

**VILLAGE OF PORT CHESTER  
BOARD OF TRUSTEES  
Regular Meeting  
Monday, February 10, 2025 at 7:00 P.M.  
TOWN OF RYE JUSTICE COURTROOM  
350 North Main Street  
Port Chester, New York  
AGENDA**

*Trustee Bart Didden will be attending the meeting via videoconferencing from 685 Pelican Court, Marco Island, FL 34145, which will be open to the public for this meeting as well as the 350 N. Main Street Location.*

*Trustee Grangenois-Thomas will be attending the meeting via videoconferencing from 173 Concordia Circle, Monroe NJ 08631, which will be open to the public for this meeting as well as the 350 N. Main Street Location.*

<b>I</b>	<b>CALL TO ORDER / PLEDGE OF ALLEGIANCE</b>	
<b>II</b>	<b>MINUTES</b>	<b>ACTION</b>
1	Approval of January 14, 2025, January 21, 2025, January 29, 2025 and February 3, 2025 minutes	
<b>III</b>	<b>PUBLIC COMMENTS</b>	<b>ACTION</b>
<b>IV</b>	<b>REPORT OF THE VILLAGE MANAGER</b>	<b>ACTION</b>
<b>V</b>	<b>REQUESTS FOR AN ADD-ON RESOLUTIONS</b>	<b>ACTION</b>
1	Appoint election inspectors	
2	500 Ft. Law Hearing Regarding Felice Port Chester located 14-20 Willett Avenue	
3	Budget Amendment – Fiscal Year 2024-2025 General Fund Village Election in the amount of \$3,510.00 (Rental of Voting Machines)	
4	Establish Capital Project & Budget – #2025-281 (Accela Implementation – Final Phase)	
5	Establish Capital Project-Budget & Fiscal Year 2024-25 General Fund Budget Amendment – Capital Project #2025-282 (Downtown Pedestrian Loop)	
6	Authorizing Tri-Party Agreement with the Port Chester-Rye Union Free School District and National Scholastic Chess Foundation to provide a 15-week Lunchtime Chess Program	
<b>VI</b>	<b>CORRESPONDENCE</b>	<b>ACTION</b>
1	From The Fire Patrol & Rescue Co. No. 1 regarding the expulsion of Hugh Pender and Edwin Escobar	
2	From The Fire Patrol & Rescue Co. No. 1 regarding the resignation of Brett Atkinson and Matt Pugni	
3	From Attorney Anthony R. Tirone regarding the honorary naming request for Broad Street to Phil Lesh Lane on March 14, 2025 @ 4 pm.	
4	From Robin Lettieri, Director Port Chester-Rye Brook Public Library requesting to park on the street with the parking permit,	
5	From Elizabeth Roffeld, Co-President, Rye/Rye Brook/Port Chester LWV regarding requesting the use of Senior Community Center to hold the Mayoral and Trustee forum, on the same night	

VII	PUBLIC COMMENTS AND BOARD COMMENTS	ACTION

**PROPOSED CLOSED SESSION**  
Consultation with Village Attorney

CALL TO ORDER  
PLEDGE OF ALLEGIANCE

# MINUTES

**MINUTES  
BOARD OF TRUSTEES  
WORKSHOP  
VILLAGE HALL CONFERENCE ROOM  
222 GRACE CHURCH STREET  
VILLAGE OF PORT CHESTER, NEW YORK  
MEETING HELD JANUARY 14, 2025 AT 6:30 PM**

Meeting was called to order by Mayor Marino. Mayor Marino welcomed all present.

**PRESENT:**

Mayor	Luis A. Marino	
Trustee	Bart A. Didden	via videoconferencing
Trustee	Philip Dorazio	
Trustee	Joan Grangeniois-Thomas	
Trustee	Juliana C. Alzate	via phone

**ABSENT:**

Trustee	John J. Allen, Jr.
Trustee	Joseph E. Carvin, Jr.

**ALSO PRESENT:**

Village Clerk, Janusz R. Richards  
Village Manager, Stuart Rabin  
Corporation Counsel, Attorney Peter Sisca  
Village Attorney, James Carpiniello

On motion of TRUSTEE DORAZIO, seconded by TRUSTEE GRANGENOIS-THOMAS the meeting was declared opened at 06:30 p.m.

**ROLL CALL**

**AYES:** Trustees Didden, Dorazio, Grangeniois-Thomas, Alzate and Mayor Marino.

**NOES:** None.

**ABSTAIN:** None.

**RECUSE:** None.

**ABSENT:** Trustees Carvin and Allen.

**DATE:** January 14, 2025.

**WORKSHOP**

The meeting discussed new membership requirements, including a proposed 30-mile radius for eligibility, and addressed concerns about retention, safety, and department morale.

- The purpose of the meeting is to discuss new membership requirements and address concerns about retention and safety.
- The proposed 30-mile radius for membership eligibility aims to expand the pool of potential members.
- Questions raised include whether living 30 miles away would deter individuals from volunteering and how it may impact response times and department culture.
- The participants question the need for a residency radius requirement and argue that it limits the recruitment of talented members.
- They suggest that companies should have the autonomy to decide on membership based on their own criteria.
- Some participants highlight that the village is attractive to volunteers because it offers opportunities for hands-on experience and learning.
- There is a preference among some participants to have no residency radius requirement at all.
- Putting a limit on membership will hurt the fire department and the companies involved.
- The fire department is currently fractured and there is low morale among members.
- Leaving the decision of membership open to the companies is preferred over defining a specific catchment area.
- The state law defines the boundaries for membership and the board cannot override it.
- The department is not set up for members who live far away or stay for extended periods.
- Implementing change is challenging but necessary, and organizations can choose to follow state guidelines or create their own.
- The fire department members feel unappreciated and morale is low, but the board insists they are not trying to harm the department.
- The state law requires certain protocols to be followed, and the board is seeking a defined vicinity for the department.

Mayor Marino asked for a motion to adjourn the meeting.

On a motion of MAYOR MARINO, seconded by TRUSTEE DORAZIO, the meeting was adjourned at 07:32 p.m.

## **ROLL CALL**

**AYES:** Trustees Didden, Dorazio, Grangenio-Thomas, Alzate and Mayor Marino.

**NOES:** None.

**ABSTAIN:** None.

**RECUSE:** None.

**ABSENT:** Trustees Carvin and Allen.

**DATE:** January 14, 2025.

Respectfully submitted,

*Janusz R. Richards*

Janusz R. Richards  
Village Clerk

**MINUTES  
BOARD OF TRUSTEES  
REGULAR MEETING  
TOWN OF RYE JUSTICE COURTROOM  
350 NORTH MAIN STREET  
VILLAGE OF PORT CHESTER, NEW YORK  
MEETING HELD JANUARY 21, 2025 AT 6:00 PM**

Meeting was called to order by Mayor Marino followed by The Pledge of Allegiance. Mayor Marino welcomed all present.

*At the start of the meeting, Mayor Marino asked for a moment of silence in memory of Tom Zack, a longtime member of Port Chester's Harry Howard Hook & Ladder Company #1, who died on Wednesday, January 8, 2025 at the age of 78.*

**PRESENT:**

Mayor	Luis A. Marino	
Trustee	John J. Allen, Jr.	
Trustee	Juliana C. Alzate	(Arrived at 06:03 p.m.)
Trustee	Joseph E. Carvin, Jr.	(Arrived at 07:00 p.m.)
Trustee	Bart A. Didden	(Arrived at 06:05 p.m.)
Trustee	Philip Dorazio	
Trustee	Joan Grangenois-Thomas	

**ALSO PRESENT:**

Village Clerk, Janusz R. Richards  
Village Manager, Stuart Rabin  
Corporation Counsel, Attorney Peter Sisca  
Village Treasurer, Anthony Siligato (Arrived at 07:00 p.m.)  
Village Attorney, James Carpiniello  
Director of Planning and Economic Development, Greg Cutler (Arrived at 07:00 p.m.)  
Human Resource Officer, Ed Brancati  
Deputy Village Attorney, Calli Jones  
Village Prosecutor (Vehicle & Traffic), Matthew Troy  
Acting Director of Code Enforcement, Michael J. Panella

On motion of TRUSTEE DORAZIO, seconded by TRUSTEE GRANGENOIS-THOMAS the meeting was declared opened at 06:00 p.m.

**ROLL CALL**

**AYES:** Trustees Dorazio, Grangenois-Thomas, Allen and Mayor Marino.

**NOES:** None.

**ABSTAIN:** None.

**RECUSE:** None.

**ABSENT:** Trustees Didden, Carvin and Alzate.

**DATE:** January 21, 2025.



**MOTION FOR EXECUTIVE SESSION**

At 06:01 p.m., on motion of TRUSTEE DORAZIO, seconded by TRUSTEE Grangenois-Thomas the Board adjourned into an executive session regarding;

- Matters before the Deputy Village Attorney & Update Stipulation Negotiations.
- Consultation with Board of Trustees regard the employment of a particular person in the Village Clerk’s office.

**ROLL CALL**

**AYES:** Trustees Dorazio, Grangenois-Thomas, Allen and Mayor Marino.

**NOES:** None.

**ABSTAIN:** None.

**RECUSE:** None.

**ABSENT:** Trustees Didden, Carvin and Alzate.

**DATE:** January 21, 2025.

**ALSO PRESENT:**

- Village Clerk, Janusz R. Richards
- Village Manager, Stuart Rabin
- Corporation Counsel, Attorney Peter Sisca
- Village Attorney, James Carpiniello
- Deputy Village Attorney, Calli Jones

No action was taken in executive session.

At 07:06 p.m., a motion to come out of executive session was made by TRUSTEE DORAZIO, seconded by TRUSTEE DIDDEN, the Board of Trustees closed the executive session.

**ROLL CALL**

**AYES:** Trustees Didden, Dorazio, Grangenois-Thomas, Carvin, Allen, Alzate and Mayor Marino.

**NOES:** None.

**ABSTAIN:** None.

**RECUSE:** None.

**ABSENT:** None.

**DATE:** January 21, 2025.

**AFFIDAVIT OF PUBLICATION AND NOTICE OF PUBLICATION**

**RE:**

**PUBLIC HEARING # 1**

***Public Hearing to consider the advisability of adopting a Local Law Amending the Code of the Village of Port Chester, Chapter 345, "Zoning," to include regulations for Battery Energy Storage Systems (Bess) Facilities.***

The following Public Notices were duly published in the Journal News on January 3, 2025, certified by Linda Tutt, Principal Clerk of The Journal News

**PUBLIC NOTICE**

PUBLIC NOTICE is hereby given that the Board of Trustees hereby sets a public hearing for January 21, 2025 at 7:00 p.m. or as soon thereafter, at the Town of Rye Justice Court Courtroom, 350 North Main Street, 2<sup>nd</sup> Floor, Port Chester, New York, to consider the advisability of adopting a Local Law Amending the Code of the Village of Port Chester, Chapter 345, "Zoning," to include regulations for Battery Energy Storage Systems (Bess) Facilities, and referring to Westchester County Planning Board and Village of Port Chester Planning Commission.

Contact the Department of Planning and Economic Development for information:  
Website: <https://www.portchesterny.gov/205/Planning-Economic-Development>.  
Phone Number: (914) 937-6780  
E-mail: [GCutler@portchesterny.gov](mailto:GCutler@portchesterny.gov)

Interested persons are invited to attend and will be afforded the opportunity to be heard at this time. The copy of the proposed local law is available at the Village Clerk's office or online at the Village website [www.portchesterny.gov](http://www.portchesterny.gov).

/s/ JANUSZ R. RICHARDS  
JANUSZ R. RICHARDS  
Village Clerk  
Village of Port Chester, New York

Date: January 3, 2025

**AVISO PUBLICO**

POR LA PRESENTE SE DA AVISO PÚBLICO que la Junta de Síndicos establece una audiencia pública para el 21 de enero de 2025 a las 7:00 p.m. o tan pronto como a partir de entonces, en el Town of Rye Justice Court Courtroom, 350 North Main Street, 2do Piso, Port Chester, Nueva York, para considerar la conveniencia de adoptar una Ley Local que Enmiende el Código del Pueblo de Port Chester, Capítulo 345, "Zonificación", para incluir regulaciones para las Instalaciones de Sistemas de

Almacenamiento de Energía en Baterías (Bess), y refiriéndose a la Junta de Planificación del Condado de Westchester y la Comisión de Planificación del Pueblo de Port Chester.

Póngase en contacto con el Departamento de Planificación y Desarrollo Económico para obtener información:

Website: <https://www.portchesterny.gov/205/Planning-Economic-Development>.  
Teléfono: (914) 937-6780  
E-mail: [GCutler@portchesterny.gov](mailto:GCutler@portchesterny.gov)

Las personas interesadas están invitadas a asistir y se les dará la oportunidad de ser escuchadas en este momento. La copia de la ley local propuesta está disponible en la oficina del Secretario del Pueblo o en línea en el sitio web de la Aldea [www.portchesterny.gov](http://www.portchesterny.gov).

/s/ JANUSZ R. RICHARDS  
JANUSZ R. RICHARDS  
Secretario del Pueblo  
Pueblo de Port Chester, Nueva York

Fecha: 3 de enero de 2025

On motion of TRUSTEE DIDDEN, seconded by TRUSTEE DORAZIO, the public hearing was declared open.

### **ROLL CALL**

**AYES:** Trustees Didden, Dorazio, Grangenois-Thomas, Carvin, Allen, Alzate and Mayor Marino.

**NOES:** None.

**ABSTAIN:** None.

**RECUSE:** None.

**ABSENT:** None.

**DATE:** January 21, 2025.

### ***Public Comments***

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

The public had an opportunity to make public comments.

There were no comments offered by the public on this public hearing.

On motion of TRUSTEE DIDDEN, seconded by TRUSTEE DORAZIO, the public hearing was adjourned to the meeting on January 29, 2025.

## **ROLL CALL**

**AYES:** Trustees Didden, Dorazio, Grangenois-Thomas, Carvin, Allen, Alzate and Mayor Marino.

**NOES:** None.

**ABSTAIN:** None.

**RECUSE:** None.

**ABSENT:** None.

**DATE:** January 21, 2025.

## **PUBLIC HEARING # 2**

*Public Hearing to consider the advisability of adopting a Local Law Amending the Code of the Village of Port Chester, Chapter 345, "Zoning," to amend Use Table to limit the Zoning Districts and areas in which Self Storage Facilities are permitted.*

The following Public Notices were duly published in the Journal News on January 3, 2025, certified by Linda, Office Manager of the Westmore News

## **PUBLIC NOTICE**

PUBLIC NOTICE is hereby given that the Board of Trustees hereby sets a public hearing for January 21, 2025 at 7:00 p.m. or as soon thereafter, at the Town of Rye Justice Court Courtroom, 350 North Main Street, 2<sup>nd</sup> Floor, Port Chester, New York, to consider the advisability of adopting a Local Law Amending the Code of the Village of Port Chester, Chapter 345, "Zoning," to amend Use Table to limit the number of Zoning Districts and areas Self Storage Facilities permitted and referring to Westchester County Planning Board and Village of Port Chester Planning Commission.

Contact the Department of Planning and Economic Development for information:  
Website: <https://www.portchesterny.gov/205/Planning-Economic-Development>.  
Phone Number: (914) 937-6780  
E-mail: [GCutler@portchesterny.gov](mailto:GCutler@portchesterny.gov)

Interested persons are invited to attend and will be afforded the opportunity to be heard at this time. The copy of the proposed local law is available at the Village Clerk's office or online at the Village website [www.portchesterny.gov](http://www.portchesterny.gov).

/s/ JANUSZ R. RICHARDS  
JANUSZ R. RICHARDS  
Village Clerk  
Village of Port Chester, New York

Date: January 3, 2025

## AVISO PUBLICO

POR LA PRESENTE SE DA AVISO PÚBLICO que la Junta de Síndicos establece una audiencia pública para el 21 de enero de 2025 a las 7:00 p.m. o tan pronto como a partir de entonces, en el Town of Rye Justice Court Courtroom, 350 North Main Street, 2do Piso, Port Chester, Nueva York, para considerar la conveniencia de adoptar una Ley Local que Enmiende el Código del Pueblo de Port Chester, Capítulo 345, "Zonificación", para enmendar la Tabla de Uso para limitar el número de Distritos de Zonificación y áreas de Instalaciones de Almacenamiento permitidas y refiriéndose a la Junta de Planificación del Condado de Westchester y la Comisión de Planificación del Pueblo de Port Chester.

Póngase en contacto con el Departamento de Planificación y Desarrollo Económico para obtener información:

Website: <https://www.portchesterny.gov/205/Planning-Economic-Development>.  
Teléfono: (914) 937-6780  
E-mail: [GCutler@portchesterny.gov](mailto:GCutler@portchesterny.gov)

Las personas interesadas están invitadas a asistir y se les dará la oportunidad de ser escuchadas en este momento. La copia de la ley local propuesta está disponible en la oficina del Secretario del Pueblo o en línea en el sitio web de la Aldea [www.portchesterny.gov](http://www.portchesterny.gov).

/s/ JANUSZ R. RICHARDS  
JANUSZ R. RICHARDS  
Secretario del Pueblo  
Pueblo de Port Chester, Nueva York

Fecha: 3 de enero de 2025

On motion of TRUSTEE DIDDEN, seconded by TRUSTEE DORAZIO, the public hearing was declared open.

### ROLL CALL

**AYES:** Trustees Didden, Dorazio, Grangenois-Thomas, Carvin, Allen, Alzate and Mayor Marino.

**NOES:** None.

**ABSTAIN:** None.

**RECUSE:** None.

**ABSENT:** None.

**DATE:** January 21, 2025.

***Public Comments***

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

The public had an opportunity to make public comments.

There were no comments offered by the public on this public hearing.

On motion of TRUSTEE DORAZIO, seconded by TRUSTEE DIDDEN, the public hearing was closed.

**ROLL CALL**

**AYES:** Trustees Didden, Dorazio, Grangenois-Thomas, Carvin, Allen, Alzate and Mayor Marino.

**NOES:** None.

**ABSTAIN:** None.

**RECUSE:** None.

**ABSENT:** None.

**DATE:** January 21, 2025.

**RESOLUTION #1**

**ADOPTING SEQRA NEGATIVE DECLARATION, ENDING MORATORIUM, AND ADOPTING LOCAL LAW AMENDING THE CODE OF THE VILLAGE OF PORT CHESTER, CHAPTER 345, “ZONING,” TO AMEND THE ZONING DISTRICTS IN WHICH SELF-STORAGE FACILITIES ARE PERMITTED**

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

**WHEREAS,** On September 3, 2024 the Board of Trustees enacted a 90-day temporary land use moratorium prohibiting the processing of any application involving self-storage facilities (“SSFs”) in response to concerns related to the proliferation of SSFs; and

**WHEREAS,** The Village Planning Department has reviewed the land use and provided a recommendation to the Board of Trustees for their consideration; and

**BE IT THEREFORE RESOLVED,** the Board of Trustees as SEQRA Lead Agency hereby adopts a Negative Declaration on the proposed Local Law; and

**BE IT FURTHER RESOLVED,** the Board of Trustees as SEQRA Lead Agency

hereby adopts Local Law No. I- 21 of 2024; and

**BE IT FURTHER RESOLVED**, the Board of Trustees hereby ends the Moratorium on the review and approval of Self-storage Facilities.

Approved as to Form:



James R. Carpinello, Village Attorney

**ROLL CALL**

**AYES:** Trustees Didden, Dorazio, Grangeniois-Thomas, Carvin, Allen, Alzate and Mayor Marino.

**NOES:** None.

**ABSTAIN:** None.

**RECUSE:** None.

**ABSENT:** None.

**DATE:** January 21, 2025.

**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: Adopting a Local Law Amending the Code of the Village of Port Chester, Chapter 345, Amending the Zoning Districts in Which Self-Storage is Permitted.		
Project Location (describe, and attach a general location map): Village of Port Chester, Westchester County, NY		
Brief Description of Proposed Action (include purpose or need): The Proposed Local Legislative Action would further specify the Zoning/Character Districts in which Self-storage uses are permitted. In September 2024 the Board of Trustees enacted a 90 day temporary land use moratorium prohibiting the processing of any application involving self-storage facilities in response to concerns related to the proliferation of SSFs. The Village Planning Department then reviewed the land use and provided a recommendations to the Board of Trustees for their consideration. The proposed Local Law is the result of the research and recommendations performed as it pertains to this land use.		
Name of Applicant/Sponsor: The Board of Trustees of the Village of Port Chester		Telephone: 914-939-5205
		E-Mail: JRichards@portchesterny.gov
Address: 222 Grace Church Street		
City/PO: Port Chester	State: NY	Zip Code: 10573
Project Contact (if not same as sponsor; give name and title/role): Greg Cutler, AICP, Director of Planning & Development		Telephone: 914-937-6780
		E-Mail: Cutler, Greg <gcutler@portchesterny.gov>
Address: same as above		
City/PO:	State:	Zip Code:
Property Owner (if not same as sponsor): N/A		Telephone:
		E-Mail:
Address:		
City/PO:	State:	Zip Code:



**B. Government Approvals**

<b>B. Government Approvals, Funding, or Sponsorship.</b> (“Funding” includes grants, loans, tax relief, and any other forms of financial assistance.)		
<b>Government Entity</b>	<b>If Yes: Identify Agency and Approval(s) Required</b>	<b>Application Date (Actual or projected)</b>
a. City Council, Town Board, <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No or Village Board of Trustees	Adoption of Local Law	
b. City, Town or Village <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Planning Board or Commission		
c. City, Town or <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Village Zoning Board of Appeals		
d. Other local agencies <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
e. County agencies <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
f. Regional agencies <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
g. State agencies <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
h. Federal agencies <input type="checkbox"/> Yes <input checked="" 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 type="checkbox"/> No

**C. Planning and Zoning**

<b>C.1. Planning and zoning actions.</b>	
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 checked="" type="checkbox"/> Yes <input type="checkbox"/> No
<ul style="list-style-type: none"> <li>• <b>If Yes</b>, complete sections C, F and G.</li> <li>• <b>If No</b>, proceed to question C.2 and complete all remaining sections and questions in Part 1</li> </ul>	
<b>C.2. Adopted land use plans.</b>	
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 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 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): Remediation Sites:C360202, Remediation Sites:C360195, Remediation Sites:C360245	
_____	
_____	
_____	
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 type="checkbox"/> No	
If Yes, identify the plan(s):	
_____	
_____	
_____	

<b>C.3. Zoning</b>	
a. Is the site of the proposed action located in a municipality with an adopted zoning law or ordinance. If Yes, what is the zoning classification(s) including any applicable overlay district?	<input type="checkbox"/> Yes <input type="checkbox"/> No
_____	
b. Is the use permitted or allowed by a special or conditional use permit?	<input type="checkbox"/> Yes <input type="checkbox"/> No
c. Is a zoning change requested as part of the proposed action? If Yes, i. What is the proposed new zoning for the site?	<input type="checkbox"/> Yes <input type="checkbox"/> No
_____	
<b>C.4. Existing community services.</b>	
a. In what school district is the project site located?	_____
b. What police or other public protection forces serve the project site?	_____
c. Which fire protection and emergency medical services serve the project site?	_____
d. What parks serve the project site?	_____

**D. Project Details**

<b>D.1. Proposed and Potential Development</b>	
a. What is the general nature of the proposed action (e.g., residential, industrial, commercial, recreational; if mixed, include all components)?	_____
b. a. Total acreage of the site of the proposed action? _____ acres b. Total acreage to be physically disturbed? _____ acres c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? _____ acres	
c. Is the proposed action an expansion of an existing project or use? 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: _____	<input type="checkbox"/> Yes <input type="checkbox"/> No
d. Is the proposed action a subdivision, or does it include a subdivision? If Yes, i. Purpose or type of subdivision? (e.g., residential, industrial, commercial; if mixed, specify types) _____ ii. Is a cluster/conservation layout proposed? _____ iii. Number of lots proposed? _____ iv. Minimum and maximum proposed lot sizes? Minimum _____ Maximum _____	<input type="checkbox"/> Yes <input type="checkbox"/> No
e. Will the proposed action be constructed in multiple phases? i. If No, anticipated period of construction: _____ 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: _____ _____ _____	<input type="checkbox"/> Yes <input type="checkbox"/> No

<p>f. Does the project include new residential uses? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span></p> <p>If Yes, show numbers of units proposed.</p> <table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 25%; text-align: center;"><u>One Family</u></td> <td style="width: 25%; text-align: center;"><u>Two Family</u></td> <td style="width: 25%; text-align: center;"><u>Three Family</u></td> <td style="width: 25%; text-align: center;"><u>Multiple Family (four or more)</u></td> </tr> <tr> <td>Initial Phase _____</td> <td>_____</td> <td>_____</td> <td>_____</td> </tr> <tr> <td>At completion _____</td> <td>_____</td> <td>_____</td> <td>_____</td> </tr> <tr> <td>of all phases _____</td> <td>_____</td> <td>_____</td> <td>_____</td> </tr> </table>	<u>One Family</u>	<u>Two Family</u>	<u>Three Family</u>	<u>Multiple Family (four or more)</u>	Initial Phase _____	_____	_____	_____	At completion _____	_____	_____	_____	of all phases _____	_____	_____	_____
<u>One Family</u>	<u>Two Family</u>	<u>Three Family</u>	<u>Multiple Family (four or more)</u>													
Initial Phase _____	_____	_____	_____													
At completion _____	_____	_____	_____													
of all phases _____	_____	_____	_____													
<p>g. Does the proposed action include new non-residential construction (including expansions)? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span></p> <p>If Yes,</p> <p>i. Total number of structures _____</p> <p>ii. Dimensions (in feet) of largest proposed structure: _____ height; _____ width; and _____ length</p> <p>iii. Approximate extent of building space to be heated or cooled: _____ square feet</p>																
<p>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? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span></p> <p>If Yes,</p> <p>i. Purpose of the impoundment: _____</p> <p>ii. If a water impoundment, the principal source of the water: <input type="checkbox"/> Ground water <input type="checkbox"/> Surface water streams <input type="checkbox"/> Other specify: _____</p> <p>iii. If other than water, identify the type of impounded/contained liquids and their source. _____</p> <p>iv. Approximate size of the proposed impoundment. Volume: _____ million gallons; surface area: _____ acres</p> <p>v. Dimensions of the proposed dam or impounding structure: _____ height; _____ length</p> <p>vi. Construction method/materials for the proposed dam or impounding structure (e.g., earth fill, rock, wood, concrete): _____</p>																
<p><b>D.2. Project Operations</b></p>																
<p>a. Does the proposed action include any excavation, mining, or dredging, during construction, operations, or both? (Not including general site preparation, grading or installation of utilities or foundations where all excavated materials will remain onsite) <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span></p> <p>If Yes:</p> <p>i. What is the purpose of the excavation or dredging? _____</p> <p>ii. How much material (including rock, earth, sediments, etc.) is proposed to be removed from the site?</p> <ul style="list-style-type: none"> <li>• Volume (specify tons or cubic yards): _____</li> <li>• Over what duration of time? _____</li> </ul> <p>iii. Describe nature and characteristics of materials to be excavated or dredged, and plans to use, manage or dispose of them. _____</p> <p>iv. Will there be onsite dewatering or processing of excavated materials? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span> If yes, describe. _____</p> <p>v. What is the total area to be dredged or excavated? _____ acres</p> <p>vi. What is the maximum area to be worked at any one time? _____ acres</p> <p>vii. What would be the maximum depth of excavation or dredging? _____ feet</p> <p>viii. Will the excavation require blasting? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span></p> <p>ix. Summarize site reclamation goals and plan: _____</p>																
<p>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? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span></p> <p>If Yes:</p> <p>i. Identify the wetland or waterbody which would be affected (by name, water index number, wetland map number or geographic description): _____</p>																

*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: \_\_\_\_\_

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*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: \_\_\_\_\_ 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: \_\_\_\_\_
- 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.

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

*i.* Total anticipated liquid waste generation per day: \_\_\_\_\_ 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): \_\_\_\_\_

\_\_\_\_\_

*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: \_\_\_\_\_
- 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

<ul style="list-style-type: none"> <li>• Do existing sewer lines serve the project site? <input type="checkbox"/> Yes <input type="checkbox"/> No</li> <li>• Will a line extension within an existing district be necessary to serve the project? <input type="checkbox"/> Yes <input type="checkbox"/> No</li> </ul> <p>If Yes:</p> <ul style="list-style-type: none"> <li>• Describe extensions or capacity expansions proposed to serve this project: _____</li> </ul>
<p>iv. Will a new wastewater (sewage) treatment district be formed to serve the project site? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>If Yes:</p> <ul style="list-style-type: none"> <li>• Applicant/sponsor for new district: _____</li> <li>• Date application submitted or anticipated: _____</li> <li>• What is the receiving water for the wastewater discharge? _____</li> </ul> <p>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):</p> <p>_____</p> <p>_____</p> <p>vi. Describe any plans or designs to capture, recycle or reuse liquid waste: _____</p> <p>_____</p>
<p>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? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>If Yes:</p> <p>i. How much impervious surface will the project create in relation to total size of project parcel?</p> <p>_____ Square feet or _____ acres (impervious surface)</p> <p>_____ Square feet or _____ acres (parcel size)</p> <p>ii. Describe types of new point sources. _____</p> <p>_____</p> <p>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)?</p> <p>_____</p> <ul style="list-style-type: none"> <li>• If to surface waters, identify receiving water bodies or wetlands: _____</li> <li>_____</li> <li>• Will stormwater runoff flow to adjacent properties? <input type="checkbox"/> Yes <input type="checkbox"/> No</li> </ul>
<p>iv. Does the proposed plan minimize impervious surfaces, use pervious materials or collect and re-use stormwater? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>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? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>If Yes, identify:</p> <p>i. Mobile sources during project operations (e.g., heavy equipment, fleet or delivery vehicles)</p> <p>_____</p> <p>ii. Stationary sources during construction (e.g., power generation, structural heating, batch plant, crushers)</p> <p>_____</p> <p>iii. Stationary sources during operations (e.g., process emissions, large boilers, electric generation)</p> <p>_____</p>
<p>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? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>If Yes:</p> <p>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) <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>ii. In addition to emissions as calculated in the application, the project will generate:</p> <ul style="list-style-type: none"> <li>• _____ Tons/year (short tons) of Carbon Dioxide (CO<sub>2</sub>)</li> <li>• _____ Tons/year (short tons) of Nitrous Oxide (N<sub>2</sub>O)</li> <li>• _____ Tons/year (short tons) of Perfluorocarbons (PFCs)</li> <li>• _____ Tons/year (short tons) of Sulfur Hexafluoride (SF<sub>6</sub>)</li> <li>• _____ Tons/year (short tons) of Carbon Dioxide equivalent of Hydroflouorocarbons (HFCs)</li> <li>• _____ Tons/year (short tons) of Hazardous Air Pollutants (HAPs)</li> </ul>

<p>h. Will the proposed action generate or emit methane (including, but not limited to, sewage treatment plants, landfills, composting facilities)? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span></p> <p>If Yes:</p> <p>i. Estimate methane generation in tons/year (metric): _____</p> <p>ii. Describe any methane capture, control or elimination measures included in project design (e.g., combustion to generate heat or electricity, flaring): _____</p>		
<p>i. Will the proposed action result in the release of air pollutants from open-air operations or processes, such as quarry or landfill operations? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span></p> <p>If Yes: Describe operations and nature of emissions (e.g., diesel exhaust, rock particulates/dust): _____</p>		
<p>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? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span></p> <p>If Yes:</p> <p>i. When is the peak traffic expected (Check all that apply): <input type="checkbox"/> Morning <input type="checkbox"/> Evening <input type="checkbox"/> Weekend  <input type="checkbox"/> Randomly between hours of _____ to _____.</p> <p>ii. For commercial activities only, projected number of truck trips/day and type (e.g., semi trailers and dump trucks): _____</p> <p>iii. Parking spaces: Existing _____ Proposed _____ Net increase/decrease _____</p> <p>iv. Does the proposed action include any shared use parking? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span></p> <p>v. If the proposed action includes any modification of existing roads, creation of new roads or change in existing access, describe: _____</p> <p>vi. Are public/private transportation service(s) or facilities available within 1/2 mile of the proposed site? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span></p> <p>vii. Will the proposed action include access to public transportation or accommodations for use of hybrid, electric or other alternative fueled vehicles? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span></p> <p>viii. Will the proposed action include plans for pedestrian or bicycle accommodations for connections to existing pedestrian or bicycle routes? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span></p>		
<p>k. Will the proposed action (for commercial or industrial projects only) generate new or additional demand for energy? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span></p> <p>If Yes:</p> <p>i. Estimate annual electricity demand during operation of the proposed action: _____</p> <p>ii. Anticipated sources/suppliers of electricity for the project (e.g., on-site combustion, on-site renewable, via grid/local utility, or other): _____</p> <p>iii. Will the proposed action require a new, or an upgrade, to an existing substation? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span></p>		
<p>l. Hours of operation. Answer all items which apply.</p> <table style="width: 100%; border: none;"> <tr> <td style="width: 50%; border: none; vertical-align: top;"> <p>i. During Construction:</p> <ul style="list-style-type: none"> <li>• Monday - Friday: _____</li> <li>• Saturday: _____</li> <li>• Sunday: _____</li> <li>• Holidays: _____</li> </ul> </td> <td style="width: 50%; border: none; vertical-align: top;"> <p>ii. During Operations:</p> <ul style="list-style-type: none"> <li>• Monday - Friday: _____</li> <li>• Saturday: _____</li> <li>• Sunday: _____</li> <li>• Holidays: _____</li> </ul> </td> </tr> </table>	<p>i. During Construction:</p> <ul style="list-style-type: none"> <li>• Monday - Friday: _____</li> <li>• Saturday: _____</li> <li>• Sunday: _____</li> <li>• Holidays: _____</li> </ul>	<p>ii. During Operations:</p> <ul style="list-style-type: none"> <li>• Monday - Friday: _____</li> <li>• Saturday: _____</li> <li>• Sunday: _____</li> <li>• Holidays: _____</li> </ul>
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<p>m. Will the proposed action produce noise that will exceed existing ambient noise levels during construction, operation, or both? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>If yes:</p> <p>i. Provide details including sources, time of day and duration:</p> <p>_____</p> <p>_____</p> <p>ii. Will the proposed action remove existing natural barriers that could act as a noise barrier or screen? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Describe: _____</p> <p>_____</p>
<p>n. Will the proposed action have outdoor lighting? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>If yes:</p> <p>i. Describe source(s), location(s), height of fixture(s), direction/aim, and proximity to nearest occupied structures:</p> <p>_____</p> <p>_____</p> <p>ii. Will proposed action remove existing natural barriers that could act as a light barrier or screen? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Describe: _____</p> <p>_____</p>
<p>o. Does the proposed action have the potential to produce odors for more than one hour per day? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>If Yes, describe possible sources, potential frequency and duration of odor emissions, and proximity to nearest occupied structures: _____</p> <p>_____</p> <p>_____</p>
<p>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? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>If Yes:</p> <p>i. Product(s) to be stored _____</p> <p>ii. Volume(s) _____ per unit time _____ (e.g., month, year)</p> <p>iii. Generally, describe the proposed storage facilities: _____</p> <p>_____</p>
<p>q. Will the proposed action (commercial, industrial and recreational projects only) use pesticides (i.e., herbicides, insecticides) during construction or operation? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>If Yes:</p> <p>i. Describe proposed treatment(s):</p> <p>_____</p> <p>_____</p> <p>_____</p> <p>ii. Will the proposed action use Integrated Pest Management Practices? <input type="checkbox"/> Yes <input type="checkbox"/> No</p>
<p>r. Will the proposed action (commercial or industrial projects only) involve or require the management or disposal of solid waste (excluding hazardous materials)? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>If Yes:</p> <p>i. Describe any solid waste(s) to be generated during construction or operation of the facility:</p> <ul style="list-style-type: none"> <li>• Construction: _____ tons per _____ (unit of time)</li> <li>• Operation : _____ tons per _____ (unit of time)</li> </ul> <p>ii. Describe any proposals for on-site minimization, recycling or reuse of materials to avoid disposal as solid waste:</p> <ul style="list-style-type: none"> <li>• Construction: _____</li> <li>• Operation: _____</li> </ul> <p>iii. Proposed disposal methods/facilities for solid waste generated on-site:</p> <ul style="list-style-type: none"> <li>• Construction: _____</li> <li>• Operation: _____</li> </ul>

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: \_\_\_\_\_

\_\_\_\_\_

---

b. Land uses and covertypes on the project site.

