8,453,600	\$ 307,968	50%	\$ 30,273,200	\$ 1,785,088	\$ 738,560	\$ 1,046,528	\$ 36.43	\$ 1,477,120
Year 12	2035	\$ 8,453,600	\$ 311,047	45%	\$ 29,245,880	\$ 1,802,939	\$ 820,540	\$ 1,131,588	\$ 36.79	\$ 1,491,891
Year 13	2036	\$ 8,453,600	\$ 314,158	40%	\$ 28,218,560	\$ 1,820,963	\$ 904,088	\$ 1,218,244	\$ 37.16	\$ 1,506,810
Year 14	2037	\$ 8,453,600	\$ 317,299	35%	\$ 27,191,240	\$ 1,839,178	\$ 989,221	\$ 1,306,520	\$ 37.53	\$ 1,521,878
Year 15	2038	\$ 8,453,600	\$ 320,472	30%	\$ 26,163,920	\$ 1,857,570	\$ 1,075,968	\$ 1,396,441	\$ 37.91	\$ 1,537,097
Year 16	2039	\$ 8,453,600	\$ 323,677	25%	\$ 25,136,600	\$ 1,876,145	\$ 1,164,351	\$ 1,488,028	\$ 38.29	\$ 1,552,468
Year 17	2040	\$ 8,453,600	\$ 326,914	20%	\$ 24,109,280	\$ 1,894,907	\$ 1,254,394	\$ 1,581,308	\$ 38.67	\$ 1,567,993
Year 18	2041	\$ 8,453,600	\$ 330,183	15%	\$ 23,081,960	\$ 1,913,856	\$ 1,346,122	\$ 1,676,305	\$ 39.06	\$ 1,583,670
Year 19	2042	\$ 8,453,600	\$ 333,485	10%	\$ 22,054,640	\$ 1,932,994	\$ 1,439,559	\$ 1,773,043	\$ 39.45	\$ 1,599,510
Year 20	2043	\$ 8,453,600	\$ 336,820	5%	\$ 21,027,320	\$ 1,952,324	\$ 1,534,729	\$ 1,871,549	\$ 39.84	\$ 1,615,505
			\$ 6,138,680			\$ 35,583,081	\$ 14,472,752	\$20,611,632		\$ 29,444,200
Total PILOT Payments			\$ 20,611,632							Benefit as %age of project cost 24.66%
Taxes w/o improvements			\$ 5,135,880							
Full Taxes no PILOT			\$ 25,583,081							
Estimated Real Estate Tax Savings			\$ 14,971,448							
Estimated Mortgages Tax Savings			\$ 473,000	Mortgage abatement		1%	\$ 47,300,000	Mortgage amount		
Estimated Sales Tax Savings			\$ 2,177,098	Sales Tax abatement		8.375%	\$ 37,704,000	no FF&E taxable construction costs	assume qualifies	55%
Estimated Financial Assistance			\$ 17,621,547			8.375%	\$ 5,258,000	all FF&E taxable construction costs	assume qualifies	100%
PCIDA Administrative Fee			\$ 407,265							

Added Value \$ 40,546,400
Project Cost \$ 71,453,000
Finished Value \$ 49,000,000

*All PILOT Payments and Taxes are estimated and will be determined upon each year's total combined mil rate
** \$32.01/\$1000 non-homestead tax rate for 2021 excluding special district charges which cannot be abated - assumptions include 1% escalator

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 Industrial Development Agency
 222 Grace Church Street
 Port Chester, New York 10573

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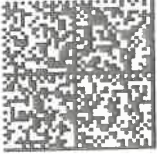
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Village of Port Chester
 Industrial Development Agency
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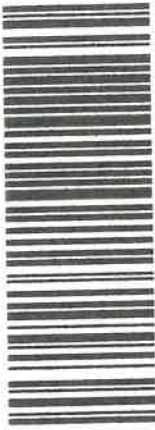
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Town of Rye
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 222 Grace Church Street
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VILLAGE OF PORT CHESTER INDUSTRIAL DEVELOPMENT AGENCY
222 GRACE CHURCH STREET
PORT CHESTER, NEW YORK 10573

Mayor's office

November 16, 2021

VILLAGE OF PORT CHESTER

VIA CERTIFIED MAIL
RETURN RECEIPT REQUESTED

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To: The Chief Executive Officer of Each
Affected Tax Jurisdiction Indicated
On the Attached List of Addressees

Re: Village of Port Chester Industrial Development Agency:
Tarry Lighthouse LLC Project

Ladies and Gentlemen:

Please be advised that a public hearing will be held by the Village of Port Chester Industrial Development Agency (the "Agency") on Thursday December 2, 2021 at 6:30 p.m. at the Village of Port Chester Senior Center, 222 Grace Church Street, Port Chester, New York 10573, in connection with the above-referenced Project. Please see enclosed Notice of public Hearing, which has also been published in *The Westmore News*.

In accordance with Section 859-a of the Act, a representative of the Agency will be at the above-stated time and place to present a copy of the Company's Project Application (including a cost-benefit analysis), which is also available for viewing on the Agency's website at: <https://www.portchesternyida.org/public-hearing-notices>. Interested parties be provided a reasonable opportunity, both orally and in writing, to present their views with respect to the Project. The Agency will also stream the public hearing via a video link that will also be provided at <https://www.portchesterny.gov/pc-tv/pages/live-stream>. Finally, the Agency also encourages all interested parties to submit written comments to the Agency, which will all be included within the public hearing record. The Agency also welcomes and encourages written comments to be submitted to the Port Chester Industrial Development Agency (PCIDA), 222 Grace Church Street, Room 202, Port Chester, New York 10573 and/or IDAPublicComments@portchesternyida.org and (914) 758-7399.

We are providing this notice to you, pursuant to General Municipal Law Section 859-a, as the chief executive officer of an affected tax jurisdiction within which the project is located. You are welcome to attend such hearing at which time you will have an opportunity to review the project application and present your views, both orally and in writing, with respect to the project.

VILLAGE OF PORT CHESTER INDUSTRIAL
DEVELOPMENT AGENCY

Affected Tax Jurisdictions

Westchester County, New York

Westchester County Executive
Michaelian Office Building
148 Martine Avenue
White Plains, New York 10601

Westchester County Board of Legislators
Attn: Chairman
Michaelian Office Building
148 Martine Avenue
White Plains, New York 10601

Village of Port Chester, New York

Village of Port Chester
Attn: Mayor
222 Grace Church Street
Port Chester, New York 10573

Village of Port Chester
Attn: Village Manager
222 Grace Church Street
Port Chester, New York 10573

Port Chester-Rye Union Free School District

Port Chester-Rye Union Free School District
Attn: Superintendent
113 Bowman Avenue
Port Chester, New York 10573

Port Chester-Rye Union Free School District
Attn: President, BOE
113 Bowman Avenue
Port Chester, New York 10573

Town of Rye, New York

Town of Rye
Attn: Supervisor
222 Grace Church Street
Port Chester, New York 10573

VILLAGE OF PORT CHESTER INDUSTRIAL DEVELOPMENT AGENCY
222 GRACE CHURCH STREET
PORT CHESTER, NEW YORK 10573

Village Manager's
Office
VILLAGE OF PORT CHESTER

November 16, 2021

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VILLAGE OF PORT CHESTER INDUSTRIAL
DEVELOPMENT AGENCY

Affected Tax Jurisdictions

Westchester County, New York

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Michaelian Office Building
148 Martine Avenue
White Plains, New York 10601

Westchester County Board of Legislators
Attn: Chairman
Michaelian Office Building
148 Martine Avenue
White Plains, New York 10601

Village of Port Chester, New York

Village of Port Chester
Attn: Mayor
222 Grace Church Street
Port Chester, New York 10573

Village of Port Chester
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222 Grace Church Street
Port Chester, New York 10573

Port Chester-Rye Union Free School District

Port Chester-Rye Union Free School District
Attn: Superintendent
113 Bowman Avenue
Port Chester, New York 10573

Port Chester-Rye Union Free School District
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113 Bowman Avenue
Port Chester, New York 10573

Town of Rye, New York

Town of Rye
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 Attn: BOE President
 113 Bowman Ave
 POA Chester NY 10573



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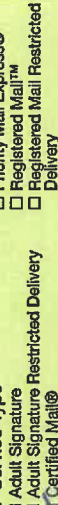
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Cathy Maggi
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- Is delivery address different from item 1? Yes No

Article Addressed to:

Westchester County Board of
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 Michaelian Office Bldg
 148 Maritime Ave
 White Plains NY 10601



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PS Form 3811, July 2020 PSN 7530-02-000-9053

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Westchester County Board of
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 148 Maritime Ave
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7019 1640 0001 9101 8996

PS Form 3811, July 2020 PSN 7530-02-000-9053

Domestic Return Receipt

COMPLETE THIS SECTION ON DELIVERY

- Agent
- Addressee
- Received by (Printed Name)
David C. Ford
- Date of Delivery
11/22/21
- Is delivery address different from item 1? Yes No

Article Addressed to:

Westchester County Board of
 Legislators - Attn: Chairman
 Michaelian Office Bldg
 148 Maritime Ave
 White Plains NY 10601



9590 9402 6732 1060 4763 49

Article Number (Transfer from service label)

7019 1640 0001 9101 8996

PS Form 3811, July 2020 PSN 7530-02-000-9053

Domestic Return Receipt

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

Article Addressed to:

Westchester County Exec.
 Michaelian Office Bldg
 148 Maritime Ave
 White Plains NY 10601



9590 9402 6732 1060 4763 56

Article Number (Transfer from service label)

7019 1640 0001 9101 8989

PS Form 3811, July 2020 PSN 7530-02-000-9053

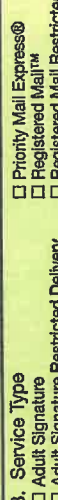
Domestic Return Receipt

COMPLETE THIS SECTION ON DELIVERY

- Agent
- Addressee
- Received by (Printed Name)
Bill [Signature]
- Date of Delivery
- Is delivery address different from item 1? Yes No

Article Addressed to:

Westchester County Board of
 Legislators - Attn: Chairman
 Michaelian Office Bldg
 148 Maritime Ave
 White Plains NY 10601



9590 9402 6732 1060 4763 49

Article Number (Transfer from service label)

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Domestic Return Receipt

Tarry Lighthouse CBA

VILLAGE OF PORT CHESTER INDUSTRIAL DEVELOPMENT AGENCY - TARRY LIGHTHOUSE COST BENEFIT ANALYSIS

Assumes Closing prior to May 1, 2022 Taxable Status Date

PILOT Year	CALENDAR YEAR:	PILOT Base Assessed Valuation	Estimated PILOT Payments for Base Value	Abatement Schedule for Added Value	Estimated Abated Assessment	**Estimated Full Taxes with No PILOT	Estimated PILOT Payments for Added Value	Total PILOT Payments	Estimated Mill Rate	**Estimated Full Taxes with No PILOT on Added Value
Interim	2021	\$ 8,453,600	\$ -	- \$	- \$	\$ 270,600	- \$	\$ 270,600	\$ 32.01	\$ -
Interim	2022	\$ 8,453,600	\$ -	- \$	- \$	\$ 273,306	- \$	\$ 273,306	\$ 32.33	\$ -
Interim	2023	\$ 8,453,600	\$ -	- \$	- \$	\$ 276,039	- \$	\$ 276,039	\$ 32.65	\$ -
Year 1	2024	\$ 8,453,600	\$ 278,799	100%	\$ 40,546,400	\$ 1,616,017	\$ -	\$ 278,799	\$ 32.98	\$ 1,337,218
Year 2	2025	\$ 8,453,600	\$ 281,587	95%	\$ 38,519,080	\$ 1,632,177	\$ 67,529	\$ 349,117	\$ 33.31	\$ 1,350,590
Year 3	2026	\$ 8,453,600	\$ 284,403	90%	\$ 36,491,760	\$ 1,664,984	\$ 136,410	\$ 420,813	\$ 33.64	\$ 1,364,096
Year 4	2027	\$ 8,453,600	\$ 287,247	85%	\$ 34,464,440	\$ 1,698,834	\$ 206,661	\$ 493,908	\$ 33.98	\$ 1,377,737
Year 5	2028	\$ 8,453,600	\$ 290,120	80%	\$ 32,437,120	\$ 1,732,589	\$ 278,303	\$ 568,422	\$ 34.32	\$ 1,391,514
Year 6	2029	\$ 8,453,600	\$ 293,021	75%	\$ 30,409,800	\$ 1,767,414	\$ 351,357	\$ 644,378	\$ 34.66	\$ 1,405,429
Year 7	2030	\$ 8,453,600	\$ 295,951	70%	\$ 28,382,480	\$ 1,715,434	\$ 425,845	\$ 721,796	\$ 35.01	\$ 1,419,463
Year 8	2031	\$ 8,453,600	\$ 298,910	65%	\$ 26,355,160	\$ 1,732,589	\$ 501,787	\$ 800,698	\$ 35.36	\$ 1,433,678
Year 9	2032	\$ 8,453,600	\$ 301,900	60%	\$ 24,327,840	\$ 1,749,915	\$ 579,206	\$ 881,106	\$ 35.71	\$ 1,448,015
Year 10	2033	\$ 8,453,600	\$ 304,919	55%	\$ 22,300,520	\$ 1,767,414	\$ 658,123	\$ 963,041	\$ 36.07	\$ 1,462,495
Year 11	2034	\$ 8,453,600	\$ 307,968	50%	\$ 20,273,200	\$ 1,785,088	\$ 738,560	\$ 1,046,528	\$ 36.43	\$ 1,477,120
Year 12	2035	\$ 8,453,600	\$ 311,047	45%	\$ 18,245,880	\$ 1,802,939	\$ 820,540	\$ 1,131,588	\$ 36.79	\$ 1,491,891
Year 13	2036	\$ 8,453,600	\$ 314,158	40%	\$ 16,218,560	\$ 1,820,968	\$ 904,086	\$ 1,218,244	\$ 37.16	\$ 1,506,810
Year 14	2037	\$ 8,453,600	\$ 317,299	35%	\$ 14,191,240	\$ 1,839,178	\$ 989,221	\$ 1,306,520	\$ 37.53	\$ 1,521,878
Year 15	2038	\$ 8,453,600	\$ 320,472	30%	\$ 12,163,920	\$ 1,857,570	\$ 1,075,968	\$ 1,396,441	\$ 37.91	\$ 1,537,097
Year 16	2039	\$ 8,453,600	\$ 323,677	25%	\$ 10,136,600	\$ 1,876,145	\$ 1,164,351	\$ 1,488,028	\$ 38.29	\$ 1,552,468
Year 17	2040	\$ 8,453,600	\$ 326,914	20%	\$ 8,109,280	\$ 1,894,907	\$ 1,254,394	\$ 1,581,308	\$ 38.67	\$ 1,567,993
Year 18	2041	\$ 8,453,600	\$ 330,183	15%	\$ 6,081,960	\$ 1,913,856	\$ 1,346,122	\$ 1,676,305	\$ 39.06	\$ 1,583,673
Year 19	2042	\$ 8,453,600	\$ 333,485	10%	\$ 4,054,640	\$ 1,932,994	\$ 1,439,559	\$ 1,773,043	\$ 39.45	\$ 1,599,510
Year 20	2043	\$ 8,453,600	\$ 336,820	5%	\$ 2,027,320	\$ 1,952,324	\$ 1,534,729	\$ 1,871,549	\$ 39.84	\$ 1,615,505
			\$ 6,138,880			\$ 35,583,081	\$ 14,472,752	\$20,611,632		\$ 29,444,200
						Benefit as %age of project cost		24.66%		
			\$ 20,611,632							
			\$ 6,138,880							
			\$ 35,583,081							
			\$ 14,971,449							
			\$ 473,000	Mortgage abatement			1%	\$ 47,300,000	Mortgage amount	
			\$ 2,177,098	Sales Tax abatement			8.375%	\$ 37,704,000	no FF&E taxable construction costs	assume qualifies 55%
			\$ 17,621,547				8.375%	\$ 5,258,000	all FF&E taxable construction costs	assume qualifies 100%
			\$ 407,265							

Added Value \$ 40,546,400
 Project Cost \$ 71,453,000
 Finished Value \$ 49,000,000

*All PILOT Payments and Taxes are estimated and will be determined upon each year's total combined mill rate
 ** \$32.01/\$1000 non-homestead tax rate for 2021 excluding special district charges which cannot be abated - assumptions include 1% escalator

EXHIBIT B
SEQRA MATERIALS

*Full Environmental Assessment Form
Part 1 - Project and Setting*

Instructions for Completing Part 1

Part 1 is to be completed by the applicant or project sponsor. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification.

Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information; indicate whether missing information does not exist, or is not reasonably available to the sponsor; and, when possible, generally describe work or studies which would be necessary to update or fully develop that information.

Applicants/sponsors must complete all items in Sections A & B. In Sections C, D & E, most items contain an initial question that must be answered either "Yes" or "No". If the answer to the initial question is "Yes", complete the sub-questions that follow. If the answer to the initial question is "No", proceed to the next question. Section F allows the project sponsor to identify and attach any additional information. Section G requires the name and signature of the applicant or project sponsor to verify that the information contained in Part 1 is accurate and complete.

