

PROJECT AUTHORIZING RESOLUTION
(G&S Port Chester Unit 2B, LLC – Retail D Redevelopment Project)

A regular meeting of the Village of Port Chester Industrial Development Agency was convened on Wednesday April 10, 2019 at 6:30 p.m. at Senior Community Center, 222 Grace Church Street, Port Chester, New York 10573.

The following resolution was duly offered and seconded, to wit:

Resolution No. 4/2019 - ___

RESOLUTION OF THE VILLAGE OF PORT CHESTER INDUSTRIAL DEVELOPMENT AGENCY (i) APPOINTING G&S PORT CHESTER UNIT 2B, LLC (THE “COMPANY”) AS ITS AGENT TO UNDERTAKE A CERTAIN PROJECT (AS MORE FULLY DESCRIBED BELOW); (ii) AUTHORIZING THE EXECUTION AND DELIVERY OF A DEED, AGENT AGREEMENT, LEASE AGREEMENT, LEASEBACK AGREEMENT, PAYMENT-IN-LIEU-OF-TAX AGREEMENT AND RELATED DOCUMENTS WITH RESPECT TO THE PROJECT; (iii) AUTHORIZING THE PROVISION OF CERTAIN FINANCIAL ASSISTANCE TO THE COMPANY (AS FURTHER DEFINED HEREIN); (iv) ADOPTING FINDINGS WITH RESPECT TO THE STATE ENVIRONMENTAL QUALITY REVIEW ACT (“SEQRA”); AND (v) AUTHORIZING THE EXECUTION OF RELATED DOCUMENTS WITH RESPECT TO THE PROJECT.

WHEREAS, by Title 1 of Article 18-A of the General Municipal Law of the State of New York, as amended, and Chapter 632 of the Laws of 1972 of the State of New York, as amended (hereinafter collectively called the “Act”), the **VILLAGE OF PORT CHESTER INDUSTRIAL DEVELOPMENT AGENCY** (hereinafter called “Agency”) was created with the authority and power to own, lease and sell property for the purpose of, among other things, acquiring, constructing and equipping industrial, manufacturing and commercial facilities as authorized by the Act; and

WHEREAS, **G&S PORT CHESTER UNIT 2B, LLC** (the “Company”) has submitted an application to the Agency requesting the Agency’s assistance with a certain project (the “Project”) consisting of (i) the retention by the Agency of a leasehold interest in certain real property located at the corner of North Main Street and Westchester Avenue, Port Chester, New York (the “Land”, being more particularly described as tax parcel numbers 142.31-1-3, 4, 5, 6, 20, 21, 23, and 24, along with adjacent realty, as may be merged) along with the existing parking, site and underground infrastructure improvements located within and thereon (the “Existing Improvements”); (ii) the rehabilitation and reconstruction of portions of the Existing Improvements and the planning, design, construction, operation and leasing by the Company of a multi-tenanted, mixed use redevelopment project that will include a newly constructed 5-story building containing approximately 72,000 square feet with approximately 12,000 square feet of commercial/retail space located on the first floor and 79 apartment units located on upper floors, along with related utility improvements, signage, curbage, sidewalks, and landscaping

improvements (collectively, the “Improvements”); (iii) the acquisition of and installation in and around the Existing Improvements and Improvements by the Company of machinery, equipment, fixtures and other items of tangible personal property (the “Equipment” and, collectively with, the Land, the Existing Improvements and the Improvements, the “Facility”); and (iv) entering into a straight lease transaction (within the meaning of subdivision (15) of Section 854 of the Act), pursuant to which the Agency will retain a leasehold interest in the Facility for a period of time and sublease such interest in the Facility back to the Company (the “Straight Lease Transaction”); and

WHEREAS, on January 11, 2017, the Agency adopted an initial resolution (the “Initial Project Resolution”) which (i) accepted the Company’s application, (ii) authorized the scheduling and conduct of a public hearing in compliance with the Act, (iii) described the contemplated forms of financial assistance to be provided by the Agency (the “Financial Assistance”, as described herein); and (iv) authorized the negotiation of a Deed to the Land (the “Deed”), an Agent and Financial Assistance and Project Agreement (the “Agent Agreement”), Lease Agreement (the “Lease Agreement”), Leaseback Agreement (the “Leaseback Agreement”) and Payment-in-lieu-of-Tax agreement (the “PILOT Agreement”) to be entered into with respect to the Project; and

WHEREAS, in accordance with the Initial Project Resolution, the Agency published and forwarded a Notice of Public Hearing to the Village of Port Chester (the “Village”), the Town of Rye (the “Town”), the County of Westchester (the “County”), and the Port Chester School District (the “School”, and together with the Village, Town and County, the “Affected Tax Jurisdictions), a copy of which is attached hereto within Exhibit A; and

WHEREAS, the Village of Port Chester reviewed the proposed Project pursuant to the State Environmental Quality Review Act, as codified under Article 8 of the Environmental Conservation Law and Regulations adopted pursuant thereto by the Department of Environmental Conservation of the State (collectively, “SEQRA”) and related Environmental Assessment Form (“EAF”) and issued a negative declaration (the “Negative Declaration”), a copy of which, along with the EAF, are attached hereto as Exhibit B; and

WHEREAS, pursuant to Section 859-a of the Act, the Agency held a public hearing on April 10, 2019 at Village Hall at 222 Grace Church Street, Port Chester, New York 10573 with respect to the Project (the “Public Hearing”) and the proposed Financial Assistance (as further defined herein) being contemplated by the Agency whereat interested parties were provided a reasonable opportunity, both orally and in writing, to present their views, and a copy of the minutes of the Public Hearing is also attached hereto within Exhibit A; and

WHEREAS, in furtherance of the foregoing, the Agency desires to authorize (i) the undertaking of the Project and the appointment of the Company as agent of the Agency to undertake same; (ii) the execution and delivery of the Deed, Agent Agreement, Lease Agreement, the Leaseback Agreement, the PILOT Agreement, and related documents; and (iii) the provision of the Financial Assistance to the Company, which shall include (a) an exemption from all state and local sales and use taxes with respect to the qualifying personal property included in or incorporated into the Facility or used in the construction and equipping of the Facility, (b) mortgage recording tax exemptions in connection with financings undertaken by the Company for

the Project, and (c) a partial real property tax abatement through the execution of an agreement with the Agency regarding payments in lieu of real property taxes to be made for the benefit of the Affected Tax Jurisdictions.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE VILLAGE OF PORT CHESTER INDUSTRIAL DEVELOPMENT AGENCY AS FOLLOWS:

Section 1. Based upon the representations made by the Company to the Agency in the Application, the Agency hereby finds and determines that:

(A) By virtue of the Act, the Agency has been vested with all powers necessary and convenient to carry out and effectuate the purposes and provisions of the Act and to exercise all powers granted to it under the Act; and

(B) It is desirable and in the public interest for the Agency to (i) acquire or retain title to or other interest in the Land, the Existing Improvements, Improvements and the Equipment constituting the Facility, (ii) lease or sell the Agency's interest in the Land, Existing Improvements, Improvements and Equipment constituting the Facility to the Company pursuant to a lease agreement or sale agreement to be negotiated, and (iii) enter into a Straight Lease Transaction with the Company; and

(C) The Agency has the authority to take the actions contemplated herein under the Act; and

(D) The action to be taken by the Agency will induce the Company to undertake the Project, thereby increasing employment opportunities in the Village, and otherwise furthering the purposes of the Agency as set forth in the Act; and

(E) The Project will not result in the removal of a facility or plant of the Company or any other proposed occupant of the Project from one area of the State of New York (the "State") to another area of the State or result in the abandonment of one or more plants or facilities of the Company or any other proposed occupant of the Project located within the State; and the Agency hereby finds that, based on the Company's Application, to the extent occupants are relocating from one plant or facility to another, the Project is reasonably necessary to discourage the Project occupants from removing such other facility or plant to a location outside the State and/or is reasonably necessary to preserve the competitive position of the Project occupants in their respective industries; and

(F) Based upon a review of the Application, the EAF and the Negative Declaration issued by the Village and submitted to the Agency, the Agency hereby:

(i) consents to and affirms the status of the Village as Lead Agency for review of the Facility, within the meaning of, and for all purposes of complying with SEQRA;

(ii) ratifies the proceedings undertaken by the Village as Lead Agency under SEQRA with respect to the construction and equipping of the Facility pursuant to SEQRA; and

(iii) finds that the Project involves an “unlisted action” (as such quoted term is defined under SEQRA). The review is “uncoordinated” (as such quoted term is defined under SEQRA). Based upon the review by the Agency of the EAF and related documents delivered by the Company to the Agency and other representations made by the Company to the Agency in connection with the Project, the Agency hereby finds that (i) the Project will result in no major impacts and, therefore, is one which may not cause significant damage to the environment; (ii) the Project will not have a “significant effect on the environment” (as such quoted term is defined under SEQRA); and (iii) no “environmental impact statement” (as such quoted term is defined under SEQRA) need be prepared for this action. This determination constitutes a “negative declaration” (as such quoted terms are defined under SEQRA) for purposes of SEQRA.