Land use or Covertypes	Current Acreage	Acreage After Project Completion	Change (Acres +/-)
• Roads, buildings, and other paved or impervious surfaces			
• 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: _____			



c. Is the project site presently used by members of the community for public recreation?	<input type="checkbox"/> Yes <input type="checkbox"/> 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?	<input type="checkbox"/> Yes <input type="checkbox"/> No
If Yes,	
i. Identify Facilities: _____	
_____	
e. Does the project site contain an existing dam?	<input type="checkbox"/> Yes <input type="checkbox"/> 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?	<input type="checkbox"/> Yes <input type="checkbox"/> No
If Yes:	
i. Has the facility been formally closed? <input type="checkbox"/> Yes <input type="checkbox"/> 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?	<input type="checkbox"/> Yes <input type="checkbox"/> 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?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> 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: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
<input type="checkbox"/> Yes – Spills Incidents database	Provide DEC ID number(s): _____
<input checked="" type="checkbox"/> Yes – Environmental Site Remediation database	Provide DEC ID number(s): C360202, C360195, C360245
<input type="checkbox"/> 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? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
If yes, provide DEC ID number(s): C360202, C360195, V00516, C360222, C360224, C36...	
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? <input type="checkbox"/> Yes <input type="checkbox"/> No
<ul style="list-style-type: none"> <li>• If yes, DEC site ID number: _____</li> <li>• Describe the type of institutional control (e.g., deed restriction or easement): _____</li> <li>• Describe any use limitations: _____</li> <li>• Describe any engineering controls: _____</li> <li>• Will the project affect the institutional or engineering controls in place? <input type="checkbox"/> Yes <input type="checkbox"/> No</li> <li>• Explain: _____</li> </ul>
<b>E.2. Natural Resources On or Near Project Site</b>
a. What is the average depth to bedrock on the project site? _____ feet
b. Are there bedrock outcroppings on the project site? <input type="checkbox"/> Yes <input type="checkbox"/> No If Yes, what proportion of the site is comprised of bedrock outcroppings? _____ %
c. Predominant soil type(s) present on project site: _____ % _____ % _____ %
d. What is the average depth to the water table on the project site? Average: _____ feet
e. Drainage status of project site soils: <input type="checkbox"/> Well Drained: _____ % of site <input type="checkbox"/> Moderately Well Drained: _____ % of site <input type="checkbox"/> Poorly Drained _____ % of site
f. Approximate proportion of proposed action site with slopes: <input type="checkbox"/> 0-10%: _____ % of site <input type="checkbox"/> 10-15%: _____ % of site <input type="checkbox"/> 15% or greater: _____ % of site
g. Are there any unique geologic features on the project site? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> 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)? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
ii. Do any wetlands or other waterbodies adjoin the project site? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If Yes to either <i>i</i> or <i>ii</i> , 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? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
iv. For each identified regulated wetland and waterbody on the project site, provide the following information:
• Streams: Name _____ Classification _____
• 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? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If yes, name of impaired water body/bodies and basis for listing as impaired: _____
i. Is the project site in a designated Floodway? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
j. Is the project site in the 100-year Floodplain? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
k. Is the project site in the 500-year Floodplain? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
l. Is the project site located over, or immediately adjoining, a primary, principal or sole source aquifer? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If Yes: i. Name of aquifer: _____

m. Identify the predominant wildlife species that occupy or use the project site: _____ _____	
n. Does the project site contain a designated significant natural community? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> 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? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> 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? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
If Yes:	
i. Species and listing: _____	
_____	
q. Is the project site or adjoining area currently used for hunting, trapping, fishing or shell fishing? <input type="checkbox"/> Yes <input type="checkbox"/> No	
If yes, give a brief description of how the proposed action may affect that use: _____	
_____	
<b>E.3. Designated Public Resources On or Near Project Site</b>	
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? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
If Yes, provide county plus district name/number: _____	
b. Are agricultural lands consisting of highly productive soils present? <input type="checkbox"/> Yes <input type="checkbox"/> 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? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
If Yes:	
i. Nature of the natural landmark: <input type="checkbox"/> Biological Community <input type="checkbox"/> 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? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
If Yes:	
i. CEA name: <u>Long Island Sound</u>	
ii. Basis for designation: <u>Exceptional or unique character</u>	
iii. Designating agency and date: <u>Agency: Westchester County, Date: 1-31-90</u>	

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? If Yes: i. Nature of historic/archaeological resource: <input type="checkbox"/> Archaeological Site <input type="checkbox"/> Historic Building or District ii. Name: Eligible property: Bethesda Baptist Church, Eligible property: Rolle Residence, Eligible property: GRANADOS RESIDENCE, E... iii. Brief description of attributes on which listing is based:	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
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?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
g. Have additional archaeological or historic site(s) or resources been identified on the project site? If Yes: i. Describe possible resource(s): ii. Basis for identification:	<input type="checkbox"/> Yes <input type="checkbox"/> No
h. Is the project site within five miles of any officially designated and publicly accessible federal, state, or local scenic or aesthetic resource? 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.	<input type="checkbox"/> Yes <input type="checkbox"/> No
i. Is the project site located within a designated river corridor under the Wild, Scenic and Recreational Rivers Program 6 NYCRR 666? 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?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> 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.

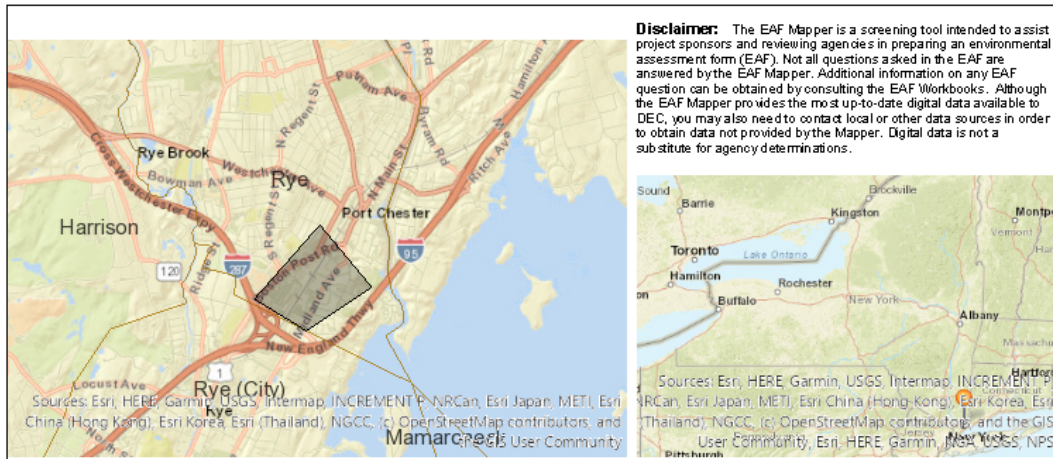
Applicant/Sponsor Name Board of Trustees of the Village of Port Chester Date 1/16/2025

Signature Curt Lavalla Title assistant director of planning

**PRINT FORM**

# EAF Mapper Summary Report

Thursday, January 16, 2025 4:25 PM



B.i.i [Coastal or Waterfront Area]	Yes
B.i.ii [Local Waterfront Revitalization Area]	Yes
C.2.b. [Special Planning District]	Yes - Digital mapping data are not available for all Special Planning Districts. Refer to EAF Workbook.
C.2.b. [Special Planning District - Name]	Remediation Sites:C360202, Remediaton Sites:C360195, Remediaton Sites:C360245
E.1.h [DEC Spills or Remediation Site - Potential Contamination History]	Yes - Digital mapping data for Spills Incidents are not available for this location. Refer to EAF Workbook.
E.1.h.i [DEC Spills or Remediation Site - Listed]	Yes
E.1.h.i [DEC Spills or Remediation Site - Environmental Site Remediation Database]	Yes
E.1.h.i [DEC Spills or Remediation Site - DEC ID Number]	C360202, C360195, C360245
E.1.h.iii [Within 2,000' of DEC Remediation Site]	Yes
E.1.h.iii [Within 2,000' of DEC Remediation Site - DEC ID]	C360202, C360195, V00516, C360222, C360224, C360236, C360214, C360237, C360245, C360213, C360250
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:Bethesda Baptist Church, Eligible property:Rolle Residence, Eligible property:GRANADOS RESIDENCE, Eligible property:Bisanzo Residence, Eligible property:SCHOOL NO. 4, Putnam and Mellor Engine and Hose Company Firehouse
E.3.f. [Archeological Sites]	Yes
E.3.i. [Designated River Corridor]	No

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

Agency Use Only [If applicable]  
 Project: self storage zoning amendments  
 Date: 1/21/2025

**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.

<b>1. Impact on Land</b>			
Proposed action may involve construction on, or physical alteration of, the land surface of the proposed site. (See Part 1. D.1)		<input checked="" type="checkbox"/> NO	<input type="checkbox"/> YES
<i>If "Yes", answer questions a - j. If "No", move on to Section 2.</i>			
	<b>Relevant Part I Question(s)</b>	<b>No, or small impact may occur</b>	<b>Moderate to large impact may occur</b>
a. The proposed action may involve construction on land where depth to water table is less than 3 feet.	E2d	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may involve construction on slopes of 15% or greater.	E2f	<input 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 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 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 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 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 type="checkbox"/>
h. Other impacts: _____		<input type="checkbox"/>	<input type="checkbox"/>

<b>2. Impact on Geological Features</b> 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) <input checked="" type="checkbox"/> NO <input type="checkbox"/> YES <i>If "Yes", answer questions a - c. If "No", move on to Section 3.</i>			
	<b>Relevant Part I Question(s)</b>	<b>No, or small impact may occur</b>	<b>Moderate to large impact may occur</b>
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"/>

<b>3. Impacts on Surface Water</b> 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) <input checked="" type="checkbox"/> NO <input type="checkbox"/> YES <i>If "Yes", answer questions a - l. If "No", move on to Section 4.</i>			
	<b>Relevant Part I Question(s)</b>	<b>No, or small impact may occur</b>	<b>Moderate to large impact may occur</b>
a. The proposed action may create a new water body.	D2b, D1h	<input 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 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 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 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 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 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 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 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 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 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 type="checkbox"/>	<input type="checkbox"/>



1. Other impacts: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>
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<b>4. Impact on groundwater</b> 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. <input checked="" type="checkbox"/> NO <input type="checkbox"/> YES (See Part 1. D.2.a, D.2.c, D.2.d, D.2.p, D.2.q, D.2.t) <i>If "Yes", answer questions a - h. If "No", move on to Section 5.</i>			
	<b>Relevant Part I Question(s)</b>	<b>No, or small impact may occur</b>	<b>Moderate to large impact may occur</b>
a. The proposed action may require new water supply wells, or create additional demand on supplies from existing water supply wells.	D2c	<input 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 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 type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may include or require wastewater discharged to groundwater.	D2d, E2l	<input 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 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 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 type="checkbox"/>	<input type="checkbox"/>
h. Other impacts: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>

<b>5. Impact on Flooding</b> The proposed action may result in development on lands subject to flooding. <input checked="" type="checkbox"/> NO <input type="checkbox"/> YES (See Part 1. E.2) <i>If "Yes", answer questions a - g. If "No", move on to Section 6.</i>			
	<b>Relevant Part I Question(s)</b>	<b>No, or small impact may occur</b>	<b>Moderate to large impact may occur</b>
a. The proposed action may result in development in a designated floodway.	E2i	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may result in development within a 100 year floodplain.	E2j	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may result in development within a 500 year floodplain.	E2k	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may result in, or require, modification of existing drainage patterns.	D2b, D2e	<input type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may change flood water flows that contribute to flooding.	D2b, E2i, E2j, E2k	<input 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 type="checkbox"/>	<input type="checkbox"/>

g. Other impacts: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>
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<b>6. Impacts on Air</b>			
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
	<b>Relevant Part I Question(s)</b>	<b>No, or small impact may occur</b>	<b>Moderate to large impact may occur</b>
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 <sub>2</sub> ) ii. More than 3.5 tons/year of nitrous oxide (N <sub>2</sub> O) iii. More than 1000 tons/year of carbon equivalent of perfluorocarbons (PFCs) iv. More than .045 tons/year of sulfur hexafluoride (SF <sub>6</sub> ) v. More than 1000 tons/year of carbon dioxide equivalent of hydrochloroflourocarbons (HFCs) emissions vi. 43 tons/year or more of methane	D2g D2g D2g D2g D2g D2h	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <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"/>

<b>7. Impact on Plants and Animals</b>			
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
	<b>Relevant Part I Question(s)</b>	<b>No, or small impact may occur</b>	<b>Moderate to large impact may occur</b>
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"/>

<b>8. Impact on Agricultural Resources</b>			
The proposed action may impact agricultural resources. (See Part 1. E.3.a. and b.)		<input checked="" type="checkbox"/> NO	<input type="checkbox"/> YES
<i>If "Yes", answer questions a - h. If "No", move on to Section 9.</i>			
	<b>Relevant Part I Question(s)</b>	<b>No, or small impact may occur</b>	<b>Moderate to large impact may occur</b>
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.	E1 a, 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.)  
*If "Yes", answer questions a - g. If "No", go to Section 10.*

NO       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 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 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 type="checkbox"/> <input 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 type="checkbox"/> <input 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 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 type="checkbox"/>	<input type="checkbox"/>
g. Other impacts: _____ _____		<input 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.)  
*If "Yes", answer questions a - e. If "No", go to Section 11.*

NO       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 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 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 type="checkbox"/>	<input type="checkbox"/>

d. Other impacts: _____		<input type="checkbox"/>	<input 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 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 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 type="checkbox"/>	<input type="checkbox"/>

<b>11. Impact on Open Space and Recreation</b>			
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
	<b>Relevant Part I Question(s)</b>	<b>No, or small impact may occur</b>	<b>Moderate to large impact may occur</b>
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"/>

<b>12. Impact on Critical Environmental Areas</b>			
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
	<b>Relevant Part I Question(s)</b>	<b>No, or small impact may occur</b>	<b>Moderate to large impact may occur</b>
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.  NO  YES  
 (See Part 1. D.2.j)  
 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.  NO  YES  
 (See Part 1. D.2.k)  
 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.  NO  YES  
 (See Part 1. D.2.m., n., and o.)  
 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"/>

<b>16. Impact on Human Health</b> 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.) <input checked="" type="checkbox"/> NO <input type="checkbox"/> YES <i>If "Yes", answer questions a - m. If "No", go to Section 17.</i>			
	<b>Relevant Part I Question(s)</b>	<b>No, or small impact may occur</b>	<b>Moderate to large impact may occur</b>
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 type="checkbox"/>	<input type="checkbox"/>
b. The site of the proposed action is currently undergoing remediation.	E1g, E1h	<input 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 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 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 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 type="checkbox"/>	<input type="checkbox"/>
g. The proposed action involves construction or modification of a solid waste management facility.	D2q, E1f	<input type="checkbox"/>	<input type="checkbox"/>
h. The proposed action may result in the unearthing of solid or hazardous waste.	D2q, E1f	<input 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 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 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 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 type="checkbox"/>	<input type="checkbox"/>
m. Other impacts: _____ _____			

<b>17. Consistency with Community Plans</b> The proposed action is not consistent with adopted land use plans. <input checked="" type="checkbox"/> NO <input type="checkbox"/> YES (See Part 1. C.1, C.2. and C.3.) <i>If "Yes", answer questions a - h. If "No", go to Section 18.</i>			
	<b>Relevant Part I Question(s)</b>	<b>No, or small impact may occur</b>	<b>Moderate to large impact may occur</b>
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 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 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 type="checkbox"/>
d. The proposed action is inconsistent with any County plans, or other regional land use plans.	C2, C2	<input 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 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 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 type="checkbox"/>	<input type="checkbox"/>
h. Other: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>

<b>18. Consistency with Community Character</b> The proposed project is inconsistent with the existing community character. <input checked="" type="checkbox"/> NO <input type="checkbox"/> YES (See Part 1. C.2, C.3, D.2, E.3) <i>If "Yes", answer questions a - g. If "No", proceed to Part 3.</i>			
	<b>Relevant Part I Question(s)</b>	<b>No, or small impact may occur</b>	<b>Moderate to large impact may occur</b>
a. The proposed action may replace or eliminate existing facilities, structures, or areas of historic importance to the community.	E3e, E3f, E3g	<input 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 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 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 type="checkbox"/>	<input type="checkbox"/>
e. The proposed action is inconsistent with the predominant architectural scale and character.	C2, C3	<input 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 type="checkbox"/>	<input type="checkbox"/>
g. Other impacts: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>

**PRINT FULL FORM**



**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.

See attached EAF Addendum

**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 BAF, as noted, plus this additional support information

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and considering both the magnitude and importance of each identified potential impact, it is the conclusion of the \_\_\_\_\_ 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:

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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: \_\_\_\_\_

Name of Lead Agency: Village of Port Chester Board of Trustees

Name of Responsible Officer in Lead Agency: \_\_\_\_\_

Title of Responsible Officer: **Mayor**

Signature of Responsible Officer in Lead Agency: [Signature] Date: 1/21/25

Signature of Preparer (if different from Responsible Officer) [Signature] Date: 1/21/25

**For Further Information:**  
 Contact Person: Gregory Luther  
 Address: 222 Grace Church St Port Chester NY 10573  
 Telephone Number: 914-937-6780  
 E-mail: GLuther@PortChesterNY.GOV

**For Type I 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>

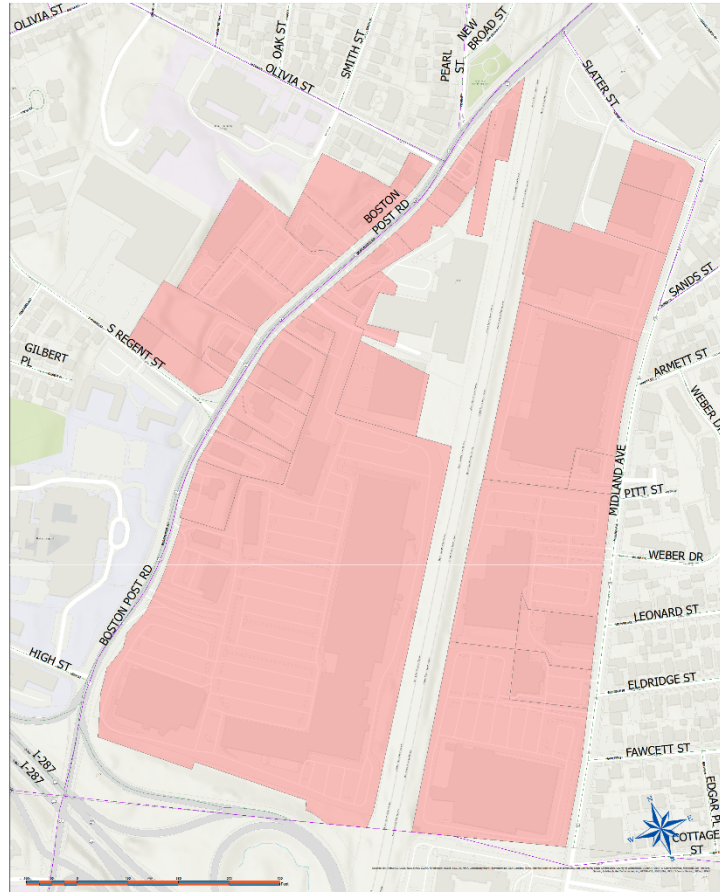
**PRINT FULL FORM**

# NEGATIVE DECLARATION ADDENDUM

PROPOSED ACTION

The proposed action limits self-storage facilities (SSFs) to the CD-4MU zoning district and to properties that front on Boston Post Road and Midland Avenue.

### Proposed SSF Eligible Properties



### REQUIRED APPROVALS

The action is subject to the following approvals:

1. SEQRA Review by the Board of Trustees as lead agency.

## BACKGROUND

On September 3, 2024 the Board of Trustees enacted a 90 day temporary land use moratorium prohibiting the processing of any application involving self-storage facilities (“SSFs”) in response to concerns related to the proliferation of SSFs. The Village Planning Department has been tasked with reviewing the land use and providing a recommendation to the Board of Trustees for their consideration in future land use regulations related to SSFs. This memorandum will provide that review and recommendation.

In November of 2024 the Planning Department issued a planning memorandum to the Village’s Board of Trustees (BOT). The Planning Memorandum provided an inventory of SSFs in the Village as well as provided a review of nearby municipal regulations related to Self-Storage Facilities. Ultimately the memo recommended a conceptual local law that would restrict SSFs to CD-4MU properties that front on Boston Post Road and Midland Avenue.

## REVIEW OF POTENTIAL IMPACTS

The following areas have been identified as relating the proposed action, all other items areas of impact noted on the Full Environmental Impact Assessment Form Part 2 are not applicable.

### IMPACTS ON FLOODING (PART 2- ITEM 5)

A limited portion of the subject area is within the 500-year flood plain, solely located at the corner of Midland Avenue and Slater Street (on the Zachy’s property, as depicted in fig1). All development within the subject area will be subject to adherence to the Village’s floodplain development requirements. The Village’s floodplain law requires that all developments either be elevated above the base flood elevation or be floodproofed (depending on use). Moreover, the floodplain law requires that any new development not increase the base flood elevation. Therefore, the proposed action is not anticipated to create a significant adverse environmental impact on flooding that rises to the level of requiring a positive declaration.

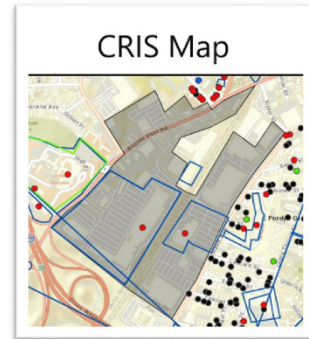


### IMPACTS ON AIR (PART 2- ITEM 6)

SSFs are currently permitted in more areas of the Village of Port Chester. The proposed action would limit the number of places in which they may be located. SSFs are not major traffic generators, and therefore the anticipated net reduction in SSFs will lead to a marginal reduction in emissions associated with trip generation. Therefore, the proposed action is not anticipated to create a significant adverse environmental impact on air and that rises to the level of requiring a positive declaration and will instead likely maintain a status quo on air impacts.

### IMPACT ON AESTHETIC RESOURCES & IMPACT ON HISTORIC AND ARCHEOLOGICAL RESOURCES (PART 2- ITEMS 9 & 10)

The subject area constitutes one of the Village's suburban commercial and semi-industrial thoroughfares and contains a myriad of small- and large-scale businesses, such as: Floor and Décor, Zachy's Wine and Spirits, Garden Catering, UTZ, Home Depot, Edo Japanese Stake House, Walker and Zanger Stone and Tile, Warrior Baseball NY. There are no listed or eligible historic sites and two non-eligible sites (the Kohl's Plaza and 130 Midland-Existing Shopping center) according to the Cultural Resource Information System (CRIS). A CRIS map of the subject area is included. The proposed action seeks to match and contain the development of SSFs within the commercial and light-industrial character of Boston Post Road and Midland Avenue in order to preserve existing neighborhood aesthetic. As a result, the proposed action is not anticipated to create a significant adverse environmental impact on historic and architectural resources that will rise to the level of requiring a positive declaration.



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**CONSISTENCY WITH COMMUNITY PLANS & COMMUNITY CHARACTER (PART 2- ITEMS 17 & 18)**

The Village of Port Chester Comprehensive Plan ("Comprehensive Plan") was adopted on December 17, 2012. The Comprehensive Plan does not have specific recommendations as they relate to the location of self-storage facilities. The proposed local law is not inconsistent with any recommendations identified in the Comprehensive Plan.

**For Further Information**

Contact Person:  
Greg Cutler, AICP- Director of Planning and Economic Development  
Village of Port Chester Department of Planning and Economic Development  
222 Grace Church St  
Port Chester, NY 10573  
(914) 937-6780

**Adoption of Local Law No. I-21 of 2025**

*(Filed with the New York State Department of State as Local Law No. 2 of 2025)*

A LOCAL LAW AMENDING THE CODE OF THE VILLAGE OF PORT CHESTER, CHAPTER 345, "ZONING," TO AMEND USE TABLE TO LIMIT THE NUMBER OF ZONING DISTRICTS AND

## AREAS SELF STORAGE FACILITIES ARE PERMITTED

**Be it enacted by the Board of Trustees of the Village of Port Chester, New York, as follows:**

### SECTION 1: Purpose and Intent

On September 3, 2024 the Board of Trustees enacted a 90 day temporary land use moratorium prohibiting the processing of any application involving self-storage facilities (“SSFs”) in response to concerns related to the proliferation of SSFs. The Village Planning Department has reviewed the land use and provided a recommendation to the Board of Trustees for their consideration. The Planning Department determined that SSFs are of a light industrial nature and are a low-activity use. Therefore, SSFs should not be encouraged in areas where street activation is desired. The commercial corridors on Boston Post Road and Midland Avenue are inherently car-oriented and have less pedestrian activity and are not slated for high levels of pedestrian activation. Moreover, these areas have fewer nearby low-density residential uses. Given the high volume of traffic on these roadways’ resultant from the existing commercial uses the low impact SSF use is complementary in this area. Conversely, the other segments of the CD-4MU as well as the CD-4, CD-5 and CD-5W districts (which also currently permit SSFs) are more centrally located and are in or adjacent to areas that are targeted for activation and redevelopment, and therefore would not benefit from additional SSFs.

SECTION 2: The Code of the Village of Port Chester, Chapter 345, “Zoning,” Article 4, “Building and Lot Plans and Standards” 345-405.K-1, is hereby amended:

## ARTICLE 4: BUILDING AND LOT PLANS & STANDARDS

TABLE 345.405.K-1 BUILDING & LOT PRINCIPAL USES

PRINCIPAL USE	CD-3	CD-3 R20	CD-3 R7	CD-3 R5	CD-4	CD-5	CD-5W	CD-6 / CD-6T	SD-PRD <sup>2</sup>	SD-PMU <sup>3</sup>	CV	C1	CD-4MU	R2F
<b>INDUSTRIAL USES CATEGORY</b>														
Brewery, Distillery, Winery	NP	NP	NP	NP	SE <sup>1</sup>	NP	SE	NP	NP	SE	NP	SE	SE	NP
Heavy Industrial or Manufacturing	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP
Light Industrial or Manufacturing	NP	NP	NP	NP	NP	SE	SE <sup>4</sup>	NP	NP	SE	NP	NP	SE	NP
Machine Shop / Woodworking Shop, other than Artisan Establishment	NP	NP	NP	NP	SE <sup>1</sup>	SE	SE <sup>4</sup>	NP	NP	NP	NP	SE	SE	NP
Microbrewery, Microdistillery, Microwinery, or Nanobrewery	NP	NP	NP	NP	P <sup>1</sup>	P	P	P	NP	P	NP	SE	P	NP
Outdoor Storage	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP
Recycling Processing Facility	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP
Research Laboratory	NP	NP	NP	NP	SE <sup>1</sup>	SE	SE <sup>4</sup>	SE	NP	SE	NP	NP	SE	NP
Scrap or Salvage Yard / Services	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP
Self-Storage Facility	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	SE <sup>5</sup>	NP
Solid Waste Facility	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP
Warehousing or Distribution Facility	NP	NP	NP	NP	NP	SE	SE <sup>4</sup>	NP	NP	SE	NP	NP	SE	NP
Wholesale Sales	NP	NP	NP	NP	SE <sup>1</sup>	SE	SE <sup>4</sup>	NP	NP	NP	NP	NP	SE	NP
<b>EDUCATION USES CATEGORY</b>														
Adult Day Care Facility (non-Civic)	NP	NP	NP	NP	SE <sup>1</sup>	SE	SE	SE	NP	SE	NP	SE	SE	SE
Child Care Facility	NP	NP	NP	NP	SE <sup>1</sup>	SE	SE	SE	NP	SE	NP	SE	SE	SE
Child Care In Home	SE	NP	NP	NP	SE <sup>1</sup>	SE	SE	SE	NP	SE	NP	SE	SE	SE

1 - Use only allowed on Lots facing Willett Ave., S. Regent St., William St. (between Washington St. & Pearl St.), Westchester Ave., Midland Ave., Boston Post Rd., N. Main St., Bowman Ave., and Putnam Ave. (between N. Main St. & Willett Ave.).

2 - See Table 345.405.A-9.

3 - See Table 345.405.A-10.

4 - Use only allowed on Lots facing Townsend St., Purdy Ave., Dock St., and Martin Pl.

5 - Use only allowed on Lots facing Boston Post Road (between the City of Rye Border and Slater Street) and Midland Avenue.

**LEGEND**

The following notations are utilized in this table.



Permitted



Special Exception



Not Permitted

### SECTION 3: Applicability.

This Local Law shall not apply to any application with site plan approval or any application regarding self-storage facilities currently pending before the Planning Commission.

### SECTION 4: Supersession



This local law shall supersede any inconsistent or conflicting provisions of Chapter 345 of the Village Code to provide for this local law to have full force and effect.