A. Project and Applicant/Sponsor Information.

Name of Action or Project: Tarry Lighthouse Mixed-Use Development		
Project Location (describe, and attach a general location map): 163 N. Main St., 175 N. Main St., 179 N. Main St., 18 Mill Street and 20 Abendroth Avenue, Port Chester, New York		
Brief Description of Proposed Action (include purpose or need): Demolish four (4) structures and a thirty-six (36) car parking lot. Construct a nine (9) story, 113 foot tall mixed-use building with 358 parking spaces, 27,905 square feet of retail and 274 rental apartments.		
Name of Applicant/Sponsor: Tarry Lighthouse LLC; Cuddy & Feder, LLP		Telephone: 914-761-1300
		E-Mail: agioffre@cuddyfeder.com
Address: 445 Hamilton Avenue, 14th Floor		
City/PO: White Plains	State: NY	Zip Code: 10601
Project Contact (if not same as sponsor; give name and title/role):		Telephone:
		E-Mail:
Address:		
City/PO:	State:	Zip Code:
Property Owner (if not same as sponsor):		Telephone:
		E-Mail:
Address:		
City/PO:	State:	Zip Code:

B. Government Approvals

B. Government Approvals, Funding, or Sponsorship. ("Funding" includes grants, loans, tax relief, and any other forms of financial assistance.)		
Government Entity	If Yes: Identify Agency and Approval(s) Required	Application Date (Actual or projected)
a. City Counsel, Town Board, <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No or Village Board of Trustees		
b. City, Town or Village <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Planning Board or Commission	Planning Commission	
c. City, Town or <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Village Zoning Board of Appeals	Zoning Board of Appeals	
d. Other local agencies <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Building Department - Waterfront Commission	
e. County agencies <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Westchester County Planning GML-239 referral	
f. Regional agencies <input type="checkbox"/> Yes <input type="checkbox"/> No		
g. State agencies <input type="checkbox"/> Yes <input type="checkbox"/> No		
h. Federal agencies <input type="checkbox"/> Yes <input type="checkbox"/> No		
i. Coastal Resources.		
i. Is the project site within a Coastal Area, or the waterfront area of a Designated Inland Waterway?		<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
ii. Is the project site located in a community with an approved Local Waterfront Revitalization Program?		<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
iii. Is the project site within a Coastal Erosion Hazard Area?		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

C. Planning and Zoning

C.1. Planning and zoning actions.	
Will administrative or legislative adoption, or amendment of a plan, local law, ordinance, rule or regulation be the only approval(s) which must be granted to enable the proposed action to proceed?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<ul style="list-style-type: none"> If Yes, complete sections C, F and G. If No, proceed to question C.2 and complete all remaining sections and questions in Part 1 	
C.2. Adopted land use plans.	
a. Do any municipally- adopted (city, town, village or county) comprehensive land use plan(s) include the site where the proposed action would be located?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
If Yes, does the comprehensive plan include specific recommendations for the site where the proposed action would be located?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
b. Is the site of the proposed action within any local or regional special planning district (for example: Greenway; Brownfield Opportunity Area (BOA); designated State or Federal heritage area; watershed management plan; or other?)	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
If Yes, identify the plan(s):	
Local Waterfront Revitalization Program	

c. Is the proposed action located wholly or partially within an area listed in an adopted municipal open space plan, or an adopted municipal farmland protection plan?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
If Yes, identify the plan(s):	

C.3. Zoning

a. Is the site of the proposed action located in a municipality with an adopted zoning law or ordinance. Yes No
 If Yes, what is the zoning classification(s) including any applicable overlay district?

b. Is the use permitted or allowed by a special or conditional use permit? Yes No

c. Is a zoning change requested as part of the proposed action? Yes No
 If Yes,
 i. What is the proposed new zoning for the site? _____

C.4. Existing community services.

a. In what school district is the project site located? Port Chester-Rye

b. What police or other public protection forces serve the project site?
Village of Port Chester

c. Which fire protection and emergency medical services serve the project site?
Port Chester Fire District

d. What parks serve the project site?
Columbus and Lyon Parks

D. Project Details

D.1. Proposed and Potential Development

a. What is the general nature of the proposed action (e.g., residential, industrial, commercial, recreational; if mixed, include all components)? Construct a nine (9) story, 113 foot tall mixed-use building with 358 parking spaces, 27,905 square feet of retail and 274 rental apartments.

b. a. Total acreage of the site of the proposed action? 1.18 acres
 b. Total acreage to be physically disturbed? 1.4 acres
 c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? 1.18 acres

c. Is the proposed action an expansion of an existing project or use? Yes No
 i. If Yes, what is the approximate percentage of the proposed expansion and identify the units (e.g., acres, miles, housing units, square feet)? % _____ Units: _____

d. Is the proposed action a subdivision, or does it include a subdivision? Yes No
 If Yes,
 i. Purpose or type of subdivision? (e.g., residential, industrial, commercial; if mixed, specify types) _____
 ii. Is a cluster/conservation layout proposed? Yes No
 iii. Number of lots proposed? _____
 iv. Minimum and maximum proposed lot sizes? Minimum _____ Maximum _____

e. Will the proposed action be constructed in multiple phases? Yes No
 i. If No, anticipated period of construction: 24 months
 ii. If Yes:
 • Total number of phases anticipated _____
 • Anticipated commencement date of phase 1 (including demolition) _____ month _____ year
 • Anticipated completion date of final phase _____ month _____ year
 • Generally describe connections or relationships among phases, including any contingencies where progress of one phase may determine timing or duration of future phases: _____

f. Does the project include new residential uses? Yes No
 If Yes, show numbers of units proposed.

	<u>One Family</u>	<u>Two Family</u>	<u>Three Family</u>	<u>Multiple Family (four or more)</u>
Initial Phase				274
At completion				
of all phases				

g. Does the proposed action include new non-residential construction (including expansions)? Yes No
 If Yes,

i. Total number of structures 1
 ii. Dimensions (in feet) of largest proposed structure: 113 height; 300 width; and 170 length
 iii. Approximate extent of building space to be heated or cooled: 289,200 square feet

h. Does the proposed action include construction or other activities that will result in the impoundment of any liquids, such as creation of a water supply, reservoir, pond, lake, waste lagoon or other storage? Yes No
 If Yes,

i. Purpose of the impoundment: _____
 ii. If a water impoundment, the principal source of the water: Ground water Surface water streams Other specify: _____
 iii. If other than water, identify the type of impounded/contained liquids and their source. _____
 iv. Approximate size of the proposed impoundment. Volume: _____ million gallons; surface area: _____ acres
 v. Dimensions of the proposed dam or impounding structure: _____ height; _____ length
 vi. Construction method/materials for the proposed dam or impounding structure (e.g., earth fill, rock, wood, concrete): _____

D.2. Project Operations

a. Does the proposed action include any excavation, mining, or dredging, during construction, operations, or both? Yes No
 (Not including general site preparation, grading or installation of utilities or foundations where all excavated materials will remain onsite)
 If Yes:

i. What is the purpose of the excavation or dredging? _____
 ii. How much material (including rock, earth, sediments, etc.) is proposed to be removed from the site?
 • Volume (specify tons or cubic yards): _____
 • Over what duration of time? _____
 iii. Describe nature and characteristics of materials to be excavated or dredged, and plans to use, manage or dispose of them. _____

 iv. Will there be onsite dewatering or processing of excavated materials? Yes No
 If yes, describe. _____

 v. What is the total area to be dredged or excavated? _____ acres
 vi. What is the maximum area to be worked at any one time? _____ acres
 vii. What would be the maximum depth of excavation or dredging? _____ feet
 viii. Will the excavation require blasting? Yes No
 ix. Summarize site reclamation goals and plan: _____

b. Would the proposed action cause or result in alteration of, increase or decrease in size of, or encroachment into any existing wetland, waterbody, shoreline, beach or adjacent area? Yes No
 If Yes:

i. Identify the wetland or waterbody which would be affected (by name, water index number, wetland map number or geographic description): _____

ii. Describe how the proposed action would affect that waterbody or wetland, e.g. excavation, fill, placement of structures, or alteration of channels, banks and shorelines. Indicate extent of activities, alterations and additions in square feet or acres:

iii. Will the proposed action cause or result in disturbance to bottom sediments? Yes No
 If Yes, describe: _____

iv. Will the proposed action cause or result in the destruction or removal of aquatic vegetation? Yes No
 If Yes:

- acres of aquatic vegetation proposed to be removed: _____
- expected acreage of aquatic vegetation remaining after project completion: _____
- purpose of proposed removal (e.g. beach clearing, invasive species control, boat access): _____
- proposed method of plant removal: _____
- if chemical/herbicide treatment will be used, specify product(s): _____

v. Describe any proposed reclamation/mitigation following disturbance: _____

c. Will the proposed action use, or create a new demand for water? Yes No
 If Yes:

i. Total anticipated water usage/demand per day: _____ 38,390 gallons/day

ii. Will the proposed action obtain water from an existing public water supply? Yes No
 If Yes:

- Name of district or service area: United Water Westchester
- Does the existing public water supply have capacity to serve the proposal? Yes No
- Is the project site in the existing district? Yes No
- Is expansion of the district needed? Yes No
- Do existing lines serve the project site? Yes No

iii. Will line extension within an existing district be necessary to supply the project? Yes No
 If Yes:

- Describe extensions or capacity expansions proposed to serve this project: _____
- Source(s) of supply for the district: _____

iv. Is a new water supply district or service area proposed to be formed to serve the project site? Yes No
 If Yes:

- Applicant/sponsor for new district: _____
- Date application submitted or anticipated: _____
- Proposed source(s) of supply for new district: _____

v. If a public water supply will not be used, describe plans to provide water supply for the project: _____

vi. If water supply will be from wells (public or private), what is the maximum pumping capacity: _____ gallons/minute.

d. Will the proposed action generate liquid wastes? Yes No
 If Yes:

i. Total anticipated liquid waste generation per day: _____ 38,390 gallons/day

ii. Nature of liquid wastes to be generated (e.g., sanitary wastewater, industrial; if combination, describe all components and approximate volumes or proportions of each): _____
Sanitary Waste Water

iii. Will the proposed action use any existing public wastewater treatment facilities? Yes No
 If Yes:

- Name of wastewater treatment plant to be used: _____
- Name of district: Port Chester Sewer District (Westchester County)
- Does the existing wastewater treatment plant have capacity to serve the project? Yes No
- Is the project site in the existing district? Yes No
- Is expansion of the district needed? Yes No

• Do existing sewer lines serve the project site? Yes No
 • Will a line extension within an existing district be necessary to serve the project? Yes No
 If Yes:
 • Describe extensions or capacity expansions proposed to serve this project: _____

iv. Will a new wastewater (sewage) treatment district be formed to serve the project site? Yes No
 If Yes:
 • Applicant/sponsor for new district: _____
 • Date application submitted or anticipated: _____
 • What is the receiving water for the wastewater discharge? _____

v. If public facilities will not be used, describe plans to provide wastewater treatment for the project, including specifying proposed receiving water (name and classification if surface discharge or describe subsurface disposal plans):
 N/A

vi. Describe any plans or designs to capture, recycle or reuse liquid waste: _____
 None

e. Will the proposed action disturb more than one acre and create stormwater runoff, either from new point sources (i.e. ditches, pipes, swales, curbs, gutters or other concentrated flows of stormwater) or non-point source (i.e. sheet flow) during construction or post construction? Yes No
 If Yes:
 i. How much impervious surface will the project create in relation to total size of project parcel?
 _____ Square feet or 1.18 acres (impervious surface)
 _____ Square feet or 1.18 acres (parcel size)
 ii. Describe types of new point sources. Storm Water runoff from roof and courtyard surfaces

iii. Where will the stormwater runoff be directed (i.e. on-site stormwater management facility/structures, adjacent properties, groundwater, on-site surface water or off-site surface waters)?
Existing Village of Port Chester Storm Drainage System (MS4) within adjacent Village streets.

• If to surface waters, identify receiving water bodies or wetlands: _____

• Will stormwater runoff flow to adjacent properties? Yes No

iv. Does the proposed plan minimize impervious surfaces, use pervious materials or collect and re-use stormwater? Yes No

f. Does the proposed action include, or will it use on-site, one or more sources of air emissions, including fuel combustion, waste incineration, or other processes or operations? Yes No
 If Yes, identify:
 i. Mobile sources during project operations (e.g., heavy equipment, fleet or delivery vehicles)
None
 ii. Stationary sources during construction (e.g., power generation, structural heating, batch plant, crushers)
No Stationary sources
 iii. Stationary sources during operations (e.g., process emissions, large boilers, electric generation)
Stationary Sources will be required for heating and cooling. All units will be sized below 10M BTUh.

g. Will any air emission sources named in D.2.f (above), require a NY State Air Registration, Air Facility Permit, or Federal Clean Air Act Title IV or Title V Permit? Yes No
 If Yes:
 i. Is the project site located in an Air quality non-attainment area? (Area routinely or periodically fails to meet ambient air quality standards for all or some parts of the year) Yes No
 ii. In addition to emissions as calculated in the application, the project will generate:
 • _____ Tons/year (short tons) of Carbon Dioxide (CO₂)
 • _____ Tons/year (short tons) of Nitrous Oxide (N₂O)
 • _____ Tons/year (short tons) of Perfluorocarbons (PFCs)
 • _____ Tons/year (short tons) of Sulfur Hexafluoride (SF₆)
 • _____ Tons/year (short tons) of Carbon Dioxide equivalent of Hydrofluorocarbons (HFCs)
 • _____ Tons/year (short tons) of Hazardous Air Pollutants (HAPs)

h. Will the proposed action generate or emit methane (including, but not limited to, sewage treatment plants, landfills, composting facilities)? Yes No

If Yes:

i. Estimate methane generation in tons/year (metric): _____

ii. Describe any methane capture, control or elimination measures included in project design (e.g., combustion to generate heat or electricity, flaring): _____

i. Will the proposed action result in the release of air pollutants from open-air operations or processes, such as quarry or landfill operations? Yes No

If Yes: Describe operations and nature of emissions (e.g., diesel exhaust, rock particulates/dust): _____

j. Will the proposed action result in a substantial increase in traffic above present levels or generate substantial new demand for transportation facilities or services? Yes No

If Yes:

i. When is the peak traffic expected (Check all that apply): Morning Evening Weekend
 Randomly between hours of _____ to _____.

ii. For commercial activities only, projected number of truck trips/day and type (e.g., semi trailers and dump trucks): _____

iii. Parking spaces: Existing 36 Proposed 358 Net increase/decrease .322 increase

iv. Does the proposed action include any shared use parking? Yes No

v. If the proposed action includes any modification of existing roads, creation of new roads or change in existing access, describe:
Access will be from existing Village Street

vi. Are public/private transportation service(s) or facilities available within ½ mile of the proposed site? Yes No

vii. Will the proposed action include access to public transportation or accommodations for use of hybrid, electric or other alternative fueled vehicles? Yes No

viii. Will the proposed action include plans for pedestrian or bicycle accommodations for connections to existing pedestrian or bicycle routes? Yes No

k. Will the proposed action (for commercial or industrial projects only) generate new or additional demand for energy? Yes No

If Yes:

i. Estimate annual electricity demand during operation of the proposed action: _____
1,300 kw

ii. Anticipated sources/suppliers of electricity for the project (e.g., on-site combustion, on-site renewable, via grid/local utility, or other):
Consolidated Edison

iii. Will the proposed action require a new, or an upgrade, to an existing substation? Yes No

l. Hours of operation. Answer all items which apply.

i. During Construction:

- Monday - Friday: 7:00am-4:00pm
- Saturday: 9:00am-2:00pm
- Sunday: zero
- Holidays: zero

ii. During Operations:

- Monday - Friday: 6:00am-2:00am
- Saturday: 6:00am-2:00am
- Sunday: 6:00am-2:00am
- Holidays: 6:00am-2:00am

m. Will the proposed action produce noise that will exceed existing ambient noise levels during construction, operation, or both? Yes No
 If yes:
 i. Provide details including sources, time of day and duration:

ii. Will the proposed action remove existing natural barriers that could act as a noise barrier or screen? Yes No
 Describe: _____

n. Will the proposed action have outdoor lighting? Yes No
 If yes:
 i. Describe source(s), location(s), height of fixture(s), direction/aim, and proximity to nearest occupied structures:
 LED lamps per the Village of Port Chester specification installed on Village of Port Chester Street lighting poles in the Right of Way.

ii. Will proposed action remove existing natural barriers that could act as a light barrier or screen? Yes No
 Describe: _____

o. Does the proposed action have the potential to produce odors for more than one hour per day? Yes No
 If Yes, describe possible sources, potential frequency and duration of odor emissions, and proximity to nearest occupied structures:

p. Will the proposed action include any bulk storage of petroleum (combined capacity of over 1,100 gallons) or chemical products 185 gallons in above ground storage or any amount in underground storage? Yes No
 If Yes:
 i. Product(s) to be stored: _____
 ii. Volume(s) _____ per unit time _____ (e.g., month, year)
 iii. Generally, describe the proposed storage facilities: _____

q. Will the proposed action (commercial, industrial and recreational projects only) use pesticides (i.e., herbicides, insecticides) during construction or operation? Yes No
 If Yes:
 i. Describe proposed treatment(s):

ii. Will the proposed action use Integrated Pest Management Practices? Yes No

r. Will the proposed action (commercial or industrial projects only) involve or require the management or disposal of solid waste (excluding hazardous materials)? Yes No
 If Yes:
 i. Describe any solid waste(s) to be generated during construction or operation of the facility:
 • Construction: _____ 288 tons per _____ year (unit of time)
 • Operation : _____ 62 tons per _____ week (unit of time)
 ii. Describe any proposals for on-site minimization, recycling or reuse of materials to avoid disposal as solid waste:
 • Construction: _____ Recycle building demolition materials and new construction material waste

 • Operation: _____ Recycle waste materials

 iii. Proposed disposal methods/facilities for solid waste generated on-site:
 • Construction: _____ Private hauler to approved waste management facility

 • Operation: _____ Private hauler to approved waste management facility

s. Does the proposed action include construction or modification of a solid waste management facility? Yes No
 If Yes:
 i. Type of management or handling of waste proposed for the site (e.g., recycling or transfer station, composting, landfill, or other disposal activities): _____
 ii. Anticipated rate of disposal/processing:
 • _____ Tons/month, if transfer or other non-combustion/thermal treatment, or
 • _____ Tons/hour, if combustion or thermal treatment
 iii. If landfill, anticipated site life: _____ years

t. Will the proposed action at the site involve the commercial generation, treatment, storage, or disposal of hazardous waste? Yes No
 If Yes:
 i. Name(s) of all hazardous wastes or constituents to be generated, handled or managed at facility: _____

 ii. Generally describe processes or activities involving hazardous wastes or constituents: _____

 iii. Specify amount to be handled or generated _____ tons/month
 iv. Describe any proposals for on-site minimization, recycling or reuse of hazardous constituents: _____

 v. Will any hazardous wastes be disposed at an existing offsite hazardous waste facility? Yes No
 If Yes: provide name and location of facility: _____

 If No: describe proposed management of any hazardous wastes which will not be sent to a hazardous waste facility:

E. Site and Setting of Proposed Action

E.1. Land uses on and surrounding the project site

a. Existing land uses.
 i. Check all uses that occur on, adjoining and near the project site.
 Urban Industrial Commercial Residential (suburban) Rural (non-farm)
 Forest Agriculture Aquatic Other (specify): _____
 ii. If mix of uses, generally describe:
 Retail, Food service and industrial spaces occupy four existing buildings on site, surrounding properties are a mix of retail and residential.

b. Land uses and covertypes on the project site.

