

SITE PLAN APPROVAL

RESOLUTION OF THE VILLAGE OF PORT CHESTER PLANNING COMMISSION

[date to be determined]

The Complex at Port Chester, LLC
18 & 20 South Main Street, 21 & 25 East Broadway
Section 142.30, Block 2, Lots 60 & 67
Case # 2019-0192

WHEREAS, the Village of Port Chester Planning Commission (the “Planning Commission”) is in receipt of a Site Plan application (the “Application”) submitted by Blanchard & Wilson LLP, on behalf of The Complex at Port Chester, LLC (the “Applicant”) for the site located at 18 & 20 South Main Street, and 21 & 25 East Broadway, specifically known and designated as Section 142.30, Block 2, Lots 60 and 67 (the “Site” or “Project Site”); and

WHEREAS, the Site is located in the CD-6 Urban Center Character District (the “CD-6 District”); and

WHEREAS, the Applicant proposes to develop a 12-story, 152,890 sf mixed-use residential development (the “Proposed Action” or “Proposed Development” or “Proposed Project”). The Proposed Project includes 19,083 sf of commercial retail space, 120 residential units (52 studios, 54 one-bedroom, 14 two-bedroom) throughout twelve residential stories, residential amenities and stacked parking for 90 vehicles; and

WHEREAS, the Applicant is seeking Site Plan approval from the Planning Commission under the Village Character-Based Code adopted May 20, 2020, as amended; and

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

- Architectural Site Plans prepared by Architectura, last revised June 1, 2022;
- Engineering Site Plans prepared by Ralph G. Mastromonaco, P.E., P.C., last revised May 20, 2022; and
- Stormwater Pollution Prevention Plan prepared by Ralph G. Mastromonaco, P.E., P.C., last revised October 4, 2021.

WHEREAS, the Proposed Project 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, dated August 10, 2020, 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 September 25, 2020, and May 13, 2022, the Westchester County Planning Board provided comments stating the Project is generally consistent with the County's *Westchester 2025* plan, but for potential design and streetscape impacts owing to the height of the building, and commented on affordable housing (which the Project includes), pedestrian impacts on South Main Street (which were evaluated), long-term sewer impacts (which are being mitigated as requested), and visual impacts of a proposed video screen (which is no longer included as part of the Project) and the blank north façade of the Project (which would abut the southern side of a building proposed for construction at 2 South Main Street); 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 [date to be determined], 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

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

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

NOW, THEREFORE, be it

RESOLVED, that the Application for Site Plan approval submitted by Blanchard & Wilson LLP, on behalf of The Complex at Port Chester, LLC as depicted on the plans identified above, hereby grants Site Plan approval subject to the following conditions:

1. The Applicant shall provide within the final Site Plan drawings provided for signature an itemized list of the Project Commitments included in the Negative Declaration approved for the Project, which are integral components of the Project that may not otherwise appear on Site Plan drawings or in the following conditions. These commitments include, among other items, fair share monetary contributions, certain pre-construction notifications and surveys, and specific construction management activities.

2. Prior to issuance of a building permit, unless a different time period is described, the Project Commitments shall be fulfilled.
3. Prior to the issuance of a building permit, the Applicant shall demonstrate that all outstanding comments from Metro-North Railroad (MNR) have been addressed to the satisfaction of MNR, including MNR's concerns about sewer and pedestrian impacts along East Broadway and MNR's right-of-way.
4. Prior to issuance of a building permit, the Applicant shall confirm that code-compliance sound transmission levels of construction materials and methods are utilized to achieve appropriate interior sound levels for the new residential units (i.e., 45 dBA).
5. Prior to an issuance of a demolition permit, the Applicant shall provide: a) documentation from Con Edison demonstrating that removal/relocation of the overhead wires along the Project's frontage on East Broadway is feasible; b) an executed agreement between the Applicant and Con Edison to perform the removal and underground relocation of the utility work;; c) proof by the Applicant that adequate funds have been established and reserved to pay for the cost of the utility work, and d) authorization from MNR to locate underground wires within the road bed of East Broadway.
6. Prior to the issuance of a building permit, the Applicant shall provided MNR with a construction dewatering plan to the satisfaction of MNR.
7. Prior to issuance of a building permit, the applicant shall quantify the anticipated discharge from construction dewatering and demonstrate discharges do not exceed pre-developed stormwater runoff rates.
8. Prior to issuance of a building permit, the applicant shall characterize the quality of groundwater to be discharged, identify the need for treatment of collected groundwater, and secure applicable state and/or county discharge permits as required.
9. 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 exceeds 2,500 gallons per day.
10. Prior to issuance of a building permit, the Applicant must provide a copy of an executed Developer's Agreement between Suez and the Applicant that states, among other things, that: Suez has determined and deemed sufficient a capital improvement plan for service to the Village's downtown area of which the Project is a part; and, that the Project has contributed, or committed to Suez's sole satisfaction, to contribute its equitable portion of the necessary capital improvements as solely determined by Suez.
11. Prior to issuance of a building permit, the Applicant shall provide correspondence from Suez detailing the extent of local improvements required to serve the Project, if any, for which the Applicant is solely responsible and shall also provide a schedule to the Village for constructing such improvements.
12. Prior issuance of a building permit, the Applicant shall provide detailed sidewalk reconstruction plans to the satisfaction of the Village Engineer. Plans shall be coordinated with building floor plans and shall depict ADA compliant sidewalk grading at building pedestrian access points. Site and/or Architectural Plans shall depict any required

internal/external ramps at building entrances per ADA requirements. Final construction drawings shall include sufficient detail to verify that the proposed South Main Street sidewalk extension will not create a new low point and/or that positive gutter flow is maintained.

13. Prior to issuance of a building permit, a detailed plan for maintenance and protection of traffic (MPT) shall be submitted to the Building Department, which shall be subject to review and approval of the Building Department, which may consult with the Village Traffic Engineer. The MPT Plan shall include those elements described in the Negative Declaration for the Project and shall ensure coordination with adjacent construction projects.
14. Prior to issuance of a building permit, the Applicant shall demonstrate a Highway Work Permit has been secured from Westchester County for proposed work on East Broadway and South Main Street.
15. Prior to issuance of a building permit, the Applicant shall demonstrate a Highway Work Permit has been secured from the New York Department of Transportation for proposed work on South Main Street.
16. Prior to the issuance of a Certificate of Occupancy, the Village Engineer, or Consulting Engineer, shall attest that the elements of the sanitary sewer main replacement project authorized by the Board of Trustees on June 20, 2022, that are required to provide adequate sewer main capacity to the Project, have been completed.
17. 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.
18. Prior to issuance of a certificate of occupancy, the Applicant shall demonstrate the Highway Work Permits have been closed, to the satisfaction of Westchester County, New York State DOT, as applicable and the Village Engineer.
19. 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.
20. The Applicant shall obtain all other applicable permits and approvals.
21. The Applicant shall furnish the Planning Commission with four (4) copies of the Site Plan as described above for the endorsement by the Planning Commission Chairperson and Planning & Economic Development Zoning Administrator, and the Site Plan be recorded as the approved Site Plan; and be it further

RESOLVED, that this Site Plan approval shall have an effective date of [date to be determined] and an expiration [date to be determined]; and be it finally

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

and revocation of this resolution or approval. Any such change would then require a new review and approval by the Planning Commission of the Village of Port Chester.

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

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

Chair

_____[date to be determined]_____
Date