SECTION 5: Severability

If any clause, sentence, paragraph, section, or part of this local law shall be adjudged by a court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder thereof but shall be confined in its operation to the clause, sentence, paragraph or section or part of this local law directly involved in the controversy in which said judgment shall have been involved.

SECTION 6: Effective Date

This Local Law shall become effective upon due publication and filing with the Secretary of State.

*(Insert LL)*

**PRESENTATION**

***Village Prosecutor, Matthew Troy: Vehicle & Traffic Update***

Matthew Troy explained that through the hard work of the prosecutors and court staff, they have been able to successfully adjudicate and dispose thousands of cases. Mr. Troy is working on the scofflaws in coordination with the Police Department and progress is being made as a whole.

***Deputy Village Attorney, Calli Jones: Code Enforcement & Fire Prevention Court Activity***

Calli Jones gave an overview of her goals for handling matters for the Village. Mrs. Jones also provided a break down of all the revenue generated and the number of cases and other matters she has closed.

***Save the Sound***

This presentation has been postponed. The Village Manager will notify the Board once the presentation schedule has been finalized.

***Accessory Dwelling Units***

Peter Feroe, of AKRF, explained Accessory Dwelling Units as an overview, and explained why planners use this as a tool to help make housing more affordable.

**MINUTES**

*Approval of December 30, 2024 and January 6, 2025 minutes*

Mayor Marino asked for a motion to accept the minutes of December 30, 2024 and January 6, 2025.

On motion of TRUSTEE DIDDEN, seconded by TRUSTEE GRANGENOIS-THOMAS, The Board of Trustees accepted the minutes of December 30, 2024 and January 6, 2025.

**ROLL CALL**

**AYES:** Trustees Didden, Dorazio, Grangenois-Thomas, Carvin, Allen, Alzate and Mayor Marino.

**NOES:** None.

**ABSTAIN:** None.

**RECUSE:** None.

**ABSENT:** None.

**DATE:** January 21, 2025.

**PUBLIC COMMENTS**

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

The public had an opportunity to make public comments at the end of the meeting.

Comments were made by two members of the public.

**REPORT OF THE VILLAGE MANAGER**

The Village Manager started by extending a thank you to the DPW Staff for their work during the recent snow storm. The Village encourages property owners and neighbors to move their vehicles to off-street parking during storms to help make the cleanup process easier. The Manager thanks the Board for their support in appointing Steven Velardo as the new Building Inspector. Last, on Wednesday, January 29, the Village is holding the second State of the Village Address in the Senior Center to begin at 4:30pm.

## **RESOLUTIONS**

### **RESOLUTION #2**

#### **ESTABLISHING A VICINITY WITHIN WHICH A MEMBER OF THE FIRE DEPARTMENT MAY RESIDE**

On a motion of TRUSTEE DORAZIO, seconded by TRUSTEE GRANGENOIS-THOMAS, the following resolution was **TABLE** by the Board of Trustees of the Village of Port Chester, New York.

#### **ROLL CALL**

**AYES:** Trustees Dorazio, Grangenois-Thomas, Carvin and Allen.

**NOES:** Trustees Didden, Alzate and Mayor Marino.

**ABSTAIN:** None.

**RECUSE:** None.

**ABSENT:** None.

**DATE:** January 21, 2025.

WHEREAS, pursuant to Article VI of the Charter of the Village of Port Chester, the Board of Trustees are empowered to prescribe the duties of the Village's firefighters and to make rules and regulations for the government of the Port Chester Fire Department (the "Department"); and

WHEREAS, the Department responds to over 1,400 calls annually and therefore requires as many volunteers as possible to handle this volume; and

WHEREAS, the Board of Trustees recognizes that many members of the Department reside outside of the Village; and

WHEREAS, pursuant to New York State Village Law Section 10-1006 (5), a person who does not reside in either the village, or in a territory outside the village which is afforded fire protection by the village, may be elected to, or continued in, membership as a volunteer member of the fire department if by reason of his or her residence in the vicinity or his or her usual occupation, he or she will be available to render active service as a volunteer firefighter in the village; and

WHEREAS, the term "vicinity" is not defined under section 10-1006; and

WHEREAS, the Board of Trustees recognizes that a member's availability and ability to respond to a fire incident quickly is of paramount importance; and

Now therefore be it

RESOLVED, that the Board of Trustees of the Village of Port Chester hereby establishes a radius of thirty miles from 209 Westchester Avenue, Port Chester, New York (Fire Department headquarters) within which any candidate for membership of the Fire Department must reside; and be it further

RESOLVED, that this resolution shall not apply to members of the fire Department who reside outside of the thirty-mile radius at the time of the adoption hereof.

Approved as to Form:



James R. Carpinello, Village Attorney

### **Add-on Resolution**

Following the Resolution section of the meeting, Mayor Marino, asked for a motion to add-on a resolution 4 to 18.

There being no objection TRUSTEE DIDDEN, made a motion, seconded by TRUSTEE GRANGENOIS-THOMAS, for such a resolution, which received the unanimous vote of all those present.

### **ROLL CALL**

**AYES:** Trustees Didden, Dorazio, Grangenois-Thomas, Carvin, Allen, Alzate and Mayor Marino.

**NOES:** None.

**ABSTAIN:** None.

**RECUSE:** None.

**ABSENT:** None.

**DATE:** January 21, 2025.

### **RESOLUTION #3 (ADD-ON)**

### **CONFIRMATION AND APPROVAL OF THE APPOINTMENT OF STEVEN VELARDO AS BUILDING INSPECTOR**

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

WHEREAS, Section 77-5C of the Village Code requires that the appointment of department heads be subject to the confirmation and approval of the Board of Trustees; and

WHEREAS, the Village Manager recommends that the Board approve and confirm the appointment of Assistant Building Inspector Steven Velardo, who is currently serving as Acting Building Inspector, as Building Inspector; and

Now, therefore, be it

RESOLVED, that the Village Manager's appointment of Steven Velardo as Building Inspector is hereby confirmed and approved effective January 22, 2025; with an annual salary of \$175,000; and be it further

RESOLVED, that Mr. Velardo will serve an initial probationary period not to be less than twelve weeks or greater than 1 year.

Approved as to Form:



James R. Carpinello, Village Attorney

#### **ROLL CALL**

**AYES:** Trustees Didden, Dorazio, Grangeniois-Thomas, Carvin, Allen, Alzate and Mayor Marino.

**NOES:** None.

**ABSTAIN:** None.

**RECUSE:** None.

**ABSENT:** None.

**DATE:** January 21, 2025.

#### **RESOLUTION #4 (ADD-ON)**

**SETTING A PUBLIC HEARING TO CONSIDER THE ADVISABILITY OF ADOPTING A LOCAL LAW TO AMEND THE CODE OF THE VILLAGE OF PORT CHESTER, CHAPTER 151, "BUILDING CODE ADMINISTRATION AND ENFORCEMENT", TO ADD SECTION 151-20, "CONDITION ASSESSMENT OF PARKING GARAGES"**

On motion of TRUSTEE DIDDEN, seconded by TRUSTEE DORAZIO, the following resolution was adopted by the Board of Trustees of the Village:

**NOW THEREFORE BE IT**

**RESOLVED**, that the Board of Trustees publish Notice of Public Hearing to be held in accordance with the provision of Municipal Home Rule Law § 20, to be held on the 18 day of February, 2025, at 7:00 p.m. or as soon thereafter as the matter can be heard at the Town of Rye Justice Court Courtroom, 350 North Main Street, 2<sup>nd</sup> Floor, Port Chester, New York, to consider the advisability of adopting Local Law No. I-01 of the Year 2025, amending Chapter 151 of the Code of the Village of Port Chester, “Building Code Administration and Enforcement,” to add Section 151-20, “Condition Assessment of Parking Garages.” At such time, all interested persons will be heard.

Approved as to Form:



James R. Carpinello, Village Attorney

**ROLL CALL**

**AYES:** Trustees Didden, Dorazio, Grangeniois-Thomas, Carvin, Allen, Alzate and Mayor Marino.

**NOES:** None.

**ABSTAIN:** None.

**RECUSE:** None.

**ABSENT:** None.

**DATE:** January 21, 2025.

**RESOLUTION #5 (ADD-ON)**

**AUTHORIZING THE VILLAGE MANAGER TO ENTER INTO A REVOCABLE LICENSE AGREEMENT WITH SHOPPERS LOT LLC TO FACILITATE A COLLECTION POINT FOR PRIVATE SOLID WASTE DISPOSAL FOR ESTABLISHMENTS CONTIGUOUS TO THE SHOPPER’S PARKING LOT**

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

WHEREAS, since the establishment of the Shopper’s Parking Lot, the Village of Port Chester has allowed downtown establishments to utilize a small area of municipal property adjacent to the lot for a dumpster that is serviced by a private carter; and

WHEREAS, by Resolution on June 17, 2019, the Board of Trustees authorized the Village Manager to enter into a revocable license agreement with Shopper's Lot LLC whether such arrangement was ever formalized; and

WHEREAS, the Village desires to continue such private use, but to formalize same for eligible establishments on appropriate limiting terms and conditions so as to assure the clean and orderly operation of such space.

Now, therefore, be it

RESOLVED, that the Village Manager is hereby authorized to enter into a revocable license agreement with Shopper's Lot LLC, 112 North Main Street, Port Chester, New York, to facilitate a collection point for private solid waste disposal for establishments contiguous to the Shopper's Parking Lot.

Approved as to Form:



James R. Carpinello, Village Attorney

**ROLL CALL**

- AYES:** Trustees Didden, Dorazio, Grangeniois-Thomas, Carvin, Allen, Alzate and Mayor Marino.
- NOES:** None.
- ABSTAIN:** None.
- RECUSE:** None.
- ABSENT:** None.

**DATE:** January 21, 2025.

**RESOLUTION #6 (ADD-ON)**

**BUDGET AMENDMENT – FISCAL YEAR 2024-2025 GENERAL FUND  
VILLAGE ELECTION**

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

WHEREAS, the Village Clerk had prepared cost estimates to increase the budget previously adopted by the Board of Trustees on January 6, 2025 in anticipation of the potential operation by the Village of the March 2025 Village election; and

WHEREAS, additional funding is required to fund the website platform hosting expenses specific to the elections; and

WHEREAS, a budget amendment is required in advance of facilitating this operating expenditure associated with said election. Now, therefore be it

RESOLVED, that the Board of Trustees of the Village of Port Chester, New York hereby authorizes the Village Treasurer to modify the FY2024-25 General Fund Budget as follows:

**GENERAL FUND**

Revenues:

A.4995                      Appropriated Fund Balance                      \$7,000

Appropriations:

A.1450.462                      Website Software & Systems Support                      \$7,000

Approved as to Form:

James R. Carpinello, Village Attorney

**ROLL CALL**

**AYES:** Trustees Didden, Dorazio, Grangenois-Thomas, Carvin, Allen, Alzate and Mayor Marino.

**NOES:** None.

**ABSTAIN:** None.

**RECUSE:** None.

**ABSENT:** None.

**DATE:** January 21, 2025.

**RESOLUTION #7 (ADD-ON)**

**BUDGET TRANSFER – FISCAL YEAR 2024-2025 GENERAL FUND  
DEPARTMENT OF PUBLIC WORKS – TRAFFIC SAFETY EQUIPMENT**

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

WHEREAS, the Department of Public Works General Foreman and Village Manager have recommended through the Board of Trustees directive traffic intersection safety improvements requiring additional appropriations; and



WHEREAS, in order to fund the additional equipment a budgetary transfer from Contingency to Street & Traffic Lighting Equipment line item in the amount of \$50,000 is requested. Now, therefore be it

RESOLVED, that the Board of Trustees of the Village of Port Chester, New York hereby authorizes the Village Treasurer to modify the FY2024-25 General Fund Budget by transferring \$50,000 from the Contingency line item to the Department of Public Works Street & Traffic Lighting Equipment line items as follows:

**GENERAL FUND**

From:  
A.1990.0500                      Contingency    (\$50,000)

To:  
A.5180.0200                      Equipment    \$50,000

Approved as to Form:

James R. Carpinello, Village Attorney

**ROLL CALL**

**AYES:** Trustees Didden, Dorazio, Grangeniois-Thomas, Carvin, Allen, Alzate and Mayor Marino.

**NOES:** None.

**ABSTAIN:** None.

**RECUSE:** None.

**ABSENT:** None.

**DATE:** January 21, 2025.

**RESOLUTION #8 (ADD-ON)**

**ESTABLISH CAPITAL PROJECT & BUDGET – #2024-280  
(2024 STORM SEWER REPAIRS – BID#2024-10)**

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

WHEREAS, in order to facilitate the storm water sewer infrastructure improvements on portions of Madison Avenue, Fox Island Road, Irving & Wesley

Avenues, Leicester Street & Clermont Avenue (subject to potential FEMA aid) and Washington Street including construction management and incidental improvements and related costs, Capital Project #2024-280 will be established with funding in the amount not to exceed of \$920,000 appropriated unassigned general fund balance as a transfer to capital projects fund. Now therefore be it,

RESOLVED, that the Board of Trustees of the Village of Port Chester, New York hereby authorizes the Village Treasurer to establish Capital Project #2024-280 (2024 Storm Sewer Repairs) as follows:

**GENERAL FUND**

Revenues:		
A.4995	Appropriated Fund Balance	\$920,000
Appropriations:		
A.9900.900	Transfer to Capital	\$920,000

**CAPITAL FUND**

Revenues:		
H.5031.2024.280	Transfer from General	\$920,000
Appropriations:		
H.8140.400.2024.280	2024 Storm Sewer Repairs	\$920,000

Approved as to Form:

James R. Carpinello, Village Attorney

**ROLL CALL**

- AYES:** Trustees Didden, Dorazio, Grangeniois-Thomas, Carvin, Allen, Alzate and Mayor Marino.
- NOES:** None.
- ABSTAIN:** None.
- RECUSE:** None.
- ABSENT:** None.

**DATE:** January 21, 2025.

**RESOLUTION #9 (ADD-ON)**

**AWARDING BID 2024-10 –STORM SEWER REPAIRS**

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

WHEREAS, the Village of Port Chester has advertised for bids for the Bid No. 2024-10 – Storm Sewer Repairs; and

WHEREAS, the Village received eight (8) bids for this contract; and

WHEREAS, the Village's consulting engineer, Delaware Engineering, D.P.C., recommends that the Board accept the low bid of Legacy Supply, LLC in the total amount of \$846,000.00, which meets all the specifications as set forth in the bid documents.

Now, therefore, be it

RESOLVED, that the Board of Trustees hereby awards the bid for the Storm Sewer Repairs (Bid No. 2024-10) to Legacy Supply, LLC; and be further

RESOLVED, that the Village Manager is hereby authorized to enter into an agreement with the Contractor, and be it further

RESOLVED, that funding for this project has been appropriated in Capital Fund expenditure line item H.8140.400.2024.280 (Capital Project #/2024-280 – 2024 Storm Sewer Repairs).

Approved as to Form:



James R. Carpiniello, Village Attorney

**ROLL CALL**

**AYES:** Trustees Didden, Dorazio, Grangenois-Thomas, Carvin, Allen, Alzate and Mayor Marino.

**NOES:** None.

**ABSTAIN:** None.

**RECUSE:** None.

**ABSENT:** None.

**DATE:** January 21, 2025.

**RESOLUTION #10 (ADD-ON)**

**APPROVAL OF THE OUT-OF-SERVICE RELOCATION OF ENGINE 64 TO THE LONG ISLAND METRO FIRE/EMS EXPO AT**

## NASSAU COLISEUM

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

WHEREAS, the annual Long Island Metro Fire/EMS Expo (the “Expo”) at the Nassau Coliseum is scheduled for January 31, 2025 to February 2, 2025; and

WHEREAS, the Village recently purchased a new fire apparatus, known as Engine 64 for use by the Washington Engine and Hose Company #4, Inc. (“Washington Park”); and

WHEREAS, the manufacturer Engine 64, Seagrave Fire Apparatus LLC (“Seagrave”), and Seagrave’s tri-state dealer, Hudson Valley Fire Equipment LLC, (“HVFE”) have requested to display Engine 64 at the Expo; and

WHEREAS, Washington Park’s Captain Sutton, with approval of the acting Chief of the Fire Department, has requested permission to bring Engine 64 to the Expo; and

WHEREAS, HVFE will be responsible for Engine 64 during the Expo.

Now, therefore, be it

RESOLVED, that the Washington Engine and Hose Company #4, Inc. is hereby authorized to take Engine 64 out of service and transport it to the Long Island Metro Fire/EMS Expo at the Nassau Coliseum on January 31, 2025 and to transport it back to the Village on February 2, 2025.

Approved as to Form:



James R. Carpinello, Village Attorney

### ROLL CALL

**AYES:** Trustees Didden, Dorazio, Grangenois-Thomas, Carvin, Allen, Alzate and Mayor Marino.

**NOES:** None.

**ABSTAIN:** None.

**RECUSE:** None.

**ABSENT:** None.

**DATE:** January 21, 2025.

### RESOLUTION #11 (ADD-ON)

**AUTHORIZING THE INSTALLATION OF “NO PARKING HERE TO  
CORNER” SIGNS ON WILLIAM STREET**

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

WHEREAS, New York State Vehicle and Traffic Law Section 1202 (a)(2)(b) prohibits standing or parking a vehicle within twenty feet of a cross walk at an intersection (except under certain enumerated circumstances); and

WHEREAS, Section 319-3(A) of the Code of the Village of Port Chester authorizes the Chief of Police to provide for the installation and maintenance of traffic control devices (which includes signage) as the Board of Trustees may deem necessary to regulate, warn or guide traffic under the Vehicle and Traffic Law; and

WHEREAS, the Chief of Police, by his Traffic Sergeant, has recommended the installation of signage stating “No Parking Here to Corner” twenty feet from certain intersections with cross walks along William Street to facilitate the safe turning of vehicles and the protection of pedestrians; and

WHEREAS, the Board has duly considered the recommendation and accepts same for favorable action.

Now, therefore, be it

RESOLVED, the Village Manager is hereby directed to facilitate the installation of signs stating “No Parking Here to Corner” at the following locations:

- William St. – 20’ West from the North Western corner of Soundview St.
- William St. – 20’ East from the North Eastern corner of Soundview St.
- William St. – 20’ East from the South Eastern corner of Soundview St.
- William St. – 20’ West from the South Western corner of Soundview St.
- William St. – 20’ West from the North Western corner of Spring St.
- William St. – 20’ East from the North Eastern corner of Spring St.
- William St. – 20’ East from the South Eastern corner of Spring St.
- William St. – 20’ West from the South Western corner of Spring St.
- William St. – 20’ West from the North Western corner of Washington St.
- William St. – 20’ East from the South Eastern corner of Washington St.
- William St. – 20’ West from the South Western corner of Washington St.

Approved as to Form:

James R. Carpinello, Village Attorney

**ROLL CALL**

**AYES:** Trustees Didden, Dorazio, Grangenois-Thomas, Carvin, Allen, Alzate and Mayor Marino.

**NOES:** None.

**ABSTAIN:** None.

**RECUSE:** None.

**ABSENT:** None.

**DATE:** January 21, 2025.

**RESOLUTION #12 (ADD-ON)**

**AUTHORIZING SUPPLEMENTAL AGREEMENT NO. 3 (FINAL) WITH  
BARTON & LOGUIDICE DPC FOR ADDITIONAL PROFESSIONAL  
SERVICES RELATED TO NEW YORK PEDESTRIAN SAFETY ACTION PLAN  
GRANT (CAPITAL PROJECT 2018-210)**

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

WHEREAS, the Village of Port Chester secured a Pedestrian Safety Action Grant from the State of New York in the amount of \$596,000.00. To facilitate certain intersection improvements; and

WHEREAS, the Village retained the engineering firm of Barton & Loguidice to provide design and inspection services for this project; and

WHEREAS, the contractor has completed the work and final contract cost has been reconciled with the contractor; and

WHEREAS, as part of the project close out the engineering firm has advised that a supplemental agreement is required to cover additional construction inspection to meet NYSDOT requirements including technical tasks for federal/state aid disbursement process; and

WHEREAS, with all adjustments the Village has been advised that the final project costs are within the grant amount. Now therefore be it,

RESOLVED that the Village Manager is hereby authorized to execute Supplemental Agreement No. 3 with Barton & Loguidice with additional compensation in the amount of \$21,012.00.

Approved as to Form:



James R. Carpinello, Village Attorney

## **ROLL CALL**

**AYES:** Trustees Didden, Dorazio, Grangenois-Thomas, Carvin, Allen, Alzate and Mayor Marino.

**NOES:** None.

**ABSTAIN:** None.

**RECUSE:** None.

**ABSENT:** None.

**DATE:** January 21, 2025.

## **RESOLUTION #13 (ADD-ON)**

### **RESCIND RESOLUTION ADOPTED ON JANUARY 6, 2025 AUTHORIZING CAPITAL PROJECTS CLOSEOUT & ASSOCIATED BUDGET AMENDMENTS / INTER-FUND TRANSFERS**

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

WHEREAS, the Board of Trustees previously adopted a resolution on January 6, 2025 authorizing the Village Treasurer to close out 47 capital projects including associated budget amendments and inter-fund transfers; and

WHEREAS, a payment in the amount of \$136,055.01 has since been recorded from FEMA representing reimbursement for the cost of road restoration for a portion of North Regent Street due to damage sustained from Tropical Storm Ophelia on September 2023; and

WHEREAS, these funds are being applied to offset cost of restoration accounted for in capital project #2019-234 Street Resurfacing ultimately increasing total fund balance to be transferred to debt service fund. Now, therefore, be it

RESOLVED, that the Board of Trustees of the Village of Port Chester hereby rescinds the resolution adopted on January 6, 2025 authorizing the Village Treasurer to

close out the 47 capital projects along with associated budget amendments and inter-fund transfers as itemized in the original adopted schedule:

Approved as to Form:

James R. Carpiniello, Village Attorney

**ROLL CALL**

**AYES:** Trustees Didden, Dorazio, Grangenois-Thomas, Carvin, Allen, Alzate and Mayor Marino.

**NOES:** None.

**ABSTAIN:** None.

**RECUSE:** None.

**ABSENT:** None.

**DATE:** January 21, 2025.

**RESOLUTION #14 (ADD-ON)**

**CAPITAL PROJECTS CLOSEOUT & ASSOCIATED BUDGET AMENDMENTS / INTER-FUND TRANSFERS**

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

WHEREAS, New York State Municipal Finance Law requires that the Village of Port Chester’s completed and/or inactive capital projects be reconciled and closed out by authorization of the local governing body, and

WHEREAS, the Village Treasurer has provided a schedule of all completed and/or inactive capital projects itemizing approved budget, expenditures and sources of funding, and

WHEREAS, each capital project requires the closeout and associated budgetary amendments and inter-fund transfers as detailed in the Village Treasurer’s report, and

WHEREAS, Board action is required to authorize the necessary budgetary amendments and inter-fund transfers so as to legally authorize the Village Treasurer to properly close the itemized capital projects. Now, therefore, be it

RESOLVED, that the Board of Trustees of the Village of Port Chester hereby authorizes the Village Treasurer to make the following Capital, General and Sewer Fund



budget amendments and associated inter-fund transfers to close out 47 capital projects effective 1/21/2025 as itemized in the attached schedule:

**(SEE ATTACHMENTS A & B) – Detailed Capital Project Length Schedule & Memo from Village Treasurer.**

Approved as to Form:



James R. Carpinello, Village Attorney

**ROLL CALL**

**AYES:** Trustees Didden, Dorazio, Grangenois-Thomas, Carvin, Allen, Alzate and Mayor Marino.

**NOES:** None.

**ABSTAIN:** None.

**RECUSE:** None.

**ABSENT:** None.

**DATE:** January 21, 2025.

**RESOLUTION #15 (ADD-ON)**

**APPROVAL OF THE OUT-OF-SERVICE RELOCATION OF LADDER 31 TO GREENWICH, CONNECTICUT FOR A WAKE AND FUNERAL**

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

WHEREAS, BY Resolution adopted on October 7, 2024 the Board of Trustees enacted a regulation stating that “No Department vehicles, shall be operated outside of the County of Westchester without prior notice and approval of the Board of Trustees, except for the Chiefs’ vehicles, vehicles responding to an active call for service, or vehicles traveling to or from scheduled maintenance,” and

WHEREAS, the First Assistant Chief of the Fire Department has notified the Village Manager that the Fire Department would like to bring Ladder 31 to Greenwich, Connecticut to attend the wake and funeral service of a fire department member with more than fifty years of service; and

WHEREAS, the First Assistant Chief advises that the Village of Rye Brook is willing and able to cover calls with their ladder apparatus.

Now, therefore, be it

RESOLVED, that the Fire Department is hereby authorized to take Ladder 31 out of service and transport to Greenwich, Connecticut to attend the wake and funeral services on Thursday, January 23, 2025 from approximately 4:00 P.M. to 9:00 P.M. and on Friday, January 24, 2025 at approximately 10:30 A.M. until the conclusion of the service.

Approved as to Form:



James R. Carpiniello, Village Attorney

**ROLL CALL**

**AYES:** Trustees Didden, Dorazio, Grangeniois-Thomas, Carvin, Allen, Alzate and Mayor Marino.

**NOES:** None.

**ABSTAIN:** None.

**RECUSE:** None.

**ABSENT:** None.

**DATE:** January 21, 2025.

**RESOLUTION #16 (ADD-ON)**

**APPOINTMENT OF DEPUTY VILLAGE CLERK**

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

RESOLVED, that Sara N. Summa, hereby is appointed DEPUTY VILLAGE CLERK for the Village of Port Chester, New York, said appointment to be effective February 1, 2025 and to expire on April 7, 2025, at an annual rate as set forth in the Village Budget or as heretofore adopted by the Board of Trustees, to be paid every two weeks.

Approved as to Form:



James R. Carpiniello, Village Attorney

**ROLL CALL**

**AYES:** Trustees Didden, Dorazio, Grangeniois-Thomas, Carvin, Allen, Alzate and Mayor Marino.

**NOES:** None.

**ABSTAIN:** None.

**RECUSE:** None.

**ABSENT:** None.

**DATE:** January 21, 2025.

## **RESOLUTION #17 (ADD-ON)**

### **APPOINTMENT OF REGISTRAR OF VITAL STATISTICS**

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

RESOLVED, that Sara N. Summa, be and she hereby is appointed REGISTRAR OF VITAL STATISTICS of the Village of Port Chester, New York, effective January 30, 2025 and to expire April 8, 2025.

Approved as to Form:



James R. Carpinello, Village Attorney

### **ROLL CALL**

**AYES:** Trustees Didden, Dorazio, Grangeniois-Thomas, Carvin, Allen, Alzate and Mayor Marino.

**NOES:** None.

**ABSTAIN:** None.

**RECUSE:** None.

**ABSENT:** None.

**DATE:** January 21, 2025.

### **DISCUSSIONS**

*To discuss the potential rededication of the Columbus Park Gazebo to the memory of Nina Jones*

The Village sadly and tragically lost a valued member of the community and the Board would like to do something to honor Nina's Memory. After discussions with the Mayor, it has been decided to add a Plaque with Nina's information, some new bushes, and clean up around the gazebo. There will be a dedication ceremony on March 22, 2025.

## **CORRESPONDENCES**

### ***Request for Arts Festival in Columbus Park in June***

The Board referred the correspondence to staff with a favorable action.

## **PUBLIC COMMENTS AND BOARD COMMENTS**

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

The public and the Board of Trustees had an opportunity to make public comments at the end of the meeting.

There were no comments from the public.

Mayor Marino asked for a motion to adjourn the meeting.

On a motion of TRUSTEE DORAZIO, seconded by TRUSTEE GRANGENOIS-THOMAS, the meeting was adjourned at 09:32 p.m.

## **ROLL CALL**

**AYES:** Trustees Didden, Dorazio, Grangenois-Thomas, Carvin, Allen, Alzate and Mayor Marino.

**NOES:** None.

**ABSTAIN:** None.

**RECUSE:** None.

**ABSENT:** None.

**DATE:** January 21, 2025.

Respectfully submitted,



Janusz R. Richards  
Village Clerk

**MINUTES  
BOARD OF TRUSTEES  
AGENDA WORK SESSION  
VILLAGE HALL CONFERENCE ROOM  
222 GRACE CHURCH STREET  
VILLAGE OF PORT CHESTER, NEW YORK  
MEETING HELD JANUARY 29, 2025 AT 6:30 PM**

Meeting was called to order by Mayor Marino, followed by the Pledge of Allegiance. Mayor Marino welcomed all present.

**PRESENT:**

Mayor Luis A. Marino  
Trustee John J. Allen, Jr.  
Trustee Juliana C. Alzate  
Trustee Joseph E. Carvin, Jr. (Arrived at 06:32 p.m.)  
Trustee Bart A. Didden  
Trustee Philip Dorazio  
Trustee Joan Grangenois-Thomas

**ALSO PRESENT:**

Village Clerk, Janusz R. Richards  
Village Manager, Stuart Rabin  
Corporation Counsel, Attorney Peter Sisca  
Village Treasurer, Anthony Siligato  
Village Attorney, James Carpiniello  
Director of Planning and Economic Development, Greg Cutler  
Director Department of Information and Technology Services,  
Rosalind Cimino

On motion of TRUSTEE DORAZIO, seconded by TRUSTEE DIDDEN the meeting was declared opened at 06:30 p.m.

**ROLL CALL**

**AYES:** Trustees Didden, Dorazio, Grangenois-Thomas, Allen, Alzate and Mayor Marino.

**NOES:** None.

**ABSTAIN:** None.

**RECUSE:** None.

**ABSENT:** Trustee Carvin.

**DATE:** January 29, 2025.

**AFFIDAVIT OF PUBLICATION AND NOTICE OF PUBLICATION**

**RE:**

**PUBLIC HEARING # 1**

The following Public Notices were duly published in the Journal News on January 3, 2025, certified by Linda Tutt, Principal Clerk of The Journal News

**PUBLIC NOTICE**

PUBLIC NOTICE is hereby given that the Board of Trustees hereby sets a public hearing for January 21, 2025 at 7:00 p.m. or as soon thereafter, at the Town of Rye Justice Court Courtroom, 350 North Main Street, 2<sup>nd</sup> Floor, Port Chester, New York, to consider the advisability of adopting a Local Law Amending the Code of the Village of Port Chester, Chapter 345, "Zoning," to include regulations for Battery Energy Storage Systems (Bess) Facilities, and referring to Westchester County Planning Board and Village of Port Chester Planning Commission.

Contact the Department of Planning and Economic Development for information:  
Website: <https://www.portchesterny.gov/205/Planning-Economic-Development>.  
Phone Number: (914) 937-6780  
E-mail: [GCutler@portchesterny.gov](mailto:GCutler@portchesterny.gov)

Interested persons are invited to attend and will be afforded the opportunity to be heard at this time. The copy of the proposed local law is available at the Village Clerk's office or online at the Village website [www.portchesterny.gov](http://www.portchesterny.gov).

/s/ JANUSZ R. RICHARDS  
JANUSZ R. RICHARDS  
Village Clerk  
Village of Port Chester, New York

Date: January 3, 2025

**AVISO PUBLICO**

POR LA PRESENTE SE DA AVISO PÚBLICO que la Junta de Síndicos establece una audiencia pública para el 21 de enero de 2025 a las 7:00 p.m. o tan pronto como a partir de entonces, en el Town of Rye Justice Court Courtroom, 350 North Main Street, 2do Piso, Port Chester, Nueva York, para considerar la conveniencia de adoptar una Ley Local que Enmiende el Código del Pueblo de Port Chester, Capítulo 345, "Zonificación", para incluir regulaciones para las Instalaciones de Sistemas de Almacenamiento de Energía en Baterías (Bess), y refiriéndose a la Junta de Planificación del Condado de Westchester y la Comisión de Planificación del Pueblo de Port Chester.

Póngase en contacto con el Departamento de Planificación y Desarrollo Económico para obtener información:

Website: <https://www.portchesterny.gov/205/Planning-Economic-Development>.  
Teléfono: (914) 937-6780

E-mail: [GCutler@portchesterny.gov](mailto:GCutler@portchesterny.gov)

Las personas interesadas están invitadas a asistir y se les dará la oportunidad de ser escuchadas en este momento. La copia de la ley local propuesta está disponible en la oficina del Secretario del Pueblo o en línea en el sitio web de la Aldea [www.portchesterny.gov](http://www.portchesterny.gov).

/s/ JANUSZ R. RICHARDS  
JANUSZ R. RICHARDS  
Secretario del Pueblo  
Pueblo de Port Chester, Nueva York

Fecha: 3 de enero de 2025

On motion of TRUSTEE DORAZIO, seconded by TRUSTEE DIDDEN, the public hearing was declared open.