Land use or Covertype	Current Acreage	Acreage After Project Completion	Change (Acres +/-)
• Roads, buildings, and other paved or impervious surfaces	1.15	1.18	+0.03
• Forested			
• Meadows, grasslands or brushlands (non-agricultural, including abandoned agricultural)			
• Agricultural (includes active orchards, field, greenhouse etc.)			
• Surface water features (lakes, ponds, streams, rivers, etc.)			
• Wetlands (freshwater or tidal)			
• Non-vegetated (bare rock, earth or fill)			
• Other Describe: <u>Landscape plantings</u>	0.03	0.00	-0.03

c. Is the project site presently used by members of the community for public recreation? Yes No
i. If Yes: explain: _____

d. Are there any facilities serving children, the elderly, people with disabilities (e.g., schools, hospitals, licensed day care centers, or group homes) within 1500 feet of the project site? Yes No
If Yes,
i. Identify Facilities: _____

e. Does the project site contain an existing dam? Yes No
If Yes:
i. Dimensions of the dam and impoundment:
• Dam height: _____ feet
• Dam length: _____ feet
• Surface area: _____ acres
• Volume impounded: _____ gallons OR acre-feet
ii. Dam's existing hazard classification: _____
iii. Provide date and summarize results of last inspection: _____

f. Has the project site ever been used as a municipal, commercial or industrial solid waste management facility, or does the project site adjoin property which is now, or was at one time, used as a solid waste management facility? Yes No
If Yes:
i. Has the facility been formally closed? Yes No
• If yes, cite sources/documentation: _____
ii. Describe the location of the project site relative to the boundaries of the solid waste management facility: _____

iii. Describe any development constraints due to the prior solid waste activities: _____

g. Have hazardous wastes been generated, treated and/or disposed of at the site, or does the project site adjoin property which is now or was at one time used to commercially treat, store and/or dispose of hazardous waste? Yes No
If Yes:
i. Describe waste(s) handled and waste management activities, including approximate time when activities occurred: _____

h. Potential contamination history. Has there been a reported spill at the proposed project site, or have any remedial actions been conducted at or adjacent to the proposed site? Yes No
If Yes:
i. Is any portion of the site listed on the NYSDEC Spills Incidents database or Environmental Site Remediation database? Check all that apply: Yes No
 Yes – Spills Incidents database Provide DEC ID number(s): _____
 Yes – Environmental Site Remediation database Provide DEC ID number(s): _____
 Neither database
ii. If site has been subject of RCRA corrective activities, describe control measures: _____

iii. Is the project within 2000 feet of any site in the NYSDEC Environmental Site Remediation database? Yes No
If yes, provide DEC ID number(s): _____
iv. If yes to (i), (ii) or (iii) above, describe current status of site(s): _____

v. Is the project site subject to an institutional control limiting property uses? Yes No

- If yes, DEC site ID number: _____
- Describe the type of institutional control (e.g., deed restriction or easement): _____
- Describe any use limitations: _____
- Describe any engineering controls: _____
- Will the project affect the institutional or engineering controls in place? Yes No
- Explain: _____

E.2. Natural Resources On or Near Project Site

a. What is the average depth to bedrock on the project site? _____ unknown feet

b. Are there bedrock outcroppings on the project site? Yes No
 If Yes, what proportion of the site is comprised of bedrock outcroppings? _____ %

c. Predominant soil type(s) present on project site: Urban Land (Uf) _____ 100 %
 _____ %
 _____ %

d. What is the average depth to the water table on the project site? Average: 8-12 feet

e. Drainage status of project site soils: Well Drained: 100 % of site
 Moderately Well Drained: _____ % of site
 Poorly Drained _____ % of site

f. Approximate proportion of proposed action site with slopes: 0-10%: 100 % of site
 10-15%: _____ % of site
 15% or greater: _____ % of site

g. Are there any unique geologic features on the project site? Yes No
 If Yes, describe: _____

h. Surface water features.

i. Does any portion of the project site contain wetlands or other waterbodies (including streams, rivers, ponds or lakes)? Yes No

ii. Do any wetlands or other waterbodies adjoin the project site? Yes No

If Yes to either i or ii, continue. If No, skip to E.2.i.

iii. Are any of the wetlands or waterbodies within or adjoining the project site regulated by any federal, state or local agency? Yes No

iv. For each identified regulated wetland and waterbody on the project site, provide the following information:

- Streams: Name Byram River Classification SC
- Lakes or Ponds: Name _____ Classification _____
- Wetlands: Name _____ Approximate Size _____
- Wetland No. (if regulated by DEC) _____

v. Are any of the above water bodies listed in the most recent compilation of NYS water quality-impaired waterbodies? Yes No

If yes, name of impaired water body/bodies and basis for listing as impaired: _____

i. Is the project site in a designated Floodway? Yes No

j. Is the project site in the 100-year Floodplain? Yes No

k. Is the project site in the 500-year Floodplain? Yes No

l. Is the project site located over, or immediately adjoining, a primary, principal or sole source aquifer? Yes No

If Yes:
 i. Name of aquifer: _____

m. Identify the predominant wildlife species that occupy or use the project site: _____
 None, Site is 98% impervious cover _____

n. Does the project site contain a designated significant natural community? Yes No
 If Yes:
 i. Describe the habitat/community (composition, function, and basis for designation): _____
 ii. Source(s) of description or evaluation: _____
 iii. Extent of community/habitat:
 • Currently: _____ acres
 • Following completion of project as proposed: _____ acres
 • Gain or loss (indicate + or -): _____ acres

o. Does project site contain any species of plant or animal that is listed by the federal government or NYS as endangered or threatened, or does it contain any areas identified as habitat for an endangered or threatened species? Yes No
 If Yes:
 i. Species and listing (endangered or threatened): _____

p. Does the project site contain any species of plant or animal that is listed by NYS as rare, or as a species of special concern? Yes No
 If Yes:
 i. Species and listing: _____

q. Is the project site or adjoining area currently used for hunting, trapping, fishing or shell fishing? Yes No
 If yes, give a brief description of how the proposed action may affect that use: _____

E.3. Designated Public Resources On or Near Project Site

a. Is the project site, or any portion of it, located in a designated agricultural district certified pursuant to Agriculture and Markets Law, Article 25-AA, Section 303 and 304? Yes No
 If Yes, provide county plus district name/number: _____

b. Are agricultural lands consisting of highly productive soils present? Yes No
 i. If Yes: acreage(s) on project site? _____
 ii. Source(s) of soil rating(s): _____

c. Does the project site contain all or part of, or is it substantially contiguous to, a registered National Natural Landmark? Yes No
 If Yes:
 i. Nature of the natural landmark: Biological Community Geological Feature
 ii. Provide brief description of landmark, including values behind designation and approximate size/extent: _____

d. Is the project site located in or does it adjoin a state listed Critical Environmental Area? Yes No
 If Yes:
 i. CEA name: Long Island Sound
 ii. Basis for designation: Exceptional or unique character
 iii. Designating agency and date: Agency: Westchester County, Date: 1-31-90

e. Does the project site contain, or is it substantially contiguous to, a building, archaeological site, or district which is listed on the National or State Register of Historic Places, or that has been determined by the Commissioner of the NYS Office of Parks, Recreation and Historic Preservation to be eligible for listing on the State Register of Historic Places? Yes No

If Yes:

i. Nature of historic/archaeological resource: Archaeological Site Historic Building or District

ii. Name: Eligible property: ZEMO'S MEN'S WEAR, Eligible property: RUSSELL RESIDENCE, Eligible property: EMBASSY THEATRE, Eligible...

iii. Brief description of attributes on which listing is based: _____

f. Is the project site, or any portion of it, located in or adjacent to an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory? Yes No

g. Have additional archaeological or historic site(s) or resources been identified on the project site? Yes No

If Yes:

i. Describe possible resource(s): _____

ii. Basis for identification: _____

h. Is the project site within five miles of any officially designated and publicly accessible federal, state, or local scenic or aesthetic resource? Yes No

If Yes:

i. Identify resource: _____

ii. Nature of, or basis for, designation (e.g., established highway overlook, state or local park, state historic trail or scenic byway, etc.): _____

iii. Distance between project and resource: _____ miles.

i. Is the project site located within a designated river corridor under the Wild, Scenic and Recreational Rivers Program 6 NYCRR 666? Yes No

If Yes:

i. Identify the name of the river and its designation: _____

ii. Is the activity consistent with development restrictions contained in 6 NYCRR Part 666? Yes No

F. Additional Information

Attach any additional information which may be needed to clarify your project.

If you have identified any adverse impacts which could be associated with your proposal, please describe those impacts plus any measures which you propose to avoid or minimize them.

G. Verification

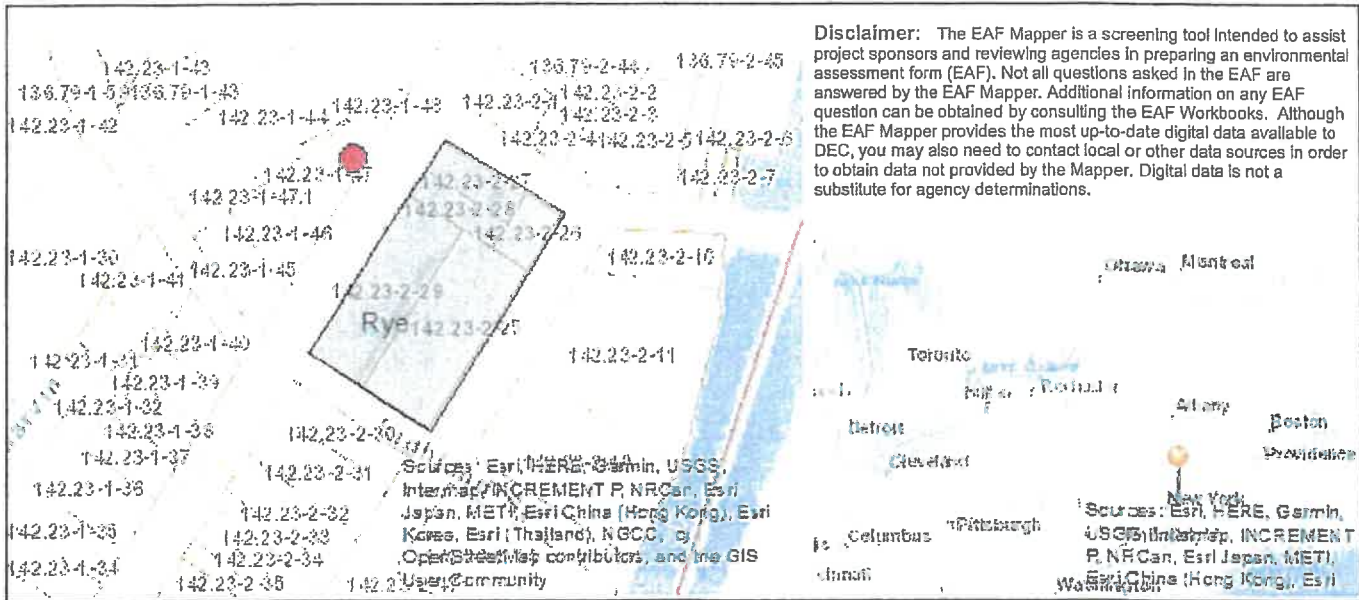
I certify that the information provided is true to the best of my knowledge.

Applicant/Sponsor Name Tarry Lighthouse LLC Date 8/8/19

Signature  Title Managing Member

EAF Mapper Summary Report

Monday, August 05, 2019 4:10 PM



B.i.i [Coastal or Waterfront Area]	Yes
B.i.ii [Local Waterfront Revitalization Area]	Yes
C.2.b. [Special Planning District]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
E.1.h [DEC Spills or Remediation Site - Potential Contamination History]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
E.1.h.i [DEC Spills or Remediation Site - Listed]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
E.1.h.i [DEC Spills or Remediation Site - Environmental Site Remediation Database]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
E.1.h.iii [Within 2,000' of DEC Remediation Site]	No
E.2.g [Unique Geologic Features]	No
E.2.h.i [Surface Water Features]	No
E.2.h.ii [Surface Water Features]	Yes
E.2.h.iii [Surface Water Features]	Yes - Digital mapping information on local and federal wetlands and waterbodies is known to be incomplete. Refer to EAF Workbook.
E.2.h.v [Impaired Water Bodies]	No
E.2.i. [Floodway]	No
E.2.j. [100 Year Floodplain]	Yes
E.2.k. [500 Year Floodplain]	Yes
E.2.l. [Aquifers]	No
E.2.n. [Natural Communities]	No
E.2.o. [Endangered or Threatened Species]	No
E.2.p. [Rare Plants or Animals]	No

E.3.a. [Agricultural District]	No
E.3.c. [National Natural Landmark]	No
E.3.d [Critical Environmental Area]	Yes
E.3.d [Critical Environmental Area - Name]	Long Island Sound
E.3.d.ii [Critical Environmental Area - Reason]	Exceptional or unique character
E.3.d.iii [Critical Environmental Area -- Date and Agency]	Agency:Westchester County, Date:1-31-90
E.3.e. [National or State Register of Historic Places or State Eligible Sites]	Yes - Digital mapping data for archaeological site boundaries are not available. Refer to EAF Workbook.
E.3.e.ii [National or State Register of Historic Places or State Eligible Sites - Name]	Eligible property:ZEMO'S MEN'S WEAR, Eligible property:RUSSELL RESIDENCE, Eligible property:EMBASSY THEATRE, Eligible property:PORT CHESTER SAVINGS BANK, Eligible property:REDNICK COMMERCIAL, Eligible property:MUNICIPAL OFFICE BUILDING, Eligible property:WATER WORKS, Eligible property:RES, Life Savers Building
E.3.f. [Archeological Sites]	No
E.3.i. [Designated River Corridor]	No

Full Environmental Assessment Form
Part 2 - Identification of Potential Project Impacts

Agency Use Only [If applicable]
 Project :
 Date :

Part 2 is to be completed by the lead agency. Part 2 is designed to help the lead agency inventory all potential resources that could be affected by a proposed project or action. We recognize that the lead agency's reviewer(s) will not necessarily be environmental professionals. So, the questions are designed to walk a reviewer through the assessment process by providing a series of questions that can be answered using the information found in Part 1. To further assist the lead agency in completing Part 2, the form identifies the most relevant questions in Part 1 that will provide the information needed to answer the Part 2 question. When Part 2 is completed, the lead agency will have identified the relevant environmental areas that may be impacted by the proposed activity.

If the lead agency is a state agency **and** the action is in any Coastal Area, complete the Coastal Assessment Form before proceeding with this assessment.

Tips for completing Part 2:

- Review all of the information provided in Part 1.
- Review any application, maps, supporting materials and the Full EAF Workbook.
- Answer each of the 18 questions in Part 2.
- If you answer “Yes” to a numbered question, please complete all the questions that follow in that section.
- If you answer “No” to a numbered question, move on to the next numbered question.
- Check appropriate column to indicate the anticipated size of the impact.
- Proposed projects that would exceed a numeric threshold contained in a question should result in the reviewing agency checking the box “Moderate to large impact may occur.”
- The reviewer is not expected to be an expert in environmental analysis.
- If you are not sure or undecided about the size of an impact, it may help to review the sub-questions for the general question and consult the workbook.
- When answering a question consider all components of the proposed activity, that is, the “whole action”.
- Consider the possibility for long-term and cumulative impacts as well as direct impacts.
- Answer the question in a reasonable manner considering the scale and context of the project.

1. Impact on Land Proposed action may involve construction on, or physical alteration of, the land surface of the proposed site. (See Part 1. D.1) <i>If “Yes”, answer questions a - j. If “No”, move on to Section 2.</i>		<input type="checkbox"/> NO	<input checked="" type="checkbox"/> YES
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may involve construction on land where depth to water table is less than 3 feet.	E2d	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may involve construction on slopes of 15% or greater.	E2f	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may involve construction on land where bedrock is exposed, or generally within 5 feet of existing ground surface.	E2a	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may involve the excavation and removal of more than 1,000 tons of natural material.	D2a	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may involve construction that continues for more than one year or in multiple phases.	D1e	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f. The proposed action may result in increased erosion, whether from physical disturbance or vegetation removal (including from treatment by herbicides).	D2e, D2q	<input checked="" type="checkbox"/>	<input type="checkbox"/>
g. The proposed action is, or may be, located within a Coastal Erosion hazard area.	B1i	<input type="checkbox"/>	<input checked="" type="checkbox"/>
h. Other impacts: _____ _____		<input checked="" type="checkbox"/>	<input type="checkbox"/>

2. Impact on Geological Features
 The proposed action may result in the modification or destruction of, or inhibit access to, any unique or unusual land forms on the site (e.g., cliffs, dunes, minerals, fossils, caves). (See Part 1. E.2.g) NO YES
If "Yes", answer questions a - c. If "No", move on to Section 3.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. Identify the specific land form(s) attached: _____ _____	E2g	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may affect or is adjacent to a geological feature listed as a registered National Natural Landmark. Specific feature: _____	E3c	<input type="checkbox"/>	<input type="checkbox"/>
c. Other impacts: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>

3. Impacts on Surface Water
 The proposed action may affect one or more wetlands or other surface water bodies (e.g., streams, rivers, ponds or lakes). (See Part 1. D.2, E.2.h) NO YES
If "Yes", answer questions a - l. If "No", move on to Section 4.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may create a new water body.	D2b, D1h	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may result in an increase or decrease of over 10% or more than a 10 acre increase or decrease in the surface area of any body of water.	D2b	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may involve dredging more than 100 cubic yards of material from a wetland or water body.	D2a	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may involve construction within or adjoining a freshwater or tidal wetland, or in the bed or banks of any other water body.	E2h	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may create turbidity in a waterbody, either from upland erosion, runoff or by disturbing bottom sediments.	D2a, D2h	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f. The proposed action may include construction of one or more intake(s) for withdrawal of water from surface water.	D2c	<input checked="" type="checkbox"/>	<input type="checkbox"/>
g. The proposed action may include construction of one or more outfall(s) for discharge of wastewater to surface water(s).	D2d	<input checked="" type="checkbox"/>	<input type="checkbox"/>
h. The proposed action may cause soil erosion, or otherwise create a source of stormwater discharge that may lead to siltation or other degradation of receiving water bodies.	D2e	<input checked="" type="checkbox"/>	<input type="checkbox"/>
i. The proposed action may affect the water quality of any water bodies within or downstream of the site of the proposed action.	E2h	<input checked="" type="checkbox"/>	<input type="checkbox"/>
j. The proposed action may involve the application of pesticides or herbicides in or around any water body.	D2q, E2h	<input checked="" type="checkbox"/>	<input type="checkbox"/>
k. The proposed action may require the construction of new, or expansion of existing, wastewater treatment facilities.	D1a, D2d	<input checked="" type="checkbox"/>	<input type="checkbox"/>

I. Other impacts: _____ _____		<input checked="" type="checkbox"/>	<input type="checkbox"/>
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4. Impact on groundwater

The proposed action may result in new or additional use of ground water, or may have the potential to introduce contaminants to ground water or an aquifer.