Section 2. The Agency hereby accepts supplements and amendments to the application as submitted by the Company. Subject to (i) the Company executing the Agent Agreement and/or Leaseback Agreement, (ii) payment by the Company of all outstanding fees and costs incurred by the Agency in connection with reviewing the Project, and (iii) the delivery to the Agency of a binder, certificate or other evidence of liability insurance policy for the Project satisfactory to the Agency, the Agency hereby authorizes the Company to proceed with the acquisition, renovation, construction, reconstruction, rehabilitation and equipping of the Project and hereby appoints the Company as the true and lawful agent of the Agency: (i) to acquire, construct and equip the Project; (ii) to make, execute, acknowledge and deliver any contracts, orders, receipts, writings and instructions, as the stated agent for the Agency with the authority to delegate such agency, in whole or in part, to agents, subagents, contractors, and subcontractors of such agents and subagents and to such other parties as the Company chooses; and (iii) in general, to do all things which may be requisite or proper for completing the Project, all with the same powers and the same validity that the Agency could do if acting in its own behalf; *provided, however*, the Agent Agreement shall expire on December 31, 2020 (*unless extended for good cause by the Administrative Director of the Agency*).

Section 3. Based upon the representation and warranties made by the Company the Application, the Agency hereby authorizes and approves the Company, as its agent, to make purchases of goods and services relating to the Project and that would otherwise be subject to New York State and local sales and use tax in an amount up to approximately **\$10,000,000.00**, which result in New York State and local sales and use tax exemption benefits (“sales and use tax exemption benefits”) not to exceed **\$737,500.00**. The Agency agrees to consider any requests by the Company for increase to the amount of sales and use tax exemption benefits authorized by the Agency upon being provided with appropriate documentation detailing the additional purchases of property or services, and, to the extent required, the Agency authorizes and conducts any supplemental public hearing(s).

Section 4. Pursuant to Section 875(3) of the Act, the Agency may recover or recapture from the Company, its agents, consultants, subcontractors, or any other party authorized to make

purchases for the benefit of the Project, any sales and use tax exemption benefits taken or purported to be taken by the Company, its agents, consultants, subcontractors, or any other party authorized to make purchases for the benefit of the Project, if it is determined that: (i) the Company, its agents, consultants, subcontractors, or any other party authorized to make purchases for the benefit of the Project, is not entitled to the sales and use tax exemption benefits; (ii) the sales and use tax exemption benefits are in excess of the amounts authorized to be taken by the Company, its agents, consultants, subcontractors, or any other party authorized to make purchases for the benefit of the Project; (iii) the sales and use tax exemption benefits are for property or services not authorized by the Agency as part of the Project; (iv) the Company has made a material false statement on its application for financial assistance; (v) the sales and use tax exemption benefits are taken in cases where the Company, its agents, consultants, subcontractors, or any other party authorized to make purchases for the benefit of the Project fails to comply with a material term or condition to use property or services in the manner approved by the Agency in connection with the Project; and/or (vi) the Company obtains mortgage recording tax benefits and/or real property tax abatements and fails to comply with a material term or condition to use property or services in the manner approved by the Agency in connection with the Project (collectively, items (i) through (vi) hereby defined as a "Recapture Event").

As a condition precedent of receiving sales and use tax exemption benefits and real property tax abatement benefits, the Company, its agents, consultants, subcontractors, or any other party authorized to make purchases for the benefit of the Project, must (i) if a Recapture Event determination is made by the Agency, cooperate with the Agency in its efforts to recover or recapture any sales and use tax exemption benefits, mortgage recording tax benefits and/or real property tax abatements abatement benefits, and (ii) promptly pay over any such amounts to the Agency that the Agency demands, if and as so required to be paid over as determined by the Agency.

Section 5. Subject to the conditions set forth within Section 2, above, the Chairman, Vice Chairman and/or Administrative Director of the Agency are hereby authorized, on behalf of the Agency, to execute and deliver the Deed, Agent Agreement, Lease Agreement, Leaseback Agreement, PILOT Agreement, a PILOT Mortgage, and related documents (including, but not limited to (i) the execution of an easement agreement with the Company and Village relating to the Company's improvement of Village-owned subsurface infrastructure, and (ii) all documents and instruments necessary to terminate and/or amend the existing Unit Lease Agreement, dated as of December 30, 2003 between the Agency and Company and relating to the Land and Existing Improvements) with such changes as shall be approved by the Chairman, Vice Chairman, the Administrative Director and counsel to the Agency upon execution.

Section 6. The Chairman (or Vice Chairman), and/or Administrative Director of the Agency are hereby authorized, on behalf of the Agency, to execute and deliver any mortgage, assignment of leases and rents, security agreement, UCC-1 Financing Statements and all documents reasonably contemplated by these resolutions or required by any lender identified by the Company (the "Lender") up to a maximum principal amount necessary to undertake the Project, acquire the Facility and/or finance or refinance equipment and other personal property and related transactional costs (hereinafter with the Straight Lease Documents, the "Agency Documents"); and, where appropriate, the Secretary (or Assistant Secretary) of the Agency is

hereby authorized to affix the seal of the Agency to the Agency Documents and to attest the same, all with such changes, variations, omissions and insertions as the Chairman (or Vice Chairman), Administrative Director of the Agency shall approve, the execution thereof by the Chairman (or Vice Chairman), Administrative Director of the Agency to constitute conclusive evidence of such approval; provided, that, in all events, recourse against the Agency is limited to the Agency's interest in the Project.

Section 7. The officers, employees and agents of the Agency are hereby authorized and directed for and in the name and on behalf of the Agency to do all acts and things required and to execute and deliver all such certificates, instruments and documents, to pay all such fees, charges and expenses and to do all such further acts and things as may be necessary or, in the opinion of the officer, employee or agent acting, desirable and proper to effect the purposes of the foregoing resolutions and to cause compliance by the Agency with all of the terms, covenants and provisions of the documents executed for and on behalf of the Agency.

Section 8. These Resolutions shall take effect immediately upon adoption.

The question of the adoption of the foregoing resolutions was duly put to vote on roll call, which resulted as follows:

	<i>YEA</i>	<i>NEA</i>	<i>ABSTAIN</i>	<i>ABSENT</i>
Hon. Daniel Brakewood	[X]	[]	[]	[]
Michael Brescio	[X]	[]	[]	[]
Richard Cuddy	[]	[]	[]	[X]
Hon. Frank Ferrara	[X]	[]	[]	[]
John Hiensch	[]	[]	[]	[X]
Richard O'Connell	[X]	[]	[]	[]
James Taylor	[X]	[]	[]	[]

The resolutions were thereupon duly adopted.

STATE OF NEW YORK)
COUNTY OF WESTCHESTER) SS:

I, the undersigned Secretary of the Village of Port Chester Industrial Development Agency,
DO HEREBY CERTIFY:

That I have compared the annexed extract of minutes of the meeting of the Village of Port Chester Industrial Development Agency (the "Agency"), including the resolution contained therein, held on April 10, 2019, with the original thereof on file in my office, and that the same is a true and correct copy of the proceedings of the Agency and of such resolution set forth therein and of the whole of said original insofar as the same related to the subject matters therein referred to.

I FURTHER CERTIFY, that all members of said Agency had due notice of said meeting, that the meeting was in all respects duly held and that, pursuant to Article 7 of the Public Officers Law (Open Meetings Law), said meeting was open to the general public, and that public notice of the time and place of said meeting was duly given in accordance with such Article 7.

I FURTHER CERTIFY, that there was a quorum of the members of the Agency present throughout said meeting.

I FURTHER CERTIFY, that as of the date hereof, the attached resolution is in full force and effect and has not been amended, repealed or modified.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of said Agency this 10th day of April, 2019

Constance R. Phillips
Secretary

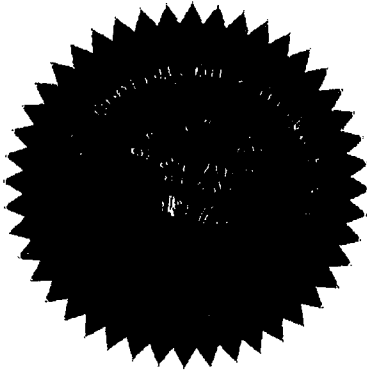


EXHIBIT A
PUBLIC HEARING MATERIALS

VILLAGE OF PORT CHESTER INDUSTRIAL DEVELOPMENT AGENCY
222 Grace Church Street, Port Chester, New York 10573

NOTICE OF PUBLIC HEARING AND CONTEMPLATED DEVIATION

March 19, 2019

VIA CERTIFIED MAIL/
RETURN RECEIPT REQUESTED

To: The Chief Executive Officers of
Affected Tax Jurisdictions on Schedule A

Re: Village of Port Chester Industrial Development Agency
G&S Port Chester Unit 2B, LLC Project

Ladies and Gentlemen:

Please note that on April 10, 2019 at 6:30 p.m., local time, at Village Hall Senior Center, 222 Grace Church Street, Port Chester, New York 10573, the Village of Port Chester Industrial Development Agency (the "Agency") will conduct a public hearing regarding the above-referenced project. Enclosed is a copy of the Notice of Public Hearing describing the Project and the financial assistance contemplated by the Agency. The Notice has been submitted to *The Journal News* for publication.

You are welcome to attend such hearing at which time you will have an opportunity to review the project application and present your views, both orally and in writing, with respect to the project. We are providing this notice to you, pursuant to General Municipal Law Section 859-(a), as the chief executive officer of an affected tax jurisdiction within which the project is located.