### **ROLL CALL**

**AYES:** Trustees Didden, Dorazio, Grangeniois-Thomas, Carvin, Allen, Alzate and Mayor Marino.

**NOES:** None.

**ABSTAIN:** None.

**RECUSE:** None.

**ABSENT:** None.

**DATE:** January 29, 2025.

### ***Public Comments***

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

The public had an opportunity to make public comments.

On motion of TRUSTEE DIDDEN, seconded by TRUSTEE GRANGENOIS-THOMAS, the public hearing was closed.

### **ROLL CALL**

**AYES:** Trustees Didden, Dorazio, Grangeniois-Thomas, Carvin, Allen, Alzate and Mayor Marino.

**NOES:** None.

**ABSTAIN:** None.

**RECUSE:** None.

**ABSENT:** None.

**DATE:** January 29, 2025.

**RESOLUTION #1**

**ADOPTING SEQRA NEGATIVE DECLARATION, ENDING MORATORIUM, AND ADOPTING LOCAL LAW AMENDING THE CODE OF THE VILLAGE OF PORT CHESTER, CHAPTER 345, “ZONING,” TO AMEND ESTABLISHING REGULATIONS FOR BATTERY ENERGY STORAGE SYSTEMS (BESS)**

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

**WHEREAS**, the Board of Trustees enacted a temporary land use moratorium prohibiting the processing of any application involving Battery Energy Storage Systems (BESS) in response to concerns related to the proliferation of SSFs; and

**WHEREAS**, The Village Planning Department has reviewed the land use and provided recommendations to the Board of Trustees for their consideration; and

**BE IT THEREFORE RESOLVED**, the Board of Trustees as SEQRA Lead Agency hereby adopts a Negative Declaration on the proposed Local Law; and

**BE IT FURTHER RESOLVED**, the Board of Trustees as SEQRA Lead Agency hereby adopts Local Law No. I- 20 of 2024; and

**BE IT FURTHER RESOLVED**, the Board of Trustees hereby ends the Moratorium on the review and approval of Battery Energy Storage Facilities.

Approved as to Form:



James R. Carpiniello, Village Attorney

**ROLL CALL**

**AYES:** Trustees Didden, Grangenoi-Thomas, Allen, Alzate and Mayor Marino.

**NOES:** Trustees Dorazio and Carvin.

**ABSTAIN:** None.

**RECUSE:** None.

**ABSENT:** None.

**DATE:** January 29, 2025.



**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: BESS		
Project Location (describe, and attach a general location map): CD-4MU on properties that front on Boston Post Road and Midland Avenue (see proposed action area in addendum)		
Brief Description of Proposed Action (include purpose or need): The proposed action allows Tier 2 Battery Energy Storage System Facilities (BESS) as a special exception accessory use in the CD-4MU on properties that front on Boston Post Road and Midland Avenue. Additionally, the proposed action will provide the necessary regulatory framework for BESS within the Zoning Code. The area of the Village included in the proposed action is indicated by the highlighted region in addendum illustration.		
Name of Applicant/Sponsor: Village of Port Chester		Telephone: (914) 937-6780
		E-Mail: <a href="mailto:planning@portchesterny.gov">planning@portchesterny.gov</a>
Address: 222 Grace Church Street		
City/PO: Port Chester	State: NY	Zip Code: 10573
Project Contact (if not same as sponsor; give name and title/role): Greg Cutler		Telephone: (914) 937-6780
		E-Mail: <a href="mailto:gcutter@portchesterny.gov">gcutter@portchesterny.gov</a>
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>B. Government Approvals, Funding, or Sponsorship.</b> (“Funding” includes grants, loans, tax relief, and any other forms of financial assistance.)		
<b>Government Entity</b>	<b>If Yes: Identify Agency and Approval(s) Required</b>	<b>Application Date (Actual or projected)</b>
a. City Council, Town Board, or Village Board of Trustees <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
b. City, Town or Village Planning Board or Commission <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
c. City, Town or Village Zoning Board of Appeals <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
d. Other local agencies <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
e. County agencies <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
f. Regional agencies <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
g. State agencies <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
h. Federal agencies <input type="checkbox"/> Yes <input checked="" 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 type="checkbox"/> Yes <input checked="" 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**

<b>C.1. Planning and zoning actions.</b>	
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 checked="" type="checkbox"/> Yes <input type="checkbox"/> No
<ul style="list-style-type: none"> <li>• <b>If Yes</b>, complete sections C, F and G.</li> <li>• <b>If No</b>, proceed to question C.2 and complete all remaining sections and questions in Part 1</li> </ul>	
<b>C.2. Adopted land use plans.</b>	
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 type="checkbox"/> Yes <input checked="" type="checkbox"/> No
If Yes, identify the plan(s):	
_____	
_____	
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):	
_____	
_____	

<b>C.3. Zoning</b>	
a. Is the site of the proposed action located in a municipality with an adopted zoning law or ordinance. If Yes, what is the zoning classification(s) including any applicable overlay district? CD-4MU	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
b. Is the use permitted or allowed by a special or conditional use permit?	N/A <input type="checkbox"/> Yes <input type="checkbox"/> No
c. Is a zoning change requested as part of the proposed action? If Yes, i. What is the proposed new zoning for the site?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<b>C.4. Existing community services.</b>	
a. In what school district is the project site located?	Port Chester Rye Brook
b. What police or other public protection forces serve the project site?	Port Chester
c. Which fire protection and emergency medical services serve the project site?	Port Chester Rye Brook
d. What parks serve the project site?	None

**D. Project Details**

<b>D.1. Proposed and Potential Development</b>	
a. What is the general nature of the proposed action (e.g., residential, industrial, commercial, recreational; if mixed, include all components)?	
b. a. Total acreage of the site of the proposed action? _____ acres b. Total acreage to be physically disturbed? _____ acres c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? _____ acres	
c. Is the proposed action an expansion of an existing project or use? <input type="checkbox"/> Yes <input type="checkbox"/> 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? <input type="checkbox"/> Yes <input type="checkbox"/> 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? <input type="checkbox"/> Yes <input type="checkbox"/> 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? <input type="checkbox"/> Yes <input type="checkbox"/> No i. If No, anticipated period of construction: _____ 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: _____ _____ _____	

<p>f. Does the project include new residential uses? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span></p> <p>If Yes, show numbers of units proposed.</p> <table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 25%; text-align: center;"><u>One Family</u></td> <td style="width: 25%; text-align: center;"><u>Two Family</u></td> <td style="width: 25%; text-align: center;"><u>Three Family</u></td> <td style="width: 25%; text-align: center;"><u>Multiple Family (four or more)</u></td> </tr> <tr> <td style="border-top: 1px solid black;">Initial Phase</td> <td style="border-top: 1px solid black;">_____</td> <td style="border-top: 1px solid black;">_____</td> <td style="border-top: 1px solid black;">_____</td> </tr> <tr> <td style="border-top: 1px solid black;">At completion of all phases</td> <td style="border-top: 1px solid black;">_____</td> <td style="border-top: 1px solid black;">_____</td> <td style="border-top: 1px solid black;">_____</td> </tr> </table>	<u>One Family</u>	<u>Two Family</u>	<u>Three Family</u>	<u>Multiple Family (four or more)</u>	Initial Phase	_____	_____	_____	At completion of all phases	_____	_____	_____
<u>One Family</u>	<u>Two Family</u>	<u>Three Family</u>	<u>Multiple Family (four or more)</u>									
Initial Phase	_____	_____	_____									
At completion of all phases	_____	_____	_____									
<p>g. Does the proposed action include new non-residential construction (including expansions)? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span></p> <p>If Yes,</p> <p>i. Total number of structures _____</p> <p>ii. Dimensions (in feet) of largest proposed structure: _____ height; _____ width; and _____ length</p> <p>iii. Approximate extent of building space to be heated or cooled: _____ square feet</p>												
<p>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? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span></p> <p>If Yes,</p> <p>i. Purpose of the impoundment: _____</p> <p>ii. If a water impoundment, the principal source of the water: <input type="checkbox"/> Ground water <input type="checkbox"/> Surface water streams <input type="checkbox"/> Other specify: _____</p> <p>iii. If other than water, identify the type of impounded/contained liquids and their source. _____</p> <p>iv. Approximate size of the proposed impoundment. Volume: _____ million gallons; surface area: _____ acres</p> <p>v. Dimensions of the proposed dam or impounding structure: _____ height; _____ length</p> <p>vi. Construction method/materials for the proposed dam or impounding structure (e.g., earth fill, rock, wood, concrete): _____</p>												
<p><b>D.2. Project Operations</b></p>												
<p>a. Does the proposed action include any excavation, mining, or dredging, during construction, operations, or both? (Not including general site preparation, grading or installation of utilities or foundations where all excavated materials will remain onsite) <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span></p> <p>If Yes:</p> <p>i. What is the purpose of the excavation or dredging? _____</p> <p>ii. How much material (including rock, earth, sediments, etc.) is proposed to be removed from the site?</p> <ul style="list-style-type: none"> <li>• Volume (specify tons or cubic yards): _____</li> <li>• Over what duration of time? _____</li> </ul> <p>iii. Describe nature and characteristics of materials to be excavated or dredged, and plans to use, manage or dispose of them. _____</p> <p>iv. Will there be onsite dewatering or processing of excavated materials? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span> If yes, describe. _____</p> <p>v. What is the total area to be dredged or excavated? _____ acres</p> <p>vi. What is the maximum area to be worked at any one time? _____ acres</p> <p>vii. What would be the maximum depth of excavation or dredging? _____ feet</p> <p>viii. Will the excavation require blasting? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span></p> <p>ix. Summarize site reclamation goals and plan: _____</p>												
<p>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? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span></p> <p>If Yes:</p> <p>i. Identify the wetland or waterbody which would be affected (by name, water index number, wetland map number or geographic description): _____</p>												

*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: \_\_\_\_\_

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*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: \_\_\_\_\_ 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: \_\_\_\_\_
- 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: \_\_\_\_\_ 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): \_\_\_\_\_

\_\_\_\_\_

*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: \_\_\_\_\_
- 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

<ul style="list-style-type: none"> <li>• Do existing sewer lines serve the project site? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span></li> <li>• Will a line extension within an existing district be necessary to serve the project? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span></li> </ul> <p>If Yes:</p> <ul style="list-style-type: none"> <li>• Describe extensions or capacity expansions proposed to serve this project: _____</li> </ul>
<p>iv. Will a new wastewater (sewage) treatment district be formed to serve the project site? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span></p> <p>If Yes:</p> <ul style="list-style-type: none"> <li>• Applicant/sponsor for new district: _____</li> <li>• Date application submitted or anticipated: _____</li> <li>• What is the receiving water for the wastewater discharge? _____</li> </ul>
<p>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):</p> <p>_____</p> <p>_____</p>
<p>vi. Describe any plans or designs to capture, recycle or reuse liquid waste: _____</p> <p>_____</p>
<p>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? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span></p> <p>If Yes:</p> <p>i. How much impervious surface will the project create in relation to total size of project parcel?</p> <p style="padding-left: 40px;">_____ Square feet or _____ acres (impervious surface)</p> <p style="padding-left: 40px;">_____ Square feet or _____ acres (parcel size)</p> <p>ii. Describe types of new point sources. _____</p> <p>_____</p> <p>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)?</p> <p>_____</p> <p>_____</p> <ul style="list-style-type: none"> <li>• If to surface waters, identify receiving water bodies or wetlands: _____</li> <li>_____</li> <li>• Will stormwater runoff flow to adjacent properties? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span></li> </ul>
<p>iv. Does the proposed plan minimize impervious surfaces, use pervious materials or collect and re-use stormwater? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span></p>
<p>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? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span></p> <p>If Yes, identify:</p> <p>i. Mobile sources during project operations (e.g., heavy equipment, fleet or delivery vehicles)</p> <p>_____</p> <p>ii. Stationary sources during construction (e.g., power generation, structural heating, batch plant, crushers)</p> <p>_____</p> <p>iii. Stationary sources during operations (e.g., process emissions, large boilers, electric generation)</p> <p>_____</p>
<p>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? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span></p> <p>If Yes:</p> <p>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) <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span></p> <p>ii. In addition to emissions as calculated in the application, the project will generate:</p> <ul style="list-style-type: none"> <li>• _____ Tons/year (short tons) of Carbon Dioxide (CO<sub>2</sub>)</li> <li>• _____ Tons/year (short tons) of Nitrous Oxide (N<sub>2</sub>O)</li> <li>• _____ Tons/year (short tons) of Perfluorocarbons (PFCs)</li> <li>• _____ Tons/year (short tons) of Sulfur Hexafluoride (SF<sub>6</sub>)</li> <li>• _____ Tons/year (short tons) of Carbon Dioxide equivalent of Hydroflouorocarbons (HFCs)</li> <li>• _____ Tons/year (short tons) of Hazardous Air Pollutants (HAPs)</li> </ul>

<p>h. Will the proposed action generate or emit methane (including, but not limited to, sewage treatment plants, landfills, composting facilities)? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span></p> <p>If Yes:</p> <p>i. Estimate methane generation in tons/year (metric): _____</p> <p>ii. Describe any methane capture, control or elimination measures included in project design (e.g., combustion to generate heat or electricity, flaring): _____</p>		
<p>i. Will the proposed action result in the release of air pollutants from open-air operations or processes, such as quarry or landfill operations? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span></p> <p>If Yes: Describe operations and nature of emissions (e.g., diesel exhaust, rock particulates/dust): _____</p>		
<p>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? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span></p> <p>If Yes:</p> <p>i. When is the peak traffic expected (Check all that apply): <input type="checkbox"/> Morning <input type="checkbox"/> Evening <input type="checkbox"/> Weekend  <input type="checkbox"/> Randomly between hours of _____ to _____.</p> <p>ii. For commercial activities only, projected number of truck trips/day and type (e.g., semi trailers and dump trucks): _____</p> <p>iii. Parking spaces: Existing _____ Proposed _____ Net increase/decrease _____</p> <p>iv. Does the proposed action include any shared use parking? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span></p> <p>v. If the proposed action includes any modification of existing roads, creation of new roads or change in existing access, describe: _____</p> <p>vi. Are public/private transportation service(s) or facilities available within ½ mile of the proposed site? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span></p> <p>vii. Will the proposed action include access to public transportation or accommodations for use of hybrid, electric or other alternative fueled vehicles? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span></p> <p>viii. Will the proposed action include plans for pedestrian or bicycle accommodations for connections to existing pedestrian or bicycle routes? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span></p>		
<p>k. Will the proposed action (for commercial or industrial projects only) generate new or additional demand for energy? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span></p> <p>If Yes:</p> <p>i. Estimate annual electricity demand during operation of the proposed action: _____</p> <p>ii. Anticipated sources/suppliers of electricity for the project (e.g., on-site combustion, on-site renewable, via grid/local utility, or other): _____</p> <p>iii. Will the proposed action require a new, or an upgrade, to an existing substation? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span></p>		
<p>l. Hours of operation. Answer all items which apply.</p> <table style="width: 100%; border: none;"> <tr> <td style="width: 50%; border: none; vertical-align: top;"> <p>i. During Construction:</p> <ul style="list-style-type: none"> <li>• Monday - Friday: _____</li> <li>• Saturday: _____</li> <li>• Sunday: _____</li> <li>• Holidays: _____</li> </ul> </td> <td style="width: 50%; border: none; vertical-align: top;"> <p>ii. During Operations:</p> <ul style="list-style-type: none"> <li>• Monday - Friday: _____</li> <li>• Saturday: _____</li> <li>• Sunday: _____</li> <li>• Holidays: _____</li> </ul> </td> </tr> </table>	<p>i. During Construction:</p> <ul style="list-style-type: none"> <li>• Monday - Friday: _____</li> <li>• Saturday: _____</li> <li>• Sunday: _____</li> <li>• Holidays: _____</li> </ul>	<p>ii. During Operations:</p> <ul style="list-style-type: none"> <li>• Monday - Friday: _____</li> <li>• Saturday: _____</li> <li>• Sunday: _____</li> <li>• Holidays: _____</li> </ul>
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<p>m. Will the proposed action produce noise that will exceed existing ambient noise levels during construction, operation, or both? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span></p> <p>If yes:</p> <p>i. Provide details including sources, time of day and duration:</p> <p>_____</p>
<p>ii. Will the proposed action remove existing natural barriers that could act as a noise barrier or screen? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span></p> <p>Describe: _____</p>
<p>n. Will the proposed action have outdoor lighting? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span></p> <p>If yes:</p> <p>i. Describe source(s), location(s), height of fixture(s), direction/aim, and proximity to nearest occupied structures:</p> <p>_____</p>
<p>ii. Will proposed action remove existing natural barriers that could act as a light barrier or screen? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span></p> <p>Describe: _____</p>
<p>o. Does the proposed action have the potential to produce odors for more than one hour per day? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span></p> <p>If Yes, describe possible sources, potential frequency and duration of odor emissions, and proximity to nearest occupied structures: _____</p>
<p>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? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span></p> <p>If Yes:</p> <p>i. Product(s) to be stored _____</p> <p>ii. Volume(s) _____ per unit time _____ (e.g., month, year)</p> <p>iii. Generally, describe the proposed storage facilities: _____</p>
<p>q. Will the proposed action (commercial, industrial and recreational projects only) use pesticides (i.e., herbicides, insecticides) during construction or operation? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span></p> <p>If Yes:</p> <p>i. Describe proposed treatment(s):</p> <p>_____</p> <p>_____</p>
<p>ii. Will the proposed action use Integrated Pest Management Practices? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span></p>
<p>r. Will the proposed action (commercial or industrial projects only) involve or require the management or disposal of solid waste (excluding hazardous materials)? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span></p> <p>If Yes:</p> <p>i. Describe any solid waste(s) to be generated during construction or operation of the facility:</p> <ul style="list-style-type: none"> <li>• Construction: _____ tons per _____ (unit of time)</li> <li>• Operation : _____ tons per _____ (unit of time)</li> </ul> <p>ii. Describe any proposals for on-site minimization, recycling or reuse of materials to avoid disposal as solid waste:</p> <ul style="list-style-type: none"> <li>• Construction: _____</li> <li>• Operation: _____</li> </ul> <p>iii. Proposed disposal methods/facilities for solid waste generated on-site:</p> <ul style="list-style-type: none"> <li>• Construction: _____</li> <li>• Operation: _____</li> </ul>



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: \_\_\_\_\_

\_\_\_\_\_

---

b. Land uses and covertypes on the project site.

Land use or Covertypes	Current Acreage	Acreage After Project Completion	Change (Acres +/-)
• Roads, buildings, and other paved or impervious surfaces			
• 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: _____			

<p>c. Is the project site presently used by members of the community for public recreation? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span></p> <p><i>i.</i> If Yes: explain: _____</p>						
<p>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? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span></p> <p>If Yes,</p> <p><i>i.</i> Identify Facilities: _____</p>						
<p>e. Does the project site contain an existing dam? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span></p> <p>If Yes:</p> <p><i>i.</i> Dimensions of the dam and impoundment:</p> <ul style="list-style-type: none"> <li>• Dam height: _____ feet</li> <li>• Dam length: _____ feet</li> <li>• Surface area: _____ acres</li> <li>• Volume impounded: _____ gallons OR acre-feet</li> </ul> <p><i>ii.</i> Dam's existing hazard classification: _____</p> <p><i>iii.</i> Provide date and summarize results of last inspection: _____</p>						
<p>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? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span></p> <p>If Yes:</p> <p><i>i.</i> Has the facility been formally closed? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span></p> <ul style="list-style-type: none"> <li>• If yes, cite sources/documentation: _____</li> </ul> <p><i>ii.</i> Describe the location of the project site relative to the boundaries of the solid waste management facility: _____</p> <p><i>iii.</i> Describe any development constraints due to the prior solid waste activities: _____</p>						
<p>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? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span></p> <p>If Yes:</p> <p><i>i.</i> Describe waste(s) handled and waste management activities, including approximate time when activities occurred: _____</p>						
<p>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? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span></p> <p>If Yes:</p> <p><i>i.</i> Is any portion of the site listed on the NYSDEC Spills Incidents database or Environmental Site Remediation database? Check all that apply: <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span></p> <table style="width: 100%; border: none;"> <tr> <td style="width: 50%;"><input type="checkbox"/> Yes – Spills Incidents database</td> <td>Provide DEC ID number(s): _____</td> </tr> <tr> <td><input type="checkbox"/> Yes – Environmental Site Remediation database</td> <td>Provide DEC ID number(s): _____</td> </tr> <tr> <td><input type="checkbox"/> Neither database</td> <td></td> </tr> </table> <p><i>ii.</i> If site has been subject of RCRA corrective activities, describe control measures: _____</p> <p><i>iii.</i> Is the project within 2000 feet of any site in the NYSDEC Environmental Site Remediation database? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span></p> <p>If yes, provide DEC ID number(s): _____</p> <p><i>iv.</i> If yes to (i), (ii) or (iii) above, describe current status of site(s): _____</p>	<input type="checkbox"/> Yes – Spills Incidents database	Provide DEC ID number(s): _____	<input type="checkbox"/> Yes – Environmental Site Remediation database	Provide DEC ID number(s): _____	<input type="checkbox"/> Neither database	
<input type="checkbox"/> Yes – Spills Incidents database	Provide DEC ID number(s): _____					
<input type="checkbox"/> Yes – Environmental Site Remediation database	Provide DEC ID number(s): _____					
<input type="checkbox"/> Neither database						

v. Is the project site subject to an institutional control limiting property uses? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span> <ul style="list-style-type: none"> <li>• If yes, DEC site ID number: _____</li> <li>• Describe the type of institutional control (e.g., deed restriction or easement): _____</li> <li>• Describe any use limitations: _____</li> <li>• Describe any engineering controls: _____</li> <li>• Will the project affect the institutional or engineering controls in place? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span></li> <li>• Explain: _____</li> </ul>	
<b>E.2. Natural Resources On or Near Project Site</b>	
a. What is the average depth to bedrock on the project site? _____ feet	
b. Are there bedrock outcroppings on the project site? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span> If Yes, what proportion of the site is comprised of bedrock outcroppings? _____ %	
c. Predominant soil type(s) present on project site: _____ % _____ % _____ %	
d. What is the average depth to the water table on the project site? Average: _____ feet	
e. Drainage status of project site soils: <input type="checkbox"/> Well Drained: _____ % of site <input type="checkbox"/> Moderately Well Drained: _____ % of site <input type="checkbox"/> Poorly Drained _____ % of site	
f. Approximate proportion of proposed action site with slopes: <input type="checkbox"/> 0-10%: _____ % of site <input type="checkbox"/> 10-15%: _____ % of site <input type="checkbox"/> 15% or greater: _____ % of site	
g. Are there any unique geologic features on the project site? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span> 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)? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span>	
ii. Do any wetlands or other waterbodies adjoin the project site? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span>	
If Yes to either <i>i</i> or <i>ii</i> , 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? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span>	
iv. For each identified regulated wetland and waterbody on the project site, provide the following information:	
<ul style="list-style-type: none"> <li>• Streams: Name _____ Classification _____</li> <li>• Lakes or Ponds: Name _____ Classification _____</li> <li>• Wetlands: Name _____ Approximate Size _____</li> <li>• Wetland No. (if regulated by DEC) _____</li> </ul>	
v. Are any of the above water bodies listed in the most recent compilation of NYS water quality-impaired waterbodies? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span>	
If yes, name of impaired water body/bodies and basis for listing as impaired: _____	
i. Is the project site in a designated Floodway? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span>	
j. Is the project site in the 100-year Floodplain? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span>	
k. Is the project site in the 500-year Floodplain? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span>	
l. Is the project site located over, or immediately adjoining, a primary, principal or sole source aquifer? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span>	
If Yes:	
i. Name of aquifer: _____	

m. Identify the predominant wildlife species that occupy or use the project site: _____ _____ _____	
n. Does the project site contain a designated significant natural community? <input type="checkbox"/> Yes <input type="checkbox"/> 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? <input type="checkbox"/> Yes <input type="checkbox"/> 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? <input type="checkbox"/> Yes <input type="checkbox"/> No If Yes: i. Species and listing: _____ _____	
q. Is the project site or adjoining area currently used for hunting, trapping, fishing or shell fishing? <input type="checkbox"/> Yes <input type="checkbox"/> No If yes, give a brief description of how the proposed action may affect that use: _____ _____	
<b>E.3. Designated Public Resources On or Near Project Site</b>	
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? <input type="checkbox"/> Yes <input type="checkbox"/> No If Yes, provide county plus district name/number: _____	
b. Are agricultural lands consisting of highly productive soils present? <input type="checkbox"/> Yes <input type="checkbox"/> 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? <input type="checkbox"/> Yes <input type="checkbox"/> No If Yes: i. Nature of the natural landmark: <input type="checkbox"/> Biological Community <input type="checkbox"/> 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? <input type="checkbox"/> Yes <input type="checkbox"/> No If Yes: i. CEA name: _____ ii. Basis for designation: _____ iii. Designating agency and date: _____	

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? If Yes: i. Nature of historic/archaeological resource: <input type="checkbox"/> Archaeological Site <input type="checkbox"/> Historic Building or District ii. Name: _____ iii. Brief description of attributes on which listing is based: _____	<input type="checkbox"/> Yes <input type="checkbox"/> No
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?	<input type="checkbox"/> Yes <input type="checkbox"/> No
g. Have additional archaeological or historic site(s) or resources been identified on the project site? If Yes: i. Describe possible resource(s): _____ ii. Basis for identification: _____	<input type="checkbox"/> Yes <input type="checkbox"/> No
h. Is the project site within five miles of any officially designated and publicly accessible federal, state, or local scenic or aesthetic resource? 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.	<input type="checkbox"/> Yes <input type="checkbox"/> No
i. Is the project site located within a designated river corridor under the Wild, Scenic and Recreational Rivers Program 6 NYCRR 666? 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?	<input type="checkbox"/> Yes <input type="checkbox"/> 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 Village of Port Chester (Greg Cutler) Date 1/17/2025

Signature \_\_\_\_\_ Title \_\_\_\_\_

**PRINT FORM**

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

Agency Use Only [If applicable]  
 Project: BESS  
 Date: 1/17/25

**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.

<b>1. Impact on Land</b>			
Proposed action may involve construction on, or physical alteration of, the land surface of the proposed site. (See Part 1. D.1)		<input checked="" type="checkbox"/> NO	<input type="checkbox"/> YES
<i>If “Yes”, answer questions a - j. If “No”, move on to Section 2.</i>			
	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 type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may involve construction on slopes of 15% or greater.	E2f	<input 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 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 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 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 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 type="checkbox"/>
h. Other impacts: _____		<input 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 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 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 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 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 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 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 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 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 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 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 type="checkbox"/>	<input type="checkbox"/>

1. Other impacts: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>
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<b>4. Impact on groundwater</b> 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. <input checked="" type="checkbox"/> NO <input type="checkbox"/> YES (See Part 1. D.2.a, D.2.c, D.2.d, D.2.p, D.2.q, D.2.t) <i>If "Yes", answer questions a - h. If "No", move on to Section 5.</i>			
	<b>Relevant Part I Question(s)</b>	<b>No, or small impact may occur</b>	<b>Moderate to large impact may occur</b>
a. The proposed action may require new water supply wells, or create additional demand on supplies from existing water supply wells.	D2c	<input 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 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 type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may include or require wastewater discharged to groundwater.	D2d, E2l	<input 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 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 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 type="checkbox"/>	<input type="checkbox"/>
h. Other impacts: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>

<b>5. Impact on Flooding</b> The proposed action may result in development on lands subject to flooding. <input type="checkbox"/> NO <input checked="" type="checkbox"/> YES (See Part 1. E.2) <i>If "Yes", answer questions a - g. If "No", move on to Section 6.</i>			
	<b>Relevant Part I Question(s)</b>	<b>No, or small impact may occur</b>	<b>Moderate to large impact may occur</b>
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 type="checkbox"/>	<input type="checkbox"/>
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<b>6. Impacts on Air</b>			
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
	<b>Relevant Part I Question(s)</b>	<b>No, or small impact may occur</b>	<b>Moderate to large impact may occur</b>
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 <sub>2</sub> ) ii. More than 3.5 tons/year of nitrous oxide (N <sub>2</sub> O) iii. More than 1000 tons/year of carbon equivalent of perfluorocarbons (PFCs) iv. More than .045 tons/year of sulfur hexafluoride (SF <sub>6</sub> ) v. More than 1000 tons/year of carbon dioxide equivalent of hydrochloroflourocarbons (HFCs) emissions vi. 43 tons/year or more of methane	D2g D2g D2g D2g D2g D2h	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <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"/>

<b>7. Impact on Plants and Animals</b>			
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
	<b>Relevant Part I Question(s)</b>	<b>No, or small impact may occur</b>	<b>Moderate to large impact may occur</b>
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"/>

<b>8. Impact on Agricultural Resources</b>			
The proposed action may impact agricultural resources. (See Part 1. E.3.a. and b.)		<input checked="" type="checkbox"/> NO	<input type="checkbox"/> YES
<i>If "Yes", answer questions a - h. If "No", move on to Section 9.</i>			
	<b>Relevant Part I Question(s)</b>	<b>No, or small impact may occur</b>	<b>Moderate to large impact may occur</b>
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.	E1 a, 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.)  
*If "Yes", answer questions a - g. If "No", go to Section 10.*

NO       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 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 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 type="checkbox"/> <input 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 type="checkbox"/> <input 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 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 type="checkbox"/>	<input type="checkbox"/>
g. Other impacts: _____ _____		<input 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.)  
*If "Yes", answer questions a - e. If "No", go to Section 11.*

NO       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 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 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 type="checkbox"/>	<input type="checkbox"/>

d. Other impacts: _____		<input type="checkbox"/>	<input 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 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 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 type="checkbox"/>	<input type="checkbox"/>

<b>11. Impact on Open Space and Recreation</b>			
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
	<b>Relevant Part I Question(s)</b>	<b>No, or small impact may occur</b>	<b>Moderate to large impact may occur</b>
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"/>

<b>12. Impact on Critical Environmental Areas</b>			
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
	<b>Relevant Part I Question(s)</b>	<b>No, or small impact may occur</b>	<b>Moderate to large impact may occur</b>
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.  NO  YES  
 (See Part 1. D.2.j)  
 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.  NO  YES  
 (See Part 1. D.2.k)  
 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.  NO  YES  
 (See Part 1. D.2.m., n., and o.)  
 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"/>

<b>16. Impact on Human Health</b> 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.) <input checked="" type="checkbox"/> NO <input type="checkbox"/> YES <i>If "Yes", answer questions a - m. If "No", go to Section 17.</i>			
	<b>Relevant Part I Question(s)</b>	<b>No, or small impact may occur</b>	<b>Moderate to large impact may occur</b>
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 type="checkbox"/>	<input type="checkbox"/>
b. The site of the proposed action is currently undergoing remediation.	E1g, E1h	<input 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 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 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 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 type="checkbox"/>	<input type="checkbox"/>
g. The proposed action involves construction or modification of a solid waste management facility.	D2q, E1f	<input type="checkbox"/>	<input type="checkbox"/>
h. The proposed action may result in the unearthing of solid or hazardous waste.	D2q, E1f	<input 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 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 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 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 type="checkbox"/>	<input type="checkbox"/>
m. Other impacts: _____ _____			

<b>17. Consistency with Community Plans</b> The proposed action is not consistent with adopted land use plans. <input checked="" type="checkbox"/> NO <input type="checkbox"/> YES (See Part 1. C.1, C.2. and C.3.) <i>If "Yes", answer questions a - h. If "No", go to Section 18.</i>			
	<b>Relevant Part I Question(s)</b>	<b>No, or small impact may occur</b>	<b>Moderate to large impact may occur</b>
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 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 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 type="checkbox"/>
d. The proposed action is inconsistent with any County plans, or other regional land use plans.	C2, C2	<input 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 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 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 type="checkbox"/>	<input type="checkbox"/>
h. Other: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>

<b>18. Consistency with Community Character</b> The proposed project is inconsistent with the existing community character. <input checked="" type="checkbox"/> NO <input type="checkbox"/> YES (See Part 1. C.2, C.3, D.2, E.3) <i>If "Yes", answer questions a - g. If "No", proceed to Part 3.</i>			
	<b>Relevant Part I Question(s)</b>	<b>No, or small impact may occur</b>	<b>Moderate to large impact may occur</b>
a. The proposed action may replace or eliminate existing facilities, structures, or areas of historic importance to the community.	E3e, E3f, E3g	<input 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 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 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 type="checkbox"/>	<input type="checkbox"/>
e. The proposed action is inconsistent with the predominant architectural scale and character.	C2, C3	<input 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 type="checkbox"/>	<input type="checkbox"/>
g. Other impacts: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>

**PRINT FULL FORM**

**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.

Please see attached negative declaration addendum.