NO

YES

(See Part 1. D.2.a, D.2.c, D.2.d, D.2.p, D.2.q, D.2.t)

If "Yes", answer questions a - h. If "No", move on to Section 5.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may require new water supply wells, or create additional demand on supplies from existing water supply wells.	D2c	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Water supply demand from the proposed action may exceed safe and sustainable withdrawal capacity rate of the local supply or aquifer. Cite Source: _____	D2c	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may allow or result in residential uses in areas without water and sewer services.	D1a, D2c	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may include or require wastewater discharged to groundwater.	D2d, E2l	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may result in the construction of water supply wells in locations where groundwater is, or is suspected to be, contaminated.	D2c, E1f, E1g, E1h	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f. The proposed action may require the bulk storage of petroleum or chemical products over ground water or an aquifer.	D2p, E2l	<input checked="" type="checkbox"/>	<input type="checkbox"/>
g. The proposed action may involve the commercial application of pesticides within 100 feet of potable drinking water or irrigation sources.	E2h, D2q, E2l, D2c	<input checked="" type="checkbox"/>	<input type="checkbox"/>
h. Other impacts: _____ _____		<input checked="" type="checkbox"/>	<input type="checkbox"/>

5. Impact on Flooding

The proposed action may result in development on lands subject to flooding.

NO

YES

(See Part 1. E.2)

If "Yes", answer questions a - g. If "No", move on to Section 6.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may result in development in a designated floodway.	E2i	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may result in development within a 100 year floodplain.	E2j	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may result in development within a 500 year floodplain.	E2k	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may result in, or require, modification of existing drainage patterns.	D2b, D2e	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may change flood water flows that contribute to flooding.	D2b, E2i, E2j, E2k	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f. If there is a dam located on the site of the proposed action, is the dam in need of repair, or upgrade?	E1e	<input checked="" type="checkbox"/>	<input type="checkbox"/>

g. Other impacts: _____ _____		<input checked="" type="checkbox"/>	<input type="checkbox"/>
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6. Impacts on Air			
The proposed action may include a state regulated air emission source. (See Part 1. D.2.f., D.2.h, D.2.g) <i>If "Yes", answer questions a - f. If "No", move on to Section 7.</i>		<input checked="" type="checkbox"/> NO	<input type="checkbox"/> YES
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. If the proposed action requires federal or state air emission permits, the action may also emit one or more greenhouse gases at or above the following levels:			
i. More than 1000 tons/year of carbon dioxide (CO ₂)	D2g	<input type="checkbox"/>	<input type="checkbox"/>
ii. More than 3.5 tons/year of nitrous oxide (N ₂ O)	D2g	<input type="checkbox"/>	<input type="checkbox"/>
iii. More than 1000 tons/year of carbon equivalent of perfluorocarbons (PFCs)	D2g	<input type="checkbox"/>	<input type="checkbox"/>
iv. More than .045 tons/year of sulfur hexafluoride (SF ₆)	D2g	<input type="checkbox"/>	<input type="checkbox"/>
v. More than 1000 tons/year of carbon dioxide equivalent of hydrochloroflourocarbons (HFCs) emissions	D2g	<input type="checkbox"/>	<input type="checkbox"/>
vi. 43 tons/year or more of methane	D2h	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may generate 10 tons/year or more of any one designated hazardous air pollutant, or 25 tons/year or more of any combination of such hazardous air pollutants.	D2g	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may require a state air registration, or may produce an emissions rate of total contaminants that may exceed 5 lbs. per hour, or may include a heat source capable of producing more than 10 million BTU's per hour.	D2f, D2g	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may reach 50% of any of the thresholds in "a" through "c", above.	D2g	<input type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may result in the combustion or thermal treatment of more than 1 ton of refuse per hour.	D2s	<input type="checkbox"/>	<input type="checkbox"/>
f. Other impacts: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>

7. Impact on Plants and Animals			
The proposed action may result in a loss of flora or fauna. (See Part 1. E.2. m.-q.) <i>If "Yes", answer questions a - j. If "No", move on to Section 8.</i>		<input checked="" type="checkbox"/> NO	<input type="checkbox"/> YES
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may cause reduction in population or loss of individuals of any threatened or endangered species, as listed by New York State or the Federal government, that use the site, or are found on, over, or near the site.	E2o	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may result in a reduction or degradation of any habitat used by any rare, threatened or endangered species, as listed by New York State or the federal government.	E2o	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may cause reduction in population, or loss of individuals, of any species of special concern or conservation need, as listed by New York State or the Federal government, that use the site, or are found on, over, or near the site.	E2p	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may result in a reduction or degradation of any habitat used by any species of special concern and conservation need, as listed by New York State or the Federal government.	E2p	<input type="checkbox"/>	<input type="checkbox"/>

e. The proposed action may diminish the capacity of a registered National Natural Landmark to support the biological community it was established to protect.	E3c	<input type="checkbox"/>	<input type="checkbox"/>
f. The proposed action may result in the removal of, or ground disturbance in, any portion of a designated significant natural community. Source: _____	E2n	<input type="checkbox"/>	<input type="checkbox"/>
g. The proposed action may substantially interfere with nesting/breeding, foraging, or over-wintering habitat for the predominant species that occupy or use the project site.	E2m	<input type="checkbox"/>	<input type="checkbox"/>
h. The proposed action requires the conversion of more than 10 acres of forest, grassland or any other regionally or locally important habitat. Habitat type & information source: _____	E1b	<input type="checkbox"/>	<input type="checkbox"/>
i. Proposed action (commercial, industrial or recreational projects, only) involves use of herbicides or pesticides.	D2q	<input type="checkbox"/>	<input type="checkbox"/>
j. Other impacts: _____		<input type="checkbox"/>	<input type="checkbox"/>

8. Impact on Agricultural Resources

The proposed action may impact agricultural resources. (See Part 1. E.3.a. and b.)
If "Yes", answer questions a - h. If "No", move on to Section 9.

NO

YES

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may impact soil classified within soil group 1 through 4 of the NYS Land Classification System.	E2c, E3b	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may sever, cross or otherwise limit access to agricultural land (includes cropland, hayfields, pasture, vineyard, orchard, etc).	E1a, E1b	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may result in the excavation or compaction of the soil profile of active agricultural land.	E3b	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may irreversibly convert agricultural land to non-agricultural uses, either more than 2.5 acres if located in an Agricultural District, or more than 10 acres if not within an Agricultural District.	E1b, E3a	<input type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may disrupt or prevent installation of an agricultural land management system.	E1a, E1b	<input type="checkbox"/>	<input type="checkbox"/>
f. The proposed action may result, directly or indirectly, in increased development potential or pressure on farmland.	C2c, C3, D2c, D2d	<input type="checkbox"/>	<input type="checkbox"/>
g. The proposed project is not consistent with the adopted municipal Farmland Protection Plan.	C2c	<input type="checkbox"/>	<input type="checkbox"/>
h. Other impacts: _____		<input type="checkbox"/>	<input type="checkbox"/>

9. Impact on Aesthetic Resources The land use of the proposed action are obviously different from, or are in sharp contrast to, current land use patterns between the proposed project and a scenic or aesthetic resource. (Part 1. E.1.a, E.1.b, E.3.h.) <i>If "Yes", answer questions a - g. If "No", go to Section 10.</i>			
		<input type="checkbox"/> NO	<input checked="" type="checkbox"/> YES
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. Proposed action may be visible from any officially designated federal, state, or local scenic or aesthetic resource.	E3h	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may result in the obstruction, elimination or significant screening of one or more officially designated scenic views.	E3h, C2b	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may be visible from publicly accessible vantage points: i. Seasonally (e.g., screened by summer foliage, but visible during other seasons) ii. Year round	E3h	<input checked="" type="checkbox"/> <input checked="" type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>
d. The situation or activity in which viewers are engaged while viewing the proposed action is: i. Routine travel by residents, including travel to and from work ii. Recreational or tourism based activities	E3h E2q, E1c	<input checked="" type="checkbox"/> <input checked="" type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>
e. The proposed action may cause a diminishment of the public enjoyment and appreciation of the designated aesthetic resource.	E3h	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f. There are similar projects visible within the following distance of the proposed project: 0-1/2 mile 1/2 -3 mile 3-5 mile 5+ mile	D1a, E1a, D1f, D1g	<input checked="" type="checkbox"/>	<input type="checkbox"/>
g. Other impacts: _____ _____		<input checked="" type="checkbox"/>	<input type="checkbox"/>

10. Impact on Historic and Archeological Resources The proposed action may occur in or adjacent to a historic or archaeological resource. (Part 1. E.3.e, f. and g.) <i>If "Yes", answer questions a - e. If "No", go to Section 11.</i>			
		<input type="checkbox"/> NO	<input checked="" type="checkbox"/> YES
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may occur wholly or partially within, or substantially contiguous to, any buildings, archaeological site or district which is listed on the National or State Register of Historical Places, or that has been determined by the Commissioner of the NYS Office of Parks, Recreation and Historic Preservation to be eligible for listing on the State Register of Historic Places.	E3e	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b. The proposed action may occur wholly or partially within, or substantially contiguous to, an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory.	E3f	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may occur wholly or partially within, or substantially contiguous to, an archaeological site not included on the NY SHPO inventory. Source: _____	E3g	<input checked="" type="checkbox"/>	<input type="checkbox"/>

d. Other impacts: The proposed action will occur wholly within and contiguous to the eligible Port Chester North Main Street Historic District		<input type="checkbox"/>	<input checked="" type="checkbox"/>
e. If any of the above (a-d) are answered "Moderate to large impact may occur", continue with the following questions to help support conclusions in Part 3:			
i. The proposed action may result in the destruction or alteration of all or part of the site or property.	E3e, E3g, E3f	<input type="checkbox"/>	<input checked="" type="checkbox"/>
ii. The proposed action may result in the alteration of the property's setting or integrity.	E3e, E3f, E3g, E1a, E1b	<input type="checkbox"/>	<input checked="" type="checkbox"/>
iii. The proposed action may result in the introduction of visual elements which are out of character with the site or property, or may alter its setting.	E3e, E3f, E3g, E3h, C2, C3	<input checked="" type="checkbox"/>	<input type="checkbox"/>

11. Impact on Open Space and Recreation			
The proposed action may result in a loss of recreational opportunities or a reduction of an open space resource as designated in any adopted municipal open space plan. (See Part 1. C.2.c, E.1.c., E.2.q.) <i>If "Yes", answer questions a - e. If "No", go to Section 12.</i>		<input checked="" type="checkbox"/> NO	<input type="checkbox"/> YES
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may result in an impairment of natural functions, or "ecosystem services", provided by an undeveloped area, including but not limited to stormwater storage, nutrient cycling, wildlife habitat.	D2e, E1b E2h, E2m, E2o, E2n, E2p	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may result in the loss of a current or future recreational resource.	C2a, E1c, C2c, E2q	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may eliminate open space or recreational resource in an area with few such resources.	C2a, C2c E1c, E2q	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may result in loss of an area now used informally by the community as an open space resource.	C2c, E1c	<input type="checkbox"/>	<input type="checkbox"/>
e. Other impacts: _____		<input type="checkbox"/>	<input type="checkbox"/>

12. Impact on Critical Environmental Areas			
The proposed action may be located within or adjacent to a critical environmental area (CEA). (See Part 1. E.3.d) <i>If "Yes", answer questions a - c. If "No", go to Section 13.</i>		<input checked="" type="checkbox"/> NO	<input type="checkbox"/> YES
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may result in a reduction in the quantity of the resource or characteristic which was the basis for designation of the CEA.	E3d	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may result in a reduction in the quality of the resource or characteristic which was the basis for designation of the CEA.	E3d	<input type="checkbox"/>	<input type="checkbox"/>
c. Other impacts: _____		<input type="checkbox"/>	<input type="checkbox"/>

13. Impact on Transportation

The proposed action may result in a change to existing transportation systems.
(See Part 1. D.2.j)

NO YES

If "Yes", answer questions a - f. If "No", go to Section 14.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. Projected traffic increase may exceed capacity of existing road network.	D2j	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may result in the construction of paved parking area for 500 or more vehicles.	D2j	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action will degrade existing transit access.	D2j	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action will degrade existing pedestrian or bicycle accommodations.	D2j	<input type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may alter the present pattern of movement of people or goods.	D2j	<input type="checkbox"/>	<input type="checkbox"/>
f. Other impacts: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>

14. Impact on Energy

The proposed action may cause an increase in the use of any form of energy.
(See Part 1. D.2.k)

NO YES

If "Yes", answer questions a - e. If "No", go to Section 15.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action will require a new, or an upgrade to an existing, substation.	D2k	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action will require the creation or extension of an energy transmission or supply system to serve more than 50 single or two-family residences or to serve a commercial or industrial use.	D1f, D1q, D2k	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may utilize more than 2,500 MWhrs per year of electricity.	D2k	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may involve heating and/or cooling of more than 100,000 square feet of building area when completed.	D1g	<input type="checkbox"/>	<input type="checkbox"/>
e. Other Impacts: _____ _____			

15. Impact on Noise, Odor, and Light

The proposed action may result in an increase in noise, odors, or outdoor lighting.
(See Part 1. D.2.m., n., and o.)

NO YES

If "Yes", answer questions a - f. If "No", go to Section 16.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may produce sound above noise levels established by local regulation.	D2m	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may result in blasting within 1,500 feet of any residence, hospital, school, licensed day care center, or nursing home.	D2m, E1d	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may result in routine odors for more than one hour per day.	D2o	<input type="checkbox"/>	<input type="checkbox"/>

d. The proposed action may result in light shining onto adjoining properties.	D2n	<input type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may result in lighting creating sky-glow brighter than existing area conditions.	D2n, E1a	<input type="checkbox"/>	<input type="checkbox"/>
f. Other impacts: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>

16. Impact on Human Health

The proposed action may have an impact on human health from exposure to new or existing sources of contaminants. (See Part 1.D.2.q., E.1. d. f. g. and h.)

NO

YES

If "Yes", answer questions a - m. If "No", go to Section 17.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action is located within 1500 feet of a school, hospital, licensed day care center, group home, nursing home or retirement community.	E1d	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. The site of the proposed action is currently undergoing remediation.	E1g, E1h	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. There is a completed emergency spill remediation, or a completed environmental site remediation on, or adjacent to, the site of the proposed action.	E1g, E1h	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d. The site of the action is subject to an institutional control limiting the use of the property (e.g., easement or deed restriction).	E1g, E1h	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may affect institutional control measures that were put in place to ensure that the site remains protective of the environment and human health.	E1g, E1h	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f. The proposed action has adequate control measures in place to ensure that future generation, treatment and/or disposal of hazardous wastes will be protective of the environment and human health.	D2t	<input checked="" type="checkbox"/>	<input type="checkbox"/>
g. The proposed action involves construction or modification of a solid waste management facility.	D2q, E1f	<input checked="" type="checkbox"/>	<input type="checkbox"/>
h. The proposed action may result in the unearthing of solid or hazardous waste.	D2q, E1f	<input checked="" type="checkbox"/>	<input type="checkbox"/>
i. The proposed action may result in an increase in the rate of disposal, or processing, of solid waste.	D2r, D2s	<input checked="" type="checkbox"/>	<input type="checkbox"/>
j. The proposed action may result in excavation or other disturbance within 2000 feet of a site used for the disposal of solid or hazardous waste.	E1f, E1g E1h	<input checked="" type="checkbox"/>	<input type="checkbox"/>
k. The proposed action may result in the migration of explosive gases from a landfill site to adjacent off site structures.	E1f, E1g	<input checked="" type="checkbox"/>	<input type="checkbox"/>
l. The proposed action may result in the release of contaminated leachate from the project site.	D2s, E1f, D2r	<input checked="" type="checkbox"/>	<input type="checkbox"/>
m. Other impacts: _____ _____		<input checked="" type="checkbox"/>	<input type="checkbox"/>

17. Consistency with Community Plans

The proposed action is not consistent with adopted land use plans.

(See Part 1. C.1, C.2. and C.3.)

If "Yes", answer questions a - h. If "No", go to Section 18.