The Agency will hold a meeting of its members immediately following the above-described public hearing to consider the approval of all the documents necessary in connection with the transaction between the Agency and the Company, including a payment-in-lieu-of-tax-agreement (the "PILOT Agreement") between the Agency and the Company, the proposed terms of which contain a deviation from the Agency's Uniform Tax Exemption Policy (the "Policy"). The terms of the proposed PILOT Agreements deviate from the Agency's Policy to the extent that a fixed PILOT payment schedule will be utilized that is based upon a proportion of estimated taxes that would be levied against the estimated as-built assessed valuation of the Facility. Upon due consideration of the Company's application, the various positive economic and social impacts of the Project, and the Project's general satisfaction of several considerations set forth within Section E of the Policy, including, but not limited to (i) the expansion and retention of employment opportunities in the Village; (ii) the substantial capital investment associated with the Project derived from Company sources; (iii) the redevelopment of an underutilized parcel within the Village; (iv) the reinforcement of critical Village infrastructure;

and (v) construction of new ratable assets within the Village, including market rate housing improvements, the Agency desires to approve the proposed terms of the PILOT Agreement.

We are providing this letter to you, pursuant to Section 874 of the General Municipal Law, as the Chief Executive Officer of an affected tax jurisdiction within which the Facility is located to notify you of a proposed deviation from the Agency's Policy. Prior to the above-described meeting date, comments on the proposed deviation may be sent to the Agency to the attention of Christopher Steers, Administrative Director, at 222 Grace Church Street, Port Chester, New York 10573. The Agency will review and respond to any correspondence received from any affected tax jurisdiction regarding such proposed deviation. The Agency will allow any representative of an affected tax jurisdiction present at the meeting to consider the proposed deviation to address the Agency regarding such proposed deviation.

Very truly yours,

VILLAGE OF PORT CHESTER
INDUSTRIAL DEVELOPMENT
AGENCY

Schedule A
Affected Tax Jurisdiction Officials

<u>Westchester County, New York</u>	
Westchester County Executive Michaelian Office Building 148 Martine Avenue White Plains, New York 10601	Westchester County Board of Legislators Attn: Chairman Michaelian Office Building 148 Martine Avenue White Plains, New York 10601
<u>Village of Port Chester, New York</u>	
Village of Port Chester Attn: Hon. Richard A Falanka, Mayor 222 Grace Church Street Port Chester, New York 10573	Village of Port Chester Attn: Christopher Steers, Village Manager 222 Grace Church Street Port Chester, New York 10573
<u>Port Chester-Rye Union Free School District</u>	
Port Chester School District Attn: Superintendent 113 Bowman Avenue Port Chester, New York 10573	Port Chester School District Attn: President, BOE 113 Bowman Avenue Port Chester, New York 10573
<u>Town of Rye, New York</u>	
Town of Rye Attn: Supervisor 222 Grace Church Street Port Chester, New York 10573	

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that a public hearing pursuant to Article 18-A of the New York State General Municipal Law will be held by the Village of Port Chester Industrial Development Agency (the "Agency") on April 10, 2019, at 6:30 p.m., local time, at Village Hall Senior Center, 222 Grace Church Street, Port Chester, New York 10573, in connection with the following matter:

G&S PORT CHESTER UNIT 2B, LLC (the "Company") has submitted an application to the Agency requesting the Agency's assistance with a certain project (the "Project") consisting of (i) the retention by the Agency of a leasehold interest in certain real property located at the corner of North Main Street and Westchester Avenue, Port Chester, New York (the "Land", being more particularly described as tax parcel numbers 142.31-1-3, 4, 5, 6, 20, 21, 23, and 24, along with adjacent realty, as may be merged) along with the existing parking, site and underground infrastructure improvements located within and thereon (the "Existing Improvements"); (ii) the rehabilitation and reconstruction of portions of the Existing Improvements and the planning, design, construction, operation and leasing by the Company of a multi-tenanted, mixed use redevelopment project that will include a newly constructed 5-story building containing approximately 72,000 square feet with approximately 12,000 square feet of commercial/retail space located on the first floor and 79 apartment units located on upper floors, along with related utility improvements, signage, curbage, sidewalks, and landscaping improvements (collectively, the "Improvements"); (iii) the acquisition of and installation in and around the Existing Improvements and Improvements by the Company of machinery, equipment, fixtures and other items of tangible personal property (the "Equipment" and, collectively with, the Land, the Existing Improvements and the Improvements, the "Facility"); and (iv) entering into a straight lease transaction (within the meaning of subdivision (15) of Section 854 of the Act), pursuant to which the Agency will retain a leasehold interest in the Facility for a period of time and sublease such interest in the Facility back to the Company (the "Straight Lease Transaction").

The Agency contemplates that it will provide financial assistance (the "Financial Assistance") to the Company in the form of (i) sales and use tax exemptions in connection with the construction and equipping of the Facility, (ii) mortgage recording tax exemptions in connection with financings undertaken by the Company in furtherance of the Project; and (iii) a partial real property tax abatement in the form of a PILOT Agreement. The Agency will at said time and place have copies of the Application and related cost benefit analysis available and provide a reasonable opportunity to all interested persons to present their views, either orally or in writing, on the proposed Financial Assistance to be afforded the Company in connection with the Project.

Dated: March 19, 2019

By: VILLAGE OF PORT CHESTER
INDUSTRIAL DEVELOPMENT
AGENCY

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Adult Signature Restricted Delivery \$

Postage \$

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12207

USPS

Village of Port Chester
Attn: Hon. Richard A Falanka,
Mayor
222 Grace Church Street
Port Chester, New York 10573

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

9922 9794 0000 04E0 9702

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USPS

Port Chester School District
Attn: President, BOE
113 Bowman Avenue
Port Chester, New York 10573

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

6222 9794 0000 04E0 9702

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Port Chester School District
Attn: Superintendent
113 Bowman Avenue
Port Chester, New York 10573

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

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Westchester County Executive
Michaelian Office Building
148 Martine Avenue
White Plains, New York 10601

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

0222 9794 0000 04E0 9702

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Westchester County Board of Legislators
Attn: Chairman
Michaelian Office Building
148 Martine Avenue
White Plains, New York 10601

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

6022 9794 0000 04E0 9702

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Adult Signature Required \$

Adult Signature Restricted Delivery \$

Postage \$

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Town of Rye
Attn: Supervisor
222 Grace Church Street
Port Chester, New York 10573

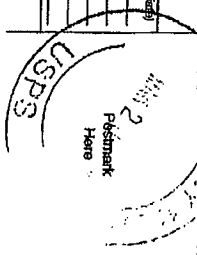
PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

9722 9794 0000 04E0 9702

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Return Receipt (electronic) \$ _____

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Adult Signature Required \$ _____

Adult Signature Restricted Delivery \$ _____

Postage \$ _____

Village of Port Chester
 Attn: Christopher Steers, Village Manager
 222 Grace Church Street
 Port Chester, New York 10573

88739

PS Form 3811, April 2015 PSN 7530-02-000-9035 SEE REVERSE FOR INSTRUCTIONS

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Village of Port Chester
 Attn: Christopher Steers, Village Manager
 222 Grace Church Street
 Port Chester, New York 10573

9590 9402 4040 8079 5059 87

COMPLETE THIS SECTION ON DELIVERY

A. Signature *X* *Y. BEUCE*

B. Received by (Printed Name) *Y. BEUCE*

C. Date of Delivery *7/28/15*

D. Is delivery address different from item 1? Yes No

If YES, enter delivery address below:

2. Article Addressed to:

Westchester County Board of Legislators
 Attn: Chairman
 Michaelian Office Building
 148 Martine Avenue
 White Plains, New York 10601

PS Form 3811, July 2015 PSN 7530-02-000-9035

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3.
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1. Article Addressed to:

Town of Rye
 Attn: Supervisor
 222 Grace Church Street
 Port Chester, New York 10573

COMPLETE THIS SECTION ON DELIVERY

A. Signature *X* *[Signature]*

B. Received by (Printed Name) _____

C. Date of Delivery _____

D. Is delivery address different from item 1? Yes No

If YES, enter delivery address below:

3. Service Type

Adult Signature

Adult Signature Restricted Delivery

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Collect on Delivery

Collect on Delivery Restricted Delivery

Mail

Mail Restricted Delivery

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- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Westchester County Board of Legislators
 Attn: Chairman
 Michaelian Office Building
 148 Martine Avenue
 White Plains, New York 10601

COMPLETE THIS SECTION ON DELIVERY

A. Signature *X* *[Signature]*

B. Received by (Printed Name) _____

C. Date of Delivery _____

D. Is delivery address different from item 1? Yes No

If YES, enter delivery address below:

3. Service Type

Adult Signature

Adult Signature Restricted Delivery

Certified Mail®

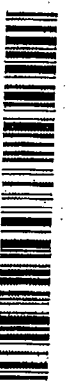
Certified Mail Restricted Delivery

Collect on Delivery

Collect on Delivery Restricted Delivery

Mail

Mail Restricted Delivery

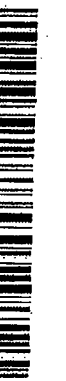


9590 9402 4040 8079 5059 94

2. Article Number (Transfer from service label)

7016 0340 0000 4616 2316

PS Form 3811, July 2015 PSN 7530-02-000-9035

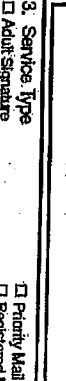


9590 9402 4040 8079 5060 07

2. Article Number (Transfer from service label)

7016 0340 0000 4616 2309

PS Form 3811, July 2015 PSN 7530-02-000-9035



9590 9402 4040 8079 5060 07

2. Article Number (Transfer from service label)

7016 0340 0000 4616 2309

PS Form 3811, July 2015 PSN 7530-02-000-9035

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Westchester County Executive
 Michaelian Office Building
 148 Martine Avenue
 White Plains, New York 10601



9590 9402 4040 8079 5059 70

2. Article Number (Transfer from service label)

7016 0340 0000 4616 2330

PS Form 3811, July 2015 PSN 7530-02-000-9053

Domestic Return Receipt

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Port Chester School District
 Attn: President, BOE
 113 Bowman Avenue
 Port Chester, New York 10573



9590 9402 4040 8079 5060 38

2. Article Number (Transfer from service label)

7016 0340 0000 4616 2279

PS Form 3811, July 2015 PSN 7530-02-000-9053

Domestic Return Receipt

COMPLETE THIS SECTION ON DELIVERY

A. Signature *X M. Andino*
 B. Received by (Printed Name)
 C. Date of Delivery *3-22-19*

D. Is delivery address different from item 1? Yes No

3. Service Type
 Adult Signature
 Adult Signature Restricted Delivery
 Certified Mail®
 Certified Mail Restricted Delivery
 Collect on Delivery
 Collect on Delivery Restricted Delivery
 Restricted Delivery

Domestic Return Receipt

COMPLETE THIS SECTION ON DELIVERY

A. Signature *X M. Andino*
 B. Received by (Printed Name)
 C. Date of Delivery *3-22-19*

D. Is delivery address different from item 1? Yes No

3. Service Type
 Adult Signature
 Adult Signature Restricted Delivery
 Certified Mail®
 Certified Mail Restricted Delivery
 Collect on Delivery
 Collect on Delivery Restricted Delivery
 Restricted Delivery

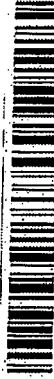
Domestic Return Receipt

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Port Chester School District
 Attn: Superintendent
 113 Bowman Avenue
 Port Chester, New York 10573



9590 9402 4040 8079 5060 14

2. Article Number (Transfer from service label)

7016 0340 0000 4616 2293

PS Form 3811, July 2015 PSN 7530-02-000-9053

Domestic Return Receipt

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Village of Port Chester
 Attn: Hon. Richard A Falanka,
 Mayor
 222 Grace Church Street
 Port Chester, New York 10573



9590 9402 4040 8079 5060 21

2. Article Number (Transfer from service label)

7016 0340 0000 4616 2286

PS Form 3811, July 2015 PSN 7530-02-000-9053

Domestic Return Receipt

COMPLETE THIS SECTION ON DELIVERY

A. Signature *X M. Andino*
 B. Received by (Printed Name)
 C. Date of Delivery *3-22-19*

D. Is delivery address different from item 1? Yes No

3. Service Type
 Adult Signature
 Adult Signature Restricted Delivery
 Certified Mail®
 Certified Mail Restricted Delivery
 Collect on Delivery
 Collect on Delivery Restricted Delivery
 Restricted Delivery

Domestic Return Receipt

COMPLETE THIS SECTION ON DELIVERY

A. Signature *X Falanca*
 B. Received by (Printed Name)
 C. Date of Delivery *3/22/19*

D. Is delivery address different from item 1? Yes No

3. Service Type
 Adult Signature
 Adult Signature Restricted Delivery
 Certified Mail®
 Certified Mail Restricted Delivery
 Collect on Delivery
 Collect on Delivery Restricted Delivery
 Restricted Delivery

Domestic Return Receipt



**AFFIDAVIT OF PUBLICATION
FROM**

State of New York
County of Westchester, ss.:

Diana Figueroa being duly sworn says that he/she is the principal clerk of **THE JOURNAL NEWS**, a newspaper published in the County of Westchester and the State of New York, and the notice of which the annexed is a printed copy, was published in the newspaper area(s) on the date (s) below:

Zone:
Westchester

Run Dates:
03/23/19

[Signature]
Signature

Sworn to before me, this 23 day of March, 2019

K. Marano
Notary Signature



Legend:

WESTCHESTER:

Amawalk, Ardsley, Ardsley on Hudson, Armonk, Baldwin Place, Bedford, Bedford Hills, Brewster, Briarcliff Manor, Bronxville, Buchanan, Carmel, Chappaqua, Cold Spring, Crompond, Cross River, Croton Falls, Croton on Hudson, Dobbs Ferry, Eastchester, Elmsford, Garrison, Goldens Bridge, Granite Springs, Greenburg, Harrison, Hartsdale, Hastings, Hastings on Hudson, Hawthorne, Irvington, Jefferson Valley, Katonah, Lake Peekskill, Larchmont, Lincolnale, Mahopac, Mahopac Falls, Mamaroneck, Millwood, Mohegan Lake, Montrose, Mount Kisco, Mount Vernon, New Rochelle, North Salem, Ossining, Patterson, Peekskill, Pelham, Pleasantville, Port Chester, Pound Ridge, Purchase, Purdys, Putnam Valley, Rye, Scarsdale, Shenorock, Shrub Oak, Somers, South Salem, Terrytown, Thornwood, Tuckahoe, Valhalla, Verplanck, Waccabuc, White Plains, Yorktown Heights, Yonkers

ROCKLAND:

Blauvelt, Congers, Garnerville, Haverstraw, Hillburn, Monsey, Nanuet, New City, Nyack, Orangeburg, Palsades, Pearl River, Piermont, Pomona, Sloatsburg, Sparkill, Spring Valley, Stony Point, Suffern, Tallman, Tappan, Thiells, Tomkins Cove, Valley Cottage, West Haverstraw, West Nyack

Ad Number:

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that a public hearing pursuant to Article 18-A of the New York State General Municipal Law will be held by the Village of Port Chester Industrial Development Agency (the "Agency") on April 10, 2019, at 6:30 p.m., local time, at Village Hall Senior Center, 222 Grace Church Street, Port Chester, New York 10573, in connection with the following matter:

QES PORT CHESTER UNIT 2B, LLC (the "Company") has submitted an application to the Agency requesting the Agency's assistance with a certain project (the "Project") consisting of (i) the retention by the Agency of a leasehold interest in certain real property located at the corner of North Main Street and Westchester Avenue, Port Chester, New York (the "Land", being more particularly described as tax parcel numbers 142.31-1-3, 4, 5, 6, 20, 21, 23, and 24, along with adjacent realty, as may be merged) along with the existing parking, site and underground infrastructure improvements located within and thereon (the "Existing Improvements"); (ii) the rehabilitation and reconstruction of portions of the Existing Improvements and the planning, design, construction, operation and leasing by the Company of a multi-tenanted, mixed use redevelopment project that will include a newly constructed 5-story building containing approximately 72,000 square feet with approximately 12,000 square feet of commercial/retail space located on the first floor and 79 apartment units located on upper floors, along with related utility improvements, signage, curbside, sidewalks, and landscaping improvements (collectively, the "Improvements"); (iii) the acquisition of and installation in and around the Existing Improvements and Improvements by the Company of machinery, equipment, fixtures and other items of tangible personal property (the "Equipment" and, collectively with, the Land, the Existing Improvements and the Improvements, the "Facility"); and (iv) entering into a straight lease transaction (within the meaning of subdivision (15) of Section 854 of the Act), pursuant to which the Agency will retain a leasehold interest in the Facility for a period of time and sub-lease such interest in the Facility back to the Company (the "Straight Lease Transaction").

The Agency contemplates that it will provide financial assistance (the "Financial Assistance") to the Company in the form of (i) sales and use tax exemptions in connection with the construction and equipping of the Facility, (ii) mortgage recording tax exemptions in connection with financings undertaken by the Company in furtherance of the Project, and (iii) a partial real property tax abatement in the form of a PILOT Agreement. The Agency will at said time and place have copies of the Application and related cost benefit analysis available and provide a reasonable opportunity to all interested persons to present their views, either orally or in writing, on the proposed Financial Assistance to be afforded the Company in connection with the Project.

Dated March 19, 2019

By: VILLAGE OF PORT CHESTER
INDUSTRIAL DEVELOPMENT
AGENCY 3451578

**MINUTES OF THE PUBLIC HEARING OF THE
VILLAGE OF PORT CHESTER
INDUSTRIAL DEVELOPMENT AGENCY**

HELD: April 10, 2019

**TIME AND PLACE: 6:30 P.M., Senior Community Center, 220 Grace Church Street,
Port Chester, New York**

A Public Hearing of the Village of Port Chester Industrial Development Agency was convened on Wednesday, April 10, 2019 at 6:30 p.m. at the Port Chester Senior Center, 222 Grace Church Street, Port Chester, New York 10573.

**PUBLIC HEARING ON G&S RETAIL D APPLICATION FOR FINANCIAL
ASSISTANCE**

VILLAGE OF PORT CHESTER INDUSTRIAL DEVELOPMENT AGENCY

(G&S Port Chester Unit 2B, LLC – Retail D Redevelopment Project)

Wednesday April 10, 2019, at 6:30 p.m.