**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  
Negative Declaration Addendum

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and considering both the magnitude and importance of each identified potential impact, it is the conclusion of the  
Mayor and Board of Trustees 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:

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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: BESS

Name of Lead Agency: Board of Trustees

Name of Responsible Officer in Lead Agency: Luis Marino

Title of Responsible Officer: Mayor

Signature of Responsible Officer in Lead Agency:  Date: 1/29/2025

Signature of Preparer (if different from Responsible Officer) Gregory Cutler, AICP Date: 1/17/2025

**For Further Information:**  
 Contact Person: Gregory Cutler  
 Address: 222 Grace Church St  
 Telephone Number: 914-937-6780  
 E-mail: gcutler@portchesterny.gov

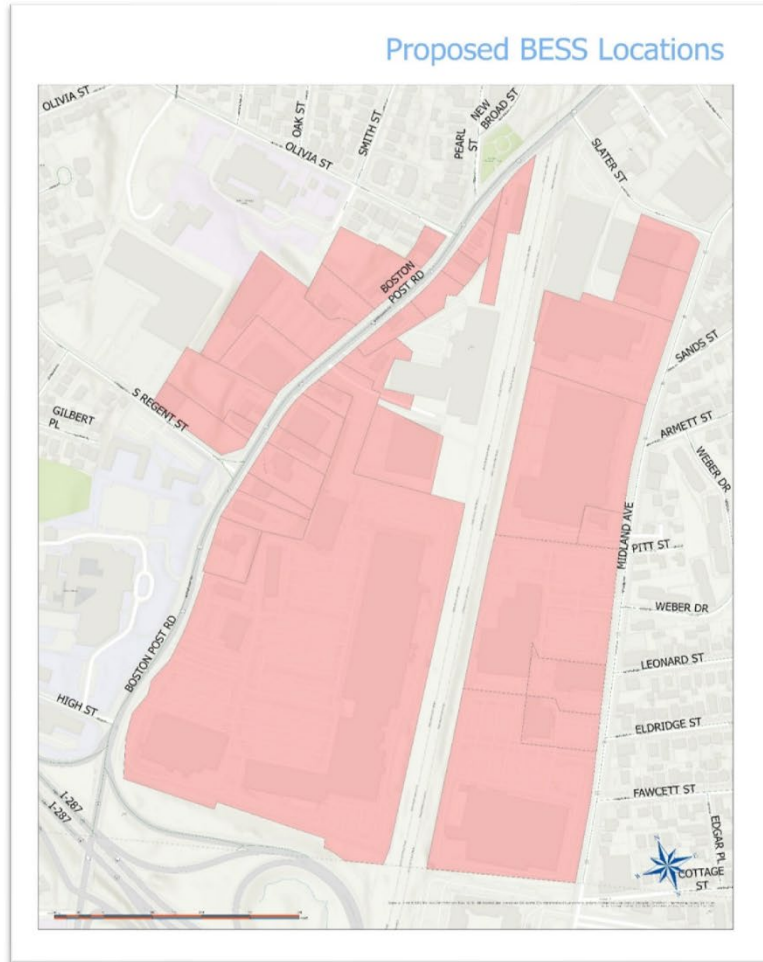
**For Type 1 Actions and Conditioned Negative Declarations, a copy of this Notice is sent to:**  
 Chief Executive Officer of the political subdivision in which the action will be principally located (e.g., Town / City / Village of)  
 Other involved agencies (if any)  
 Applicant (if any)  
 Environmental Notice Bulletin: <http://www.dec.ny.gov/enb/enb.html>

**PRINT FULL FORM**

# NEGATIVE DECLARATION ADDENDUM

## PROPOSED ACTION

The proposed action allows Tier 2 Battery Energy Storage System Facilities (BESS) as a special exception accessory use in the CD-4MU on properties that front on Boston Post Road and Midland Avenue. Additionally, the proposed action will provide the necessary regulatory framework for BESS within the Zoning Code. The area of the Village included in the proposed action is indicated by the highlighted region in the below illustration.



**REQUIRED APPROVALS**

The action is subject to the following approvals:

1. SEQRA Review by the Board of Trustees as lead agency.

**BACKGROUND**

In August of 2022 the Planning Department received an inquiry regarding the establishment of a Battery Energy Storage System (BESS). Subsequently, a site plan application for a BESS was submitted in June of 2023 for a property located along North Main Street. As the 2020 form-based Zoning Code did not anticipate BESS, or provide a sufficient regulatory framework regarding this technology, the Board imposed a temporary development moratorium on battery energy storage systems in order to review and make necessary changes to the Zoning Code.

In August of 2023 the Village’s planning consultants (AKRF) provided an analysis memo discussing regulations governing development in the CD-4 District in light of the BESS application on North Main Street.

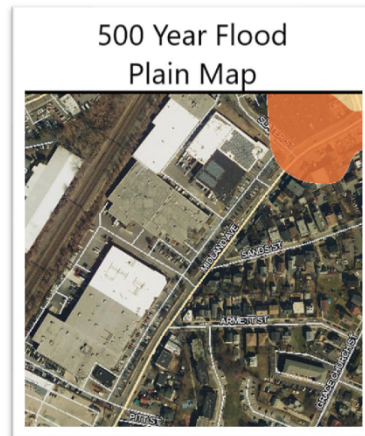
In October of 2024 the Planning Department issued a planning memorandum to the Village’s Board of Trustees (BOT). This memo included two conceptual local laws, one that would allow BESS as a principal use by special exception and a second option that would allow BESS as an accessory use by special exception. Both options would restrict BESS to CD-4MU properties that front on Boston Post Road and Midland Avenue. The BOT selected the second option, BESS as a special exception accessory use. This addendum outlines the proposed action.

**REVIEW OF POTENTIAL IMPACTS**

The following areas have been identified as relating the proposed action, all other items areas of impact noted on the Full Environmental Impact Assessment Form Part 2 are not applicable.

**IMPACTS ON FLOODING (PART 2- ITEM 5)**

A limited portion of the subject area is within the 500-year flood plain, solely located at the corner of Midland Avenue and Slater Street (on the Zachy’s property, as depicted in fig1). The proposed action specifically addresses the development of BESS within the floodplain, that all “matters relating to the proposed battery energy storage system” shall be “reviewed by the Building Inspector for completeness” and all “application[s] shall be complete when it addresses all matters listed in this Local Law including, but not necessarily limited to...Floodplain, Utility Lines and Electrical Circuitry, Signage, Lighting, Vegetation and Tree-cutting, Noise, Decommissioning, Site Plan and Development, Special Use and Development, Ownership Changes, Safety, and Permit Time Frame and Abandonment”. Additionally, future development within the subject area will be subject to adherence to the Village’s floodplain development requirements. The Village’s floodplain law requires that all developments either be elevated above the base flood



elevation or be floodproofed (depending on use). Moreover, the floodplain law requires that any new development not increase the base flood elevation. Therefore, the proposed action is not anticipated to create a significant adverse environmental impact on flooding that rises to the level of requiring a positive declaration.

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IMPACTS ON AIR (PART 2- ITEM 6)

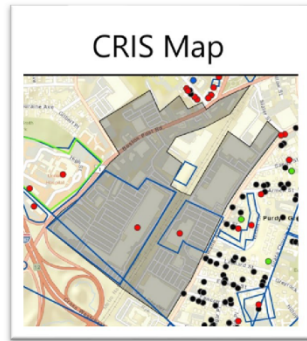
BESS are considered an environmentally friendly energy storage and transfer technology; however, some emissions are generated within the lifecycle of BESS. Based on the most commonly utilized battery composition (lithium-ion battery) BESS are associated with 3 “scopes”<sup>(1)</sup> of carbon emissions. Scope one emissions are generated during the integration and maintenance of BESS. For example, scope one emissions are generated by combustion-based fuel expended from company-owned vehicles during the transportation, installation, and further maintenance of the BESS. Scope two emissions are indirect emissions as a result of energy loss during the transfer from the storage unit to end consumer. Also known as “line loss”, emissions are generated as a result of the additional energy required to transfer stored energy from point A to point B. Additionally, this scope captures the small degree of energy loss, known as “self-discharge”, while energy is stored. Scope three is associated with emissions generated as a result of the production of components required to construct BESS, also known as “upstream emissions.” Based on the three scopes of emissions only scope one emissions are generated on-site. Additionally, scope one emissions generated by a BESS in the Village would be lesser than the development of a residential or commercial building and its associated emissions lifecycle. Therefore, the proposed action is not anticipated to create a significant adverse environmental impact on air and that rises to the level of requiring a positive declaration and will instead likely maintain a status quo on air impacts and promote efficient technology that can service the energy demands of the Village.

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IMPACT ON AESTHETIC RESOURCES & IMPACT ON HISTORIC AND ARCHEOLOGICAL RESOURCES (PART 2- ITEMS 9 & 10)

The subject area constitutes one of the Village’s suburban commercial and semi-industrial thoroughfares and contains a myriad of small- and large-scale businesses, such as: Floor and Décor, Zachy’s Wine and Spirits, Garden Catering, UTZ, Home Depot, Edo Japanese Stake House, Walker and Zanger Stone and Tile, Warrior Baseball NY.

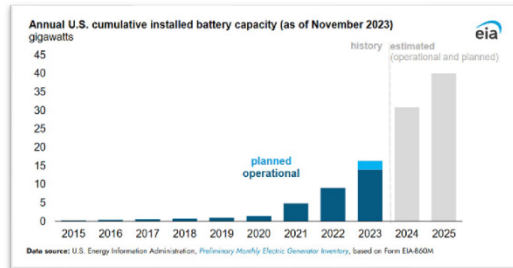




There are no listed or eligible historic sites and two non-eligible sites (the Kohl’s Plaza and 130 Midland-Existing Shopping center) according to the Cultural Resource Information System (CRIS). A CRIS map of the subject area is included. The proposed action seeks to match and contain the development of BESS within the commercial and light-industrial character of Boston Post Road and Midland avenue in order to preserve existing neighborhood aesthetic. As a result, the proposed action is not anticipated to create a significant adverse environmental impact on historic and architectural resources that will rise to the level of requiring a positive declaration.

IMPACT ON ENERGY (PART 2- ITEM 14)

The United States’ energy infrastructure has historically relied heavily on non-renewable energy sources such as coal, oil, and natural gas production. In the second half of the 20<sup>th</sup> century, namely after the creation of NEPA in 1969 and the oil crisis of the 1970s, public interest in renewable energy sources has grown considerably. Today, solar, wind, and geothermal power sources make up 9% of all U.S. based energy consumption [2]. As energy infrastructure has grown over the past several decades the technology to generate, store, or transfer energy has concurrently developed as the nation shifts towards electric infrastructure. The battery energy storage system (otherwise known as BESS) is a supportive energy storing technology that has proliferated through the U.S. in recent years and is expected to nearly double in quantity by 2024 [3]. Currently, New York is ranked as the 8<sup>th</sup> U.S. state for installed battery capacity [4], with the greatest expansion of BESS units in California, Texas, and Arizona.



With the advancement of electric energy systems and a nationwide shift towards electric infrastructure, including electric vehicles and electric heating, the current demand on energy strains the existing “grid” and future demand will only exacerbate this strain. As with any community, energy demands fluctuate throughout the course of a given day. When energy demands exceed the “grid” capacity consumers can be faced with temporary outages, also known as

brownouts. The aim of a BESS is to provide consistency and regularity to electric energy infrastructure and to meet energy needs. A BESS does not generate but rather collects and stores energy during off-peak hours and then distributes its energy store during peak hours to meet the higher energy demands. Although not specifically accounted for during the inception of the Village’s Form Based Code the proposed action would allow BESS to be established within the village and would promote regularity and consistency within the local “grid”. Therefore, the proposed action is not anticipated to create a significant adverse environmental impact on energy that rised to the level of requiring a positive declaration and will likely improve energy capacity and availability.

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**IMPACT ON NOISE, ODOR, LIGHT (PART 2- ITEM 15)**

BESS are considered a nuisance use based on the high noise levels and odor generated by “compressors and fans” (fig 1) within the unit as well as the aesthetic of the land use. As a result, the development of units should be contained within sections of the Village that are of similar character and use. The proposed action permits BESS as an accessory use within a section of the Village that is of a commercial and semi-industrial nature. Limiting BESS as an accessory use will promote the development of a BESS to the rear or “unseen” portion of a property. Additionally, the American Planning Association states that impacts on noise, odor, and light created by BESS should be mitigated through “vegetation” ...” screening, fencing standards” as well as developing lighting standards [5]. The proposed action specifically addresses fencing requirements, that the BESS “shall be enclosed by a 7-foot-high fence with a self-locking gate”. Additionally, a provision of the proposed action states that “to the extent reasonably practicable” a BESS development should incorporate “architectural features, earth berms, landscaping, or other screening methods that will harmonize with the character of the property and surrounding area and not interfering with ventilation or exhaust ports”. Lastly, the proposed action states the “average noise generated from the battery energy storage systems, components, and associated ancillary equipment shall not exceed a noise level of 60 dBA”. Therefore, the proposed action is not anticipated to create a significant adverse environmental impact on noise, odor, or light that rises to the level of requiring a positive declaration and sets clear regulatory guidelines for the development and maintenance of BESS.

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**CONSISTENCY WITH COMMUNITY PLANS & COMMUNITY CHARACTER (PART 2- ITEMS 17 & 18)**

The Village of Port Chester Comprehensive Plan (“Comprehensive Plan”) was adopted on December 17, 2012. As a result, the Comprehensive Plan would not have been specifically called out BESS. However, the Comprehensive Plan recommends that the Village “[p]rovide for the energy needs “of “Village residents by supporting the necessary expansion and/or replacement of appropriate utilities” (page 45). As energy storage technologies (a form of utility) have developed in the thirteen years since the adoption of the Comprehensive Plan it is the Village’s prerogative to create the regulatory framework to facilitate the inclusion of new utility systems. Additionally, Village businesses and residents complain about intermittent brownouts during peak energy consumption hours. The proposed action would allow for the development of BESS within the Village that could directly facilitate an expansion of energy utilities to reduce or eliminate brownouts.

Recommendation #6 of the Comprehensive Plan states that the Village should work with companies that “use the best and most advanced technology” as related to a “Village-wide energy assessment, or audit, for all utilities used by the Village to determine areas in which reductions might be targeted for energy and cost savings”. If action such as is proposed is not undertaken the development of BESS, or similar technologies, within the Village will remain prohibited as zoning is prescriptive. Therefore, the Village will be unable to “use the best and most advanced technology” for energy and cost savings needs as outlined in the Comprehensive Plan. The proposed action will directly include the development of BESS which will permit Village and BOT the ability to elaborate upon the “best and most advanced” energy technologies.

**For Further Information**

Contact Person:  
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 Village of Port Chester Department of Planning and Economic Development  
 222 Grace Church St, Port Chester, NY 10573  
 (914) 937-6780

Prepared by Matthew Wilkes- Assistant Planner

**Adoption of Local Law No. I-20 of 2024**

*(Filed with the New York State Department of State as Local Law No. 3 of 2025)*

A LOCAL LAW AMENDING THE CODE OF THE VILLAGE OF PORT CHESTER,  
CHAPTER 345, “ZONING,” TO ADD A NEW SECTION 345.405.X, “BATTERY  
ENERGY STORAGE SYSTEMS”

**Be it enacted by the Board of Trustees of the Village of Port Chester, New York as follows:**

SECTION 1: Purpose and Intent

This Battery Energy Storage System Law is adopted to advance and protect the public health, safety, welfare, and quality of life of Village of Port Chester by creating regulations for the installation and use of battery energy storage systems, with the following objectives:

- A. To provide a regulatory scheme for the designation of properties suitable for the location, construction and operation of battery energy storage systems;
- B. To ensure compatible land uses in the vicinity of the areas affected by battery energy storage systems;
- C. To mitigate the impacts of battery energy storage systems on environmental resources such as important agricultural lands, forests, wildlife and other protected resources; and
- D. To create synergy between battery energy storage system development.

SECTION 2: The Code of the Village of Port Chester, Chapter 345, “Zoning,” Article 4, “Building and Lot Plans and Standards,” is hereby amended to add a new section 345.405.X., “Battery Energy Storage System,” as follows:

(1) General Requirements

- A. A building permit and an electrical permit shall be required for installation of all battery energy storage systems.
- B. Issuance of permits and approvals by the Planning Commission shall include review pursuant to the State Environmental Quality Review Act [ECL Article 8 and its implementing regulations at 6 NYCRR Part 617 (“SEQRA”)].
- C. All battery energy storage systems, all Dedicated Use Buildings, and all other buildings or structures that (1) contain or are otherwise associated with a battery energy storage system and (2) subject to the Uniform Code and/or the Energy Code shall be designed, erected, and installed in accordance with all applicable provisions of the Uniform Code, all applicable provisions of the Energy Code, and all applicable provisions of the codes, regulations, and industry standards as referenced in the Uniform Code, the Energy Code, and the Village of Port Chester Code.

(2) Permitting Requirements for Tier 2 Battery Energy Storage Systems

Tier 2 Battery Energy Storage Systems are permitted through the issuance of a special exception use within the CD-4MU zoning district and shall be subject to the Uniform Code and the site plan application requirements set forth in this Section.

(3) Applications for the installation of Tier 2 Battery Energy Storage System shall be:



- A. Reviewed by the Building Inspector for completeness. An application shall be complete when it addresses all matters listed in this Local Law including, but not necessarily limited to,
  - i. compliance with all applicable provisions of the Uniform Code and all applicable provisions of the Energy Code and
  - ii. matters relating to the proposed battery energy storage system and Floodplain, Utility Lines and Electrical Circuitry, Signage, Lighting, Vegetation and Tree-cutting, Noise, Decommissioning, Site Plan and Development, Special Use and Development, Ownership Changes, Safety, and Permit Time Frame and Abandonment.
- B. The application is subject to the notice requirements for Special Exception Uses' as outlined in 345-808 of Village Code.
- C. Upon closing of the public hearing, the Planning Commission shall take action on the application within 62 days of the public hearing, which can include approval, approval with conditions, or denial. The 62-day period may be extended upon consent by both the Planning Commission and Applicant.

(4) Utility Lines and Electrical Circuitry. All on-site utility lines shall be placed underground to the extent feasible and as permitted by the serving utility, with the exception of the main service connection at the utility company right-of-way and any new interconnection equipment, including without limitation any poles, with new easements and right-of-way.

(5) Signage.

- A. The signage shall be in compliance with ANSI Z535 and shall include the type of technology associated with the battery energy storage systems, any special hazards associated, the type of suppression system installed in the area of battery energy storage systems, and 24-hour emergency contact information, including reach-back phone number.
- B. As required by the NEC, disconnect and other emergency shutoff information shall be clearly displayed on a light reflective surface. A clearly visible warning sign concerning voltage shall be placed at the base of all pad-mounted transformers and substations.

(6) Lighting. Lighting of the battery energy storage systems shall be limited to that minimally required for safety and operational purposes and shall be reasonably shielded and downcast from abutting properties.

(7) Vegetation and tree-cutting. Areas within 10 feet on each side of Tier 2 Battery Energy Storage Systems shall be cleared of combustible vegetation and other combustible growth. Single specimens of trees, shrubbery, or cultivated ground cover such as green grass, ivy, succulents, or similar plants used as ground covers shall be permitted to be exempt provided that they do not form a means of readily transmitting fire. Removal of trees should be minimized to the extent possible.

(8) Noise. The average noise generated from the battery energy storage systems, components, and associated ancillary equipment shall not exceed a noise level of 60 dBA

as measured at the outside wall of any non-participating residence or occupied community building. Applicants may submit equipment and component manufacturer's noise ratings to demonstrate compliance. The applicant may be required to provide Operating Sound Pressure Level measurements from a reasonable number of sampled locations at the perimeter of the battery energy storage system to demonstrate compliance with this standard.

(9) Decommissioning.

- A. Decommissioning Plan. The applicant shall submit a decommissioning plan, developed in accordance with the Uniform Code, to be implemented upon abandonment and/or in conjunction with removal from the facility. The decommissioning plan shall include:
- a. A narrative description of the activities to be accomplished, including who will perform that activity and at what point in time, for complete physical removal of all battery energy storage system components, structures, equipment, security barriers, and transmission lines from the site;
  - b. Disposal of all solid and hazardous waste in accordance with local, state, and federal waste disposal regulations;
  - c. The anticipated life of the battery energy storage system;
  - d. The estimated decommissioning costs and how said estimate was determined;
  - e. The method of ensuring that funds will be available for decommissioning and restoration;
  - f. The method by which the decommissioning cost will be kept current;
  - g. The manner in which the site will be restored, including a description of how any changes to the surrounding areas and other systems adjacent to the battery energy storage system, such as, but not limited to, structural elements, building penetrations, means of egress, and required fire detection suppression systems, will be protected during decommissioning and confirmed as being acceptable after the system is removed; and
  - h. A listing of any contingencies for removing an intact operational energy storage system from service, and for removing an energy storage system from service that has been damaged by a fire or other event.

(10) Decommissioning Fund. The owner and/or operator of the energy storage system, shall continuously maintain a fund or bond payable to the Village of Port Chester, in a form approved by the Village of Port Chester for the removal of the battery energy storage system, in an amount to be determined by the Village of Port Chester, for the period of the life of the facility. This fund may consist of a letter of credit from a State of New York licensed-financial institution. All costs of the financial security shall be borne by the applicant.

(11) Site plan application. For a Tier 2 Battery Energy Storage System requiring a Special Use Permit, site plan approval shall be required. Any site plan application shall include the following information:

- A. Property lines and physical features, including roads, for the project site.
- B. Proposed changes to the landscape of the site, grading, vegetation clearing and planting, exterior lighting, and screening vegetation or structures.
- C. A three-line electrical diagram detailing the battery energy storage system layout, associated components, and electrical interconnection methods, with all National Electrical Code compliant disconnects and over current devices.
- D. A preliminary equipment specification sheet that documents the proposed battery energy storage system components, inverters and associated electrical equipment that are to be installed. A final equipment specification sheet shall be submitted prior to the issuance of building permit.
- E. Name, address, and contact information of proposed or potential system installer and the owner and/or operator of the battery energy storage system. Such information of the final system installer shall be submitted prior to the issuance of building permit.
- F. Name, address, phone number, and signature of the project Applicant, as well as all the property owners, demonstrating their consent to the application and the use of the property for the battery energy storage system.
- G. Zoning district designation for the parcel(s) of land comprising the project site.
- H. Commissioning Plan. Such plan shall document and verify that the system and its associated controls and safety systems are in proper working condition per requirements set forth in the Uniform Code. Where commissioning is required by the Uniform Code, Battery energy storage system commissioning shall be conducted by a New York State (NYS) Licensed Professional Engineer after the installation is complete but prior to final inspection and approval. A corrective action plan shall be developed for any open or continuing issues that are allowed to be continued after commissioning. A report describing the results of the system commissioning and including the results of the initial acceptance testing required in the Uniform Code shall be provided to the Building Inspector prior to final inspection and approval and maintained at an approved on-site location.
- I. Fire Safety Compliance Plan. Such plan shall document and verify that the system and its associated controls and safety systems are in compliance with the Uniform Code.

(12) Operation and Maintenance Manual. Such plan shall describe continuing battery energy storage system maintenance and property upkeep, as well as design, construction, installation, testing and commissioning information and shall meet all requirements set forth in the Uniform Code.

(K) Erosion and sediment control and storm water management plans prepared to New York State Department of Environmental Conservation standards, if applicable, and to such standards as may be established by the Planning Board.

(L) Prior to the issuance of the building permit or final approval by Planning Commission, but not required as part of the application, engineering documents must be signed and sealed by a NYS Licensed Professional Engineer.

(M) Emergency Operations Plan. A copy of the approved Emergency Operations Plan shall be given to the system owner, the local fire department, and local fire code official. A permanent copy shall also be placed in an approved location to be accessible to facility personnel, fire code officials, and emergency responders. The emergency operations plan shall include the following information:

- a. Procedures for safe shutdown, de-energizing, or isolation of equipment and systems under emergency conditions to reduce the risk of fire, electric shock, and personal injuries, and for safe start-up following cessation of emergency conditions.
- b. Procedures for inspection and testing of associated alarms, interlocks, and controls.
- c. Procedures to be followed in response to notifications from the Battery Energy Storage Management System, when provided, that could signify potentially dangerous conditions, including shutting down equipment, summoning service and repair personnel, and providing agreed upon notification to fire department personnel for potentially hazardous conditions in the event of a system failure. 12
- d. Emergency procedures to be followed in case of fire, explosion, release of liquids or vapors, damage to critical moving parts, or other potentially dangerous conditions. Procedures can include sounding the alarm, notifying the fire department, evacuating personnel, de-energizing equipment, and controlling and extinguishing the fire.
- e. Response considerations similar to a safety data sheet (SDS) that will address response safety concerns and extinguishment when an SDS is not required.
- f. Procedures for dealing with battery energy storage system equipment damaged in a fire or other emergency event, including maintaining contact information for personnel qualified to safely remove damaged battery energy storage system equipment from the facility.
- g. Other procedures as determined necessary by the Village of Port Chester to provide for the safety of occupants, neighboring properties, and emergency responders.
- h. Procedures and schedules for conducting drills of these procedures and for training local first responders on the contents of the plan and appropriate response procedures.

(13) Special Use Permit Standards.

(A) Setbacks. Tier 2 Battery Energy Storage Systems shall comply with the setback requirements of the underlying zoning district for principal structures.

(B) Height. Tier 2 Battery Energy Storage Systems shall comply with the building height limitations for principal structures of the underlying zoning district.

(C) Fencing Requirements. Tier 2 Battery Energy Storage Systems, including all mechanical equipment, shall be enclosed by a 7-foot-high fence with a self-locking gate to prevent unauthorized access unless housed in a dedicated-use building and not interfering with ventilation or exhaust ports. At the discretion of the Planning Commission, masonry walls may be required as substitute for fencing.

(D) Screening and Visibility. Tier 2 Battery Energy Storage Systems shall have views minimized from adjacent properties to the extent reasonably practicable using architectural features, earth berms, landscaping, or other screening methods that will harmonize with the character of the property and surrounding area and not interfering with ventilation or exhaust ports.

(14) Ownership Changes. If the owner of the battery energy storage system changes or the owner of the property changes, the special use permit shall remain in effect, provided that the successor owner or operator assumes in writing all of the obligations of the special use permit, site plan approval, and decommissioning plan. A new owner or operator of the battery energy storage system shall notify the Building Inspector of such change in ownership or operator within 30 days of the ownership change. A new owner or operator must provide such notification to the Building Inspector in writing. The special exception use permit and all other local approvals for the battery energy storage system would be void if a new owner or operator fails to provide written notification to the Building Inspector in the required timeframe. Reinstatement of a void special use permit will be subject to the same review and approval processes for new applications under this Local Law.

SECTION 3: The Code of the Village of Port Chester, Chapter 345, “Zoning,” Article 10, “Definitions,” is hereby amended as follows:

Section 345-1003, “Defined terms,” is amended as follows:

**BATTERY (IES):** A single cell or a group of cells connected together electrically in series, in parallel, or a combination of both, which can charge, discharge, and store energy electrochemically. For the purposes of this law, batteries utilized in consumer products are excluded from these requirements.

**BATTERY ENERGY STORAGE MANAGEMENT SYSTEM:** An electronic system that protects energy storage systems from operating outside their safe operating parameters and disconnects electrical power to the energy storage system or places it in a safe condition if potentially hazardous temperatures or other conditions are detected.

**BATTERY ENERGY STORAGE SYSTEM:** One or more devices, assembled together, capable of storing energy in order to supply electrical energy at a future time, not to include a stand-alone 12-volt car battery or an electric motor vehicle. A battery energy storage system is classified as a Tier 1 or Tier 2 Battery Energy Storage System as follows: A. Tier 1 Battery Energy Storage Systems have an aggregate energy capacity less than or equal to 300kWh and, if in a room or enclosed area, consist of only a single energy storage system technology. B. Tier 2 Battery Energy Storage Systems have an

aggregate energy capacity greater than 300kWh or are comprised of more than one storage battery technology in a room or enclosed area.

**CELL:** The basic electrochemical unit, characterized by an anode and a cathode, used to receive, store, and deliver electrical energy.

**COMMISSIONING:** A systematic process that provides documented confirmation that a battery energy storage system functions according to the intended design criteria and complies with applicable code requirements.

**DEDICATED-USE BUILDING:** A building that is built for the primary intention of housing battery energy storage system equipment, is classified as Group F-1 occupancy as defined in the International Building Code, and complies with the following: 1) The building's only use is battery energy storage, energy generation, and other electrical grid-related operations. 2) No other occupancy types are permitted in the building. 3) Occupants in the rooms and areas containing battery energy storage systems are limited to personnel that operate, maintain, service, test, and repair the battery energy storage system and other energy systems. 4) Administrative and support personnel are permitted in areas within the buildings that do not contain battery energy storage system, provided the following: a. The areas do not occupy more than 10 percent of the building area of the story in which they are located. b. A means of egress is provided from the administrative and support use areas to the public way that does not require occupants to traverse through areas containing battery energy storage systems or other energy system equipment.

**ENERGY CODE:** The New York State Energy Conservation Construction Code adopted pursuant to Article 11 of the Energy Law, as currently in effect and as hereafter amended from time to time.

**FIRE CODE:** The fire code section of the New York State Uniform Fire Prevention and Building Code adopted pursuant to Article 18 of the Executive Law, as currently in effect and as hereafter amended from time to time.

**NATIONALLY RECOGNIZED TESTING LABORATORY (NRTL):** A U.S. Department of Labor designation recognizing a private sector organization to perform certification for certain products to ensure that they meet the requirements of both the construction and general industry OSHA electrical standards. **NEC:** National Electric Code. **NFPA:** National Fire Protection Association.

**NON-DEDICATED-USE BUILDING:** All buildings that contain a battery energy storage system and do not comply with the dedicated-use building requirements.

**NON-PARTICIPATING PROPERTY:** Any property that is not a participating property.

**NON-PARTICIPATING RESIDENCE:** Any residence located on non-participating property.

**OCCUPIED COMMUNITY BUILDING:** Any building in Occupancy Group A, B, E, I, R, as defined in the International Building Code, including but not limited to schools, colleges, daycare facilities, hospitals, correctional facilities, public libraries, theaters, stadiums, apartments, hotels, and houses of worship.

**PARTICIPATING PROPERTY:** A battery energy storage system host property or any real property that is the subject of an agreement that provides for the payment of monetary compensation to the landowner from the battery energy storage system owner (or affiliate) regardless of whether any part of a battery energy storage system is constructed on the property.

**UNIFORM CODE:** the New York State Uniform Fire Prevention and Building Code adopted pursuant to Article 18 of the Executive Law, as currently in effect and as hereafter amended from time to time.





(b) Battery Energy Storage Systems. The standards, requirements, and procedures set forth in § ~~345-405X~~ shall be applicable to Special Exception Use applications for Battery Energy Storage Systems.

Section 345-805(J) is amended as follows:

(3) Battery Energy Storage Systems Tier 1 Battery Energy Storage Systems shall be permitted in all zoning districts, subject to the Uniform Code and the “Battery Energy Storage System Permit,” and exempt from site plan review.

#### SECTION 6: Applicability

- A. The requirements of this Local Law shall apply to all tier 2-battery energy storage systems permitted, installed, or modified in Village of Port Chester after the effective date of this Local Law, excluding general maintenance and repair.
- B. Battery energy storage systems constructed or installed prior to the effective date of this Local Law shall not be required to meet the requirements of this Local Law.
- C. Modifications to, retrofits or replacements of an existing battery energy storage system that increase the total battery energy storage system designed discharge duration or power rating shall be subject to this Local Law.

#### SECTION 7: Supersession

This local law shall supersede any inconsistent or conflicting provisions of Chapter 345 of the Village Code to provide for this local law to have full force and effect.

#### SECTION 8: Severability

If any clause, sentence, paragraph, section, or part of this local law shall be adjudged by a court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder thereof but shall be confined in its operation to the clause, sentence, paragraph or section or part of this local law directly involved in the controversy in which said judgment shall have been involved.

#### SECTION 9: Effective Date

This Local Law shall become effective upon due publication and filing with the Secretary of State.

### **DISCUSSIONS**

The Board discussed the following items:

***Dedication of the Columbus Park Gazebo to the memory of Port Chester Resident and Employee, Nina Jones***

Following a brief discussion, this item was referred to staff.

***The placement of the washer/dryer for the Fire Department***

Following a brief discussion, The Village Manager stated that he would come back to the Board with a new suggestion for placement of the washer/dryer.