NO

YES

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action's land use components may be different from, or in sharp contrast to, current surrounding land use pattern(s).	C2, C3, D1a E1a, E1b	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. The proposed action will cause the permanent population of the city, town or village in which the project is located to grow by more than 5%.	C2	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. The proposed action is inconsistent with local land use plans or zoning regulations.	C2, C2, C3	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d. The proposed action is inconsistent with any County plans, or other regional land use plans.	C2, C2	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may cause a change in the density of development that is not supported by existing infrastructure or is distant from existing infrastructure.	C3, D1c, D1d, D1f, D1d, E1b	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f. The proposed action is located in an area characterized by low density development that will require new or expanded public infrastructure.	C4, D2c, D2d D2j	<input checked="" type="checkbox"/>	<input type="checkbox"/>
g. The proposed action may induce secondary development impacts (e.g., residential or commercial development not included in the proposed action)	C2a	<input checked="" type="checkbox"/>	<input type="checkbox"/>
h. Other: _____		<input checked="" type="checkbox"/>	<input type="checkbox"/>

18. Consistency with Community Character

The proposed project is inconsistent with the existing community character.

(See Part 1. C.2, C.3, D.2, E.3)

If "Yes", answer questions a - g. If "No", proceed to Part 3.

NO

YES

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may replace or eliminate existing facilities, structures, or areas of historic importance to the community.	E3e, E3f, E3g	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may create a demand for additional community services (e.g. schools, police and fire)	C4	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may displace affordable or low-income housing in an area where there is a shortage of such housing.	C2, C3, D1f D1g, E1a	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may interfere with the use or enjoyment of officially recognized or designated public resources.	C2, E3	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e. The proposed action is inconsistent with the predominant architectural scale and character.	C2, C3	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f. Proposed action is inconsistent with the character of the existing natural landscape.	C2, C3 E1a, E1b E2g, E2h	<input checked="" type="checkbox"/>	<input type="checkbox"/>
g. Other impacts: _____		<input checked="" type="checkbox"/>	<input type="checkbox"/>

Project : Date :

Full Environmental Assessment Form
Part 3 - Evaluation of the Magnitude and Importance of Project Impacts
and
Determination of Significance

Part 3 provides the reasons in support of the determination of significance. The lead agency must complete Part 3 for every question in Part 2 where the impact has been identified as potentially moderate to large or where there is a need to explain why a particular element of the proposed action will not, or may, result in a significant adverse environmental impact.

Based on the analysis in Part 3, the lead agency must decide whether to require an environmental impact statement to further assess the proposed action or whether available information is sufficient for the lead agency to conclude that the proposed action will not have a significant adverse environmental impact. By completing the certification on the next page, the lead agency can complete its determination of significance.

Reasons Supporting This Determination:

To complete this section:

- Identify the impact based on the Part 2 responses and describe its magnitude. Magnitude considers factors such as severity, size or extent of an impact.
- Assess the importance of the impact. Importance relates to the geographic scope, duration, probability of the impact occurring, number of people affected by the impact and any additional environmental consequences if the impact were to occur.
- The assessment should take into consideration any design element or project changes.
- Repeat this process for each Part 2 question where the impact has been identified as potentially moderate to large or where there is a need to explain why a particular element of the proposed action will not, or may, result in a significant adverse environmental impact.
- Provide the reason(s) why the impact may, or will not, result in a significant adverse environmental impact
- For Conditional Negative Declarations identify the specific condition(s) imposed that will modify the proposed action so that no significant adverse environmental impacts will result.
- Attach additional sheets, as needed.

The Proposed Action involves demolition of the existing structures at 163 North Main Street, 175 North Main Street, 179 North Main Street, 20 Abendroth Avenue, and 20 Mill Street, to develop an seven (7)-story mixed-use building with 242 rental apartments (96 studio apartments, 89 one-bedroom apartments, and 57 two-bedroom apartments), 357 structured off-street parking spaces, two (2) off-street loading spaces, 27,952 square feet (sf) of ground-floor commercial space, as well as bicycle storage and various amenity spaces. The Planning Commission has been established as the Lead Agency for this matter.

Based on the Planning Commission's review of the Full Environmental Assessment Form ("FEAF") Parts 1 and 2, the site plan, the traffic studies, architectural drawings, and associated documentation, the Village of Port Chester Port Chester Planning Commission has determined that no "Moderate to Large" impacts are anticipated to occur that cannot be mitigated. Therefore, the Proposed Action is not anticipated to result in any significant adverse environmental impacts that cannot be mitigated.

That being said, the Planning Commission requests that the Applicant petitions the Board of Trustees with regards to Highland Street and proceed with the ZBA with regards to its requested variances. The Planning Commission still reserves its right to approve or disapprove the Project for site plan approval at the appropriate time.

Determination of Significance - Type 1 and Unlisted Actions

SEQR Status: Type 1 Unlisted

Identify portions of EAF completed for this Project: Part 1 Part 2 Part 3

Upon review of the information recorded on this EAF, as noted, plus this additional support information
Submissions by the Applicant, review memoranda by AKRF for traffic and engineering, review memoranda by the Village Engineer, review staff reports by Planning staff, opinions of the Village Attorney and Special Counsel.

and considering both the magnitude and importance of each identified potential impact, it is the conclusion of the
Village of Port Chester Planning Commission _____ as lead agency that:

- A. This project will result in no significant adverse impacts on the environment, and, therefore, an environmental impact statement need not be prepared. Accordingly, this negative declaration is issued.
- B. Although this project could have a significant adverse impact on the environment, that impact will be avoided or substantially mitigated because of the following conditions which will be required by the lead agency:

There will, therefore, be no significant adverse impacts from the project as conditioned, and, therefore, this conditioned negative declaration is issued. A conditioned negative declaration may be used only for UNLISTED actions (see 6 NYCRR 617.7(d)).

- C. This Project may result in one or more significant adverse impacts on the environment, and an environmental impact statement must be prepared to further assess the impact(s) and possible mitigation and to explore alternatives to avoid or reduce those impacts. Accordingly, this positive declaration is issued.

Name of Action: Tarry Lighthouse Mixed-Use Development

Name of Lead Agency: Village of Port Chester Planning Commission

Name of Responsible Officer in Lead Agency: Anthony Baxter

Title of Responsible Officer: Chairperson

Signature of Responsible Officer in Lead Agency: _____ Date: June 29, 2020

Signature of Preparer (if different from Responsible Officer) _____ Date: June 29, 2020

For Further Information:

Contact Person: Eric Zamft, AICP
Address: 222 Grace Church Street, Room 202, Port Chester, NY 10573
Telephone Number: (914) 937-6780
E-mail: ezamft@portchesterny.gov

For Type 1 Actions and Conditioned Negative Declarations, a copy of this Notice is sent to:

Chief Executive Officer of the political subdivision in which the action will be principally located (e.g., Town / City / Village of)
Other involved agencies (if any)
Applicant (if any)
Environmental Notice Bulletin: <http://www.dec.ny.gov/enb/enb.html>

SITE PLAN APPROVAL
RESOLUTION OF THE VILLAGE OF PORT CHESTER PLANNING COMMISSION

March 29, 2021

Tarry Lighthouse

163, 175, 179 North Main Street; 20 Abendroth Avenue; and 18 Mill Street

Tax Parcel ID(s): Section 141.38, Block 2, Lot 47 & Section 142.23, Block 2, Lots 25, 26, 27, 28, & 29

Case # 2019-0194

WHEREAS, the Village of Port Chester Planning Commission (the "Planning Commission") is in receipt of a Site Plan application (the "Application") submitted by Cuddy & Feder LLP, on behalf of Tarry Lighthouse LLC (the "Applicant") for the site located at 163, 175, 179 North Main Street, 20 Abendroth Avenue, and 18 Mill Street, specifically known and designated as Section 142.23, Block 2, Lots 25, 26, 27, 28, & 29 on the Town of Rye Tax Map (the "Site"); and

WHEREAS, the Site is located in the CD-5 Urban Center Character District; and

WHEREAS, the Application includes demolition of the existing structures at 163 North Main Street, 175 North Main Street, 179 North Main Street, 20 Abendroth Avenue, and 18 Mill Street, to develop a six (6)-story mixed-use building with 209 rental apartments (74 studios, 85 one-bedroom, 50 two-bedroom), 271 parking spaces, and approximately 25,522 sq. ft. of ground-floor commercial space (the "Project"); and

WHEREAS, the Applicant is seeking Site Plan approval from the Planning Commission under the Village Form-Based Code; and

WHEREAS, the Application also required approval from the Board of Trustees regarding the use and function of Highland Street; and

WHEREAS, the Application proposes demolition of the existing buildings and redevelopment of the site which is a block bounded by North Main Street, Mill Street, Abendroth Avenue, and Highland Street the use and function of Highland Street; and

WHEREAS, the Application includes the following technical drawings and plans, which are hereby incorporated with to this resolution:

Prepared by Lessard Design Inc., P.C., and last revised December 14, 2020:

- A.01 Illustrative Site Plan
- A.02 Zoning Tabulations
- A.03 Ground Floor Plan
- A.04 Garage Floor Plan
- A.05 Residential Floor Plan
- A.06 Typical Residential Floor Plan (R2)
- A.07 Typical Residential Floor Plan (R3-R4)
- A.08 Building Sections
- A.09 Building Elevations
- A.10 Building Elevations
- A.11 Material Board

Prepared by Bowman Consulting, and last revised February 4, 2021:

- C-1 Cover Sheet
- C-2 Site Preparation
- C-3 Layout and Dimensioning Plan
- C-4 Grading and Utility Plan
- C-5 Soil Erosion and Sediment Plan
- C-6 Landscape and Lighting Plan
- C-7 Construction Details
- C-8 Construction Details
- C-9 Construction Details

Prepared by Thomas B. Olley, P.E.,LLC., and last revised November 23, 2020:

- Sewer Evaluation, Tarry Lighthouse LLC

WHEREAS, the Planning Commission referred the Application to the Westchester County Planning Board as required under the provisions of Sections 239-l, m, and n of New York General Municipal Law and Section 277.61 of the County Administrative Code; and

WHEREAS, on October 28, 2019, the Planning Commission referred the Application to the Architectural Board of Review ("ABR"), Traffic Commission, and Waterfront Commission; and

WHEREAS, the Project (also referred to as the "Proposed Action") is designated as an Unlisted Action under Part 617 of the regulations implementing the State Environmental Quality Review Act ("SEQRA"), Article 8 of the Environmental Conservation Law; and

WHEREAS, on January 25 and again on October 18, 2019, the Westchester County Planning Board provided comments stating the Project is generally consistent with the County's *Westchester 2025* plan, but commented on the lack of affordable housing, long-term sewer impacts, recycling, green building technology, and bicycle parking; and

WHEREAS, the Applicant appeared before the Traffic Commission on November 6, 2019; and

WHEREAS, a November 12, 2019 letter, the Traffic Commission voted in favor of the Application; and

WHEREAS, the Waterfront Commission found that the Project is consistent with the LWRP Policies and Conditions; and

WHEREAS, the Village's Consulting Traffic and Civil Engineer, AKRF, issued several comment memoranda in response to each of the Applicant's submissions; and

WHEREAS, the Planning Commission held public hearings on the matter, as required by Village Law concerning the Application, and all persons wishing to speak on the application at the public hearing and at meetings of the Planning Commission held subsequent to said hearing were given an opportunity to be heard; and

WHEREAS, on June 29, 2020, pursuant to SEQRA, the Planning Commission, as Lead Agency, issued a SEQR Determination of Non-Significance, having concluded the proposed Action would not result in any significant adverse impacts; and

WHEREAS, on December 21, 2020, the Board of Trustees adopted a local law establishing Highland Street as a two-way street in order to accommodate the Project; and

WHEREAS, the Planning Commission has reviewed the Application against the review criteria promulgated in §345.805.G.4 of the Village of Port Chester Zoning Code; and

WHEREAS, the Planning Commission has considered the site plan, all other materials submitted by the Applicant, the comments of Village staff and consultants made via memoranda to the Planning Commission - which memoranda are incorporated herein by reference, the commentary made in the course of Planning Commission's meetings pertaining to the review for site plan approval, and the comments of the public; and

WHEREAS, the requirements for Site Plan approval contained in Article 8, Section 345.805.G of the Village of Port Chester Zoning Code have been met by said Application.

NOW, THEREFORE, be it

RESOLVED, that the Application for Site Plan approval submitted by Cuddy & Feder LLP on behalf of Tarry Lighthouse LLC, as depicted on the plans identified above, hereby grants Site Plan approval subject to the following conditions. Except where specifically provided otherwise, the conditions of approval shall be fulfilled prior to the Planning Commission Chairperson and the Planning & Development Zoning Administrator signing the Site Plan:

1. A more detailed plan for maintenance and protection of traffic, which shall address and facilitate safety for pedestrians, cyclists, construction workers, and motorists, shall be submitted to the Building Department concurrently with a Building Permit application by the Applicant and shall be subject to review and sign-off by the Village of Port Chester Village Manager or his/her designee.
2. Prior to issuance of a building permit, the applicant shall provide design plans for flood-proofing measures that are compliant with the applicable requirements of Chapter 181 of the Village Code and the National Flood Insurance Program (NFIP), and meeting the satisfaction of the Village Floodplain Manager. The design plans, and supporting documentation, shall be submitted to the Village to secure a Floodplain Development Permit as outlined in Chapter 181-11 of the Village Code.
3. Building plumbing plans shall indicate floor drains from the internal parking lot are connected to the sanitary sewer with applicable oil-water separator(s) to the extent required by the NYS plumbing code.
4. Prior to issuance of a building permit, the Applicant shall confirm with Suez any required water main improvements to serve the proposed development and provide the Village a schedule for constructing such improvements.
5. Prior to issuance of a building permit, the Applicant shall provide detailed sidewalk reconstruction plans to the satisfaction of the Village Engineer. Plans shall be coordinated with building floor plans and shall depict ADA compliant sidewalk grading. Site and/or Architectural Plans shall depict any required internal/external ramps at building entrances per ADA requirements.

6. Prior to issuance of a building permit, the Applicant shall provide detailed construction plans for the intersection of Abendroth Avenue and Highland Street to the satisfaction of the Village Engineer. Plans shall include construction designs/details for sidewalk replacement, bump-outs, curb ramps, crosswalks and drainage improvements as required.
7. Prior to the issuance of a building permit, the applicant shall revise the logistics plan to account for the temporary maintenance of pedestrian traffic/facilities throughout construction, to the satisfaction of the Building Department and Village Engineer.
8. Prior to the issuance of a building permit, the Applicant shall submit a revised Stormwater Pollution Prevention Plan and associated Erosion and Sediment Control Plan to meet all requirements of Chapter 281 of the Village Code to the satisfaction of the Village Engineer. Prior to the start of construction, the Applicant shall secure the MS4 Acceptance Form from the Village Engineer and submit a Notice of Intent to NYSDEC for coverage under the General Permit for Stormwater Discharges from Construction Activity.
9. Prior to issuance of a building permit, Applicant shall provide roof drainage plans that depicts the total area conveyed to the water quality device on Highland Street is consistent with the approved SWPPP.
10. Prior to issuance of a building permit, the Applicant shall provide construction documents and details for the proposed green roof system. Green roof shall be 1,500 square feet and designed in accordance with Section 5.3.8 of the New York State Stormwater Management Design Manual.
11. Prior to issuance of a building permit, the site survey shall be updated to depict accurate utility conditions to develop utility connection designs and sufficient existing spot grades (TC/BC) to develop a detailed grading plan, to the satisfaction of the Village Engineer.
12. Prior to issuance of a building permit, the proposed sanitary connection(s) from building shall be revised with additional detail to the satisfaction of the Village Engineer. The Applicant shall also secure a Westchester County Department of Health permit for a private sanitary sewer connection as the sanitary flow from the building exceed 2,500 gallons per day.

13. Prior to issuance of a building permit, the Applicant shall demonstrate a Highway Work Permit has been secured from NYSDOT for proposed work on North Main Street.
14. Prior to issuance of a certificate of occupancy the actual construction, installation and implementation of all sidewalk and intersection improvements shall be certified by the Applicant's Engineer as being constructed in compliance with the approved plans.
15. Prior to issuance of a certificate of occupancy, the Applicant shall submit documentation demonstrating that a Notice of Termination has been filed with the NYSDEC for termination of coverage under General Permit, to the satisfaction of the Village Engineer.
16. Prior to issuance of a Certificate of Occupancy, the Applicant shall demonstrate the NYSDOT Highway Work Permit has been closed, to the satisfaction of NYSDOT and the Village Engineer.
17. Prior to issuance of a certificate of occupancy, the Applicant shall provide receipt of filing with county land records for stormwater practice maintenance agreements and maintenance easements as required by Chapter 281 of the Village Code.
18. Prior to issuance of certificate of occupancy, the overhead electrical wires on Highland Street shall be removed.
19. The Applicant's building plumbing plans shall indicate that sanitary flow to the Abendroth Avenue sewer system is not increased as compared to existing conditions by including sanitary connections to both Abendroth Avenue and North Main Street.
20. Accordant with the Lead Agency document supporting the SEQRA Determination of Significance – as well as with recurrent statements by the Applicant that measures necessary to minimize the effects of commercial displacement cannot legally be undertaken until the acquisition of title – the Applicant shall demonstrate, in writing, to the satisfaction of the Planning & Development Director/Zoning Administrator, that the displacement of any existing tenant(s) of the buildings on Site on the date of this Resolution has been addressed such that no significant adverse impact will result. At a minimum, prior to any displacement of existing commercial tenants, the Applicant or the current owner shall engage with the tenants to assist in the coordination of either temporary (pending construction of commercial space pursuant to the Application suitable and affordable to such tenants) or permanent

relocation. The Applicant or current owner shall retain the services of a local real estate broker, at the Applicant's expense, to provide options of available space and assist the current tenants and negotiating suitable terms for their relocation.

21. While there may be no universal ratio appropriate as a standard for the area of public parkland per capita, the *National Recreation and Park Association* recommends between 2.5 and 10 acres of parkland per 1,000 residents. Employing a ratio of 4 acres per 1,000 residents, Port Chester should maintain approximately 120 acres of parks, whereas the Village has approximately 62 acres village-wide.

Additionally, the Village should acquire additional parkland and undertake capital improvements to its parks – proportionate to its population growth. The construction and occupation of 209 new dwelling units therefore presents a proper case for dedication of public parkland and/or fees in lieu thereof. It is noted that proposed onsite recreational amenities are for use by those residing onsite. No public parkland is proposed for dedication and, therefore, the \$2,000 per dwelling unit in lieu of dedication of parkland established in Chapter 175 (Fees) of the Village Code, and referenced Chapter 345 (Zoning) shall be applied. The total fee of \$418,000 shall be paid prior to the signing of the Site Plan by the Planning Commission Chair and Planning and Development Zoning Administrator.

