



Environmental, Planning, and Engineering Consultants

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Memorandum

To: Village of Port Chester Planning Department
From: AKRF, Inc.
Date: June 23, 2022
Re: 130 Midland Avenue Site Plan Application: *DRAFT* Site Plan Resolution

Pursuant to the direction of the Planning Commission during its May 2022 meeting, attached for your consideration is a *draft* of the following document.

- Site Plan Approval Resolution

Please note the following:

- 1) Certain items, highlighted in the documents, need to be completed prior to finalization.
- 2) The documents as drafted include both statements of fact based on the Application's record as well as potential findings or conclusions about the potential environmental significance of the Project based on those facts. The potential findings or conclusions should not be considered final or binding in any way, nor should they necessarily be considered a reflection of AKRF's technical opinion. Rather, they were drafted for the Planning Commission's review and for the Planning Commission to revise as they deem appropriate prior to adoption.

**SITE PLAN & SPECIAL EXCEPTION USE PERMIT APPROVAL
RESOLUTION OF THE VILLAGE OF PORT CHESTER PLANNING COMMISSION**

mmm dd, yyyy

**130 Midland Owner, LLC
130 Midland Avenue
Section 142.53, Block 1, Lot 5
Case # 2022-0027**

WHEREAS, the Village of Port Chester Planning Commission (the “Planning Commission”) is in receipt of Site Plan & Special Exception Use Permit applications (the “Application”) submitted by Zarin & Steinmetz, on behalf of 130 Midland Owner, LLC (the “Applicant”) for the site located at 130 Midland Avenue, specifically known and designated as Section 142.53, Block 1, Lot 5 (the “Site”); and

WHEREAS, the Site is located in the CD-4 General Urban Character District (the “CD-4 District”); and

WHEREAS, the Applicant includes the demolition of the existing structure at 130 Midland Avenue to develop an 85,000 s/f Floor & Décor wholesale sales store, and an 8,500 s/f accessory retail store, and associated parking (the “Proposed Action” or “Proposed Development”); and

WHEREAS, the Applicant is seeking Site Plan & Special Exception Use Permit approval from the Planning Commission under the Village Character-Based Code adopted May 20, 2021, as amended; and

WHEREAS, exception from moratorium

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

- Architectural & Engineering Site Plans prepared by Papp Architects and Catizone Engineering, last revised September May 3, 2022;
- Stormwater Pollution Prevention Plan prepared by Catizone Engineering, last revised May 3, 2022.

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

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

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

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

WHEREAS, on April 25, 2022, the Westchester County Planning Board provided comments suggesting that the Site be considered for a mixed use development, includes too much parking, should improve the crosswalks and sidewalks in front of and within the Site and connect to the existing Bee-Line bus stop, provide for recycling, and incorporate green building technologies; and

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

WHEREAS, on May 23, 2022, pursuant to SEQRA, the Planning Commission, as Lead Agency, issued a SEQR Determination of Non-Significance, having concluded the proposed Action would not result in any significant adverse impacts; and

WHEREAS, the Planning Commission has reviewed the Application against the review criteria promulgated in §345.805.G.4 of the Village of Port Chester Zoning Code and considered the specific variances granted by the **Village's Zoning Board of Appeals on June xx, 2022**; and

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

WHEREAS, the requirements for Site Plan & Special Exception Use Permit approval contained in Article 8, Sections 345.805.G and 345.805.I of the Village of Port Chester Zoning Code have been met by said Application.

NOW, THEREFORE, be it

RESOLVED, that the Application for Site Plan & Special Exception Use Permit approval submitted by Zarin & Steinmetz, on behalf of 130 Midland Owner, LLC, as depicted on the plans identified above, hereby grants Site Plan & Special Exception Use Permit approval subject to the following conditions:

1. The final Site Plan drawings provided for signature shall be revised as follows:
 - a. The Zoning Compliance Table shall be updated to indicate the receipt of the required variances.

- b. The text of the resolution granting the variances shall be included in full in the Site Plan set.
 - c. Include fire hydrants to the satisfaction of the Fire Department.
2. Prior to issuance of a building permit, Applicant shall provide documentation from Con Edison accepting the proposed electrical layout.
3. Prior to issuance of a building permit, the Applicant shall secure a Westchester County Department of Health permit for a private sanitary sewer connection as the sanitary flow from the building exceed 2,500 gallons per day.
4. Prior to issuance of a building permit, Applicant shall provide correspondence from Suez re: any necessary water main improvements
5. Prior to issuance of a building permit, the Applicant shall demonstrate a Highway Work Permit has been secured from New York State DOT for the work along Midland Avenue.
6. Prior to the issuance of a building permit, the Applicant shall update the Stormwater Pollution Prevention Plan and associated Erosion and Sediment Control Plan to meet all requirements of Chapter 281 of the Village Code to the satisfaction of the Village Engineer. Prior to the start of construction, the Applicant shall secure the MS4 Acceptance Form from the Village Engineer and submit a Notice of Intent to NYSDEC for coverage under the General Permit for Stormwater Discharges from Construction Activity.
7. Prior to the issuance of a Certificate of Occupancy the Applicant shall complete any water main improvements for which it was directly responsible
8. Prior to issuance of a certificate of occupancy, the actual construction, installation and implementation of all sidewalk improvements shall be certified by the Applicant's Engineer as being constructed in compliance with the approved plans.
9. Prior to issuance of a certificate of occupancy, the Applicant shall demonstrate the NYSDOT Highway Work Permit has been closed, to the satisfaction of NYSDOT and the Village Engineer.
10. The Applicant shall pay to the Village of Port Chester any outstanding professional review escrow fees in accordance with Article 8, Section 345.814 of the Village of Port Chester Zoning Code.
11. The Applicant shall obtain all other applicable permits and approvals.
12. The Applicant shall furnish the Planning Commission with four (4) copies of the Site Plan as described above for the endorsement by the Planning Commission Chairperson and Planning & Economic Development Zoning Administrator, and the Site Plan be recorded as the approved Site Plan; and be it further

RESOLVED, that this Site Plan & Special Exception Use Permit approval shall have an effective date of mmm dd, yyyy and an expiration date mmm dd, yyyy; and be it finally

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

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

AYES: _____
NAYES: _____
ABSTAINED: _____
ABSENT: _____

Chair

Date

DRAFT