Senior Community Center, 222 Grace Church Street, Port Chester, New York, 10573

ATTENDANCE LIST:

PRESENT: Daniel Brakewood, Michael Brescio, Frank Ferrara, Richard, O’Connell, and James Taylor

ABSENT: Richard Cuddy and John Hiensch

ALSO IN ATTENDANCE: Board Counsel Justin Miller, Planning Director Eric Zamft, Treasurer(s) Leonie Douglas and Anthony Siligato, Acting Board Secretary Constance Phillips.

Three members of the public were also in attendance

CALL TO ORDER: (Time: 6:33 p.m.). Chairman Frank Ferrara opened the hearing.

PURPOSE:

Pursuant to and in accordance with General Municipal Law Section 859-a, the Village of Port Chester Industrial Development Agency (the "Agency") is conducting this public hearing in connection with a certain proposed project, as more fully described below (the "Project"), to be undertaken by the Agency for the benefit of G&S Port Chester Unit 2B, LLC (the "Company").

The Agency published a Notice of Public Hearing in *The Journal News and Westmore News* and mailed a copy of the Notice of Public Hearing to each affected tax jurisdiction. An Affidavit of Publication of and Proof of Mailing are attached.

DISCUSSION:

Board Counsel Justin Miller read a description of the Project, as follows:

G&S PORT CHESTER UNIT 2B, LLC (the "Company") has submitted an application to the Agency requesting the Agency's assistance with a certain project (the "Project") consisting of (i) the retention by the Agency of a leasehold interest in certain real property located at the corner of North Main Street and Westchester Avenue, Port Chester, New York (the "Land", being more particularly described as tax parcel numbers 142.31-1-3, 4, 5, 6, 20, 21, 23, and 24, along with adjacent realty, as may be merged) along with the existing parking, site and underground infrastructure improvements located within and thereon (the "Existing Improvements"); (ii) the rehabilitation and reconstruction of portions of the Existing Improvements and the planning, design, construction, operation and leasing by the Company of a multi-tenanted, mixed use redevelopment project that will include a newly constructed 5-story building containing approximately 72,000 square feet with approximately 12,000 square feet of commercial/retail space located on the first floor and 79 apartment units located on upper floors, along with related utility improvements, signage, curbage, sidewalks, and landscaping improvements (collectively, the "Improvements"); (iii) the acquisition of and installation in and around the Existing Improvements and Improvements by the Company of machinery, equipment, fixtures and other items of tangible personal property (the "Equipment" and, collectively with, the Land, the Existing Improvements and the Improvements, the "Facility"); and (iv) entering into a straight lease transaction (within the meaning of subdivision (15) of Section 854 of the Act), pursuant to which the Agency will retain a leasehold interest in the Facility for a period of time and sublease such interest in the Facility back to the Company (the "Straight Lease Transaction").

It is contemplated that the Agency will acquire a leasehold interest in the Facility and lease the Facility back to the Company. The Company will operate the Facility during the term of the leases. The Agency contemplates that it will provide financial assistance (the "Financial Assistance") to the Company in the form of (a) a sales and use tax exemption for purchases and rentals related to the Project; (b) mortgage recording tax exemption(s) related to financings undertaken by the Company to construct the Facility; and (c) a partial real property tax abatement structured through a PILOT Agreement. The foregoing Financial Assistance and the

Authority's involvement in the Project are being considered to promote the economic welfare and prosperity of residents of the Village of Port Chester.

AGENCY COST-BENEFIT ANALYSIS:

Based upon information provided by the Company in its Application, the Project will involve an approximately \$28M capital investment by the Company and tenants, with significant full-time job creation and the creation of construction jobs. The Agency estimates the following amounts of financial assistance to be provided to the Company:

Sales and Use Tax Exemptions (Est. \$10,000,000.00 in exempt purchases)	=	\$ 737,500.00
Mortgage Recording Tax Exemptions (\$20,000,000.00 Mortgage)	=	\$ 200,000.00
PILOT Savings (Estimated)	=	\$ 5,408,329.00
Total estimated Financial Assistance	=	\$ 6,345,829.00

SEQRA:

The Village of Port Chester served as Lead Agency for purposes of SEQRA review for the Project.

PRESENTATIONS

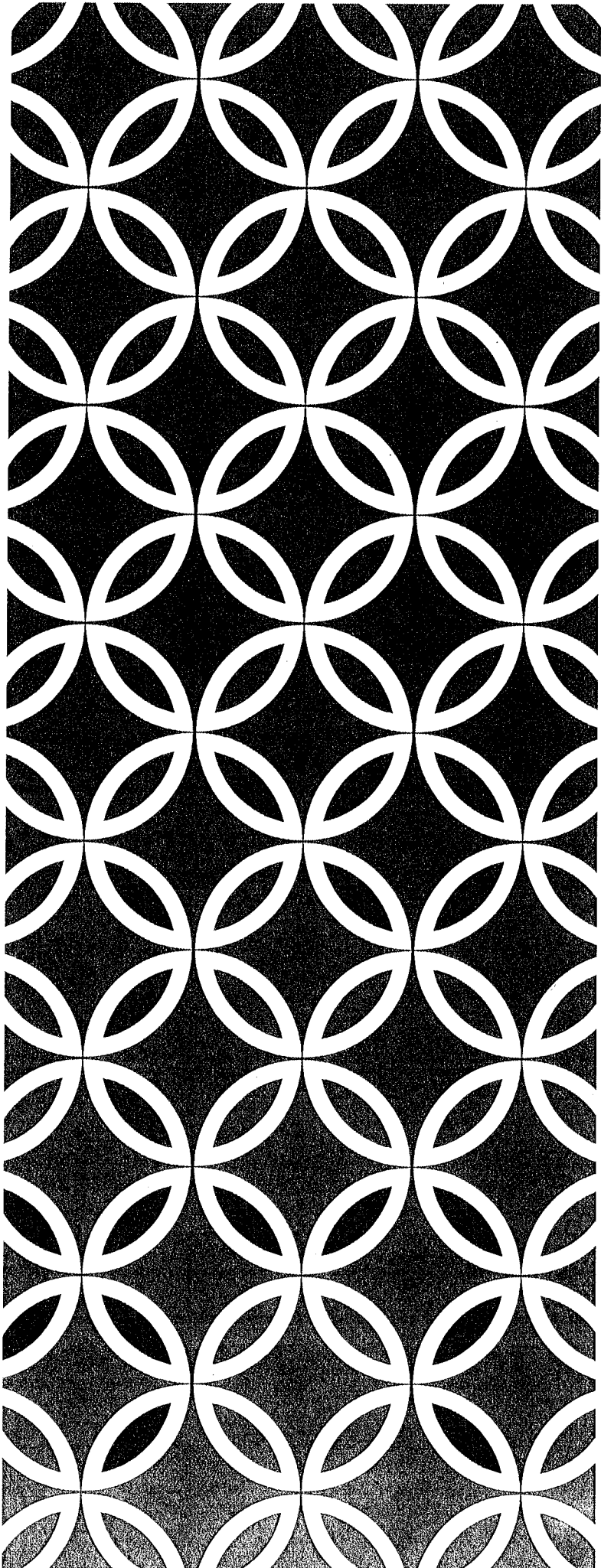
Mr. Steven Klaiman of G&S Investors presented on the project, per attachment in Appendix A.

Chairman Ferrara presented on the process followed and findings of the Agency Board's due diligence, per attachment in Appendix B.

PUBLIC COMMENT:

Mr. Louis Sanchez expressed concern that Labor Union representatives have not been introduced to the developer.

ADJOURNMENT (Time: 6:58p.m.)



April 10, 2019

**ANALYSIS AND REVIEW OF
G&S INVESTORS' APPLICATION FOR
FINANCIAL ASSISTANCE FOR "RETAIL D"**

**VILLAGE OF
PORT CHESTER
INDUSTRIAL
DEVELOPMENT
AGENCY**

including

- overview of the function of IDA's
- select VoPC IDA projects



IDA's were authorized by the State in 1969 to incentivize economic development:

The purpose of an IDA is to promote, develop, encourage and assist in acquiring, constructing, improving, maintaining or equipping certain facilities, thereby advancing the job opportunities, health, general prosperity and the economic welfare of the people of New York.