22. The Applicant shall pay to the Village of Port Chester any outstanding professional review escrow fees in accordance with Article 8, Section 345.814 of the Village of Port Chester Zoning Code.

23. The Applicant shall obtain all other applicable permits and approvals.

24. The Applicant shall provide "Fair-Share Contribution" in the amount of \$497,336 to the Village, as follows:

- a. 192,790 g.s.f. of Residential space @ \$2.35/g.s.f. = \$453,056
- b. 26,755 g.s.f. of Retail space @ \$1.66 g.s.f. = \$44,280

Total Fair-Share Contribution = \$497,336

25. Should the Village Board of Trustees, within six (6) months of the date of this Resolution, amend the Zoning Code to reduce the required *Façade Glazing for Shopfronts* from the current 70% minimum to a lesser percentage, the Applicant shall amend the Site Plan accordingly. Furthermore, should the Board of Trustees, within the aforesaid time period, reduce the required *Façade Void Area for Shopfronts* from

the current 70% minimum to a lesser percentage, the Applicant shall amend the Site Plan accordingly.

26. Following confirmation by the Village that the Applicant has fulfilled all of the above conditions – except where fulfillment is explicitly required at a different interval – the Applicant shall furnish the Planning Commission with four (4) copies of the Site Plan as described above for the endorsement by the Planning Commission Chairperson and Planning & Economic Development Zoning Administrator, and the Site Plan be recorded as the approved Site Plan; and be it further

RESOLVED, that this Site Plan approval shall have an effective date of March 29, 2021 and an expiration date of March 29, 2024; and be it finally

RESOLVED, that this Site Plan approval, including all conditions imposed, authorizes the Applicant to undertake only the activities specifically set forth herein, in accordance with this resolution of approval and as delineated on the Site Plan as endorsed by the Planning Commission Chairman and Director of Planning & Economic Development or his/her designee. Any material change in use, alteration, or modification to the Site Plan or to the existing or approved facilities and site shall require review and may be subject to an enforcement action by the Village, which may result in termination and revocation of this resolution or approval. Any such change would then require a new review and approval by the Planning Commission of the Village of Port Chester.

On a motion of Commissioner Summa, seconded by Commissioner Passerelli, this resolution was approved by the following vote:

AYES:	<u> 6 </u>
NAYES:	<u> 1 </u>
ABSTAINED:	<u> 0 </u>
ABSENT:	<u> 0 </u>

Michael Scarola
Chair

March 29, 2021
Date

**SEQRA NEGATIVE DECLARATION: NOTICE OF DETERMINATION OF NO
SIGNIFICANT IMPACT
RESOLUTION OF THE VILLAGE OF PORT CHESTER PLANNING COMMISSION**

JUNE 29, 2020

**Tarry Lighthouse (163, 175, 179 North Main Street, 20 Abendroth Avenue, 18 Mill Street)
Section 141.38, Block 2, Lot 47
Section 142.23, Block 2, Lots 25, 26, 27, 28, & 29
Case # 2019-0194**

WHEREAS, the Village of Port Chester Planning Commission (the "Planning Commission") is in receipt of a Site Plan application (the "Application") submitted by Cuddy & Feder LLP, on behalf of Tarry Lighthouse LLC (the "Applicant") for the site located at 163, 175, 179 North Main Street, 20 Abendroth Avenue, and 18 Mill Street, specifically known and designated as Section 142.23, Block 2, Lots 25, 26, 27, 28, & 29 on the Town of Rye Tax Map (the "Site"); and

WHEREAS, the Site is located in the C2 Main Street Business Zoning District, according to the 1975 Village of Port Chester Zoning Code; and

WHEREAS, the Application includes demolition of the existing structures at 163 North Main Street, 175 North Main Street, 179 North Main Street, 20 Abendroth Avenue, and 18 Mill Street, to develop a seven (7)-story mixed-use building with 242 rental apartments, 357 parking spaces, and approximately 27,952 sq. ft. of ground-floor commercial space (the "Project"); and

WHEREAS, the Applicant is seeking Site Plan and Special Exception Use approvals from the Planning Commission; and

WHEREAS, the Applicant is proceeding under the 1975 Zoning Code and not the recently-adopted Form-Based Zoning Code, unless requested by the Applicant; and

WHEREAS, the Application requires variances from the Zoning Board of Appeals ("ZBA"); and

WHEREAS, the Application potentially requires approval from the Board of Trustees regarding the use and function of Highland Street; and

WHEREAS, the Planning Commission declared its Intent to Act as Lead Agency for the Proposed Action in a coordinated review of all actions by local approving authorities, pursuant to Part 617 of the regulations implementing the State Environmental Quality Review Act ("SEQRA"), Article 8 of the Environmental Conservation Law; and

WHEREAS, the Notice of Intent to Act as Lead Agency was circulated to all Interested and Involved Agencies; and

WHEREAS, the Village did not receive responses from any of the Involved agencies objecting to the Planning Commission acting as Lead Agency within the 30-day response period, and thus the Planning Commission was established as Lead Agency for the Proposed Action; and

WHEREAS, the Planning Commission, as Lead Agency, designed the Proposed Action as an “Unlisted Action”, the Part 617 regulations implementing SEQRA; and

WHEREAS, in furtherance of the Proposed Action, the Applicant submitted a Full Environmental Assessment Form (“FEAF”), Part 1, together with supporting materials; and

WHEREAS, pursuant to and in accordance with SEQRA, the Village Department of Planning & Economic Development has prepared FEAF Parts 2 and 3 with respect to the Proposed Action for consideration by the Planning Commission; and

WHEREAS, the Planning Commission has reviewed and carefully considered the FEAF, Parts 1, 2, and 3, the submissions made by the Applicant, public comments, and materials produced by Village Staff; and

WHEREAS, the Planning Commission has provided commentary with regards to concerns about site access off of Abendroth Avenue to the Board of Trustees and the height of the proposed building to the Zoning Board of Appeals in a resolution adopted on June 29, 2020.

NOW, THEREFORE, be it

RESOLVED, that pursuant to SEQRA, the Planning Commission, as Lead Agency, has determined that the proposed Unlisted Action will not result in any significant adverse impact on the environment for the reasons enumerated in the attached “Reasons Supporting the Determination of No Significant Environmental Impact”; and be it further

RESOLVED, that the Planning Commission requests that the Applicant petition the Board of Trustees with regards to Highland Street; and

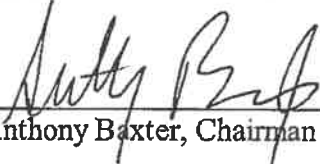
RESOLVED, that the Planning Commission requests that the Applicant proceed with the ZBA with regards to its requested variances; and

RESOLVED, that the Planning Commission will not consider the request for site plan approval until the Applicant has proceeded to the Board of Trustees and ZBA or the Application is amended or re-submitted; and

RESOLVED, that the Planning Commission shall approve or disapprove the site plan and special exception use applications after review of the plans, documents, and materials, and based on the standards set forth in the Code and in consideration of the applicable review criteria and standards at the appropriate time.

On a motion of Commissioner Scarola, Seconded by Commissioner Espinoza, this resolution was approved by the following vote:

AYES: 6
NAYES: 1
ABSENT: 0


Anthony Baxter, Chairman

6/30/20
Date

REASONS SUPPORTING THE DETERMINATION OF NO SIGNIFICANT ENVIRONMENTAL IMPACT

The proposed development involves demolition of the existing structures at 163 North Main Street, 175 North Main Street, 179 North Main Street, 20 Abendroth Avenue, and 18 Mill Street, to develop a seven (7)-story mixed-use building with 242 rental apartments (96 studio apartments, 89 one-bedroom apartments, and 57 two-bedroom apartments), 357 structured off-street parking spaces, two (2) off-street loading spaces, 27,952 square feet (sf) of ground-floor commercial space, as well as bicycle storage and various amenity spaces (hereinafter the “Project” or “Proposed Action”), as proposed by Tarry Lighthouse LLC (the “Applicant”) on the parcel specifically known and designated as Section 142.23, Block 2, Lots 25, 26, 27, 28, & 29 on the Town of Rye Tax Map (the “Site” or “Project Site”).

The Proposed Action will not result in any significant adverse impact on the environment that cannot be mitigated. In reaching this determination, the Village of Port Chester Planning Commission has considered relevant areas of environmental concern and the criteria identified in 6 NYCRR § 617.7, and has reviewed and considered, *inter alia*, the Application and addenda thereto, the Full Environmental Assessment Form submitted by the Applicant, supporting studies submitted by the Applicant, review and analyses by the Village Staff and Village independent consultants, and public comment.

The Planning Commission’s rationale with respect to particular areas of relevance for the elements of the Proposed Action follows:

A. LAND USE, ZONING, AND PUBLIC POLICY

Land Use

The Project Site currently contains a number of one (1)- to two (2)-story buildings containing first floor commercial uses and second floor office uses, along with a surface parking lot. The Proposed Action being evaluated is a seven (7)-story mixed-use building with 242 rental apartments (96 studio apartments, 89 one-bedroom apartments, and 57 two-bedroom apartments), 357 structured off-street parking spaces, two (2) off-street loading spaces, 27,952 sf of ground-floor commercial space, as well as bicycle storage and various amenity spaces (such as courtyards, pools, and open space). Therefore, the Proposed Action is anticipated to result in a change in use and intensity of use of land.

However, such change will not result in significant adverse impacts since the Proposed Action is within the mixed-use downtown area. In addition, the Project Site is also within 1/3-mile of the MTA Metro-North Port Chester train station – which is a twenty-four (24) hour, seven (7) days-a-week hub of activity – as well as numerous bus stops.

To that end, although the Proposed Action results in a change of use and change of intensity of use, such use and intensity is in keeping with the land use patterns of downtown Port Chester and, therefore, no significant adverse impact would result.

Zoning

As applicable to the Proposed Project, the Project Site sits within the 1975 Village of Port Chester Zoning Code C2 Main Street Business Zoning District.

Use Compliance

- The proposed residential use is classified as “Multifamily” according to the 1975 Village of Port Chester Zoning Code (Chapter 345, Attachment 3B, Schedule of Nonresidential Use Regulations). Multifamily is a permitted use by Special Exception in the C2 Main Street Business Zoning District.
- The proposed retail use is classified as “Retail” according to the 1975 Village of Port Chester Zoning Code (Chapter 345, Attachment 3B, Schedule of Nonresidential Use Regulations). Retail is a permitted use in the C2 Main Street Business Zoning District.
- The proposed parking is classified as an accessory use “Private garage or private off-street parking area” according to the 1975 Village of Port Chester Zoning Code (Chapter 345, Attachment 3B, Schedule of Nonresidential Use Regulations). Parking is a permitted accessory use in the C2 Main Street Business Zoning District.
- Therefore, the Proposed Action is compliant with zoning with regards to use.

Lot and Bulk Compliance

- The Proposed Action contains a building that is seven (7) stories/91 feet, six (6) inches in height. The maximum height in the C2 Zoning District is five (5) stories/sixty (60) feet. Therefore, the Proposed Action includes a request for an area variance from the ZBA of two (2) stories/31 feet, six (6) inches in height.
- The C2 Zoning District requires a floor area ratio (FAR) of 3.2. The Proposed Action contains a FAR of 4.7. Therefore, the Proposed Action includes a request from the ZBA for an area variance of 1.5 FAR.
- The C2 Zoning District requires 750 sf in area per dwelling unit. The Proposed Action only contains 215.5 sf in area per dwelling unit. Therefore, the Proposed Action includes a request for an area variance from the ZBA of 534.5 sf in area per dwelling unit.
- Under the C2 Zoning District five (5) loading spaces are required; the Proposed Action provides two (2) loading spaces. Therefore, the Proposed Action includes a request for an area variance from the ZBA of three (3) loading spaces.
- The remainder of the Proposed Action is compliant with the C2 Zoning District lot and bulk standards.
- Should the Project receive the area variances requested from the ZBA, there would be no impact with regards to zoning.

Public Policy

The Proposed Action is consistent with the Village’s Comprehensive Plan. Adopted in 2012, that Plan includes the Project Site in the Higher Intensity Planning Zone Category. A “...goal for these areas is to allow for contextual mixed-use development that will reinforce the Village’s key commercial center and enhance the waterfront.” The Comprehensive Plan also notes that the Higher Intensity Planning Zones are “...intended to absorb development pressures in the Village’s residential neighborhoods.”

In addition, the Proposed Action is consistent with a number of the policies within the Village's Comprehensive Plan, notably:

- Create opportunities for new residential units targeting singles, young professionals and empty-nesters, including mixed-use and transit-oriented development. (pg. 156)
- Offset future development pressures in the Village's lower-density residential neighborhoods. (pg. 156)
- Encourage a balanced range of housing types and densities in the Village that also considers the associated costs of servicing future density. (pg. 66)

The Development is also consistent with the Village's 2017-2022 Strategic Plan in that it will boost economic development in the downtown, redeveloping a key Village Gateway and redeveloping sites for their highest and best use.

As noted in a January 26, 2019 letter from the Westchester County Planning Board, "The proposed development is generally consistent with the County Planning Board's long-range planning policies set forth in *Westchester 2025 – Context for County and Municipal Planning and Policies to Guide County Planning*, adopted by the Board on May 6, 2008, amended January 5, 2010, and its recommended strategies set forth in *Patterns for Westchester: The Land and the People*, adopted December 5, 1995, because it would direct new development to an existing center where infrastructure can support growth, where public transportation can be provided efficiently, and where redevelopment can enhance economic vitality. The proposed development will also contribute towards the creation of a more active streetscape through the ground floor retail."

Therefore, the Proposed Action will not have any significant adverse impact on land use, zoning, or public policy.

B. COMMUNITY CHARACTER AND VISUAL RESOURCES

The Project Site is currently occupied by a number of one (1)- to two (2)-story buildings, as well as a surface parking lot. The Site is within the downtown area, not only on a prominent street corner, but essentially as the "gateway" to the Village from the north. The downtown area is comprised of a mix of single- and multi-story mixed-use and commercial buildings.

Maintaining and enhancing the character of the community is a guiding principle of any development proposal within the Village. Based upon this principle and the concern over community character and visual resource impacts, the Planning Commission attributed a significant focus of their review on the potential for such impacts. In order to assist in the review of community character and visual resources, the Applicant provided a number of materials. These included: building sections, material boards, perspective renderings, shadow studies, "nighttime" views, and a Massing Comparison.

Through the narrow lens of SEQRA, the focus of impacts and mitigation with regards to visual and aesthetic resources is on particularly established resources. Since there are no particular important visual or aesthetic resources on or near the Project Site (such as a state park, designated

scenic vista, designated open space, etc.), the Proposed Action is not anticipated to result in any significant adverse impacts on any such visual or aesthetic resources.

The Proposed Project is anticipated to activate the streetscape and create a welcoming and pedestrian-friendly gateway to the Village. Further, the Proposed Project corresponds with the community character of the area. While the Proposed Project is being processed under the 1975 Village of Port Chester Zoning Code, it was designed with consideration Village's new form-based code and the various long-range planning documents that dictate the intention and desire for this area of the Village. The Proposed Project's height and density is not out of character with other buildings in the surrounding area or with the types of buildings that could be built. That being said, the Project requires a variance from the Zoning Board of Appeals (ZBA) with regards to building height of two (2) stories/31 feet, six (6) inches in height.

Several design aspects incorporated into the Proposed Development to minimize the appearance of the structure. These design aspects include the use of a variety of materials in the façade which provide an appearance reflective of several buildings, rather than one (1) large, monotonous structure. The Proposed Project also includes various articulations, such as stepbacks, and terraces. Distinct shadow lines are also created due to the many elevation and plane changes. These articulations and distinct shadow lines further the appearance of several separate, but complementary, structures. The Architectural Review Board (ARB) will provide comment on the Project's materials and colors during the site plan approval process.

With regards to community character, the Proposed Action has been designed in accordance with the goals of the Village and the Comprehensive Plan and is not of a scale that is out of character with what is permitted in this district and nearby. To that end, the Proposed Action is not anticipated to result in any significant impacts on community character.

Therefore, in sum, overall the Proposed Action will not have any significant adverse impact with respect to community character or visual resources.

C. TRANSPORTATION RESOURCES

The Applicant's Traffic Engineer, Provident Design Engineering ("Provident"), submitted a Traffic Impact Study for the Proposed Project (most recently revised October 11, 2019), a Draft Mill Street Corridor Study, a memorandum dated October 11, 2019 (most recently revised January 30, 2020), a Technical Memorandum on the Tarry Lighthouse Driveway Location Analysis (most recently revised April 10, 2020), and a memorandum dated May 8, 2020. These documents were reviewed by the Village's consulting Traffic Engineer, AKRF. AKRF provided comments in various memoranda, including: September 12, 2019, October 22, 2019, March 10, 2020, March 12, 2020, March 23, 2020, April 17, 2020, May 20, 2020, and June 18, 2020.

Traffic

What follows is a summary of the traffic analysis:

Trip Generation

The trip generation estimates did not take credits for existing land uses or reductions for proximity to the train station. The Proposed Project is estimated to generate:

- AM Peak Hour: 88 vehicles (25 entering, 63 exiting)
- PM Peak Hour: 114 vehicles (80 entering, 34 exiting)

The trip generation estimates also reflect the initial development program which proposed 274 residential units.

Study Area

The traffic study and/or the memorandum analyzed the weekday AM and PM peak hour traffic operations at the following locations:

- North Main Street / Mill Street
- North Main Street / Highland Street
- Abendroth Avenue / Mill Street
- Abendroth Avenue / Project Driveway
- Abendroth Avenue / Highland Street
- North Main Street / Adee Street
- Abendroth Avenue / Adee Street

Data Collection

Existing traffic volume data, except for the Adee Street intersections, was collected in January 2019, prior to the I-95 Last Mile Reconstruction Project and while schools were in session. Under current conditions due to the I-95 Last Mile Reconstruction, expected to last through 2021, vehicles are traveling along Abendroth Avenue as a cut-through route to avoid construction traffic. Traffic volumes at the Adee Street intersections were collected during the I-95 construction, however, this would result in a conservative analysis due to higher volumes along Abendroth Avenue.

