

July 5, 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 July 25, 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:

- Sheet A-100 of the architectural plans prepared by Lessard Design (“Lessard”), titled Illustrative Site Plan, last revised July 5, 2022;
- Sheet A-103 of the architectural plans prepared by Lessard Design (“Lessard”), titled G1-Ground Floor Plan, last revised June 27, 2022;

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

AKRF Memorandum, June 23, 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.*
 5. *Roof level drainage plans that depict the total area conveyed to the water quality device.*
- ii. *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.*
- iii. *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. Sanitary: *Applicant has provided data from completed sanitary flow monitoring. AKRF understands the Applicant is currently working to analyze said data to assess its project's effects on public sanitary sewer infrastructure. Additional comments regarding sanitary will be forthcoming upon receipt of analysis.*

Response: The Applicant's analysis of the sanitary flow monitoring data will be provided.

c. 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.

d. General

- i. *Loading dock depth has been reduced to 27.5-ft to accommodate the transformer room. Applicant to clarify that vehicles using the loading dock will not block the sidewalk..*

Response: Sheet A-103 of the architectural plans prepared by Lessard has been revised to maintain a loading area 40.0' in depth. In addition, to maintain the same parking ratio as previously provided (0.96) three parking lifts have been added to the parking on this level.

4. Traffic Comments

- a. No additional traffic comments, save the comments above.

Response: The Applicant notes the above comment.

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

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. A few specific items are discussed below:

- i. Rock Removal – The Applicant's geotechnical engineer stated that construction of the Project would require the removal of between three and 20 feet of competent bedrock. The geotechnical engineer stated that line drilling and hydraulic hammering are anticipated, while blasting is not anticipated.*
- ii. Dewatering – In addition to the comments above, any dewatering would subject to requirements set forth pursuant to the NYS Brownfield Cleanup Program.*
- iii. Subsurface Environmental Conditions –*

Subsequent to the BoT's Negative Declaration on the Conceptual Site Plan, the Site was entered into the NYS Brownfield Cleanup Program. Based on subsurface environmental analyses performed by the Applicant, there is evidence of the following contamination on Site:

- a. Soil - Petroleum contamination (Volatile Organic Compounds (VOCs), Semi-Volatile Organic Compounds (SVOCs), associated with a reported spill at 44-46 Broad Street (former gas station); Metals contamination, mainly lead, present in fill material on-Site.*
- b. Groundwater – Petroleum VOCs, chlorinated solvent VOCs, SVOCs, Metals, and PFAS*
- c. Soil Vapor – TCE and PCE exceeding NYSDOH matrices*

This is BCP site, which means the owner has a legal contract with the state to investigate and remediate the site in accordance with NYSDEC and NYSDOH requirements to be protective of human health and the environment. The BCP Remedial Investigation Plan, which is a state-approved plan to conduct additional environmental testing of the Site, includes the drilling of 23 soil borings, groundwater monitoring wells, and 7 soil vapor points. The BCP is a public program, so the public and the Village will have opportunities to submit comments to NYSDEC at phases of the project.

The Proposed Project includes excavation from the entire footprint of the redevelopment site to a depth of at least 25 feet below grade. The BCP will require a Remedial Action Work Plan (RAWP) to identify and handle all soil and groundwater contamination that will be encountered during redevelopment. This

applies to groundwater that will be required to be removed during construction. All remediation work is required to be conducted in accordance with a Health and Safety Plan to protect on-site personnel, and a Community Air Monitoring Plan to protect the surrounding community. The excavation depth will encapsulate the documented contamination area and can be considered a best-case scenario for a remediation approach as it removes the contamination from the Site. NYSDEC/NYSDOH will require engineering controls (e.g., vapor barrier, site cap, venting systems) if any contamination will remain on-site.

Response: The Applicant notes the above comment(s).

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: _____

David J. Cooper

Brian T. Sinsabaugh

Encls.

Cc (via electronic mail):

Constance Phillips, Staff

Curt Lavalla, AICP

Anthony M. Cerreto, Village Attorney

Peter Feroe, AICP

Broad Street Owner, LLC, and Design Team