

June 7, 2022

**Via Hand Delivery**

Hon. Michael Scarola  
and the Members of the Village Planning Commission  
Village of Port Chester  
222 Grace Church Street  
Port Chester, NY 10573

**Re:     *Site Plan and Special Exception Permit Application  
Broad Street Owner LLC / 44 Broad Street  
Application No. 2022-0028***

Dear Chairman Scarola and the Members of the Planning Commission:

This firm represents Broad Street Owner LLC (“Applicant”) in connection with its redevelopment of eight abutting parcels along Broad Street across from the Train Station, located in the Village’s CD-6T District (“Property”). The Applicant is pursuing Site Plan and related approvals in furtherance of redeveloping the Property with a 15-story mixed-use building, consisting of first floor commercial space with residential units on the floors above (“Project”).

We are writing ahead of the June 27, 2022 public hearing on this Application to provide responses to the comments of your Commission and its Consultants. As summarized below, the Applicant has compiled the information requested by your Commission, as well as AKRF. We respectfully submit that the Record demonstrates that the Project would not result in significant environmental impacts, and as such, we respectfully request that the Commission take the necessary steps to issue a negative declaration under SEQRA.

The Applicant’s responses and modified Site Plan are reflected in the following materials, copies of which are submitted herewith:

- SUEZ Willingness to Serve Letter, dated May 12, 2022;
- Sheet A-103 of the architectural plans prepared by Lessard Design (“Lessard”), titled G1-Ground Floor Plan, last revised June 6, 2022;

- Engineering plans, prepared by Bowman Consulting Engineering, Land Surveying & Landscape Architecture (“Bowman”), last revised June 7, 2022 (“Site Plan”):
  - Sheet 1 - Cover Sheet \ Location Map \ Key Map
  - Sheet 2 - General Notes
  - Sheet 3 - Site Preparation Plan
  - Sheet 4 - Layout and Dimensioning Plan
  - Sheet 5 - Grading and Utility Plan
  - Sheet 6 - Landscape Plan
  - Sheet 7 - Lighting Plan
  - Sheet 8 - Soil Erosion & Sediment Control Plan
  - Sheets 9-10 - Construction Details
  - Sheet 11 - Lighting Details
  - Sheet 12 – Traffic Control Plan; and
- Rock Removal Memo, prepared by SESI Consulting Engineers, dated June 7, 2022.

In addition, written responses to AKRF’s remaining comments are provided below.

### AKRF Memorandum, May 19, 2022

### 3. Engineering Comments

#### a. Stormwater

- i. *The Applicant has proposed a hydrodynamic separator for water quality treatment. The Applicant should provide an updated SWPPP which includes the following:*
  1. *Water quality volume (WQv) and water quality flow (WQF) calculations for the proposed hydrodynamic separator (HDS).*
  2. *Demonstrate a minimum of 75% of the overall site WQv is treated by the HDS.*
  3. *Demonstrate the max treatment rate for the HDS exceeds the WQF rate for the contributing drainage area.*
  4. *Demonstrate the internal-bypass flow capacity for the HDS exceeds the 25-year peak flow rate for the contributing drainage area.*
- ii. *Roof level drainage plans that depict the total area conveyed to the water quality device.*
- iii. *Storm drainage connections to sewer main should be made using manhole structures (instead of catch basin). Provide detail for proposed stormwater structures in right-of-way.*
- iv. *Applicant to provide updated inverts for proposed storm sewer connections following verification existing sewer main location/elevation.*

**Response:** The Applicant has confirmed that only one stormwater connection will be required for the Proposed Development. All roof drainage will be conveyed to this single stormwater connection and the hydrodynamic separator located at Broad Street. An updated SWPPP will be provided once the inverts of the existing storm sewer mains have been verified and the design has been completed.

- b. Water: Applicant to secure will serve letter from Suez indicating specific watermain improvements, if any, necessary to provide water service to the proposed development.

**Response:** A copy of SUEZ's May 12, 2022 Willingness to Serve letter is enclosed, in which SUEZ certifies its ability and willingness to provide water service to the Proposed Development at a projected daily maximum of 140,260 gallons per day (gpd).

- c. Electric

- i. Applicant has previously indicated an intention to locate the transformer in the building switchgear room. Update sheet A-102 to show location.

**Response:** The transformer is to be located above the switchgear room, on the ground floor. Please refer to Sheet A-103 of Lessard's architectural plans, titled G1-Ground Floor Plan.

- d. Layout: Coordinate door locations between civil plans and architectural ground floor plan (A-103).

**Response:** Bowman's civil plans have been revised to coordinate with the door locations on Lessard's G1-Ground Floor Plan (Sheet A-103), each showing the two sets of retail doors located at the corner of Irving Avenue and Broad Street.

- e. Grading

- i. Coordinate first floor elevations shown on grading plan with elevations shown architectural ground floor plan (A-103).

**Response:** The first-floor elevations shown on Bowman's Grading and Utility Plan (Sheet 5) have been coordinated with Lessard's G1-Ground Floor Plan (Sheet A-103).