The peak hours were determined to be the following:

- AM Peak Hour: 7:30 AM to 8:30 AM
- PM Peak Hour: 5:00 PM to 6:00 PM

Intersection Analyses

Under the existing and future No Build conditions, the study intersections would operate at level of service (LOS) D or better during the weekday AM and PM peak hours. As discussed previously, LOS D is considered an acceptable operating level in downtown areas. With the additional traffic generated from the project-site, each of the study intersections would continue operate at LOS D or better operations under each access alternative analyzed. Therefore an impact, such as an intersection degrading from LOS D to an unacceptable LOS E or F, that would cause the need for capacity improvements, such as signal re-timings or additional travel and turn lanes, would not be triggered.

Project Elements

The Proposed Action includes:

- No Left Turn signage (MUTCD sign R3-2) for exiting vehicles from the site

- Re-striping Abendroth Avenue between Highland Avenue and Mill Street to provide two northbound lanes (one left-turn lane and one right-turn lane).
- “Don’t Block the Box” striping and signage at The Shade Store parking lot driveway along northbound Abendroth Avenue
- Along Mill Street between North Main Street and Abendroth Avenue ensure all street signage state “No Stopping Anytime”
- Pedestrian enhancements (described in the pedestrian discussion below)

Mill Street Corridor

The Mill Street/Delavan Avenue corridor experiences re-occurring congestion and queuing due to poor traffic signal coordination along Mill Street exacerbated by a signal with an all-pedestrian phase at the Mill Street/Water Street intersection in Greenwich, CT. The six (6) traffic signals along this corridor are closely spaced and are controlled by multiple jurisdictions (the Village, NYSDOT, and Connecticut DOT). The traffic cycle lengths vary among the intersection and are not properly coordinated along the corridor.

A corridor study led by the Applicant’s traffic engineer analyzed eight (8) potential improvement scenarios and identified two scenarios that could be further explored by the various jurisdictions to improve traffic flow along the corridor:

- Scenario 5 – Optimized 90 second cycle lengths and offsets; existing pedestrian crossing conditions would remain.
- Scenario 6 – Optimized 100 second cycle lengths and offsets; existing pedestrian crossing conditions would remain.

The draft report was submitted to Greenwich, CT in February 2020 for review. Coordination between the various jurisdictions should continue to address the traffic congestion along this corridor. However, furthering the coordination and any implementation would not be the Applicant’s responsibility, as the Proposed Action itself does not create the existing conditions that need improvement.

Site Access

Abendroth Avenue experiences re-occurring queuing due to poor traffic signal coordination along Mill Street exacerbated by a signal with an all-pedestrian phase at the Mill Street/Water Street intersection in Greenwich, CT. In addition, it was observed vehicles exiting Highland Street had difficulty making a left-turn onto Abendroth Avenue, at times trying to force themselves into the northbound queue, blocking southbound Abendroth Avenue traffic. Therefore, access to the Tarry Lighthouse should avoid contributing to or provide measures to reduce the friction on Abendroth Avenue.

Although AKRF’s preferred alternative based on a traffic and transportation perspective is the Highland Street access alternative, both options are being evaluated with regards to the SEQRA evaluation.

If the Highland Street option is not viable, whether due to engineering constraints, rejected by the BOT, or Planning Commission recommendations, then the Proposed Action access on Abendroth Avenue with vehicular left-turns exiting the site prohibited is an acceptable option.

Parking and Loading

The Site currently contains buildings and a surface parking lot that served the Tarry Market restaurant. The C2 Main Street Business Zoning District does not contain any minimum parking requirements.

Nevertheless, the Proposed Action includes a two-level garage providing a total of 357 parking spaces. These include van-accessible parking, accessible parking spaces, compact spaces, standard parking spaces, and valet parking. Access to the garage would be provided via a driveway on Abendroth Avenue between Highland Street and Mill Street. Under the Highland Street access alternative access to the parking garage would occur on Highland Street.

The Proposed Action does not include any modifications along Highland Street, indicating that no changes to the existing 35 parking spaces will be made. Rather, five (5) parking spaces along Abendroth Street would need to be eliminated.

However, the Planning Commission has supported an access option that includes access off of Highland Street. Such an option would result in the elimination of approximately five (5) of these parking spaces. For the purposes of the SEQRA review, the elimination of those spaces was included. The use of Highland Street as access and the potential loss of public parking spaces requires approval from the Board of Trustees.

With regards to loading, a dedicated two (2)-bay commercial and residential loading area is provided for along Abendroth Avenue. This enables the loading to be performed on-site and thus not interfere with traffic or pedestrians. As noted earlier, under the C2 Zoning District five (5) loading spaces are required; the Proposed Action provides two (2) loading spaces. Therefore, the Proposed Action includes a request for an area variance from the ZBA of three (3) loading spaces.

Given the studies that were completed, the proposed parking meets the needs of the Project. Although it would result in the removal of approximately five (5) parking spaces in the Highland Street parking lot, the provision of publicly-accessible spaces within the garage would offset that loss.

Therefore, the Proposed Action, and the Planning Commission's preferred Highland Street access alternative, is not anticipated to result in any significant adverse impacts on parking or loading. In fact, both the Proposed Action and Planning Commission's preferred alternative results in a beneficial impact to parking as it will add to the inventory of downtown parking available to the public.

Pedestrians

The pedestrian environment in downtown Port Chester is very important. The Proposed Action was reviewed for its potential impacts on pedestrians. The Proposed Action will generate some additional pedestrian traffic, primarily due to the number of new residents introduced by the Proposed Action at the Site location downtown. Also the Site is in close proximity to the MTA Metro-North Commuter Railroad Station.

The Proposed Action will include the replacement of the curbs, sidewalks and pavers on all street frontages. This will include ADA-compliant sidewalk ramps, curb bump-outs, and/or pedestrian refuge areas. It is not anticipated that the traffic signal infrastructure will be relocated. The Proposed Action includes the replacement of curbs, with a standard 6-inch-high curb reveal.

The following pedestrian improvements would be implemented with the Proposed Action

- Installing Rectangular Rapid Flash Beacons (RRFBs) on North Main Street and on Abendroth Avenue at the Highland Street intersections. The RRFBs should be two-sided with a W11-2 pedestrian sign and a W16-7p plaque, following guidance from the Manual on Uniform Traffic Control Devices (MUTCD).
- Curb extension at Abendroth Avenue/Highland Street to reduce crossing distance and calm traffic by narrowing roadway. The curb extensions should measure approximately 8 feet wide by 20 feet long with a 12-foot long taper.
- Improved lighting along Abendroth Avenue and at the intersection of Abendroth Avenue and Mill Street.

There is a pedestrian access along Mill Street and there is concern regarding a driver possibly stopping on Mill Street to drop somebody off. Additional signage will be added and enforcement could be increased there to further reduce this from happening.

Any work, including sidewalks and signage, within the New York State Department of Transportation (NYSDOT) right-of-way will require NYSDOT approval, a Highway Work Permit issued from NYSDOT, and will be constructed in conformance with NYSDOT standards.

With these measures included, the Proposed Action is not anticipated to result in any significant adverse impacts on pedestrians.

Construction Traffic

The Applicant provided a description of construction and particularly construction traffic. Traffic will be mitigated to the point where contractor and delivery vehicles will have no impact on the existing infrastructure. The demolition phase only requires several workers and their vehicles will be parked on-site on private property. The foundation phase will require roughly thirty (30) workers who carpool in company vehicles. Those 8-10 vehicles will find parking on the streets and would be required to pay for such parking spaces. Once the foundation is complete, parking will be available on the interior of the building and will no longer have an impact on the surrounding infrastructure. A more detailed plan for maintenance and protection of traffic, which shall include address further and facilitate safety for pedestrians, construction workers, and motorists, shall be submitted to the Building Department concurrently with a Building Permit application by the Applicant and shall be subject to review and sign-off by the Village of Port Chester Village Manager or his/her designee. Finally, a Highway Work Permit from NYSDOT will be necessary to construct the Proposed Action. Therefore, the Proposed Action will not have any significant adverse construction impact to traffic, parking, or pedestrians.

Note that since North Main Street is a State highway, approval by NYSDOT is required after any potential future site plan approval via a Highway Work Permit.

In sum, the Proposed Action overall with the measures included, is not anticipated to result in a significant adverse impact on transportation that cannot be mitigated.

D. INFRASTRUCTURE AND UTILITIES

The existing buildings are served by individual connections to municipal services, including sanitary sewer, potable water and fire suppression, natural gas and electric.

Drainage and Stormwater

The Project Site is approximately 1.2 acres in size and in its existing (current) condition is virtually 100% impervious cover. Stormwater runoff flows to the east from the roof tops and ground level impervious surfaces. The Project Site is located approximately 200 to 300 feet from the Byram River measured at Mill Street and Highland Street, respectively. In general, stormwater runoff from the site is either connected directly to Village storm sewers via roof drain and catch basin outlet connections or flows overland to catch basin inlets in the public right-of-way. Based on available storm sewer record maps, all drainage discharges are directed to the Highland Street Drainage Trunk and discharge to the Byram River.

A Storm Water Pollution Prevention (SWPPP) was prepared by Bowman Consulting, dated August 8, 2019. The Proposed Project meets the New York State Department of Environmental Conservation (NYSDEC) definition of “Redevelopment Activity”. As such, the project is designed to meet the requirements of Chapter 9 of the New York State Stormwater Management Design Manual (NYSSMDM), which is specific to redevelopment projects.

The stormwater quality treatment requirements of the project will meet Section 9.2.1.B.III of the NYSSMDM which state “The plan proposes the use of alternative SMPs to treat 75% of the water quality volume from the disturbed, impervious area...” The Proposed Project will demonstrate no increase in impervious surfaces through the inclusion of sections of green roof on the new building which will offset the loss of the landscaping within the parking lot at the corner of Highland Street and Abendroth Avenue (approximately 1,500 square feet). The alternative SMPs for the project will be Hydrodynamic Separators, which “move water in a circular, centrifugal manner to accelerate the separation and deposition of primarily sediment from the water,” as defined in the NYSSMDM. In general, a minimum of 75% of the site stormwater runoff will be conveyed to a HydroWorks HydroStom Model HS 5 hydrodynamic separator.

As the impervious surface of the Project Site will not be increased as a result of the Proposed Action, there will not be an increase in stormwater peak flow discharge rates in the post-development conditions. Further, storm water detention for overbank flooding and extreme storms (10- and 100-year recurrence storms) is not required as the Project Site discharges mimic existing conditions and discharge directly to the Byram River, which is a tidal river in the vicinity of Site.

Sanitary Sewer

Sanitary sewer generation for the Proposed Action has been calculated and compared to estimated generation of the previous uses. The previous uses on the Project Site included retail, offices,

grocery, bakery, hair salon, and three (3) restaurants. It is estimated that the daily sewer generation was approximately 26,051 gallons per day (gpd).

The estimated sewer generation for the Proposed Project is estimated to be approximately 38,802 gpd. This is based upon the NYSDEC standard of 110 gpd per bedroom, 0.1 gpd per square foot of retail/office (less 20% for water saving fixtures) and 35 gpd per seat for restaurants (less 20% for water saving fixtures). For the purpose of the design the retail/office component is estimated at approximately 25,000 square feet and a restaurant allowance of 3,000 square feet with up to 140 seats. Both the office/retail and restaurant generation factors include a 20% reduction for water savings devices. The result is a proposed average daily sanitary flow increase of approximately 12,751 gpd.

163 North Main Street and 175 North Main Street discharge to the 18-inch diameter North Main Street Collector Sewer. The remaining buildings connect to an 8-inch sewer main located in Mill Street and Abendroth Avenue. The laterals will be cut and capped in accordance with Village of Port Chester and Westchester County standards. A new sanitary sewer lateral will be installed and connected to the sewer main located at the intersection of Highland Street and Abendroth Avenue. Wastewater will be conveyed through the Village of Port Chester Sewage Collection and Transmission System for treatment at the County's Port Chester Wastewater Treatment Facility. The additional 12,751 gpd over the existing conditions flow will not adversely impact the County Wastewater Treatment Facility.

Based on the sanitary flow projections, it is possible the Proposed Action could adversely impact existing sanitary sewers proximate to the site and downstream of the Project Site on Abendroth Avenue. Therefore, AKRF recommends existing flows in sewers fronting the site and immediately downstream of Willet Avenue be determined either by a flow monitoring study or a sanitary sewershed study of the existing flows in sewers fronting the Site and immediately downstream of Willett Avenue shall be completed in order assess available capacity in existing sewers. The study would then identify the need for potential sanitary sewer improvements in conjunction with the project. A similar study would be required for a potential North Main Street sanitary connection. The Applicant will conduct a video inspection of the existing sewers in Mill Street and in Abendroth Avenue from Mill Street to Willet Avenue (west side sewer only).

As noted in a January 25, 2019 letter from the Westchester County Planning Board, "Since 2010, it has been the policy of the County Department of Environmental Facilities (WCDEF) that municipal governments require the applicant to identify mitigation measures that will offset the projected increase in flow. The best means to do so is through the reduction of inflow and infiltration (I&I) at a ratio of three for one for market rate units and at a ratio of one for one for any affordable units." The Applicant and the Village have agreed upon a solution to mitigate the I&I into the wastewater treatment system. The Applicant has agreed to provide a financial contribution to the Village in the amount of \$78,153 to go towards the Village's sewer improvement program. The dollar amount was calculated utilizing the standardized projected sewage flow equation: $(\text{Projected sewage flow}) \times (\text{three}) \times (\text{\$/gallon}) = \text{contribution for I\&I removal in dollars}; (26,051 \text{ gallons per day}) \times (3) \times (\text{\$1}) = \$78,153$.

Water Supply (Potable and Fire Protection)

Water consumption estimates have been calculated based upon the sanitary sewage generation calculations. As is customary in Westchester County, the water consumption is calculated at 110% of the sewage generation rate. Based upon this, the estimated existing water consumption is approximately 29,000 gpd. The anticipated water consumption is estimated to be approximately 43,000 gpd. The Applicant has requested a “will serve” letter from SUEZ Westchester. SUEZ Westchester has conducted a hydrant flow test for the Project. Based upon its findings (1126 gpm at 60 psi, residual pressure, 85 psi static) the applicant has indicated SUEZ Westchester has adequate flow rates and pressures to serve the Project which will be verified by the SUEZ “will serve” letter prior to site plan approval.

The existing water services will be located prior to or during demolition of the buildings. The service lines will be cut and capped in accordance with Village of Port Chester, Westchester County, and SUEZ Westchester standards.

New water service connections will be installed and connected to the water main located in Abendroth Avenue. Separate fire protection (sprinkler) and domestic water services will be provided. Backflow preventers and any required pressure boosting will be provided in a building utility room. The Fire Supply requirements for the project will be approximately 400 gpm. Therefore, a single connection should be adequate and will be verified by the fire protection review by the Village building department prior to an issuance of building permits.

Solid Waste Management

The Proposed Action is anticipated to generate solid waste during both construction and operations. The Floor Plans (Sheets A.03, A.05, and A.06) include a trash room for the retail and restaurant uses on the ground floor, as well as on each residential floor. The Applicant will utilize a private hauler for refuse removal. Receptacles will be stored indoors and brought to the Abendroth Avenue curb by building staff on collection days. It will be the responsibility of the owner, operator, or manager of the building to ensure that construction waste and all operational solid waste will be disposed of and that recyclables will be stored consistent with the Village’s and County’s requirements and regulations.

Electric and Natural Gas Utilities

Consolidated Edison (ConEd) provides electric and natural gas service to the area and Project Site. The Applicant has requested a “will serve” letter from ConEd. The Proposed Action is not expected to significantly impact gas or electric demand or service in the area. The Project will likely require a transformer and, at this time, it is ConEd’s intention to place it in a sidewalk vault. The Village Board of Trustees must approve a vault in the right-of-way and should be involved in any subsequent coordination on the vault location, if approved. The existing overhead wires along Highland Street will be removed and all proposed on-site utilities are proposed to be installed underground, consistent with Chapter 312 of the Code of the Village of Port Chester. Individual service connections for all utilities will be decommissioned in accordance with the utility company requirements. A new single point of service will be established for each utility. The point of connection will be located within Abendroth Avenue. As a result, it is anticipated that there would be no significant adverse impacts on electricity or gas.

Therefore, the Proposed Action will not have any significant adverse impact that cannot be mitigated, to infrastructure and utilities.

E. SOCIOECONOMICS

Demographics

Assuming conservatively two (2) people per unit, it can be estimated that 484 new residents of the Village would be generated by the 242 units. This represents approximately 1.7% increase in the Village population. That being said, the addition of population to downtown Port Chester is a goal of the Village and is considered a beneficial impact of the Proposed Action. Therefore, it is not anticipated that the Proposed Action will have any adverse impacts with respect to demographics.

Generation of School-Age Children

The Project Site is located within the Port Chester-Rye Union Free School District (“School District”). The Applicant provided an estimate of public school children to be generated by Proposed Action in a June 9, 2020 Socio-Economic Evaluation. That analysis concludes that the Proposed Action is expected to generate no more than 27 school-aged children. This projection of up to 27 school-aged children is based on data from the Port Chester Public Schools Overcrowding and Mitigation Analysis, Phase One Report, prepared for the Village of Port Chester IDA (“PCIDA”) by Urbanomics, Inc. (“PCIDA Mitigation Study”). The Applicant further calculated that the number of expected school-aged children to be generated drops to as low as eight (8) school-aged children when applying the data on the actual number of children generated by the 270 units developed as part of the Mariner development, the Castle development, and the Lighthouse development.

The PCIDA Mitigation Study identified a per pupil cost of \$13,863 per student (soft costs, does not include hard costs associated with construction as the 27 students would not trigger new facilities). Applying the per pupil cost to the public school age child generation of 27 children, the Applicant estimated a cost of \$374,301 to the School District.