***Request for use of the Port Chester Senior Center by the Hudson Valley Honor Flight: May 15, 2025 06:00 PM to 09:00 PM & May 18, 2025 11:30 AM to 03:30 PM***

Following a brief discussion, the Board has no objection and referred the item to staff.

***Building Permit Extension***

The Village Manager and Planning Director recommend another 12-month extension, for projects that have a construction cost exceeding 5 million. The Village Manager and the Trustees will continue the conversation.

***Final Phase & Integration off Accela***

Following a brief discussion, the Board is in support of a Budget Transfer for the final phase and integration off Accela.

a resolution to move

***Establishing a vicinity within which a member of the Fire Department may reside***

Following a brief discussion the Board passed the following resolution.

**RESOLUTION CONTINUE**

**RESOLUTION # 2**

**ESTABLISHING A VICINITY WITHIN WHICH A MEMBER OF THE  
FIRE DEPARTMENT MAY RESIDE**

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

WHEREAS, pursuant to Article VI of the Charter of the Village of Port Chester, the Board of Trustees are empowered to prescribe the duties of the Village's firefighters and to make rules and regulations for the government of the Port Chester Fire Department (the "Department"); and

WHEREAS, the Department responds to over 1,400 calls annually and therefore requires as many volunteers as possible to handle this volume; and

WHEREAS, the Board of Trustees recognizes that many members of the Department reside outside of the Village; and

WHEREAS, pursuant to New York State Village Law Section 10-1006 (5), a person who does not reside in either the village, or in a territory outside the village which is afforded fire protection by the village, may be elected to, or continued in, membership as a volunteer member of the fire department if by reason of his or her residence in the vicinity or his or her usual occupation, he or she will be available to render active service as a volunteer firefighter in the village; and

WHEREAS, the term "vicinity" is not defined under section 10-1006; and

WHEREAS, the Board of Trustees recognizes that a member's availability and ability to respond to a fire incident quickly is of paramount importance; and

Now therefore be it

RESOLVED, that the Board of Trustees of the Village of Port Chester hereby establishes a radius of fifty miles from 209 Westchester Avenue, Port Chester, New York (Fire Department headquarters) within which any candidate for membership of the Fire Department must reside; and be it further

RESOLVED, that this resolution shall not apply to members of the fire Department who reside outside of the fifty-mile radius at the time of the adoption hereof.

Approved as to Form:



James R. Carpinello, Village Attorney

**ROLL CALL**

**AYES:** Trustees Didden, Dorazio, Grangeniois-Thomas, Carvin, Allen, Alzate and Mayor Marino.

**NOES:** None.

**ABSTAIN:** None.

**RECUSE:** None.

**ABSENT:** None.

**DATE:** January 29, 2025.

*Accessory Dwelling Units*

Following a brief discussion, the Board asked for a resolution to set a Public Hearing on February 18, 2025.

**RESOLUTIONS CONTINUE**

**RESOLUTION #3**

On motion of TRUSTEE DORAZIO, seconded by TRUSTEE GRANGENOIS-THOMAS, the following resolution was adopted by the Board of Trustees of the Village of Port Chester, New York:

WHEREAS, pursuant to Article 5 of the New York State Alcoholic Beverage Control Law, the New York State Liquor Authority (the “Authority”) is prohibited from issuing an on-premises retail license for the sale and/or consumption of liquor to any premises which is within 500 feet of three establishments that are currently operating with on-premises liquor licenses unless the Authority finds that issuing such license is in the public interest (this is known as the “500-foot Rule”); and

WHEREAS, the 500-foot Rule requires the Authority to consult with the municipality and conduct a hearing to consider arguments and information on the issue of public interest; and

WHEREAS, On January 21, 2025, the Village Clerk received a “500 Foot Hearing Notice” from the Authority regarding the application for a liquor license from El Rancho de Lupita Restaurant Salvadorena, Inc. for its establishment, Rancho Grande, at 8 Poningo Street; and

WHEREAS, the Board of Trustees has considered its response to the Authority.

Now, therefore be it

RESOLVED, that the Board of Trustees hereby authorizes the Village Manager to submit a letter of support, subject to the applicant obtaining the necessary permits, inspections, and certificate of occupancy, to the New York State Liquor Authority regarding the application of El Rancho de Lupita Restaurant Salvadorena, Inc., for a liquor license for premises, Ranch Grande located at 8 Poningo Street, Port Chester, New York be forwarded to the New York State Liquor Authority.

Approved as to Form:



James R. Carpinello, Village Attorney

**ROLL CALL**

**AYES:** Trustees Didden, Dorazio, Grangeniois-Thomas, Carvin, Allen, Alzate and Mayor Marino.

**NOES:** None.

**ABSTAIN:** None.

**RECUSE:** None.

**ABSENT:** None.

**DATE:** January 29, 2025.

**RESOLUTION #4**

**ACCEPTANCE AND APPROVAL OF BRYCE J. COLLINS  
AS A MEMBER TO THE MELLOR ENGINE & HOSE CO. NO. 3**

On motion of TRUSTEE DIDDEN, seconded by TRUSTEE ALLEN, the Board of Trustees accepted the election of BRYCE J. COLLINS as a member to the MELLOR ENGINE & HOSE CO. NO. 3 with the Port Chester Fire Department, subject to the Village-selected physician's evaluation indicating that he is able to perform the functions of an interior or exterior firefighter and pending clearance to perform such functions by the New York State Division of Homeland Security and Emergency Services Office of Fire Prevention and Control.

Approved as to Form:



James R. Carpinello, Village Attorney

**ROLL CALL**

**AYES:** Trustees Didden, Dorazio, Grangeniois-Thomas, Carvin, Allen, Alzate and Mayor Marino.

**NOES:** None.

**ABSTAIN:** None.

**RECUSE:** None.

**ABSENT:** None.

**DATE:** January 29, 2025.

**RESOLUTION #5**

**BUDGET AMENDMENT – FISCAL YEAR 2024-2025 GENERAL FUND  
VILLAGE ELECTION**

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

WHEREAS, the Village Clerk had prepared cost estimates to increase the budget previously adopted by the Board of Trustees on January 6, 2025 in anticipation of the potential operation by the Village of the March 2025 Village election; and

WHEREAS, the Board of Trustees subsequently approved on January 21, 2025 a requested budgetary increase to the election budget by \$7,000 to fund unanticipated expenses for website platform hosting; and

WHEREAS, the Village Clerk is requesting an additional budgetary increase in the amount of \$5,500 to fund rental locations and machine storage expenses required to facilitate the election operation; and

WHEREAS, a budget amendment is required in advance of facilitating these operating expenditures associated with said election. Now, therefore be it

RESOLVED, that the Board of Trustees of the Village of Port Chester, New York hereby authorizes the Village Treasurer to modify the FY2024-25 General Fund Budget as follows:

**GENERAL FUND**

Revenues:

A.4995                      Appropriated Fund Balance                      \$5,500.00

Appropriations:

A.1450.424                      Poll Location / Storage - Rental                      \$5,500.00

Approved as to Form:



James R. Carpinello, Village Attorney

**ROLL CALL**

**AYES:** Trustees Didden, Dorazio, Grangenois-Thomas, Carvin, Allen, Alzate and Mayor Marino.

**NOES:** None.

**ABSTAIN:** None.  
**RECUSE:** None.  
**ABSENT:** None.

**DATE:** January 29, 2025.

**RESOLUTION #6**

**BUDGET TRANSFER - FISCAL YEAR 2024-25 GENERAL FUND (FIRE DEPARTMENT EQUIPMENT) & BUDGET AMENDMENT – CAPITAL PROJECT #2023-212 (COMPUTER EQUIPMENT / HARDWARE)**

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

WHEREAS, the acting Fire Chief has requested to purchase additional Scott Air Pack equipment and computer tablet equipment to facilitate operation requirements by transferring unexpended budgetary funds from the fire inspection line item to both the fire equipment line item in the amount of \$35,000 and the transfer to capital project line item for computer equipment in the amount of \$5,000. Now therefore be it,

RESOLVED, that the Board of Trustees of the Village of Port Chester, New York hereby approve and authorize the Village Treasurer to facilitate the following budget transfer and amendment to increase Capital Project #2023-212 (Computer Equipment / Hardware) as follows:

**GENERAL FUND – BUDGET TRANSFER:**

<u>From:</u>		
A.3410.430	Fire Inspection	(\$ 40,000.00)
<u>To:</u>		
A.3410.200	Equipment	\$ 35,000.00
A.9900.900	Transfer to Capital	\$ 5,000.00

**CAPITAL FUND – BUDGET AMENDMENT:**

Revenues:		
H.5031.2023.212	Transfer from General Fund	\$ 5,000.00
Appropriations:		
H.1650.200.2023.212	Computer Equipment / Hardware	\$ 5,000.00

Approved as to Form:



James R. Carpinello, Village Attorney

**ROLL CALL**

**AYES:** Trustees Didden, Dorazio, Grangeniois-Thomas, Carvin, Allen, Alzate and Mayor Marino.

**NOES:** None.

**ABSTAIN:** None.

**RECUSE:** None.

**ABSENT:** None.

**DATE:** January 29, 2025.

**AGENDA – WORK SESSION**

The Board had an opportunity to review the presented agenda items for the [February 10, 2025](#) and [February 18, 2025](#), Board Meetings.

TRUSTEE DIDDEN, made a motion to approve the following agendas for [February 10, 2025](#) and [February 18, 2025](#) as presented below, seconded by TRUSTEE DORAZIO. The motion was adopted by the Board of Trustees of the Village of Port Chester, New York:

**ROLL CALL**

**AYES:** Trustees Didden, Dorazio, Grangeniois-Thomas, Carvin, Allen, Alzate and Mayor Marino.

**NOES:** None.

**ABSTAIN:** None.

**RECUSE:** None.

**ABSENT:** None.

**DATE:** January 29, 2025.

**VILLAGE OF PORT CHESTER**



**BOARD OF TRUSTEES**  
**Regular Meeting**  
**Monday, February 10, 2025 at 7:00 P.M.**  
**PROPOSED EXECUTIVE/CLOSED SESSION 6:00-7:00 P.M.**  
**PROPOSED EXECUTIVE/CLOSED SESSION AT THE END OF THE MEETING**  
**TOWN OF RYE JUSTICE COURTROOM**  
**350 North Main Street**  
**Port Chester, New York**  
**AGENDA**

*Trustee Bart Didden will be attending the meeting via videoconferencing from 685 Pelican Court, Marco Island, FL 34145, which will be open to the public for this meeting as well as the 350 N. Main Street Location.*

*Trustee Grangenois-Thomas will be attending the meeting via videoconferencing from 173 Concordia Circle, Monroe NJ 08631, which will be open to the public for this meeting as well as the 350 N. Main Street Location.*

<b>I</b>	<b>CALL TO ORDER / PLEDGE OF ALLEGIANCE</b>
<b>II</b>	<b>PROPOSED EXECUTIVE/CLOSED SESSION</b>
1	
<b>III</b>	<b>MINUTES</b>
1	Approval of January 14, 2025 and January 21, 2025 minutes
<b>IV</b>	<b>PUBLIC COMMENTS</b>
<b>V</b>	<b>REPORT OF THE VILLAGE MANAGER</b>
<b>VI</b>	<b>RESOLUTIONS</b>
1	
2	
<b>VII</b>	<b>CORRESPONDENCE</b>
1	From The Fire Patrol & Rescue Co. No. 1 regarding the expulsion of Hugh Pender and Edwin Escobar
2	From The Fire Patrol & Rescue Co. No. 1 regarding the resignation of Brett Atkinson and Matt Pugni
3	From Attorney Anthony R. Tirone regarding the honorary naming request for Broad Street to Phil Lesh Lane on March 14, 2025 @ 4 pm.
<b>VIII</b>	<b>PUBLIC COMMENTS AND BOARD COMMENTS</b>
<b>IX</b>	<b>PROPOSED EXECUTIVE/CLOSED SESSION</b>
1	

**VILLAGE OF PORT CHESTER**  
**BOARD OF TRUSTEES**

**Regular Meeting**  
**Tuesday, February 18, 2025 at 7:00 P.M.**  
**PROPOSED EXECUTIVE/CLOSED SESSION 6:00-7:00 P.M.**  
**PROPOSED EXECUTIVE/CLOSED SESSION AT THE END OF THE MEETING**  
**TOWN OF RYE JUSTICE COURTROOM**  
**350 North Main Street**  
**Port Chester, New York**  
**AGENDA**

<b>I</b>	<b>CALL TO ORDER / PLEDGE OF ALLEGIANCE</b>
<b>II</b>	<b>PROPOSED EXECUTIVE/CLOSED SESSION</b>
1	
<b>III</b>	<b>PRESENTATION</b>
1	Update from Congressman George Latimer regarding Port Chester
<b>IV</b>	<b>MINUTES</b>
1	Approval of January 29, 2025 and February 10, 2025 minutes
<b>V</b>	<b>PUBLIC COMMENTS</b>
<b>VI</b>	<b>REPORT OF THE VILLAGE MANAGER</b>
<b>VII</b>	<b>RESOLUTIONS</b>
1	Setting a Public Hearing for March Regarding ADU's
2	Midyear Budget Adjustments
	<b>REQUESTS FOR AN ADD-ON RESOLUTIONS</b>
3	
<b>VIII</b>	<b>CORRESPONDENCE</b>
1	
2	
<b>XI</b>	<b>PUBLIC COMMENTS AND BOARD COMMENTS</b>
<b>X</b>	<b>PROPOSED EXECUTIVE/CLOSED SESSION</b>
1	

Mayor Marino asked for a motion to adjourn the meeting.

On a motion of TRUSTEE DIDDEN, seconded by TRUSTEE ALLEN, the meeting was adjourned at 08:24 p.m.

**ROLL CALL**

**AYES:** Trustees Didden, Dorazio, Grangenois-Thomas, Carvin, Allen, Alzate and Mayor Marino.

**NOES:** None.

**ABSTAIN:** None.

**RECUSE:** None.

**ABSENT:** None.

**DATE:** January 29, 2025.

Respectfully submitted,



Janusz R. Richards  
Village Clerk

**MINUTES  
BOARD OF TRUSTEES  
WORKSHOP  
222 GRACE CHURCH STREET  
VILLAGE OF PORT CHESTER, NEW YORK  
MEETING HELD MONDAY FEBRUARY 3, 2025 AT 12:00 PM**

Meeting was called to order by Mayor Marino.

**PRESENT:**

Mayor Luis A. Marino  
Trustee John J. Allen, Jr.  
Trustee Juliana C. Alzate  
Trustee Joseph E. Carvin, Jr.  
Trustee Bart A. Didden  
Trustee Philip Dorazio  
Trustee Joan Grangenois-Thomas

**ALSO PRESENT:**

Village Clerk, Janusz R. Richards  
Village Manager, Stuart Rabin  
Village Treasurer, Anthony Siligato  
Village Attorney, James Carpiniello

On motion of TRUSTEE DORAZIO, seconded by TRUSTEE GRANGENOIS-THOMAS the meeting was declared opened at 12:03 p.m.

**ROLL CALL**

**AYES:** Trustees Didden, Dorazio, Grangenois-Thomas, Carvin, Allen, Alzate and Mayor Marino.

**NOES:** None.

**ABSTAIN:** None.

**RECUSE:** None.

**ABSENT:** None.

**DATE:** February 3, 2025.

**RESOLUTIONS**

**RESOLUTION #1**

**BUDGET AMENDMENT  
FISCAL YEAR 2024-25 GENERAL FUND –  
FIRE DEPT. APPARATUS/VEHICLE REPAIRS**

On motion of TRUSTEE DORAZIO, seconded by TRUSTEE GRANGENOIS-THOMAS, the following resolution was adopted by the Board of Trustees of the Village of Port Chester, New York:

WHEREAS, in May 2022 the Village of Port Chester had initially received \$12,680 in insurance recovery funds for Tower Ladder #2 due to damages sustained from Tropical Storm IDA in September 2021 which has been appropriated by the Board of Trustees in a resolution dated December 2, 2024; and

WHEREAS, estimated repairs for Tower Ladder #2 in the amount of \$115,786 including additional damages to bucket not sustained by Storm IDA are recommended by the Fire Chief; and

WHEREAS, estimated repairs for mechanical issues for Tower Ladder #2 in the amount of \$23,783 are recommended by the Fire Chief; and

WHEREAS, in order to properly fund the expenditures for recommended repairs a budget amendment in the amount of \$95,000 of general fund insurance recovery and \$25,000 unassigned fund balance is required totaling \$120,000. Now, therefore, be it

RESOLVED, that the Board of Trustees of the Village of Port Chester, New York hereby authorizes the Village Treasurer to modify the FY2024-25 General Fund Budget as follows:

**GENERAL FUND – BUDGET AMENDMENT:**

Revenues:

A.2680	Insurance Recoveries	\$ 95,000.00
A.4995	Appropriated Fund Balance	\$ 25,000.00

Appropriations:

A.3410.0431	Parts/Repairs for Vehicle Equipment	\$ 25,000.00
A.3410.0432	Collision & Painting Charges	\$ 95,000.00

Approved as to Form:

James R. Carpinello, Village Attorney

**ROLL CALL**

**AYES:** Trustees Didden, Dorazio, Grangenois-Thomas, Carvin, Allen, Alzate and Mayor Marino.

**NOES:** None.

**ABSTAIN:** None.

**RECUSE:** None.

**ABSENT:** None.

**DATE:** February 3, 2025

Mayor Marino asked for a motion to adjourn the meeting.

On a motion of TRUSTEE DORAZIO, seconded by TRUSTEE GRANGENOIS-THOMAS, the meeting was adjourned at 12:08 p.m.

**ROLL CALL**

**AYES:** Trustees Didden, Dorazio, Grangenois-Thomas, Carvin, Allen, Alzate and Mayor Marino.

**NOES:** None.

**ABSTAIN:** None.

**RECUSE:** None.

**ABSENT:** None.

**DATE:** October 7, 2024.

Respectfully submitted,



Janusz R. Richards  
Village Clerk

# **PUBLIC COMMENTS**

REPORT  
OF  
THE VILLAGE MANAGER



# RESOLUTIONS

**RESOLUTION – ADD-ON**

**RES 01**  
**02-10-2025**

**APPOINTMENT OF ELECTION INSPECTORS**

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

RESOLVED, that the Election for the Village of Port Chester, New York has been called and will be held on the 18<sup>th</sup> day of March, 2025 between the hours of 7:00 A.M. and 9:00 P.M., and

BE IT FURTHER RESOLVED, that the following named are qualified Election Inspectors and are hereby appointed for said election;

ARLENE CUMMINGS, KATHERINE G ESPINOZA, ONILVIA L NAAR, RAYMOND S VARIAN, ROY LESPIER, BETTY J CRAFT, MARIA D GOMEZ-BARRIGA, FELECIA CRAFT, DARRYL G HAMILTON, PAUL R LUCAS, ESTHER TURNER, MARYBELLE MORALES-ANDREOLI, NOEL LOPEZ, SUSAN A DESHENSKY, MARLENE ACUNA, PATRICIA BARR, NOEL A COLANERI, AMINATA F CONDE, GREGORIA R GAMARRA, NANCY E TAYLOR, JENNIFER P DOOLEY, TABITHA M GARCIA, BRANDON ADROVER, JENNIFER CACCIOLA, GERMAN M LATORRE, ANDREW M MICEK, JAQUELINE J TAYPE-ROJAS, JOHN H VILLA, DOROTHY J VISCOME, SHELTON H WALDEN, JACQUELINE BROWN, NANCY G MATTSON, BRENDA HEZARD, JOANNA L LORD, CHERYL RICHARDS, VICKIE SHANKMAN, ADELAIDE L MADDEN, GARY R POLISKY, JEFFERY M BONDS, STACEY LEWIN, ROSEMARIE BARONE, ROSE VARBARO, MICHAEL J DIMURRO, STEPHEN M SMITH, ADELAIDA REYES, SABINA L GASTON.

Approved as to Form:



James R. Carpinello, Village Attorney

**RESOLUTION**

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

WHEREAS, pursuant to Article 5 of the New York State Alcoholic Beverage Control Law, the New York State Liquor Authority (the “Authority”) is prohibited from issuing an on-premises retail license for the sale and/or consumption of liquor to any premises which is within 500 feet of three establishments that are currently operating with on-premises liquor licenses unless the Authority finds that issuing such license is in the public interest (this is known as the “500-foot Rule”); and

WHEREAS, the 500-foot Rule requires the Authority to consult with the municipality and conduct a hearing to consider arguments and information on the issue of public interest; and

WHEREAS, On February 3, 2025, the Village Clerk received a “500 Foot Hearing Notice” from the Authority regarding the application for a liquor license from Felice Port Chester LLC, for its establishment, Felice, at 14 20 Willet Avenue; and

WHEREAS, the Board of Trustees has considered its response to the Authority.

Now, therefore be it

RESOLVED, that the Board of Trustees hereby authorizes the Village Manager to submit a letter of support, subject to the applicant obtaining the necessary permits, inspections, and certificate of occupancy, to the New York State Liquor Authority regarding the application of Felice Port Chester LLC, at 14 20 Willet Avenue, for a liquor license for premises, Felice located at 14 20 Willet Avenue, Port Chester, New York be forwarded to the New York State Liquor Authority.

Approved as to Form:



James R. Carpinello, Village Attorney

## Bejarano, Abraham

---

**From:** abc.sm.licensing.clerical <licensing.clerical@sla.ny.gov>  
**Sent:** Monday, February 3, 2025 9:23 AM  
**To:** Clerk's Office; jack.acland@sahospitalitygroup.com; sweinberg@wzmplaw.com  
**Subject:** 500 Foot Hearing/NA-0340-25-102265 : Felice Port Chester LLC  
**Attachments:** 500 Foot Hearing Notice revised 12-31-21.docx; Public Interest Questionnaire - 2025-02-03T092213.997.pdf

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged



Dear Applicant and Municipality,

According to the Authority's records, this application is subject to the 500 Foot Law. As a result, the application cannot be approved unless the Authority finds that issuing the license is in the public interest. The 500 Foot Law requires that, before a determination is made, the Authority consult with the municipality or community board where the premises to be licensed is located and conduct a hearing. **Please be advised that these hearings are not held in person. They are based solely on the review of the written materials submitted by the applicant and municipality in response to this notice by an Administrative Law Judge.**

Attached is a Hearing Notice which provides more details on the hearing process and a Public Interest Questionnaire.

Applicants must complete and return the Public Interest Questionnaire to [Secretarys.office@sla.ny.gov](mailto:Secretarys.office@sla.ny.gov) within 15 days of this notice. Please provide detailed and accurate responses where applicable. You may attach additional documentation to support your responses in the Personal Interest Questionnaire, if necessary.

We request that the municipality direct its comments regarding this application to [Secretarys.office@sla.ny.gov](mailto:Secretarys.office@sla.ny.gov) also within 15 days of this notice to ensure that your position on the application is considered by the Administrative Law Judge.

Thank you.

**Lifen B**

Licensing Services Clerk

**New York State Liquor Authority**

Alfred E. Smith Office Building, Suite 900

80 South Swan Street, Albany, NY 12210-8002

(518) 474-3114 | [licensing.clerical@sla.ny.gov](mailto:licensing.clerical@sla.ny.gov)



# State Liquor Authority

**KATHY HOCHUL**  
Governor

**LILY M. FAN**  
Chair

**EDGAR DE LEON**  
Commissioner



NA-0340-25-102265 : Felice Port Chester LLC  
Date: 2/3/2025

Felice  
14 20 Willet Avenue  
Port Chester NY 10573

## 500 FOOT HEARING NOTICE

(Revised 12/31/21)

According to the Authority's records, this application is subject to the 500 Foot Law. If an applicant is seeking an On Premises Liquor License and the applicant's premises is: (1) in a city, town or village with a population of 20,000 or more; and (2) there are three or more establishments already operating with an On Premises Liquor License within a 500-foot radius of the applicant's premises, the application is subject to the 500 Foot Law. As a result, the application cannot be approved unless the Authority finds that issuing the license is in the public interest. The 500 Foot Law requires that, before the determination is made, the Authority consult with the municipality and conduct a hearing to consider arguments and information on the issue of public interest.

**NOTE TO MUNICIPALITIES: There may also be a temporary retail permit associated with this application.**

The hearing will be conducted as follows:

- Neither the applicant, the applicant's representative, or anyone who wishes to be heard in support or opposition will be able to attend the hearing.
- Applicants must complete and return the public interest questionnaire (12/31/21 revised form) provided with this notice. No other document that an applicant submits will be accepted as a substitute. If needed, the applicant can attach supplemental pages to the questionnaire. Additional pages should be signed and dated by the person submitting the questionnaire.
- Anyone who wishes to be heard in support or opposition must send a written submission.
- All submissions, including the applicant's public interest questionnaire, must be sent by email to [Secretarys.office@sla.ny.gov](mailto:Secretarys.office@sla.ny.gov). Please include the serial number in the subject line when responding.
- The submissions must be received within 15 days of this notice. The due date of the submission is considered as the hearing date for public notice under ABCL Section 100 (9)(b).
- After the deadline for submissions has passed, the record will be reviewed by an Administrative Law Judge who will issue a recommendation as to whether the applicant has demonstrated that it would be in the public interest to issue the license.
- If the applicant has submitted an application for a temporary retail permit, the permit will be issued if the Administrative Law Judge finds that the applicant has demonstrated that it would be in the public interest to issue the license.
- Submissions not sent directly to Secretary's Office using the above email address, or any submission received after the deadline will not be considered by the Administrative Law Judge in making their recommendation.
- The Administrative Law Judge will not have a copy of the application as part of the record. This questionnaire will replace any public interest statement submitted with the application.

**RESOLUTION**

**RES 03  
02-10-2025**

**BUDGET AMENDMENT – FISCAL YEAR 2024-2025 GENERAL FUND  
VILLAGE ELECTION**

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

WHEREAS, the Village Clerk had prepared cost estimates to increase the budget previously adopted by the Board of Trustees on January 6, 2025 in anticipation of the potential operation by the Village of the March 2025 Village election; and

WHEREAS, the Board of Trustees subsequently approved on January 21, 2025 a requested budgetary increase to the election budget in the amount of \$7,000 to fund unanticipated expenses for website platform hosting; and

WHEREAS, the Board of Trustees subsequently approved on January 29, 2025 an additional requested budgetary increase to the election budget in the amount of \$5,500 to fund unanticipated expenses for polling location rental and storage; and

WHEREAS, the Village Clerk is requesting an additional budgetary increase in the amount of \$3,510 to fund an increase in the cost for rental of the voting machines; and

WHEREAS, a budget amendment is required in advance of facilitating this operating expenditure associated with said election. Now, therefore be it

RESOLVED, that the Board of Trustees of the Village of Port Chester, New York hereby authorizes the Village Treasurer to modify the FY2024-25 General Fund Budget as follows:

**GENERAL FUND**

Revenues:

A.4995                      Appropriated Fund Balance                      \$3,510.00

Appropriations:

A.1450.488                      Equipment Rental                      \$3,510.00

Approved as to Form:

James R. Carpiniello, Village Attorney

**From:** [Richards, Janusz](#)  
**To:** [Stuart Rabin - Village of Port Chester \(SRabin@portchesterny.gov\)](#)  
**Cc:** [Siligato, Anthony](#)  
**Subject:** From Janusz RE: Request to increase budget line A.1450.0488 Voting Machine Rental  
**Date:** Wednesday, February 5, 2025 10:32:00 AM  
**Attachments:** [Village of Port Chester, NY - DS200-AM Rental Agreement Complete - 02.03.2025.pdf](#)  
[Port Chester, NY 2025 Quote for Lease 20240723.pdf](#)  
[image006.png](#)

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Good morning,

Kindly accept this email as a request to increase my Voting Machine Rental (A.1450.0488) line in the amount of 3,510.00.

This amount represents:

Rental of Voting Machine

Voting Machine Rental (A.1450.0488)	<u>\$3,510.00</u>
<b>Total</b>	<b>\$3,510.00</b>

This represents an increase in price since the original quote that was provided to us on July 23, 2024. The quote was good only for 30 days.

As we were unable to rent the voting machines at that time do to the lawsuit against the WCBE the 30 day grace period expired.

Respectfully submitted,



Janusz R. Richards  
Village Clerk

CC: Anthony Siligato, Village



**Janusz R. Richards, Village Clerk**  
**Records Management Officer**  
**Chief Elections Officer**  
**Records Access Officer**  
**Deputy Registrar of Vital Statistics**

T: 914.939.5202

F: 914 305.2560

E: [JRichards@PortChesterNY.gov](mailto:JRichards@PortChesterNY.gov)

222 Grace Church St., Suite 120 | Port Chester, NY 10573

# Village of Port Chester, New York Rental Proposal Quote

Submitted by Election Systems & Software

**Rental Solution Includes:**

Quantity	Item Description	Unit Price	Extended Price
<b>Hardware</b>			
	<b>DS200 Poll Place Scanner and Tabulator:</b>		
18	DS200 (Includes Internal Backup Battery, Plastic Ballot Box with Removable Carrying Case, Paper Roll and One (1) Standard 4GB Memory Device)	\$2,130.00	\$38,340.00
	<b>AutoMARK:</b>		
11	AutoMARK Voter Assist Terminal with Transport Case (Includes Power Cord, Ink Cartridge, 1GB Flashcard, Headset, and Two Secrecv Sleeves) - Oval Ballot	\$900.00	\$9,900.00
11	Table for Voter Assist Terminal (AutoMARK)	\$95.00	\$1,045.00
<b>Software</b>			
1	Electionware Election Management Software - Reporting Only Base Package	\$7,200.00	\$7,200.00
<b>Services</b>			
	<b>Implementation Services:</b>		
2	Project Management	\$1,975.00	\$3,950.00
1	Tabulation Equipment Operations Training	\$1,975.00	\$1,975.00
1	Election On-Site Support	\$5,475.00	\$5,475.00
1	Coding	\$2,500.00	\$2,500.00
1	Ballot Printing	\$3,465.00	\$3,465.00
X	Equipment Installation		\$3,605.00
X	Estimated Shipping & Handling		\$15,550.00
<b>Total Rental Solution</b>			<b>\$93,005.00</b>
<b>Payment Terms</b>			
Amount due within thirty (30) calendar days of contract execution:			\$9,300.50
Amount due within thirty (30) calendar days of delivery of Hardware and/or Software:			\$83,704.50

**Footnotes:**

- Pricing reflects Annual rental rates utilizing rental pool equipment. Rental equipment is subject to availability at time of requested delivery.
- This quote is an estimate and is subject to final review and approval by both ES&S and the Customer.
- Rates valid for 30 days and thereafter may change.
- Any applicable (City & State) sales taxes have not been included in pricing and are the responsibility of the customer.
- The quantity of service days reflects a reasonable estimate for implementation and selected ongoing election services. Quantities may change depending on specific Customer needs.
- A Rental Cancellation Fee of 10% of the Total Rental Solution Fee shall apply in the event the Customer does not provide written notification to ES&S of its intent to cancel an Election at least forty-five (45) days prior to a scheduled Election covered under an Agreement between ES&S and the Customer.
- Subject to state, municipal, jurisdictional, provincial or territory laws to the contrary, the above pricing information is confidential, proprietary and trade secret information of ES&S and is intended only for the use of the individual or entity to which the document is directed to. This information may not be disclosed or reproduced either publicly or to any other individual or entity without the prior written authorization of ES&S.