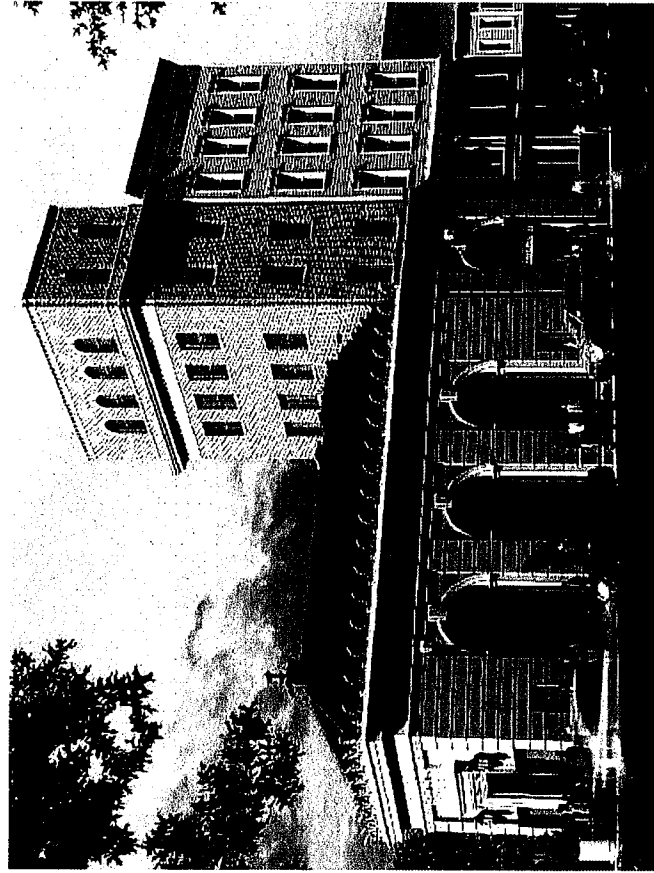
NYS General Municipal Law, Article 18-A

Today there are 109 IDA's active across the State.



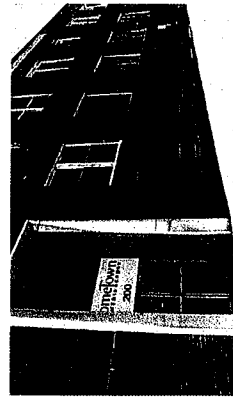
- IDA “tools” of economic development
- Sales and Use tax exemption on qualified construction materials (7.375%)
 - Mortgage Recording Tax exemption of 1% of the total 1.3% charged
 - An abatement of real property taxes through a Payment In Lieu Of Taxes (PILOT)

A look at some of our projects

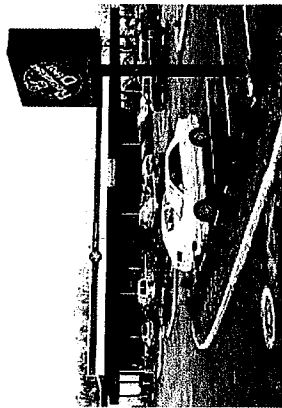


16-18 North Main Street

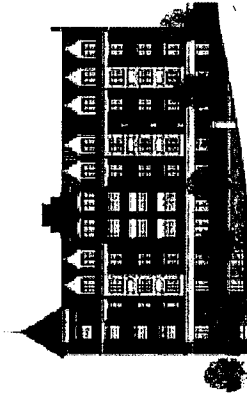
VILLAGE OF
PORT CHESTER
INDUSTRIAL
DEVELOPMENT
AGENCY



200 William St

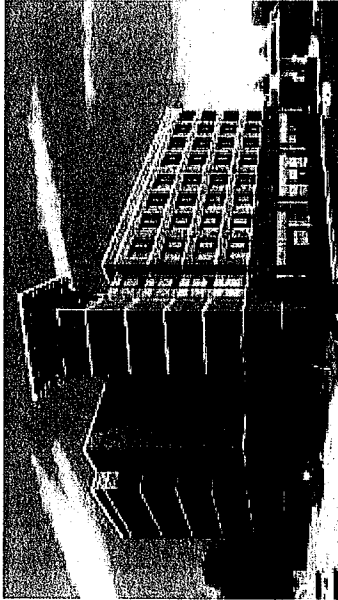


Restaurant Depot



The Castle

And a look at a few more



The
Lighthouse

**VILLAGE OF
PORT CHESTER
INDUSTRIAL
DEVELOPMENT
AGENCY**



The Capitol Theatre



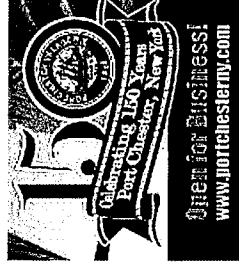
The Kneaded Bread

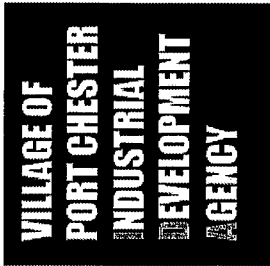
Satisfying the “But for...” mandate

IDA’s must establish a project would not get built without its assistance.

Step 1 – An Independent As Built Appraisal

Step 2 – An Independent Financial Analysis





Lane Appraisals
was selected to assess the likely
value of the project

\$15,760,000

Likely appraised value

LANE APPRAISALS, INC.
Real Estate Valuation Consultants

AN APPRAISAL REPORT

OF A VACANT, DEVELOPMENT SITE, TO BE DEVELOPED
WITH A 5 STORY, MIXED APARTMENT AND RETAIL BUILDING

OWNED BY
"VILLAGE OF PORT CHESTER IDA"

LOCATED AT
WESTCHESTER AVENUE, NORTH MAIN STREET
AND ABENDROTH AVENUE

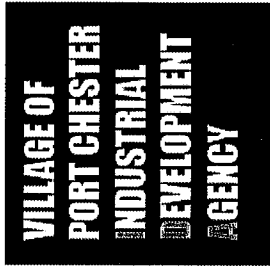
IN THE
TOWN OF RYE, VILLAGE OF PORT CHESTER
WESTCHESTER COUNTY, NEW YORK, 10573

Prepared For
Village of Port Chester IDA
c/o Mr. Christopher D. Steers, Administrative Director
222 Grace Church Street
Port Chester, NY, 10573

Date of the Appraisal
November 3, 2017

Date of the Report
December 12, 2017





**National Development Council
was selected to analyze the project financially**

NDC ASSIGNMENT

- Review development program, developer financial model, and appraisal for Retail D development**
 - Financial Model submitted by developer
 - Program
 - Development Budget
 - Operating Budget
 - Appraisal
- Determine the need for partial tax exemption or payment in lieu of taxes (PILOT) consistent with uniform tax exemption policy (UTEPI)**
- Offer comment on the sizing and terms of PILOT**
 - Establish the appropriate sizing of partial exemption to establish financial feasibility without providing “undue enrichment” to developer
 - Substantiate the “but for”



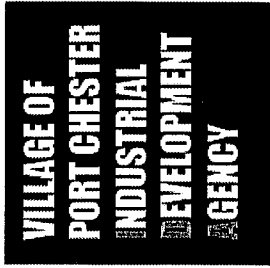
STABILIZED OPERATING PRO FORMA

	Without PILOT	With PILOT
Gross Residential Income	\$2,014,650	
Commercial Income	\$240,050	
Other Income	\$19,750	
Tenant Contributions	* \$24,005	
Gross Income	\$2,298,455	
Less Vacancy	5.00% vacancy (\$114,923)	
Effective Gross Income	\$2,183,532	\$2,183,532
Operating Expenses	(\$493,750)	(\$493,750)
RE Taxes/PILOT	(\$578,865)	(\$200,000)
Total Operating Expenses	(\$1,072,615)	(\$693,750)
Net Operating Income	\$1,110,917	\$1,489,782
Debt Service	<u>(\$1,124,799)</u>	<u>(\$1,124,799)</u>
Cash Flow	(\$13,882)	\$364,983
Cash on Cash	Negative	4.11%
Cash on Cost	4.37%	5.87%
Unleveraged Internal Rate of Return (IRR)		8.17%
Leveraged Internal rate of Return (IRR)		10.66%
		Market Expects
		8%
		7%
		10%
		15 - 20%
		\$6,250 per unit
		\$2,532 per unit
		\$8,782 per unit

* does not include RE taxes passed on to commercial tenants

** operating expenses lowered to \$6,250 per unit from \$7,500 per unit

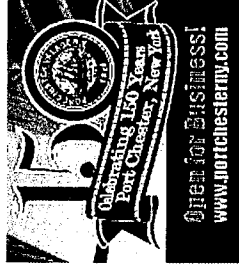


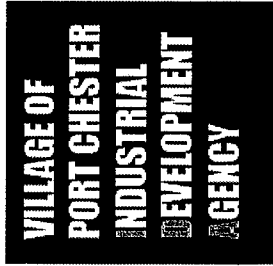


IDA Agency Board deems the “but for” test satisfied

Some of the reasons for assistance:

- ❖ Board of Trustees policy of supporting Transit Oriented Development in prime downtown location
- ❖ Continuing to encourage making downtown a 24/7 self-supporting “place” with particular support for vacant retail
 - ❖ Public Benefit - Bulkley Drain reinforced at an efficient cost
 - ❖ Advanced Fire Suppression system to be installed
- ❖ School district guaranteed to be made whole on school children attending Port Chester schools for 10 years





Proposed Fixed Payment PILOT is a deviation from Agency policy that requires IDA Board approval

Some of the reasons for deviation:

- ❖ Relatively high payments in early years, unusual for a PILOT
(~10x's the current payment)
- ❖ Substantial annual increases to the PILOT payments
(5% per year for the first 10 years)
- ❖ PILOT has an “inflation protection” mechanism in that payment will be:
 - the higher of fixed payment
 - OR 10% of Gross Income in any given year
- ❖ Agency does not consider this model a precedent but a reworking of the PILOT agreement in place dating from 2003