If the increase of such revenues over the real estate taxes generated for the School District from the Project Site at the time the Proposed Action is placed into use do not generate an amount that would cover the annual cost per student of \$13,863 (as reported in the PCIDA Mitigation Study) for the actual number of students generated each school year, increased annually from January 1st by the increase, if any, in the cost of living index for the metropolitan New York region, the Applicant will pay the School District any deficit within thirty (30) days after being informed by the School District of such deficiency. This obligation shall continue for a period of ten (10) years. Based on this concurrence, any potential impacts to the public school should be minimal.

Therefore, any potential impact from this increase in school-aged children is expected to be directly off-set by the increased tax revenue that the Proposed Action will generate for the School District, as well as the assurances that costs of any additional students would be mitigated by the Applicant.

Commercial Displacement

The Project Site consists of five (5) properties; 20 Abendroth Avenue, 18 Mill Street, 175-179 North Main Street, and 163 North Main Street. Three (3) of the properties once had commercial tenants. Each tenant closed their respective businesses and the properties are now vacant. 163 North Main Street is the only property that has commercial tenants occupying space. Currently, there are four (4) retail tenants on the ground floor and three (3) office tenants on the 2nd floor. While there is currently 12,000 square feet of retail space and 12,000 square feet of office space available in the 163 North Main Street building, there are only 4,000 square feet of office space occupied. The Applicant owns all the properties except for 163 North Main Street, where it is the contract vendee and cannot close on the property until Site Plan Approval is received. Immediately after acquiring title to 163 North Main Street, the Applicant will engage with the remaining tenants to assist in the coordination of either their temporary or permanent relocation. The Applicant has indicated that they commit to retaining the services of a local real estate broker, at the Applicant's expense, to provide options of available space and assist the current tenants and negotiating suitable terms for their relocation. Therefore, no significant adverse commercial displacement impacts are anticipated.

Fiscal Impact

The Proposed Action will involve an investment in the community and will result in the creation of temporary construction jobs, permanent full-time jobs, and, ultimately, improved assessables, which will help to increase the Village's tax base. This need for construction workers is viewed as a beneficial impact to the construction industry. Direct expenditures are only the tip of the iceberg in terms of the overall economic impact of Project spending during the development phase. Construction workers will spend their earnings in local business establishments and construction firms will buy materials and services from local businesses.

Moreover, the addition of 242 units to downtown Port Chester is considered to have a positive secondary effect on economic development within downtown Port Chester. Although there may be increased demand for services including schools, police, and fire protective services, the additional property tax revenue generated should exceed the public services costs associated with the increased residents, employees, and visitors. There would be a fiscal impact of the loss of parking and parking ticket revenue for those eliminated spaces within the Highland Street parking lot. This should be offset by the increased taxes generated by the Proposed Action. The Village and Applicant should discuss further any parking arrangements that may help mitigate any impact.

Therefore, the Proposed Action will not have any significant adverse fiscal impact, locally and beyond.

F. HISTORIC AND CULTURAL RESOURCES

There are three (3) tiers of recognition and regulatory protection for cultural and historic resources in New York State:

- National Register of Historic Places and National Historic Landmarks, administered by the National Park Services of the U.S. Department of the Interior;

- New York State Register of Historic Places, administered by the State Historic Preservation Office (SHPO); and
- Local recognition.

Districts, sites, buildings, structures, and objects are eligible for the State and National Registers if they meet a number of criteria, such as possessing integrity of location, design, setting, materials workmanship, feeling, and association, and:

- Are associated with events that have made a significant contribution to the broad patterns of history; or
- Are associated with the lives of significant persons; or
- Embody the distinctive characteristics of a type, period, or method of construction; represent the work of a master; possess high artistic values; or represent a significant and distinguishable entity whose components may lack individual distinction; or
- Have yielded, or may be likely to yield, information important in history or prehistory.

Determinations of eligibility are made by SHPO. Generally, all properties that are listed on the National Register are listed on the State Register, which has the same criteria for evaluation as the National Register. Properties that have been constructed within the last 50 years are ordinarily not eligible.

Historic Resources

Consultation with SHPO was initiated in order to determine any impacts on historic resources. A review of the New York State Cultural Resource Information System (CRIS)¹ indicates that there are three (3) structures that are eligible to be listed on the State/National Register of Historic Places on the Project Site:

- 179 North Main Street
- 163-173 North Main Street
- 23-31 Highland Street

A review of CRIS indicates the following buildings in the surrounding area listed or eligible to be listed (note there are a number of other buildings in the surrounding area that are of “Undetermined Status”):

- 136 North Main Street
- 126 North Main Street
- 132 North Main Street
- 129-133 North Main Street
- 128-130 North Main Street
- 122 North Main Street
- 125 North Main Street
- 118 North Main Street
- 112 North Main Street
- 116 North Main Street

¹ <https://cris.parks.ny.gov/>, accessed June 19, 2020.

Finally, the Project Site is located within the eligible Port Chester North Main Street Historic District (see June 18, 2020 Resource Evaluation from New York State Department of Parks, Recreation and Historic Preservation).

Note that although CRIS identifies the structures on the Project Site as “Eligible”, it is based upon a 1982 Building Inventory Forms. While the other properties in the immediate area and the district were evaluated as recently as 2018, there have been no further records in the last 38 years evaluating its potential historical significance.

Regardless, although all of these properties were deemed eligible for the State/National Register, they have not been elevated to “Listed” status. In order to be listed, a property would first need to be nominated and submitted to SHPO. Currently, since the Village does not have an historic preservation commission and/or historic preservation ordinance, being eligible to be listed does not provide any specific protection to a property or district.

Although the Proposed Action will impact these eligible to be listed historic resources, it will not impact any structure actually listed on the State/National Register of Historic Places. While eligible properties are not afforded any particular protection, in order to mitigate any impact, the Applicant must coordinate with SHPO prior to any demolition of any of the eligible properties and provide suitable mitigation measures. In addition, the Applicant will also honor the design of the existing buildings by creating a photographic inventory and maintaining a recognition plaque in the new lobby of the Proposed Development. These measures have been incorporated into similar developments in the Village.

National Historic Landmarks

National Historic Landmarks are nationally significant historic places designated by the Secretary of the Interior because they possess exceptional value or quality in illustrating or interpreting the heritage of the United States. There are no National Historic Landmarks located within Port Chester.

Archaeological Resources

The Project Site is not located in an area identified as “Archaeologically Sensitive” by the CRIS database. Further, on November 5, 2019, NYSDEC determined that the project is not located within an area considered to be sensitive with regard to archaeological resources. This determination was made based on a review of resources maintained by the New York State Museum and New York State Office of Parks, Recreation, and Historic Preservation.

Therefore, with the measures included the Proposed Action will not have any significant adverse impact on cultural resources that cannot be mitigated.

G. NATURAL RESOURCES

Floodplains

According to the Flood Insurance Rate Map (“FIRM”) Panel #36119C0293F, provided by the Federal Emergency Management Agency (“FEMA”), the Project Site is located within both the 500-year floodplain (Zone ‘X’) and 100-year floodplain (Zone ‘AE’), a Special Flood Hazard Area associated with the Byram River. The Base Flood Elevation (“BFE”) is 12.1 feet above mean sea level (amsl). This elevation has been established in the “Flood Insurance Study”, prepared by Federal Emergency Management Agency (FEMA), effective date September 28, 2007 (Flood Insurance Study Number 36119CV001A). Residential uses and floors will be constructed at an elevation of 14.1 feet amsl (BFE + 2 feet) in accordance with the Flood Damage Prevention of the Code of the Village of Port Chester (Chapter 181). Non-residential uses will either be constructed with a floor elevation of 14.1 feet amsl or be floodproofed to that elevation. The parking garage will be constructed at or near the building 1st Floor elevation. A Flood Development Permit, per Chapter 181, is required for the Proposed Action. As a result, it is not anticipated that the Proposed Action will result in any significant adverse floodplain impacts.

Wetlands

A review of the National Wetland Inventory (“NWI”) Wetlands Mapper² and New York State Department of Environmental Conservation (“NYSDEC”) Wetland Inventory (Environmental Resource Mapper)³ did not identify wetlands on the Project Site.

Terrestrial and Aquatic Ecology

The Project Site consists of an existing building and surface parking lot; therefore, no terrestrial or aquatic habitats exist. No threatened or endangered species of animals or the habitat of such species have been identified on the Site according to the New York State Natural Heritage Inventory (“NYSNHI”) via the Environmental Resource Mapper².

H. HAZARDOUS AND CONTAMINATED SITES

Sites with hazardous materials may be subject to Federal and State regulations and guidance, including the following:

- The Comprehensive Environmental Response, Compensation and Liability Act (“CERCLA”), including the United States Environmental Protection Agency (“USEPA”) National Priority List (“NPL”) and National Contingency Plan (“NCP”);
- USEPA Brownfield grant program;
- NYSDEC Brownfield Cleanup Program (6 NYCRR Part 375);
- NYSDEC Registry of Inactive Hazardous Waste Disposal Sites, ECL Article 27;
- 6 NYCRR Parts 595-599, 6 NYCRR Parts 612-614, NYSDEC STARS Memo #1—Chemical and petroleum bulk storage management and removal of aboveground or underground storage tanks;

² <https://www.fws.gov/wetlands/data/mapper.html>, accessed June 19, 2020.

³ <https://gisservices.dec.ny.gov/gis/erm/>, accessed June 19, 2020.

- Article 71 of the Environmental Conservation Law, 17 NYCRR Part 32, Article 12 of the Navigation Law—Petroleum and chemical spill reporting; and,
- 6 NYCRR Part 360 and Part 364—Solid waste management requirements, which include certain requirements for the transportation of hazardous materials.

A review of a number of databases⁴ revealed that the Project Site (specifically 175 North Main Street) was the site of a #4 Fuel Oil spill in 2008 (Spill Number: 0713455). Although NYSDEC closed the spill case in 2011, NYSDEC "...reserves the right to require additional remedial work in relation to the spill, if in the future it determines that further action is necessary." Therefore, the Applicant should coordinate with NYSDEC prior to any site disturbance and as part of the building permit process. The Proposed Action will not include the introduction of hazardous materials and does not present any opportunity to adversely affect public safety nor would it create a hazard to human health.

The Proposed Action will not have any significant adverse impact caused by hazardous materials so long as coordination with NYSDEC occur prior to site disturbance.

I. AIR QUALITY

The United States Environmental Protection Agency ("USEPA"), through the 1970 Clean Air Act, has established National Ambient Air Quality Standards ("NAAQS") for six criteria pollutants: ozone ("O₃"), particulate matter ("PM₁₀" and "PM_{2.5}"), sulfur dioxide ("SO₂"), nitrogen dioxide ("NO₂"), carbon monoxide ("CO"), and lead ("Pb"). Currently, USEPA and New York State Department of Environmental Conservation ("NYSDEC") enforce ambient air quality standards. The 1977 and 1990 Clean Air Act Amendments (CAAA) reinforced attainment and maintenance of these standards. New York State is part of USEPA Region II. Port Chester is part of the USEPA New York-N, New Jersey-Long Island, and NY-NJ-CT metropolitan region for air quality. Effective June 15, 2004, EPA designated Nassau, Rockland, Suffolk, Westchester, and the five New York City counties (NY portion of the New York–Northern New Jersey–Long Island, NY-NJ-CT, Non-Attainment Area (NAA)), and Dutchess, Orange, and Putnam counties (Poughkeepsie NAA) as a moderate non-attainment areas for the 1997 8-hour average ozone standard. In March 2008 EPA strengthened the 8-hour ozone standards, but certain requirements remain in areas that were either nonattainment or maintenance areas for the 1997 ozone standard ('anti-backsliding'). EPA designated the same NAA as a marginal NAA for the 2008 ozone NAAQS, effective July 20, 2012. On April 11, 2016, as requested by New York State, EPA reclassified the area as a "moderate" NAA. On July 19, 2017 DEC announced that the New York Metro Area (NYMA) is not projected to meet the July 20, 2018 attainment deadline and NYSDEC, therefore, requested that EPA reclassify the NYMA to "serious" nonattainment. EPA reclassified the NYMA from "moderate" to "serious" NAA, effective September 23, 2019, which imposes a new attainment deadline of July 20, 2021 (based on 2018-2020 monitored data). On April 30, 2018, EPA designated the same area as a moderate NAA for the revised 2015 ozone standard. SIP revisions are due by August 3, 2020. Port Chester and the Project Site are located in Westchester (NYSDEC Region 2) in the New Jersey\New York\Connecticut Interstate Air Quality Control

⁴ NYSDEC Spill Incidents Database; NYSDEC Environmental Site Remediation Database; NYSDEC Bulk Storage Database – <https://www.dec.ny.gov/cfm/xtapps/derexternal/index.cfm?pageid=1>, all accessed June 19, 2020.

Region. NYSDEC Bureau of Air Surveillance maintains air quality monitoring stations throughout the State for the purpose of evaluating local air quality for various pollutants. NYSDEC has an air monitoring location at the White Plains Water District Pumping Station, 204 Orchard Street in White Plains (NYSDEC#: 5902-04). Based upon information from that monitoring location, air quality on the Project Site, Village, and the region is considered good and current air pollution poses little or no risk to the local population.

Permanent Air Quality Impacts

Impacts to air quality come from two (2) general categories: 1) Point Source emissions and 2) Non-Point Source emissions.

- Point Source emissions include chemical plants, refineries, electric utility plants, and other industrial sites. Since the Proposed Action does not contain such uses, it will not affect a significant change to point source emissions.
- Non-Point Source emissions include both area source and mobile emissions.
 - Area source emissions include a variety of industrial and storage activities, waste management, and agriculture. The Proposed Action does not include such activities and sources and, therefore, the Proposed Action will not affect a significant change to area source emissions.
 - Mobile source emissions include both on road (e.g., automobiles) and off-road (e.g., recreational vehicles, lawn and garden equipment). Since the Proposed Action would result in a change in traffic conditions, the discussion that follows will focus on mobile source emissions.

As presented in Section E, while the Proposed Action will create increased traffic, such increase is will not create a significant adverse impact on the Village. Carbon dioxide emissions from truck delivery and passenger vehicles will result, but will be not noticeably different than existing conditions downtown. As a result, there will be no significant long-term air impacts as a result of the redevelopment of the Site.

Short-Term Construction

The Proposed Action will result in temporary air quality impacts during construction as the short-term use of heavy equipment operations could result in temporary, minor increases in pollutant emissions from equipment used during construction. The major concern during the construction operation, as in construction of most buildings, would be the control of fugitive dust during site clearing, excavation, demolition, and grading operations. Fugitive dust is essentially airborne soil particles caused by heavy equipment operations entraining the soil into the air. Some fugitive dust emissions could arise from wind erosion of the exposed soil where pavement is removed.

The Applicant will employ construction best management practices and continued equipment repair and maintenance to manage and control these temporary impacts to air quality; these measures will be detailed in a construction management plan and site development protocol that will be submitted with the Building Permit application. The approved construction management plan and site development protocol will emphasize minimizing fugitive dust and particulate matter from drifting beyond the confines of the Site. The Building Department will carefully monitor compliance with this plan.

Therefore, the Proposed Action will not have any significant adverse environmental impact to air quality.

J. NOISE AND VIBRATION

Downtown Port Chester, being a suburban downtown, has an existing noise environment that is more typical of an urban area. In this environment, noise is generated by HVAC (heating, ventilation and air conditioning) equipment for commercial, institutional, and residential uses, as well as by transportation uses, including vehicular traffic (i.e., buses and trucks) and railroad use.

Chapter 224, Noise, of the Code of the Village of Port Chester provides the local regulations pertaining to noise. Among other things, Chapter 224 discusses unreasonable noise, standards, exemptions, and waivers. Chapter 224 also includes specific regulations for construction work.

Permanent Noise Impacts

As with air quality, the impacts with respect to noise related to the Proposed Action would be limited to increases in vehicular traffic and its impact on the noise environment. As the downtown is redeveloped, the land use pattern is not expected to change such that noise-generating uses would be prevalent (e.g., no industrial or manufacturing is included) and, therefore, the character of the noise environment would not be expected to worsen. The Proposed Action will be required to conform to Chapter 224 of the Village Code. The increase in noise from vehicular traffic under post-construction conditions will not be significant.

Short-Term Construction

Demolition and construction are proposed for the Project Site. Adjoining public and private property shall be protected from vibration damage during demolition and construction work. As a result, the potential for short-term noise and vibration impacts associated with the redevelopment of the Project Site exists, but will not be significant in nature based on the scale and scope of construction to occur.

In conformance with Section 224-2 of the Village Code, construction activities will be limited to the hours of 8:00 AM to 8:00 PM Monday through Friday and 10:00 AM to 7:00 PM on Saturdays. Interior construction activities may take place at other hours, in accordance with the regulations set forth in Chapter 224. As a result, it is anticipated that these controlled, short-term noise impacts will not result in a significant adverse environmental impact.

Therefore, the Proposed Action will not have any significant adverse noise impact.

K. OTHER SEQRA REVIEW CATEGORIES

Energy Use and Conservation

The Proposed Action will utilize energy in the form of fossil fuels and electricity in quantities typical for its uses. The Proposed Action will conform to all New York State Building Code requirements, including all State and Federal energy compliance standards. Therefore, the

Proposed Action will not have any significant adverse impact on energy use and conservation. The Applicant has included green building technology (a “green roof”) as part of the Proposed Action. Therefore, the Proposed Project will not have any significant adverse impact on energy or building/fire codes.

Growth-Inducing, Cumulative, and Secondary Impacts

The Proposed Action will not result in changes to two (2) or more elements of the environment, which alone would not have a significant effect on the environment, but when considered together, would result in a significant adverse impact on the environment.

Plan Segmentation

The Proposed Action is not related to another action which would be funded or approved by an agency which, when considered cumulatively, would meet one (1) or any of the aforementioned criteria.

L. SUMMARY

For the foregoing reasons, as well as those set forth in the Applicant’s various submissions and analyses conducted by the Village Staff and the Village’s independent consultants, the Proposed Action will not have any significant adverse impact on the environment that cannot be mitigated.

FOR FURTHER INFORMATION

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