11208 JOHN GALT BLVD  
Omaha, NE 68137-2364  
(402) 593-0101

# Rental Agreement

Covered Election: March 18, 2025

Estimated Delivery Date: March 2025

Customer Contact, Title: Janusz Richards - Village Clerk

Phone Number: 914-939-5202

Customer Name: Village of Port Chester, New York

Fax Number: 914-305-2560

**Rental Term: March 4, 2025 through March 31, 2025**

**Bill To:**  
\_\_\_\_\_  
Village of Port Chester, New York  
\_\_\_\_\_  
Janusz Richards - Village Clerk  
\_\_\_\_\_  
222 Grace Church Street - Suite 120  
\_\_\_\_\_  
Port Chester, NY 10573

**Ship To:**  
\_\_\_\_\_  
Village of Port Chester, New York  
\_\_\_\_\_  
Janusz Richards - Village Clerk  
\_\_\_\_\_  
299 Boston Post Road  
\_\_\_\_\_  
Port Chester, NY 10573

<u>Item</u>	<u>Description</u>	<u>Qty</u>	<u>Price</u>	<u>Total</u>
1	DS200 <b>DS200 Poll Place Scanner and Tabulator:</b> (Refurbished) Model DS200 Scanner with Internal Backup Battery, Plastic Ballot Box with Removable Carrying Case, Paper Roll, and One (1) Standard 4GB Memory Device	18	\$2,130.00	\$38,340.00
2	AutoMARK <b>AutoMARK:</b> (Refurbished) AutoMARK Voter Assist Terminal with Transport Case, Power Cord, Ink Cartridge, 1GB Flashcard, Headset, and Two Security Sleeves) - Oval Ballot	11	\$900.00	\$9,900.00
3	AutoMARK AutoMARK Table	11	\$95.00	\$1,045.00
4	Software Electionware Software - Reporting Only	1	\$7,500.00	\$7,500.00
5	DS200 Equipment Installation	18	\$135.00	\$2,430.00
6	AutoMARK Equipment Installation	11	\$115.00	\$1,265.00
7	Services Project Management Day	2	\$2,460.00	\$4,920.00
8	Services Equipment Operations Training Day	1	\$2,460.00	\$2,460.00
9	Services Election On-Site Support Event	1	\$7,140.00	\$7,140.00
10	Services Coding	1	\$2,500.00	\$2,500.00
11	Services Ballot Printing	1	\$3,465.00	\$3,465.00
12	Shipping Roundtrip Shipping & Handling	1	\$15,550.00	\$15,550.00
<b>Rental Order Total</b>				<b>\$ 96,515.00</b>

Ingrid Giordano  
Regional Sales Manager

\_\_\_\_\_  
Customer Signature Date

\_\_\_\_\_  
V.P. of Finance Date

\_\_\_\_\_  
Title

## Payment Terms

100% of Order Total due Thirty (30) Calendar Days after the later of (a) Equipment Delivery, or (b) Receipt of Corresponding ES&S Invoice.

Invoices are due net 30 from invoice date.

Note 1: Any applicable state and local taxes are not included, and are the responsibility of Customer.

**A Rental Cancellation Fee of 10% of the Rental Order Total shall apply in the event the Customer does not provide written notification to ES&S of its intent to cancel an Election at least forty-five (45) days prior to the scheduled Election covered under this Agreement.**

## Return of Rental Equipment

ES&S shall provide the Customer with a Return Materials Authorization ("RMA") form which shall set forth all of the equipment and software to be returned upon the expiration or earlier termination of the Agreement. The Customer shall use this form when returning the equipment and software and label all boxes with the RMA number provided.

Customer shall be responsible for packaging and readying the equipment and software for return to ES&S by utilizing the original boxes and packing materials to return the equipment and software to ES&S. In the event the Customer requires ES&S to provide new boxes and packing material for return of the equipment and software, such items will be invoiced to Customer separately and shall be due and payable upon receipt of ES&S' invoice by Customer.

**Customer is responsible for returning all equipment and other non-consumable items set forth above to ES&S upon the expiration or earlier termination of the Agreement. In the event the Customer fails to return any such equipment and/or non-consumable items upon the expiration or earlier termination of the Agreement, Customer shall pay ES&S at ES&S' then current rates for such equipment and/or non-consumable items which have not been returned to ES&S less any rental fees previously paid by Customer for such equipment and/or non-consumable items which have not been returned. ES&S shall invoice the Customer separately for any unreturned items and such invoice shall be due and payable upon receipt of ES&S' invoice by Customer.**

SEE GENERAL TERMS

## GENERAL TERMS

1. **Rental/License Terms.** Subject to the terms and conditions of this Agreement, ES&S agrees to rent and/or license, and Customer agrees to rent and/or license, the ES&S Equipment, ES&S Software and ES&S Firmware described on the front side of this Agreement during the Rental Term as defined in Section 10 below. The ES&S Firmware and ES&S Software are collectively referred to hereinafter as the "ES&S Software." The rental payment terms for the ES&S Equipment and ES&S Software are set forth on the front side of this Agreement. Title to the ES&S Equipment and ES&S Software shall, at all times, remain with ES&S. The consideration for ES&S' grant of the license during the Rental Term for the ES&S Firmware is included in the cost of the ES&S Equipment.

2. **Grant of Licenses.** Subject to the terms and conditions of this Agreement, ES&S hereby grants to Customer nonexclusive, nontransferable licenses for its bona fide full time, part time or temporary employees to use the ES&S Software and related Documentation in the Jurisdiction during the Rental Term. The licenses allow such bona fide employees to use and copy the ES&S Software (in object code only) and the Documentation, in the course of operating the ES&S Equipment and solely for the purposes of defining and conducting elections and tabulating and reporting election results in the Jurisdiction during the Rental Term.

3. **Prohibited Uses.** Customer shall not take any of the following actions with respect to the ES&S Software or the Documentation:

a. Reverse engineer, decompile, disassemble, re-engineer or otherwise create, attempt to create, or permit, allow or assist others to create, the source code or the structural framework for part or all of the ES&S Software;

b. Cause or permit any use, display, loan, publication, transfer of possession, sublicensing or other dissemination of the ES&S Software or Documentation, in whole or in part, to or by any third party without ES&S' prior written consent; or

c. Cause or permit any change to be made to the ES&S Software without ES&S' prior written consent; or

d. Allow a third party to cause or permit any copying, reproduction or printing of any output generated by the ES&S Software (except finished ballots by ballot printers selected by Customer) in which ES&S owns or claims any proprietary intellectual property rights (e.g., copyright, trademark, patent pending or patent), including, but not limited to, any ballot shells or ballot code stock.

4. **Term of Licenses.** The licenses granted in Section 2 shall commence upon the delivery of the ES&S Software described in Section 2 and shall continue during the Rental Term. ES&S may terminate either license if Customer fails to pay the rental fees when due, or breaches Sections 2, 3, or 9 with respect to, such license. Upon the termination of either of the licenses granted in Section 2 for ES&S Software or upon the expiration of the Rental Term, Customer shall immediately return such ES&S Software and the related Documentation (including any and all copies thereof) to ES&S, or (if requested by ES&S) destroy such ES&S Software and Documentation and certify in writing to ES&S that such destruction has occurred.

5. **Delivery; Risk of Loss.** The Estimated Delivery Dates and First Election Use (if any) set forth on the front side of this Agreement are estimates and may only be established or revised, as applicable, by the parties, in a written amendment to this Agreement, because of delays in executing this Agreement, changes requested by Customer, product availability and other events. ES&S will notify Customer of such revisions as soon as ES&S becomes aware of such revisions. Risk of loss for the ES&S Equipment and ES&S Software shall pass to Customer when such items are delivered to Customer's designated location. Upon transfer of risk of loss to Customer, Customer shall be responsible for obtaining and maintaining sufficient casualty insurance on the ES&S Equipment and ES&S Software and shall name ES&S as an additional insured thereunder and, at ES&S' request shall deliver written evidence thereof to ES&S. Customer shall not use the ES&S Equipment for any purpose other than those for which it was designed and shall not, without the prior written consent of ES&S, alter the ES&S Equipment or affix to or install on the ES&S Equipment any accessory, equipment or device which was not supplied to it by ES&S. Customer shall not move the ES&S Equipment from the place where it was originally installed, unless such ES&S Equipment is to be used at various polling places throughout the Jurisdiction, without ES&S' prior written consent. Customer shall make the ES&S Equipment and any records pertaining thereto available to ES&S during regular business hours for inspection. Customer will not, without the prior written consent of ES&S and subject to such conditions as ES&S may impose for its protection, affix any item of ES&S Equipment to any real property if, as a result thereof, such item of ES&S Equipment will become a fixture under applicable state law.

6. **Installation.** The front side of this Agreement specifies the items of ES&S Equipment or ES&S Software, if any, which ES&S' employees, agents, or authorized representatives ("Representatives") will install at Customer's designated site. Customer shall pay ES&S a fee for such installation services, as set forth on the front side of this Agreement. Customer will provide, at its own expense, a site adequate in space and design for installation and operation of the ES&S Equipment and ES&S Software. Customer shall be responsible for providing a site that is temperature and humidity controlled, has all necessary electric current outlets, circuits, and wiring for the ES&S Equipment and ES&S Software, and has electric current of sufficient quality and quantity to operate the ES&S Equipment and ES&S Software. ES&S may, but shall not be required to, inspect the site, and advise on its acceptability before any ES&S Equipment or ES&S Software is installed. Customer shall be responsible for installing all items of equipment or software not installed by ES&S, in accordance with the instructions furnished in the Documentation. ES&S shall have no liability for actual site preparation or for any costs, damages or claims arising out of the installation of any ES&S Equipment or ES&S Software by Customer.

### 7. **Warranty.**

a. **ES&S Equipment/ES&S Software.** ES&S warrants that during the Rental Term (the "Warranty Period"), it will repair or replace, at Customer's designated location or at ES&S' designated location, as determined by ES&S in its sole discretion, any component of the ES&S Equipment or ES&S Software which, while under normal use and service: (i) fails to perform in accordance with its Documentation in all material respects, or (ii) is defective in material or workmanship. The Warranty shall not include the repair or replacement of any ES&S Equipment components that are consumed in the normal course of operating the ES&S Equipment, including, but not limited to, headphones and headphone protective covers, printer cartridges or ribbons, paper rolls, batteries, drums, toners, fusers, transfer belts, removable media storage devices, seals, keys, power supplies/cords, PCMCIA, Smart, or CF cards or marking devices (collectively, the "Consumables"). ES&S may modify and make available additional Consumables as they may become available from time to time. Any repaired or replaced item of ES&S Equipment or ES&S Software shall be warranted only for the unexpired term of the Warranty Period. All replaced components of the ES&S Equipment or ES&S Software will become the property of ES&S. This warranty is effective provided that (i) Customer notifies ES&S within three (3) business days of the discovery of the failure of performance or defect, (ii) the ES&S Equipment or ES&S Software to be repaired or replaced has not been repaired, changed, modified or altered except

as authorized or approved by ES&S, (iii) the ES&S Equipment or ES&S Software to be repaired or replaced is not damaged as a result of accident, theft, vandalism, neglect, abuse, use which is not in accordance with instructions or specifications furnished by ES&S or causes beyond the reasonable control of ES&S or Customer, including acts of God, fire, flooding, riots, acts of war, terrorism or insurrection, government acts or orders; epidemics, pandemics or outbreak of communicable disease; quarantines; national or regional emergencies, labor disputes, transportation delays, governmental regulations and utility or communication interruptions, and (iv) Customer has installed and is using the most recent update provided to it by ES&S. This warranty is void for any units of equipment which: (i) have not been stored or operated in a temperature range according to their specifications, (ii) have been severely handled so as to cause mechanical damage to the unit, or (iii) have been operated or handled in a manner inconsistent with reasonable treatment of an electronic product.

b. **System.** ES&S warrants that the ES&S Equipment and ES&S Software will operate in conjunction with the third-party items during the Warranty Period, provided that the third-party items are performing in accordance with their own specifications and documentation in all material respects and are not defective in material or workmanship. In the event of a breach of this warranty, ES&S will repair or replace the item of ES&S Equipment or ES&S Software that is causing such breach to occur. Customer acknowledges that ES&S has merely purchased the third-party items for resale or rental to Customer, and that the proprietary and intellectual property rights to the third-party items are owned by parties other than ES&S ("Third Parties"). Customer further acknowledges that except for the rental payments to ES&S for the third-party items, all of its rights and obligations with respect thereto flow from and to the Third Parties. ES&S shall provide Customer with copies of all documentation and warranties for the third-party items which are provided to ES&S.

c. **Exclusive Remedies/Disclaimer. IN THE EVENT OF A BREACH OF SUBSECTION 7(a) OR 7(b), ES&S' OBLIGATIONS, AS DESCRIBED IN SUCH SUBSECTION, ARE CUSTOMER'S SOLE AND EXCLUSIVE REMEDIES. ES&S EXPRESSLY DISCLAIMS ALL WARRANTIES, WHETHER EXPRESS OR IMPLIED, WHICH ARE NOT SPECIFICALLY SET FORTH IN THIS AGREEMENT, INCLUDING, BUT NOT LIMITED TO, ANY IMPLIED WARRANTIES OF MERCHANTABILITY OR FITNESS FOR A PARTICULAR PURPOSE. FURTHER, IN THE EVENT CUSTOMER IN ANY WAY AT ANY TIME ALTERS, MODIFIES OR CHANGES ANY EQUIPMENT, SOFTWARE, THIRD-PARTY ITEMS AND/OR NETWORK (COLLECTIVELY "SYSTEM") CONFIGURATIONS WHICH HAVE BEEN PREVIOUSLY INSTALLED BY ES&S OR WHICH ARE OTHERWISE REQUIRED IN ACCORDANCE WITH THE CERTIFIED VOTING SYSTEM CONFIGURATION, ALL WARRANTIES OTHERWISE PROVIDED HEREUNDER WITH RESPECT TO THE SYSTEM RENTED AND/OR LICENSED UNDER THIS AGREEMENT SHALL BE VOID AND OF NO FURTHER FORCE AND EFFECT.**

8. **Limitation Of Liability.** Neither party shall be liable for any indirect, incidental, punitive, exemplary, special, or consequential damages of any kind whatsoever arising out of or relating to this Agreement. Neither party shall be liable for the other party's negligent or willful misconduct. ES&S' total liability to Customer arising out of or relating to this Agreement shall not exceed the aggregate amount to be paid to ES&S hereunder. By entering into this Agreement, Customer agrees to accept responsibility for (a) the selection of, use of and results obtained from any equipment, software or services not provided by ES&S and used with the ES&S Equipment or ES&S Software; or (b) user errors, voter errors or problems encountered by any individual in voting that are not otherwise a result of the failure of ES&S to perform.

9. **Proprietary Rights.** Customer acknowledges and agrees as follows:

ES&S owns the ES&S Software, all Documentation and training materials provided by ES&S, the design and configuration of the ES&S Equipment and the format, layout, measurements, design, and all other technical information associated with the ballots to be used with the ES&S Equipment. Customer has the right to use the aforementioned items to the extent specified in this Agreement. ES&S also owns all patents, trademarks, copyrights, trade names and other proprietary or intellectual property in, or used in connection with, the aforementioned items. The aforementioned items also contain confidential and proprietary trade secrets of ES&S that are protected by law and are of substantial value to ES&S. Customer shall keep the ES&S Software and related Documentation free and clear of all claims, liens and encumbrances and shall maintain all copyright, trademark, patent or other intellectual or proprietary rights notices that are set forth on the ES&S Equipment, the ES&S Software, the Documentation, training materials and ballots that are provided, and all permitted copies of the foregoing.

10. **Rental Term.** The period during which Customer shall rent the ES&S Equipment and license the ES&S Software from ES&S shall be in effect from **March 4, 2025 through March 31, 2025**, unless earlier terminated pursuant to this Agreement (the "Rental Term").

11. **Termination.** The Rental Term shall terminate upon the first to occur of the following (i) a breach of any material provision herein which has not been cured by the breaching party within thirty (30) days after it receives written notice of the breach from the non-breaching party (except a breach as provided in (iii) below which will require no notice); (ii) either party's providing thirty (30) days' prior written notice to the other party hereto of its desire to terminate the Rental Term; or (iii) Customer's failure to make any rental payment due hereunder within sixty (60) days after it is due. In the event of a termination by the Customer in accordance with Section 11(ii) above, Customer hereby agrees to promptly pay ES&S for all costs incurred and deliverables provided by ES&S through the effective date of such termination, including, but not limited to, any equipment and software delivered, shipping costs incurred, and services performed. No later than ten (10) calendar days following the termination of the Rental Term, Customer shall release the ES&S Equipment and ES&S Software to ES&S at its own expense and in the same operation, order, repair, condition, and appearance as when received, subject to normal wear and tear. In the event Customer fails to release the ES&S Equipment and ES&S Software to ES&S no later than ten (10) calendar days following the termination or expiration of the Rental Term, Customer shall pay to ES&S a late return charge in the amount of \$500.00 per calendar day until the ES&S Equipment and ES&S Software is returned to ES&S in accordance herewith.

### 12. **Disputes.**

a. **Payment of Undisputed Amounts.** In the event of a dispute between the parties regarding (1) a product or service for which payment has not yet been made to ES&S, (2) the amount due to ES&S for any product or service, or (3) the due date of any payment, Customer shall nevertheless pay to ES&S when due all undisputed amounts. Such payment shall not constitute a waiver by Customer or ES&S of any of its rights and remedies against the other party.

b. **Remedies for Past Due Undisputed Payments.** If any undisputed payment to ES&S is past due more than 30 days, ES&S may suspend performance under this Agreement until such amount is paid. Any disputed or undisputed payment not paid by Customer to ES&S when due shall bear interest from the due date at a rate equal to the lesser of one and one-half percent per month or the maximum amount permitted by applicable law for each month or portion thereof during which it remains unpaid.

13. **Assignment.** Except in the case of a reorganization of the assets or operations of ES&S with one or more affiliates of ES&S or the sale, transfer or assignment of all or substantially all of the assets of ES&S to a successor who has asserted its intent to continue the business of ES&S, neither party may assign or transfer this Agreement or assign, subcontract or delegate any of its rights, duties or obligations hereunder without the prior written consent of the other party hereto, such consent not to be unreasonably withheld or conditioned, nor unduly delayed.

14. **Export.** Customer acknowledges that the laws and regulations of the United States may restrict the export of certain commodities and technical data of United States origin, including the Software, in any medium. Customer agrees that it shall not export the Software or the Documentation in any form without the appropriate United States and foreign government licenses.

15. **Entire Agreement.** This Agreement shall be binding upon and inure to the benefit of the parties and their respective representatives, successors, and assigns. This Agreement contains the entire agreement of the parties with respect to the subject matter hereof and shall supersede and replace any and all other prior or contemporaneous discussions, negotiations, agreements or understandings between the parties, whether written or oral, regarding the subject matter hereof. Any provision of any purchase order, form or other agreement which conflicts with or is in addition to the provisions of this Agreement shall be of no force or effect. No waiver, amendment, or modification of any provision of this Agreement shall be effective unless in writing and signed by the party against whom such waiver, amendment or modification is sought to be enforced. No consent by either party to, or waiver of, a breach by either party shall constitute a consent to or waiver of any other different or subsequent breach by either party. This Agreement shall be governed by and construed in accordance with the laws of the State in which the Customer resides, without regard to its conflicts of laws principles. The parties agree that venue for any dispute or cause of action arising out of or related to this Agreement shall be in the state and federal courts of the United States located in the State in which the Customer resides. ES&S is providing equipment, software, and services to Customer as an independent contractor, and shall not be deemed to be a "state actor" for purposes of 42 U.S.C. § 1983. ES&S may engage subcontractors to provide certain of the equipment, software, or services, but shall remain fully responsible for such performance. The provisions of Sections 1-5, 7(c), 8-11, 12(b), 13, 14 and 15 of these General Terms shall survive the termination of this Agreement, to the extent applicable.

**RESOLUTION**

**RES 04  
02-10-2025**

**ESTABLISH CAPITAL PROJECT & BUDGET – #2025-281  
(ACCELA IMPLEMENTATION – FINAL PHASE)**

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

WHEREAS, the Village Manager has recommended the investment of funding in the amount of \$290,000 to complete the final phase of software buildout and implementation of the Accela platform for the Building, Code, Engineering, Planning and Village Clerk departments; and

WHEREAS, in order to facilitate the final phase of this project a transfer of unassigned general fund balance in the amount of \$290,000 as a transfer to capital fund to establish capital project #2025-281 is requested for approval by the Board of Trustees. Now therefore be it,

RESOLVED, that the Board of Trustees of the Village of Port Chester, New York hereby authorizes the Village Treasurer to establish Capital Project #2025-281 (Accela Implementation – Final Phase) as follows:

**GENERAL FUND**

Revenues:		
A.4995	Appropriated Fund Balance	\$290,000
Appropriations:		
A.9900.900	Transfer to Capital	\$290,000

**CAPITAL FUND**

Revenues:		
H.5031.2025.281	Transfer from General	\$290,000
Appropriations:		
H.1650.400.2025.281	Accela Implementation – Final Phase	\$290,000

Approved as to Form:

James R. Carpiniello, Village Attorney



# VILLAGE MANAGER MEMORANDUM

Stuart L. Rabin

Meeting Date:

*January* ~~February 29, 2025~~

Potential Agenda Item:

Establishing New Capital Project/ Budget Transfer:  
Accela Modifications & Module Expansions

## Requested Board Action

To discuss with staff the village's need to invest funding towards the next phase of the Accela software's buildout and modification utilized or intended to next be integrated into the following departments: building, code, village clerk, and planning.

## Staff Recommendation

To establish a new capital project, funded using the below framework, for the final phases of integration and buildout of Accela into the workflow of village departments.

## Background Information

With our rollout of the Accela permitting software in several departments, our employees have had a significant amount of time to familiarize themselves with the processes and proprietary workflows. Keep in mind, however, that many processes were established during Accela's original design and development starting in 2018 and spearheaded by many who are no longer employed by the Village of Port Chester.

To reflect our evolved vision of operations and customer service, and in an effort to better serve our residents, the processes integrated into Accela must to evolve. Achieving greater efficiency and enhancing our capacity to deliver responsible municipal services are essential steps in this progression.

<b>Building Department</b>	
Modifications & 3rd Party Plan Review Interface	\$65,000
Bluebeam Blueprint/ Plan Markups	\$25,000
<b>Engineering</b>	
Street Opening Permitting 3rd Party	\$20,000
<b>Code Enforcement</b>	
Prosecution/ Court Integration (Post NOV)	\$100,000
<b>Planning &amp; Zoning</b>	
Integration of Planning Department Workflows	\$25,000
<b>Village Clerk</b>	
Village Clerk Licensing Module	\$10,000
<b>All Departments</b>	
Training On New Workflows & Newly Hired Staff	\$20,000
Licensing for Newly Hired Staff	\$10,000
Contingency	\$15,000
<b>Total Budget Funding</b>	<b>\$290,000</b>

RESOLUTION

RES 05  
02-10-2025

**ESTABLISH CAPITAL PROJECT-BUDGET & FISCAL YEAR 2024-25  
GENERAL FUND BUDGET AMENDMENT – CAPITAL PROJECT #2025-282  
(DOWNTOWN PEDESTRIAN LOOP)**

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

WHEREAS, the Village of Port Chester in partnership with the County of Westchester through a Downtown Improvement Grant Program (DIG) anticipates a project cost of \$150,000 to facilitate various community beautification improvements to stimulate pedestrian traffic throughout the downtown business and waterfront districts; and

WHEREAS, the County of Westchester has committed to fund fifty percent of the estimated total project cost up to \$75,000 for said project. Now therefore be it,

RESOLVED, that the Board of Trustees of the Village of Port Chester, New York hereby authorizes the Village Treasurer to establish Capital Project #2025-282 (Downtown Pedestrian Loop) as follows:

**GENERAL FUND:**

Balance Sheet:

A.698 Deferred Revenues – West County DIG (\$ 75,000)

Revenues:

A.2798 West County - DIG \$ 75,000

A.4995 Appropriated Fund Balance \$ 75,000

Appropriations:

A.9900.900 Transfer to Capital \$ 150,000

**CAPITAL FUND:**

Revenues:

H.5031.2025.2282 Transfer from General Fund \$ 150,000

Appropriations:

H.8510.400.2025.282 Downtown Pedestrian Loop \$ 150,000

Approved as to Form:

James R. Carpiello, Village Attorney

# Project Application

Complete this form for project funding.  
Use a separate application for each project.

DOWNTOWN IMPROVEMENT GRANT PROGRAM

What is the name of your community?

Village of Port Chester

What is the name of the project?

Project #1: Downtown Pedestrian Loop

Provide a short project description, highlighting the essential components.

Please project description on the following page.

How will the outcome of this project improve and benefit the downtown?

This project will help to stimulate and guide foot traffic at a time of disruption associated with the development boom in downtown Port Chester. The opening of access to Summerfield Park and the two triangular spaces, together with the closure of Abendroth will allow us to stage activities that will attract visitors, as will a farmer's market at the waterfront. This will encourage residents, new visitors & MTA riders to explore the nearby stores, events and activities. The increase in foot traffic that will be guided to Main Street businesses will increase consumer activity there.

Who will be responsible to manage this project? (Name, title, email and phone)

Stuart Rabin, Village Manager (or his designee), srabin@portchesterny.gov at 914-939-2200.

Provide an estimated timeline for the project, showing key milestones by date

Week 1 – Site visit to define needed modifications (walkway enhancement, signage, furniture, etc.).  
Initiate request to MTA to make changes to their property to accommodate public events or activities.  
Week 3 – Specify items and materials needed and source vendors.  
Week 5 – Approval of Village Board of Trustees.  
Week 9 – Delivery of materials and installation.

Provide an estimated budget for the project. (Include any estimates or quotes that you have.)

We anticipate a project cost of \$150,000 to make sidewalk improvements along Willett Avenue, Main Street, Abendroth Avenue, the waterfront, Adee Street, and King Street; to define a special walkway with a distinctive color, emblem, or signage; to provide related pedestrian crosswalk improvements; to close Abendroth from Adee to Williett (except for emergency access) and to make accessible and beautify the public gathering spaces incorporated within the loop.



## **Project Description** (Village of Port Chester, Downtown Pedestrian Loop)

The goal of this project is to stimulate foot traffic in the downtown by creating a pedestrian "loop". This distinctive circular walkway will enhance and link together two of the village's prominent, existing public spaces (Summerfield Park and Waterfront Promenade- currently under construction), and connect them with several new public spaces: Abendroth Avenue (that would become "pedestrian only" between Adee and Willett), the triangle-shaped lot (owned by the Village of Port Chester) at Adee & King, and the triangular open space, roughly 6,000 square feet, north of the Costco parking lot along the waterfront.

This concept would enhance those five public spaces to make them attractive, accessible, and suitable for public events or activities that would bring together local business and public programming. It would also link those spaces together with a specially identified loop walkway to pull people from one part of the downtown to another--i.e., from the Castle and the train station over to Main Street, Abendroth, & the waterfront.

The Village will seek to convert the taxi parking area into a public space with plantings, seating, lighting, and other amenities to encourage MTA riders, residents, and the visiting public to explore the immediate area around the train station and the park. The village will also provide this space on a rotating basis for small businesses and/ or food trucks to utilize as a daily satellite location, or centrally located featured staging area, for residents to engage with a new business or with a local business who is unable to logistically offer outdoor dining in front of their brick and mortar establishment (the village would grant approval for each use of this space on a case by case basis). To capitalize on the pending completion of the waterfront promenade and to meet the village's expectation to activate waterfront activity, the village will see to close a portion of Abendroth Avenue in the spring and summer months to allow for frequent public programming and to host a regular farmer's market. The loop walkway would guide visitors to those spaces and to downtown businesses.



## VILLAGE MANAGER MEMORANDUM

Stuart L. Rabin

**To:** Mayor Luis A. Marino & Port Chester Board of Village Trustees

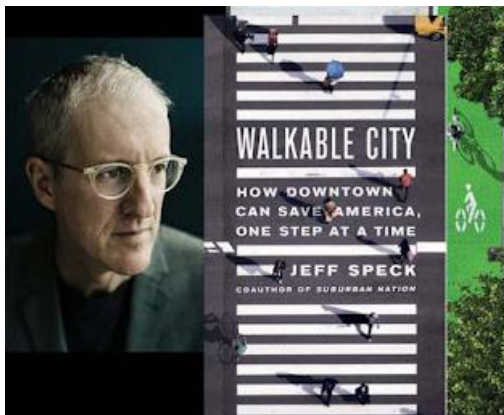
**CC:** Greg Cutler, Director of Planning & Economic Development  
Anthony Siligato, Village Treasurer  
James Carpiniello, Village Attorney  
Edward Brancati, HR/ Risk Management  
Janusz Richards, Village Clerk

**Meeting Date:** February 10, 2025

**RE:** Speck Dempsey Partners with The Village of Port Chester/  
Walkability Study & Speaking Engagement

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The Village of Port Chester is eager to contract with Speck Dempsey this winter to perform a targeted study of the village focusing upon walkability. Speck Dempsey is an internationally recognized city planning, urban design, and transportation policy firm serving municipalities, non-profits, and private developers. Jeff Speck, whom I had the opportunity to meet with after his presentation at NYCOM's Community Revitalization Conference in Oswego last summer, indicated a serious interest in the Village of Port Chester once I had the opportunity to speak further with him about the recent revitalization efforts underway.



I am providing a link below to a speaking engagement Jeff Speck gave to the City of White Salmon, WA:

<https://vimeo.com/669484738>

I am also providing a link to Speck Dempsey's website:

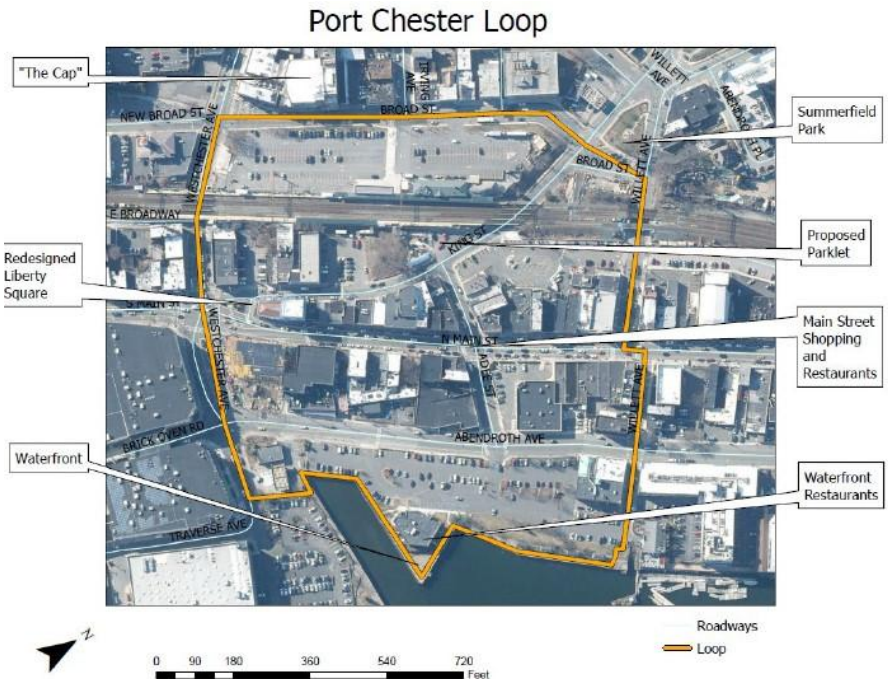
[www.speckdempsey.com](http://www.speckdempsey.com)

The village's planning department and I are very excited about this partnership as it means Port Chester will have a significant opportunity to work closely with a team that has vested the majority of their specialize careers towards helping municipalities, like ours, realize their full potential in unlocking "walkable city" improvements, just as we have strived to achieve. Additionally, Speck Dempsey has become very fond of the *Port Chester*

*Loop!* plan that the village included in its 2024 Downtown Revitalization Initiative grant application and is eager to build upon that scope:

*Building upon our vision for a more walkable village, we remember when Port Chester was traditionally known for retail sales and shopping every Thursday night in Westchester. Over time, many of these retail businesses have closed. Some moved to other towns, while many more were unable to compete with online retailers, resulting in permanent closures. Our goal isn't just to bring people back to N. Main Street; there's ample retail and development opportunities planned throughout the downtown business district. We need a way to systematically connect and activate this area and connect them with other parts of the village. To achieve this, we have devised a plan, tentatively named "The Loop."*

*This capital improvement project envisions a uniform circular path from the waterfront, through the downtown business district, to the secondary retail area of Westchester Avenue, passing by the MTA's train station and Capital Theatre, down to Liberty Square, and back to the waterfront. Think of it as a yellow brick road. The plan includes implementing unique sidewalks, plantings, and lighting schemes along this track so that pedestrians know that if they want to get back to the train, find the waterfront, or park and walk to The Cap', they simply need to follow "The Loop."*



Jeff Speck's arrival in Port Chester will ultimately lead to his identifying creative ways to improve upon our downtown initiatives with tangible projects we can consider supporting our intent to make Port Chester a safer and more walkable village.

Speck Dempsey will provide a study to help us with a physical approach to new infrastructure and traffic improvements that dovetail with the guidance offered in our village wide traffic study (or potentially give an alternative to some suggestions we have already received) and lend further guidance and steps towards downtown and waterfront activation. Our initial professional relationship with Speck Dempsey will culminate with a public speaking engagement featuring Jeff Speck as part of the Village Manager’s Speaker Series in the Port Chester Senior Center tentatively scheduled for March 27, 2025.