**VILLAGE OF
PORT CHESTER
INDUSTRIAL
DEVELOPMENT
AGENCY**

PILOT Year	CALENDAR YEAR:	FIXED Total PILOT Payments	FIXED Total PILOT Payments - Town of Rye	FIXED Total PILOT Payments - County	FIXED Total PILOT Payments - Village	FIXED Total PILOT Payments - Schools
Interim	2019	\$ 53,372	0.13%	8.88%	29.95%	61.05%
Interim	2020	\$ 53,906				
Interim	2021	\$ 54,445				
Year 1	2022	\$ 250,000	\$ 320	\$ 22,189	\$ 74,873	\$ 152,633
Year 2	2023	\$ 262,500	\$ 336	\$ 23,298	\$ 78,617	\$ 160,265
Year 3	2024	\$ 275,625	\$ 353	\$ 24,463	\$ 82,548	\$ 168,278
Year 4	2025	\$ 289,406	\$ 371	\$ 25,686	\$ 86,675	\$ 176,692
Year 5	2026	\$ 303,877	\$ 389	\$ 26,971	\$ 91,009	\$ 185,526
Year 6	2027	\$ 319,070	\$ 409	\$ 28,319	\$ 95,559	\$ 194,803
Year 7	2028	\$ 335,024	\$ 429	\$ 29,735	\$ 100,337	\$ 204,543
Year 8	2029	\$ 351,775	\$ 451	\$ 31,222	\$ 105,354	\$ 214,770
Year 9	2030	\$ 369,364	\$ 473	\$ 32,783	\$ 110,622	\$ 225,508
Year 10	2031	\$ 387,832	\$ 497	\$ 34,422	\$ 116,153	\$ 236,784
Year 11	2032	\$ 399,467	\$ 512	\$ 35,455	\$ 119,637	\$ 243,887
Year 12	2033	\$ 411,451	\$ 527	\$ 36,519	\$ 123,226	\$ 251,204
Year 13	2034	\$ 423,795	\$ 543	\$ 37,614	\$ 126,923	\$ 258,740
Year 14	2035	\$ 436,508	\$ 559	\$ 38,743	\$ 130,731	\$ 266,502
Year 15	2036	\$ 449,604	\$ 576	\$ 39,905	\$ 134,653	\$ 274,497
Year 16	2037	\$ 463,092	\$ 593	\$ 41,102	\$ 138,692	\$ 282,732
Year 17	2038	\$ 476,985	\$ 611	\$ 42,335	\$ 142,853	\$ 291,214
Year 18	2039	\$ 491,294	\$ 630	\$ 43,605	\$ 147,139	\$ 299,951
Year 19	2040	\$ 506,033	\$ 648	\$ 44,913	\$ 151,553	\$ 308,949
Year 20	2041	\$ 521,214	\$ 668	\$ 46,261	\$ 156,100	\$ 318,218
		\$ 7,885,638	\$ 9,898	\$ 685,540	\$ 2,313,253	\$ 4,715,698

++ Payment breakdowns are based on FY 2019 Mil Rates and are subject to change.
 ++ Per SEQRA mitigation applicant agrees to indemnify schools for 10 years outside of the PILOT structure





**Village of Port Chester
Industrial Development Agency**
222 Grace Church Street, Port Chester, New York 10573

PCIDA - G&S - 20-year PILOT ASSUMPTIONS - Fixed Payment Model - closing by May 1, 2020 Tax Status Date

Base Value = \$1,453,100
As-built Asses: \$15,760,000

PILOT Year	CALENDAR YEAR:	PILOT Base Assessed Valuation	Estimated Mill Rate	Abatement Schedule for Added Value	Estimated PILOT Payments for Base Value	Estimated Abated Assessment	Estimated Full Taxes with No PILOT	Estimated PILOT Payments for Added Value	MINIMUM FIXED Total PILOT Payments *	per unit (51,000 sq')	per rentable sq' (60,000 sq')
Interim	2019	\$ 1,453,100	\$ 36.73	-	\$ 53,372	-	\$ 53,372	-			
Interim	2020	\$ 1,453,100	\$ 37.10	-	\$ 53,906	-	\$ 53,906	-			
Interim	2021	\$ 1,453,100	\$ 37.47	-	\$ 54,445	-	\$ 54,445	-			
Year 1	2022	\$ 1,453,100	\$ 37.84	58%	\$ 54,990	\$ 8,309,759	\$ 596,405	\$ 195,010	\$ 250,000	\$ 2,690	\$ 4.17
Year 2	2023	\$ 1,453,100	\$ 38.22	56%	\$ 55,539	\$ 8,072,248	\$ 602,369	\$ 206,961	\$ 262,500	\$ 2,824	\$ 4.38
Year 3	2024	\$ 1,453,100	\$ 38.60	55%	\$ 56,095	\$ 7,825,331	\$ 608,393	\$ 219,530	\$ 275,625	\$ 2,966	\$ 4.59
Year 4	2025	\$ 1,453,100	\$ 38.99	53%	\$ 56,656	\$ 7,568,635	\$ 614,477	\$ 232,750	\$ 289,406	\$ 3,114	\$ 4.82
Year 5	2026	\$ 1,453,100	\$ 39.38	51%	\$ 57,222	\$ 7,301,773	\$ 620,621	\$ 246,664	\$ 303,877	\$ 3,270	\$ 5.06
Year 6	2027	\$ 1,453,100	\$ 39.77	49%	\$ 57,795	\$ 7,024,343	\$ 626,828	\$ 261,276	\$ 319,070	\$ 3,433	\$ 5.32
Year 7	2028	\$ 1,453,100	\$ 40.17	47%	\$ 58,373	\$ 6,735,925	\$ 633,096	\$ 276,661	\$ 335,024	\$ 3,605	\$ 5.58
Year 8	2029	\$ 1,453,100	\$ 40.57	45%	\$ 58,956	\$ 6,436,084	\$ 639,427	\$ 292,819	\$ 351,775	\$ 3,785	\$ 5.86
Year 9	2030	\$ 1,453,100	\$ 40.98	43%	\$ 59,546	\$ 6,124,368	\$ 645,821	\$ 309,818	\$ 369,364	\$ 3,974	\$ 6.16
Year 10	2031	\$ 1,453,100	\$ 41.39	41%	\$ 60,141	\$ 5,800,308	\$ 652,279	\$ 327,691	\$ 387,832	\$ 4,173	\$ 6.46
Year 11	2032	\$ 1,453,100	\$ 41.80	39%	\$ 60,743	\$ 5,460,077	\$ 658,802	\$ 338,724	\$ 399,467	\$ 4,298	\$ 6.66
Year 12	2033	\$ 1,453,100	\$ 42.22	38%	\$ 61,350	\$ 5,106,239	\$ 665,390	\$ 350,101	\$ 411,451	\$ 4,427	\$ 6.86
Year 13	2034	\$ 1,453,100	\$ 42.64	37%	\$ 61,964	\$ 4,736,893	\$ 672,044	\$ 361,831	\$ 423,795	\$ 4,560	\$ 7.06
Year 14	2035	\$ 1,453,100	\$ 43.07	36%	\$ 62,583	\$ 4,352,048	\$ 678,765	\$ 373,925	\$ 436,508	\$ 4,697	\$ 7.28
Year 15	2036	\$ 1,453,100	\$ 43.50	34%	\$ 63,209	\$ 3,952,249	\$ 685,552	\$ 386,395	\$ 449,604	\$ 4,838	\$ 7.49
Year 16	2037	\$ 1,453,100	\$ 43.93	33%	\$ 63,841	\$ 3,538,771	\$ 692,408	\$ 399,251	\$ 463,092	\$ 4,983	\$ 7.72
Year 17	2038	\$ 1,453,100	\$ 44.37	32%	\$ 64,480	\$ 3,112,484	\$ 706,325	\$ 412,505	\$ 476,985	\$ 5,132	\$ 7.95
Year 18	2039	\$ 1,453,100	\$ 44.82	30%	\$ 65,124	\$ 2,677,484	\$ 713,388	\$ 426,170	\$ 491,294	\$ 5,286	\$ 8.19
Year 19	2040	\$ 1,453,100	\$ 45.27	29%	\$ 65,776	\$ 2,225,525	\$ 720,522	\$ 440,257	\$ 506,033	\$ 5,445	\$ 8.43
Year 20	2041	\$ 1,453,100	\$ 45.72	28%	\$ 66,433	\$ 1,759,525	\$ 720,522	\$ 454,760	\$ 521,214	\$ 5,608	\$ 8.69
Total PILOT Payments		\$ 7,723,915	1% multiplier		\$ 1,210,816		\$ 13,132,244	\$ 6,513,099	\$ 7,723,915		
Taxes w/o Improvements		\$ 1,210,816									
Full Taxes no PILOT		\$ 13,132,244									
Estimated Real Estate Tax Savings		\$ 5,408,329									
Estimated Mortgage Tax Savings		\$ 2,000,000	\$ 200,000,000	mortgage assumption							
Estimated Sales Tax Savings		\$ 737,500	based on 65% of estimated sale cost								
Estimated Savings		\$ 8,145,829									
TIDA Administrative Fee		\$ 195,000	\$ 29,000,000	total project cost, fees 1% of firm \$ 10M plus 0.5% above assessment assumption once project is completed							
		\$ 15,760,000									

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* - Proposed payments are a minimum amount, which may increase in any given year if 10% of gross income exceeds the fixed payment
Date of actual first PILOT payment depends on closing date between VoPC IDA and the applicant