- ii. Applicant shall provide proposed grading information at northeast corner of Irving Avenue and Broad Street once additional survey is obtained.

**Response:** Additional survey information for the northeast corner of Irving Avenue and Broad Street will be provided.

- f. General

- i. Plans shall indicate that building foundation will have no footing drain.

**Response:** Note 5 to Bowman's enclosed Grading and Utility Plan (Sheet 5) states "[t]he building foundation shall be designed so as not to have footing drains."

- ii. Show location of stabilized construction entrance and concrete truck washout on the erosion and sediment control plan.

**Response:** The location of the stabilized construction entrance and concrete truck washout have been provided on Bowman's Soil Erosion & Sediment Control Plan (Sheet 8).

- iii. Applicant has response letter include language regarding construction dewatering and shoring/sheeting/excavation support. AKRF has no objection to the responses provided by the Applicant. These responses should be formalized in a memorandum

*for the record. Add corresponding notes to the plans regarding contractor's need for appropriate permits related to dewatering.*

**Response:** Dewatering details have been summarized in the enclosed Rock Removal Memo prepared by SESI Consulting Engineers. In addition, General Note 34 has been added to Bowman's General Notes plan (Sheet 2), stating "[t]he contractor shall follow all Westchester County dewatering requirements including obtaining a Westchester County permit for construction dewatering if necessary, any such permits shall be secured prior to issuance of a building permit."

#### 4. Traffic Comments

##### a. Construction Traffic

- i. *The Applicant provided a narrative of potential construction period impacts, which indicated their intention to close the sidewalks in front of the Site on Broad Street, Irving Avenue, and North Pearl Street for the duration of the construction (20 to 26 months), as shown on the Traffic Control Plan. The Traffic Control Plan shows pedestrian detours across existing crosswalks with additional signage to warn vehicles of pedestrian crossings. The Applicant should include the Traffic Control Plan in the engineering site plans.*

**Response:** The Traffic Control Plan has been added to Bowman's civil plan set as Sheet 12.

- ii. *Because the site is adjacent to the Metro-North station and Broad Street is a relatively low-volume and narrow roadway, the Applicant should consider adding a mid-block crosswalk along Broad Street with a temporary rectangular rapid flashing beacon (RRFB) to aid pedestrian crossings along Broad Street.*

**Response:** As confirmed by AKRF at the May 23, 2022 Planning Commission meeting, a mid-block crosswalk at Broad Street is not recommended due to the limited site-line for vehicles traveling along Broad Street. As such, a mid-block crosswalk on Broad Street is not proposed as part of this Application.

- iii. *The Applicant should coordinate with the developer of 30 Broad Street to ensure that construction closures for the two sites do not conflict.*

**Response:** The Applicant will coordinate with the developer of 30 Broad Street, and for purposes of this Application, has included a mid-block crosswalk on Irving Avenue in order to provide a pedestrian right-of-way along Irving Avenue between Broad Street and Pearl Street throughout construction of each project.

#### 5. Planning Comments

- a. General Zoning Compliance – AKRF has reviewed the application for conformance with the Village's Zoning Code.

- i. *The Applicant has applied to the Zoning Board of Appeals for variances with respect to the number of curb cuts (two proposed on Pearl St), the width of the loading zone curb cut (26 feet), and the location of the rolldown gate (within 20 feet). The Planning commission, as SEQRA lead agency must issue a determination of significance prior to the ZBA acting on the variance applications. The Planning*

*Commission may not take action on the Site Plan until the variances are granted, or conforming plans are presented.*

**Response:** The Applicant notes the above comment.

b. SEQRA

- i. *In January 2021, the Board of Trustees adopted the CD-6T zoning district. As part of their review of that action, the BoT served as the SEQRA Lead Agency for both the rezoning of the Project Site and a Conceptual Site Plan. The Planning Commission was an involved agency in that SEQRA review. The BoT concluded the SEQRA review of the rezoning and conceptual site plan with the adoption of a Negative Declaration. Pursuant to SEQRA regulations, the Planning Commission is bound by the BoT’s determination of significance.*

*The Planning Commission is, however, undertaking a SEQRA review of the current, detailed, Site Plan Application. Where potential environmental impacts of the Site Plan are equal to or less than those evaluated by the BoT, there is no further SEQRA role for the Planning Commission. Where potential environmental impacts of the Site Plan are greater than what was evaluated by the BoT, the Planning Commission will evaluate the incremental difference during its SEQRA review. Please see table at end of memorandum for a comparison of the Site Plan Application to the Conceptual Rezoning Plan. The table also includes information on items required to be evaluated by Commission pursuant to the BoT’s Negative Declaration.*

**Response:** The Applicant notes the above comment.

**Conclusion**

We trust that the above responses satisfy the comments of both the Commission and AKRF. We look forward to once again meeting with your Commission in the continued review of this Application.

In the meantime, if you have any questions or require any additional information, please do not hesitate to contact us.

Respectfully Submitted,

ZARIN & STEINMETZ

By: 

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Encls.

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Broad Street Owner, LLC, and Design Team