A budget for this engagement and consultation is provided below:

**SPECK DEMPSEY, LLC Engagement Budget**

<b>Project Costs</b>	
Consultant Study, Site Visit, and Presentation	\$15,000
Final Report	\$10,000
<b>Lodging Costs</b>	
Courtyard Rye	
2 Guests/ 2 Rooms (March 25, 2025 - March 28, 2025)	\$2,500
<b>Meals/ Incidentals</b>	\$500
<b>TOTAL</b>	<b>\$28,000</b>

**RESOLUTION**

**AUTHORIZING TRI-PARTY AGREEMENT WITH THE PORT CHESTER-RYE UNION FREE SCHOOL DISTRICT AND NATIONAL SCHOLASTIC CHESS FOUNDATION TO PROVIDE A 15-WEEK LUNCHTIME CHESS PROGRAM**

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

WHEREAS, in correspondence dated January 15, 2024 to the Port Chester-Rye Union Free School District (“PCRUFSD”), the National Scholastic Chess Foundation (NSCF), a 501(c)(3) organization, proposed a fifteen-week lunchtime chess program (the “Program”) to be held at JFK Elementary School for third and fourth grade students; and

WHEREAS, the objective of the Program is to teach students the rules of chess, enable them to successfully execute basic skills, allowing them to fully enjoy the game, develop their cognitive and non-cognitive skills associated with learning chess, and to foster social interaction within a peer group of children who enjoy playing a thinking game; and

WHEREAS, the Port Chester Police Department, through Chief Rosabella, has requested to participate in the program, both actively when officers are available, and monetarily, through the Department’s Youth Programs budget line; and

WHEREAS, the total cost of the program is \$9,600, with the Village contributing \$2,400, and the PCRUFSD contributing the remainder.

Now, therefore, be it

RESOLVED, that the Village Manager is hereby authorized to enter into a tri-party agreement with the Port Chester-Rye Union Free School District and the National Scholastic Chess Foundation to implement a fifteen-week lunchtime chess program (the “Program”) to be held at JFK Elementary School for third and fourth grade students for the project period March 3, 2025 through June 30, 2025 with the Village’s contribution to be \$2,400.00 from the Police Department’s Youth Programs budget line (A.3120.0490).

Approved as to Form:



James R. Carpinello, Village Attorney



333 Mamaroneck Ave., #480  
White Plains, NY 10605  
Tel. (914) 683-5322

January 15, 2025

Dr. Colleen Carroll  
Deputy Superintendent  
Port Chester-Rye UFSD  
113 Bowman Ave  
Port Chester NY, 10573      Via Email

**Re: Proposal for a NSCF Weekday Lunchtime Chess Program at JFK Elementary**

Dear Dr. Carroll,

I am writing to propose an educational opportunity for JFK Elementary students in Port Chester: a fifteen-week lunchtime chess program to be held at the school. Organized by the National Scholastic Chess Foundation, this program aims to introduce students to the captivating world of chess, teach them its rules and basic skills, and inspire academic excellence through the practice of this timeless game. The curriculum will cover the rules and fundamental skills of chess. The program will also serve as a gateway for students to explore various aspects of chess, including leisure play, history, and tournament competition.

**Objectives:**

- 1) Teach students the rules of chess: Enable them to successfully execute basic skills, allowing them to fully enjoy the game.
- 2) Inspire students to strive for academic excellence by developing the cognitive and non-cognitive skills associated with learning chess.
- 3) Foster social interaction within a peer group of children who enjoy playing a thinking game.

**Benefits:**

- Gives students the opportunity to practice concentration and problem solving.
- Encourages a growth mindset through consistent challenges and progress.
- Provides a platform for social interaction and the development of friendships.
- Cultivates a lifelong love for learning and intellectual pursuits.

**Target Audience:**

The program is open to third and fourth grade students at JFK Elementary in Port Chester.

**Logistics:**

There will be four classes offered each week of the program. Each class will have a separate group of students. The classes will take place at lunchtime. Each class will be limited in size to 20 students, to ensure that the instructor can provide individualized feedback when students are playing chess. Classes will begin in March and continue for fifteen weeks.

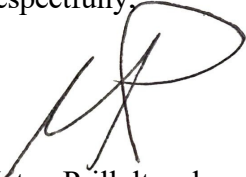
**Dates:**

To be determined by JFK Elementary and the Port Chester-Rye Union Free School District.

**Budget:**

\$9,600 total

Respectfully,

A handwritten signature in black ink, appearing to be 'MP', written over a faint grid background.

Matan Prilleltensky  
Executive Director  
National Scholastic Chess Foundation

**CONSULTANT AGREEMENT**  
**by and among**  
**PORT CHESTER-RYE SCHOOL DISTRICT,**  
**VILLAGE OF PORT CHESTER,**  
**and**  
**NATIONAL SCHOLASTIC CHESS FOUNDATION**

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This Agreement (“Agreement”) is entered into this \_\_\_ day of February, 2025 by and among the **Port Chester-Rye Union Free School District**, with its principal place of business located at 113 Bowman Avenue, Port Chester, NY 10573, the **Village of Port Chester** (the “Village”), acting by and through its **Police Department**, with its principal place of business for purpose of this agreement located at 350 N Main Street, Port Chester, New York 10573, and **National Scholastic Chess Foundation** with its principal place of business for purposed of this agreement located at 333 Mamaroneck Avenue, # 480, White Plains, New York 10605.

**WHEREAS**, the Port Chester-Rye Union Free School District (“District”) is a school district formed and established pursuant to the Laws of New York State; and,

**WHEREAS**, the District is authorized by law, including under New York State Education Law §1709 to enter into agreements with independent contractors to perform services of this type; and,

**WHEREAS**, the Village of Port Chester Police Department (“Village”) is a police department duly formed and established pursuant to the Laws of New York State; and,

**WHEREAS**, the Village is authorized by law to enter into agreements to support Village youth; and,

**WHEREAS**, National Scholastic Chess Foundation, (“Consultant”), warrants that ITS/HIS/HER is competent to perform the work required under the contract in that it has the necessary qualifications including the knowledge, skill and ability to perform the work, including any certification and/or licensure required by the State of New York; and,

**WHEREAS**, the Parties desire to enter into a contract for National Scholastic Chess Foundation to provide services from 3/3/2025 through 6/30/2025, as more specifically set forth below,

**NOW THEREFORE**, in consideration of the promises and mutual covenants and agreements contained herein, the Parties agree as follows: to provide a program to teach the rules and fundamental skills of chess for up to eighty (80) students of the District.

1. WORK TO BE PERFORMED: Consultant agrees to provide a fifteen (15) week lunchtime chess program for students at the District’s John F. Kennedy Elementary School. More specifically, the program is designed to achieve the following:

a. Objectives:



- i. Teach students the rules of chess: Enable them to successfully execute basic skills, allowing them to fully enjoy the game.
    - ii. Inspire students to strive for academic excellence by developing the cognitive and non-cognitive skills associated with learning chess.
    - iii. Foster social interaction within a peer group of children who enjoy playing a thinking game.
  - b. Benefits
    - i. Give students the opportunity to practice concentration and problem solving.
    - ii. Encourage a growth mindset through consistent challenges and progress.
    - iii. Provide a platform for social interaction and the development of friendships.
    - iv. Cultivate a lifelong love for learning and intellectual pursuits.
  - c. Logistics: Weekday chess classes will be offered during lunch for four classes of up to twenty (20) students per class, of third and/or fourth grade students. The class size limitation is to ensure that the instructor can provide individualized feedback to students. Classes will commence in March and continue for fifteen weeks, on dates to be determined by the District.
2. TERM: The term of this Agreement shall be from 3/3/2025 through 6/30/2025, regardless of the date of execution of this Agreement, unless terminated earlier as provided *infra*.
3. PAYMENT:
  - a. The Consultant will be paid a total of \$9,600. If services are terminated before the completion of the term, payment shall be pro rata, based upon the percentage of classes provided.
  - b. The District agrees to pay the Consultant in accordance with District policy upon presentation of invoices to the District. The Consultant shall provide any reasonably requested documents (such as tax identification number) on or before the date of the engagement. The Consultant shall provide invoices to the District on a monthly basis describing dates of service and services provided.
  - c. The Village shall contribute \$2,400.00 toward the total contract price, or a pro rata share in the event that the services are terminated before the completion of the term.

4. INDEPENDENT CONTRACTOR STATUS:

- a. The Parties agree that the Consultant shall be deemed an Independent Contractor of the District and shall in no manner be deemed an employee of the District.
- b. Consultant acknowledges its status as an independent contractor and retains full responsibility for complying with income reporting and other requirements by federal, state and/or local tax laws. Because Consultant is an independent contractor, the District will not make deductions from payments to the Consultant for income taxes, social security, unemployment insurance, workers' compensation or other employment/payroll taxes. The District will issue a 1099 form at the end of each taxable period for monies paid to the Consultant. The District shall make no payments or report the Consultant's work to any State retirement system for purposes of pension credit. The Consultant will indemnify the District for any tax liability, interest, and/or penalties imposed upon the District by any taxing authority based upon the District's lack of withholding of any amount from the payments for tax purposes.
- c. The District shall not be responsible to pay the Consultant as an Independent Contractor for any expenses paid or incurred by it, including any expenses for travel arrangements and/or overnight accommodations, unless agreed to in a separate writing executed by the parties.
- d. No workers' compensation insurance shall be obtained by the District covering the Consultant. Consultant shall comply with the workers' compensation law concerning it and its employees, if any.

5. INDEMNIFICATION: Consultant further agrees that it shall defend, indemnify and hold harmless the District and the Village, and each of their officers, directors, agents and employees for all loss, costs, damages and expenses, including attorneys' fees, judgments, fines and amounts paid in settlement in connection with a terminated, pending or completed action, suit or proceeding arising from any act, error or omission, misstatement, misleading statement, neglect or breach of duties by Consultant taken or made with respect to this Agreement.

6. INSURANCE:

- a. Notwithstanding any terms, conditions or provisions, in any other writing between the parties, Consultant hereby agrees to effectuate the naming of District and the Village as an additional insured on Consultant's commercial general liability and excess liability insurance policies. If the policy is written on a claims-made basis, the retroactive date must precede the date of the contract.
- b. The policy naming District as an additional insured shall:
  - i. Be an insurance policy from an A.M. Best rated "Secure" insurer, licensed in New York State.

- ii. State that Consultant's coverage shall be primary and non-contributory coverage for District, its Board, employees and volunteers.
- c. District shall be listed as an additional insured by using endorsement CG 2026 or equivalent. The decision to accept an alternative endorsement rests solely with District. A completed copy of the endorsement must be attached to the certificate of insurance.
- d. The certificate of insurance must describe the specific services provided by Consultant that are covered by the liability policies.
- e. At District's request, Consultant shall provide a copy of the declaration page of the liability and umbrella policies with a list of endorsements and forms. If so requested, SERVICE PROVIDER will provide a copy of the policy endorsements and forms.
- f. The Consultant agrees to indemnify District for any applicable deductibles and self-insured retentions.
- g. Required Insurance:
  - i. **Commercial General Liability Insurance:** \$1,000,000 per occurrence/\$2,000,000 aggregate, with coverage for sexual misconduct.
  - ii. **Workers' Compensation and N.Y.S. Disability:** Statutory Workers' Compensation, Employers' Liability and N.Y.S. Disability Benefits Insurance for all employees. Proof of coverage must be on the approved specific form, as required by the New York State Workers' Compensation Board. ACORD certificates are not acceptable.  
  
A self-employed person and certain partners and corporate officers are excluded from the definition of "employee" pursuant to Workers' Compensation Law Section 2 (4). As such, individuals in such capacity are excluded from Workers' Compensation Law coverage requirements. A person seeking an exemption must file a CE-200 form with the state.
  - iii. **Professional Liability Insurance (only if applicable):** \$1,000,000 per occurrence/\$2,000,000 aggregate.
  - iv. **Excess Insurance:** \$1,000,000 each occurrence and aggregate. Excess coverage shall be on a follow-form basis.
- h. Consultant acknowledges that failure to obtain such insurance on behalf of District constitutes a material breach of contract. Consultant is to provide District with a certificate of insurance, evidencing the above requirements have been met, prior to the commencement of work or use of facilities. The failure of District to object to the contents of the certificate or the absence of same shall not be deemed a waiver of any and all rights held by District.

- i. District is a member/owner of the NY Schools Insurance Reciprocal (NYSIR). Consultant further acknowledges that the procurement of such insurance as required herein is intended to benefit not only District but also NYSIR, as District's insurer.
7. TERMINATION OF AGREEMENT:
  - a. The District or the Consultant may terminate this agreement at any time with or without cause upon thirty (30) days written notice to the other party. Notice shall be deemed to have been sufficiently given either when served personally or when sent by first-class mail addressed to the Parties at the addresses set forth in this Agreement.
  - b. The District may terminate this agreement upon three (3) days' written notice in the event of a material breach by Consultant.
  - c. In the event of termination, the District shall only be responsible to pay for services actually rendered, and the Village shall only be responsible for a pro rata share.
8. FORCE MAJEURE: Performance by either party may be excused by the occurrence of events beyond the control of the parties, including unavoidable travel interruptions, flood or other weather-related emergency or disaster, fire, public health emergency, strikes or labor and employment disputes, or terrorism, provided that the affected party provides notice to the other as soon as reasonably possible after the occurrence of a force majeure event. Upon the declaration of a force majeure event neither party shall bear liability to the other for non-performance.
9. ASSIGNABILITY: This Agreement shall not be transferred or assigned, in whole or in part, by the Independent Contractor without the prior written consent of the District.
10. GOVERNING LAW: This Agreement shall be governed by, construed, interpreted and enforced in accordance with the laws of the State of New York without regard to conflict of laws principles. The Parties irrevocably consent to jurisdiction and venue of any action or proceeding brought to enforce any rights, duties or obligations under this Agreement in the Supreme Court of the State of New York, Westchester County, or in the United States District Court for the Southern District of New York.
11. COMPLETE AGREEMENT: This Agreement supersedes all prior oral or written agreements, if any, between the Parties and constitutes the entire agreement between the Parties. The Agreement cannot be changed or modified orally. This Agreement may be supplemented, amended, or revised only in writing by agreement of the Parties.
12. CONFLICTS OF INTEREST: Consultant hereby warrants that there is no conflict of interest between the Independent Contractor's other employment, if any, or other contracts, if any, and the activities to be performed hereunder. Consultant shall advise the District if a conflict of interest arises in the future.
13. CONFIDENTIAL MATTERS AND PROPRIETARY INFORMATION/INTELLECTUAL PROPERTY:

- a. Consultant recognizes that during the course of performance of ITS/HIS/HER obligations under this Agreement she may acquire knowledge or confidential business information or other protected data. Consultant agrees to keep all confidential information in a secure place and further agrees not to publish, communicate, divulge, use, or disclose, directly or indirectly, for ITS/HIS/HER own benefit or for the benefit of another, either during or after contract performance, any confidential business information or trade secrets. Upon termination or expiration of this Agreement, Consultant shall deliver all records, data, information, and other computer media or documents produced or acquired during the performance of this Agreement and all copies thereof to the District. Such material shall remain the property of the District. This obligation of confidence shall not apply with respect to information that (1) is available to the Consultant from third parties on an unrestricted basis; or (2) is disclosed by the District to others on an unrestricted basis.
  - b. Consultant acknowledges its responsibility to maintain the security and privacy of student, staff, and District data and records and ITS/HIS/HER responsibility to adhere to the provisions of New York Education Law §2-d regarding privacy and security of student, teacher and principal data that may be disclosed to her, and shall execute the attached Data Privacy and Security Plan if applicable to the work to be performed hereunder.
  - c. To the extent that information and materials received and collected with regard to formulation and execution of this agreement constitute trade secrets would, if disclosed, cause substantial injury to the competitive position of the Consultant, such information and materials shall be kept confidential to the extent permitted by law.
14. DOCUMENTS: Consultant agrees to execute any and all documents prepared by the District and to do all other lawful acts as may be required by the District to establish, document, and protect such rights. Consultant, when directed, shall provide written reports with respect to the services rendered hereunder.
  15. DISTRICT REGULATIONS: Consultant shall comply with all applicable regulations of the District including, not limited to, those regarding security and acceptable use.
  16. FINGERPRINTING/BACKGROUND CHECK: Consultant shall provide the District proof that it and its employees/agents who will work with students are properly fingerprinted and background check cleared in accordance with the rules of the New York State Education Department to the extent required by New York Education Law or as otherwise required by the District.
  17. NON-DISCRIMINATION REQUIREMENTS: To the extent required by Article 15 of the Executive Law (also known as the Human Rights Law) and all other State and Federal statutory and constitutional non-discrimination provisions, Consultant agrees it shall not discriminate against any employee or applicant for employment or individual associated with the District because of race, creed, color, sex, national origin, sexual orientation, age,

disability, genetic predisposition or carrier status, or marital status, or any other basis protected by law.

18. SEXUAL HARASSMENT: Federal law and the policies of the District prohibit sexual harassment of employees and students. Sexual harassment includes any unwelcome sexual advances, requests for sexual favors or other verbal or physical conduct of a sexual nature that create a hostile or offensive working environment for District employees or students. Consultant shall exercise control over its employees, agents, and Consultants so as to prohibit acts of sexual harassment of District employees or students. In the event the District, in its reasonable judgment, determines that Consultant, its employees, agents and/or Consultants have committed an act of sexual harassment, upon notice from the District, Consultant shall cause such person to be removed and shall take such other action as may be reasonably necessary to cause such sexual harassment to cease. To the extent required by law, Consultant confirms that it has implemented a written anti-sexual harassment policy that meets or exceeds the requirements of New York Labor Law § 201-G and that annual training regarding this policy is and will be provided to all employees consistent with law
19. CONTRACT MONITORING: Contract implementation shall be monitored by any combination of the following: conducting on-site visits and observations; conducting surveys and/or interviews of participants and/or stakeholders; requiring provision of service logs; collecting and reviewing documents and/or artifacts, including any materials disseminated; collecting sign-in sheets; and any other means applicable to the Services performed. The Village may, upon request, receive access to data associated with such contract monitoring, with any personal information of District students redacted or otherwise anonymized.
20. DRUG FREE WORKPLACE: Consultant shall not engage in the unlawful manufacture, distribution, possession or use of a controlled substance while performing any activity covered by this Agreement. The District reserves the right to request a copy of Consultant's Drug-Free Workplace Policy, if one exists. Consultant shall insert a provision similar to this section in all subcontracts or contracts with third parties for services to be performed pursuant to this Agreement.
21. COMPLIANCE WITH LAW AND DISTRICT POLICY: The Parties shall perform all obligations under this Agreement in accordance with all federal, state and local laws, rules and regulations directly applicable to them. Consultant shall obtain and maintain any necessary permits, licenses, registration and/or approvals of governmental authorities that are applicable to the services to be provided pursuant to this Agreement; those required by the New York State Department of Education, the Board of Education and/or the District shall be the District's responsibility. In addition, Consultant shall comply with any of the District's written safety policies that are generally applicable to visitors and contractors entering District grounds, provided that such policies are provided to Consultant for review in reasonable time in advance of entering school grounds. Consultant will replace within a reasonable time of notice from the District, any personnel assigned to perform work on District premises in the event the District has a reasonable basis for such request.

IN WITNESS WHEREOF, the Parties hereto have executed this agreement on the date indicated below.

PORT CHESTER-RYE UNION  
FREE SCHOOL DISTRICT

NATIONAL SCHOLASTIC CHESS  
FOUNDATION

By: \_\_\_\_\_  
NAME OF AUTHORIZED SIGNER  
TITLE OF AUTHORIZED SIGNER

By: \_\_\_\_\_  
NAME OF AUTHORIZED SIGNER  
TITLE OF AUTHORIZED SIGNER

VILLAGE OF PORT CHESTER

By: \_\_\_\_\_  
Stuart L. Rabin  
Village Manager

Approved as to form:

\_\_\_\_\_  
James R. Carpiniello, Village Attorney

# CORRESPONDENCE





# FIRE DEPARTMENT VILLAGE OF PORT CHESTER

209 WESTCHESTER AVENUE  
WESTCHESTER COUNTY, N.Y.

RECEIVED

JAN 22 2025

VILLAGE CLERK'S OFFICE  
VILLAGE OF PORT CHESTER

PUTNAM E. & H. Co. No. 2  
FIRE PATROL & RESCUE Co. No. 1  
WASHINGTON E. & H. Co. No. 4

RELIANCE E. & H. Co. No. 1

HARRY HOWARD H. & L. Co. No. 1  
MELLOR E. & H. Co. No. 3  
BROOKSVILLE E. & H. Co. No. 5

TO THE HONORABLE BOARD OF TRUSTEES OF THE VILLAGE OF PORT CHESTER N.Y.:

- The Reliance E. & H. Co. No. 1
- The Harry Howard H. & L. Co. No. 1
- The Mellor E. & H. Co. No. 3
- The Brooksville E. & H. Co. No. 5
- The Putnam E. & H. Co. No. 2
- The Fire Patrol & Rescue Co. No. 1
- The Washington E. & H. Co. No. 4

respectfully report(s) that at a meeting held on 01/07/25 favorable action was taken on the following:

The Company elected as:

<input type="checkbox"/> ACTIVE / <input type="checkbox"/> ACTIVE EXEMPT / <input type="checkbox"/> HONORARY MEMBER
<input type="checkbox"/> ACTIVE / <input type="checkbox"/> ACTIVE EXEMPT / <input type="checkbox"/> HONORARY MEMBER
<input type="checkbox"/> ACTIVE / <input type="checkbox"/> ACTIVE EXEMPT / <input type="checkbox"/> HONORARY MEMBER

The following member(s):

<input type="checkbox"/> DECEASED <input type="checkbox"/> RESIGNED / <input type="checkbox"/> WAS PLACED ON LEAVE / <input type="checkbox"/> WAS SUSPENDED / <input checked="" type="checkbox"/> WAS EXPELLED
<u>PENDER HUGH - DELINQUENCY</u>
<input type="checkbox"/> DECEASED <input type="checkbox"/> RESIGNED / <input type="checkbox"/> WAS PLACED ON LEAVE / <input type="checkbox"/> WAS SUSPENDED / <input checked="" type="checkbox"/> WAS EXPELLED
<u>ESCOBAR, EDWIN - FAILED PROBATION</u>
<input type="checkbox"/> DECEASED <input checked="" type="checkbox"/> RESIGNED / <input type="checkbox"/> WAS PLACED ON LEAVE / <input type="checkbox"/> WAS SUSPENDED / <input type="checkbox"/> WAS EXPELLED
<u>ATKINSON, BRETT</u>

The following badge(s) was/were returned: \_\_\_\_\_

Remarks: \_\_\_\_\_

Secretary: *James K. Mitchell, Jr.*

Print Name JAMES K MITCHELL, JR

Address: PO Box 1254 PCNY



# FIRE DEPARTMENT VILLAGE OF PORT CHESTER

209 WESTCHESTER AVENUE  
WESTCHESTER COUNTY, N.Y.

RECEIVED  
JAN 22 2025  
VILLAGE CLERK'S OFFICE  
OFFICE OF PORT CHESTER

PUTNAM E. & H. Co. No. 2  
FIRE PATROL & RESCUE Co. No. 1  
WASHINGTON E. & H. Co. No. 4

HARRY HOWARD H. & L. Co. No. 1  
MELLOR E. & H. Co. No. 3  
BROOKSVILLE E. & H. Co. No. 5

TO THE HONORABLE BOARD OF TRUSTEES OF THE VILLAGE OF PORT CHESTER N.Y.:

- The Reliance E. & H. Co. No. 1
- The Harry Howard H. & L. Co. No. 1
- The Mellor E. & H. Co. No. 3
- The Brooksville E. & H. Co. No. 5
- The Putnam E. & H. Co. No. 2
- The Fire Patrol & Rescue Co. No. 1
- The Washington E. & H. Co. No. 4

respectfully report(s) that at a meeting held on 01 / 07 / 25 favorable action was taken on the following:

The Company elected as:

<input type="checkbox"/> ACTIVE / <input type="checkbox"/> ACTIVE EXEMPT / <input type="checkbox"/> HONORARY MEMBER
<input type="checkbox"/> ACTIVE / <input type="checkbox"/> ACTIVE EXEMPT / <input type="checkbox"/> HONORARY MEMBER
<input type="checkbox"/> ACTIVE / <input type="checkbox"/> ACTIVE EXEMPT / <input type="checkbox"/> HONORARY MEMBER

The following member(s):

<input checked="" type="checkbox"/> DECEASED / <input checked="" type="checkbox"/> RESIGNED / <input type="checkbox"/> WAS PLACED ON LEAVE / <input type="checkbox"/> WAS SUSPENDED / <input type="checkbox"/> WAS EXPELLED
<u>PUONI, MATT</u>
<input type="checkbox"/> DECEASED / <input type="checkbox"/> RESIGNED / <input type="checkbox"/> WAS PLACED ON LEAVE / <input type="checkbox"/> WAS SUSPENDED / <input type="checkbox"/> WAS EXPELLED
<input type="checkbox"/> DECEASED / <input type="checkbox"/> RESIGNED / <input type="checkbox"/> WAS PLACED ON LEAVE / <input type="checkbox"/> WAS SUSPENDED / <input type="checkbox"/> WAS EXPELLED

The following badge(s) was/were returned: \_\_\_\_\_

Remarks: \_\_\_\_\_

Secretary: [Signature]

Print Name JAMES K MITCHELL, JR

Address: PO Box 1254 PCNY

*The*  
**CAPITOL**  
*Theatre*

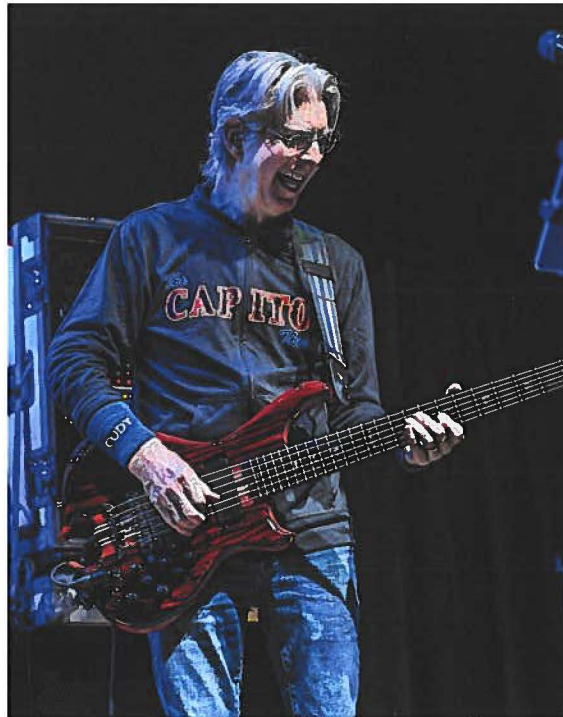
Dear Mayor Marino,

We are writing to formally request the **honorary renaming of the block of Broad Street between Irving and Westchester Avenue as “Phil Lesh Lane” in recognition of Phil Lesh’s 85th birthday.**

We propose holding the dedication ceremony on **March 14 at 4:00PM**, just before the start of a special two-night event at The Capitol Theatre.

This tribute would celebrate Phil Lesh’s profound impact on Port Chester and his long-standing connection to The Capitol Theatre.

Thank you for your consideration. Respectfully please see attached letter from Peter Shapiro Owner Capitol Theatre in support of our request.





**Honorary Street Naming for Phil Lesh  
The Corner of Broad Street and Westchester Avenue**

Dear Mayor Marino,

This coming March marks the 85th birthday of legendary Grateful Dead founding member and frequent performer at The Capitol Theatre, Phil Lesh.

Recently, the Grateful Dead was honored at the 2024 47th Kennedy Center Honors, further solidifying their iconic status in American culture. The band was inducted into the Rock & Roll Hall of Fame in 1994 and received a Grammy® Lifetime Achievement Award in 2007. Their final tally of 2,318 total concerts remains a world record.

Phil Lesh's economic and cultural impact on Port Chester is immeasurable. With this in mind, we propose dedicating the corner of Westchester Avenue and Broad Street as "Phil Lesh Lane" in honor of his 85th birthday. We suggest holding the dedication on March 14, the first night of a special two-night event featuring Phil's son Grahame and a rotating cast of all-star performers.



A permanent commemorative sign would be placed to mark this tribute. This location is particularly meaningful, as it is near The Capitol Theatre's main entrance and stage door, where Phil has entered to create unforgettable memories for fans over five decades. Phil Lesh and the Grateful Dead first performed at The Capitol Theatre in 1970, drawing 2,000 patrons per night to Port Chester for dining, concerts, and hospitality. They enjoyed their initial visit so much that they scheduled an additional 17 shows in the venue.

On March 19, 2023, Phil Lesh performed his 100th show at The Capitol Theatre, a milestone celebrated with a special tribute. Peter Shapiro, owner of The Capitol Theatre, gave a heartfelt speech reflecting on Lesh's history with the venue, his return in November 2012, and his remarkable contributions to live music. To commemorate the achievement, Shapiro honored Lesh in a Madison Square Garden-style ceremony by raising a banner that read "Phil Lesh 100 Shows" above the stage—a tribute reserved only for champions and icons.

In 2024, Phil celebrated his 84th birthday with a series of unforgettable performances at The Capitol Theatre on March 4, 6, 13, 15, and 16. These shows would ultimately be his last at

the theater. Fans from all over the world gathered to witness these historic performances, further cementing Port Chester as a central part of his legacy.

The Village of Port Chester has already recognized Phil Lesh in meaningful ways. He has received the Key to the Village, and was made an Honorary Firefighter by the Port Chester Volunteer Fire Department. These honors reflect his deep connection to the community, but we believe an even more permanent tribute is fitting.



Phil Lesh's contributions to music, his fans, and the Village of Port Chester are unparalleled. Naming this street in his honor would celebrate not only his legacy but also the unique and enduring connection between Port Chester, The Capitol Theatre, and the Grateful Dead. We hope you will agree to honor Mr. Lesh with this symbolic and meaningful tribute to his profound impact on our community.

Gratefully,

The Capitol Theatre

A handwritten signature in black ink, appearing to read 'Peter Shapiro', written over a horizontal blue line.

Peter Shapiro, Owner

**From:** [Rabin, Stuart](#)  
**To:** [Mayor and Board](#)  
**Cc:** [Richards, Janusz](#); [Carpiniello, James](#)  
**Subject:** FW: Parking  
**Date:** Thursday, February 6, 2025 10:06:22 AM  
**Attachments:** [image001.png](#)  
[image002.png](#)

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Mr. Clerk,

The library has requested the BOT's discussion and consideration of extending the use of the parking placards the board approved near the close of 2024.

Please add this correspondence to the next meeting.



**Stuart L. Rabin**  
**Village Manager**  
T: 914.939.2200  
E: [SRabin@PortChesterNY.gov](mailto:SRabin@PortChesterNY.gov)  
222 Grace Church St. | Port Chester, NY 10573

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**From:** Robin Lettieri <rlettieri@pcrblibrary.org>  
**Sent:** Monday, February 3, 2025 10:47 AM  
**To:** Rabin, Stuart <SRabin@portchesterny.gov>  
**Subject:** Parking

Good morning Stu

I hope you had a good weekend.

As was discussed at the IMC meeting, I am clarifying the need for overflow parking during targeted times at the Library.

When we have story times, toddler music programs, tax assistance and other unique programs, it would be beneficial for staff to be able to park on the street with the parking permit, to accommodate the public.

Please let me know if you have any questions.

I hope you have a good day.

Robin

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Robin Lettieri, Director  
Port Chester-Rye Brook Public Library  
1 Haseco Ave  
Port Chester, New York 10573  
914-939-6710  
[rlettieri@pcrblibrary.org](mailto:rlettieri@pcrblibrary.org)

**From:** [Elizabeth Rotfeld](#)  
**To:** [Richards, Janusz](#)  
**Cc:** [Rozlyn Carvin](#)  
**Subject:** LWV Candidate Forum for Village of Port Chester Mayor and Trustees - Request to Use Senior Community Center  
**Date:** Monday, February 10, 2025 10:23:08 AM

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Dear Mayor Marino,

With the Mayoral and Trustee Election fast approaching, the Rye/Rye Brook/Port Chester League of Women Voters is in the process of making plans to hold a Candidate Forum.

We are looking at the following proposed dates (Tuesday, February 25th, Wednesday, March 5th or Thursday, March 6th beginning at 6pm) It is our hope that we can hold the Mayoral forum first, followed by the Trustee forum, on the same night.

We are requesting permission to hold the event at the Port Chester Senior Community Center one of those nights. We would also like to discuss utilizing the Village's videographer who is familiar with the facility to record the program. If there is a fee for any of this, please let us know.

I can be reached via (914) 886-8226.

Many thanks for your consideration of my request.

Elizabeth Rotfeld, Co-President  
Rye/Rye Brook/Port Chester LWV

**PUBLIC COMMENTS  
AND  
BOARD COMMENTS**