Added Value \$ 14,306,900
Project Cost \$ 28,000,000
Estimated Const Mat'l's Cost \$ 15,400,000
Finished Val \$ 15,760,000
Base Value \$ 1,453,100
(NDC independent analysis)

Retail D proposed benefits



Village of Port Chester
Industrial Development Agency
 222 Grace Church Street, Port Chester, New York 10573

PILOT payment distribution by Taxing Jurisdiction

PILOT Year	CALENDAR YEAR:	FIXED Total PILOT Payments	FIXED Total PILOT Payments - Town of Rye	FIXED Total PILOT Payments - County	FIXED Total PILOT Payments - Village	FIXED Total PILOT Payments - Schools
			0.13%	8.88%	29.95%	61.05%
Interim	2019	\$ 53,372				
Interim	2020	\$ 53,906				
Interim	2021	\$ 54,445				
Year 1	2022	\$ 250,000	\$ 320	\$ 22,189	\$ 74,873	\$ 152,633
Year 2	2023	\$ 262,500	\$ 336	\$ 23,298	\$ 78,617	\$ 160,265
Year 3	2024	\$ 275,625	\$ 353	\$ 24,463	\$ 82,548	\$ 168,278
Year 4	2025	\$ 289,406	\$ 371	\$ 25,686	\$ 86,675	\$ 176,692
Year 5	2026	\$ 303,877	\$ 389	\$ 26,971	\$ 91,009	\$ 185,526
Year 6	2027	\$ 319,070	\$ 409	\$ 28,319	\$ 95,559	\$ 194,803
Year 7	2028	\$ 335,024	\$ 429	\$ 29,735	\$ 100,337	\$ 204,543
Year 8	2029	\$ 351,775	\$ 451	\$ 31,222	\$ 105,354	\$ 214,770
Year 9	2030	\$ 369,364	\$ 473	\$ 32,783	\$ 110,622	\$ 225,508
Year 10	2031	\$ 387,832	\$ 497	\$ 34,422	\$ 116,153	\$ 236,784
Year 11	2032	\$ 399,467	\$ 512	\$ 35,455	\$ 119,637	\$ 243,887
Year 12	2033	\$ 411,451	\$ 527	\$ 36,519	\$ 123,226	\$ 251,204
Year 13	2034	\$ 423,795	\$ 543	\$ 37,614	\$ 126,923	\$ 258,740
Year 14	2035	\$ 436,508	\$ 559	\$ 38,743	\$ 130,731	\$ 266,502
Year 15	2036	\$ 449,604	\$ 576	\$ 39,905	\$ 134,653	\$ 274,497
Year 16	2037	\$ 463,092	\$ 593	\$ 41,102	\$ 138,692	\$ 282,732
Year 17	2038	\$ 476,985	\$ 611	\$ 42,335	\$ 142,853	\$ 291,214
Year 18	2039	\$ 491,294	\$ 630	\$ 43,605	\$ 147,139	\$ 299,951
Year 19	2040	\$ 506,033	\$ 648	\$ 44,913	\$ 151,553	\$ 308,949
Year 20	2041	\$ 521,214	\$ 668	\$ 46,261	\$ 156,100	\$ 318,218
		\$ 7,885,638	\$ 9,898	\$ 685,540	\$ 2,313,253	\$ 4,715,698

++ Payment breakdowns are based on FY 2019 Mil Rates and are subject to change.
 ++ Per SEQRA mitigation applicant agrees to indemnify schools for 10 years outside of the PILOT structure

DRAFT

EXHIBIT B
SEQRA MATERIALS

RESOLUTION

RES 3
09-17-2018

**STATE ENVIRONMENTAL QUALITY REVIEW ACT
DETERMINATION OF SIGNIFICANCE
NEGATIVE DECLARATION**

**VILLAGE OF PORT CHESTER BOARD OF TRUSTEES
MODIFIED MARINA REDEVELOPMENT PROJECT "RETAIL D" SITE PLAN**

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, G&S Port Chester Unit 2B DE, LLC (the "Applicant") is the lessee of the property containing the parcels known as Section 142.31-1-3; 142.31-1-4; 142.31-1-5; 142.31-1-6; 142.31-1-20; 142.31-1-21; 142.31-1-22; 142.31-1-23; and 142.31-1-24, as may be merged, all within the Town of Rye Official Tax Map, including the interstitial Liberty Street Right-of-Way, which collectively consists of approximately 23,138 square feet or real property (herein the "Property"); and

WHEREAS, the Property is located within the MUR Marina Redevelopment Project Urban Renewal District; and

WHEREAS, in 1999, the Board of Trustees (hereinafter referred to as the "Board") approved the Modified Marina Redevelopment Project ("MMRP"); and

WHEREAS, in 1999, the Board acted as Lead Agency for the New York State Environmental Quality Review Act and regulations adopted pursuant thereto at 6 NYCRR Part 617 et seq (collectively, "SEQRA") for the review of the MMRP; and

WHEREAS, in 1998 and 1999, a Generic Environmental Impact Statement ("GEIS") was produced for the MMRP and the Board adopted Environmental Findings on April 12, 1999; and

WHEREAS, included as a component of the overall project reviewed by the Village in 1999 pursuant to SEQRA, was the development of the Property as a two-story, 48,000 gross square foot building to be utilized as a multi-tenanted retail facility (approximately 40,000 net square feet of such use); and

WHEREAS, the Applicant submitted a Petition to the Board, dated as of December 5, 2014, and as amended on October 1, 2015, requesting amendments to the regulations of the MUR MMRP Urban Renewal District of the Village of Port Chester and the Concept Development Plan of the MMRP to permit residential use of the Property, and to amend the MUR District regulations to add a multifamily dwelling parking regulation to the required parking table (the "2016 Rezoning"); and

WHEREAS, the Board previously re-assumed their role as Lead Agency pursuant to SEQRA for review of the 2016 Rezoning, and in accordance with SEQRA, the Board adopted and issued a Negative Declaration, dated as of March 7, 2016, for the 2016 Rezoning Proposed Action; and

WHEREAS, among other things, the foregoing Negative Declaration included findings relating to the Property, including certain infrastructure requirements, including the reinforcement of a certain "Bulkley Drain" and other transportation concern including parking and loading would be evaluated in detail during site plan review; and

WHEREAS, on April 4, 2016 the Board ultimately approved a local law amending the regulations to the MUR Marina Redevelopment Project Renewal District to permit multi-family residential development of the Property and to add a multifamily dwelling parking regulation for the required parking table; and

WHEREAS, the Applicant is now proposing a five-story, 65,980 square foot, mixed residential and commercial use development on the Property, consisting of approximately 12,000 square feet of ground floor retail space and 79 residential dwelling units, primarily studios and one-bedroom units (the "Proposal"); and

WHEREAS, in order for the Proposal to be approved and built, it is necessary for interstitial Liberty Street Right-of-Way to be discontinued; and

WHEREAS, the Proposal and amending the Official Map of the Village of Port Chester to reflect the discontinuance of the interstitial Liberty Street Right-of-Way was considered together (collectively known as the "Full Application" or "Proposed Action"); and

WHEREAS, on December 4, 2017, the Board of Trustees accepted the Full Application as complete, referred the matter to the Port Chester Planning Commission for their study and report, referred the matter to the Waterfront Commission pursuant to §332-6D for review and comment, and referred the matter to the Westchester County Planning Board and adjoining municipalities, as may be required under the provisions of Section 239 L, M, and N of General Municipal Law and Section 277.61 of the County Administrative Code; and

WHEREAS, the Board is advised that the Proposed Action constitutes a continuation of the environmental review process began in 1998 and continued in 2015/2016, and the Board has re-assumed its role as Lead Agency pursuant to SEQRA for the proposed Action; and

WHEREAS, the Proposed Action is designated as an "Unlisted Action" pursuant to SEQRA for which the Board is serving as lead agency on an uncoordinated basis; and

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

WHEREAS, at its January 16 and February 6, 2018 meetings, the Planning Commission heard the Full Application and provided comments, as encapsulated in a February 6, 2018 resolution from the Planning Commission; and

WHEREAS, at the February 1, 2018 Waterfront Commission meeting, the Waterfront Commission issued a determination that the Proposed Action was consistent with the LWRP, adopted in 1992 and amended in 1999; and

WHEREAS, in a January 12, 2018 letter, Westchester County stated that they reviewed the Petition under the provisions of Section 239 L, M, and N of General Municipal Law and Section 277.61 of the County Administrative Code and offered a number of comments, including related to consistency with County policies, affordable housing, pedestrian access to retail stores, sewer impacts, NYSDOT review, recycling, and green building technology and bicycle parking; and

WHEREAS, as part of the consideration of the Proposed Action, the Board duly scheduled and conducted public hearings on March 19, April 16, April 30, June 4, August 20, 2018, and September 17, 2018 and afforded all persons wishing to speak on the Application and Proposed Action an opportunity to be heard; and

WHEREAS, pursuant to and in accordance with SEQRA, the Village Department of Planning & Economic Development has prepared FEAF Parts 2 and 3 with respect to the Proposed Action for consideration by the Board; and

WHEREAS, in response to inquiries by the Village, its Staff, AKRF (the Village’s “independent consultants” for the purposes of the evaluating the potential transportation impacts), and Boswell Engineering (the Village’s “independent consultants” for the purposes of the evaluating the potential impact to the Bulkley Drain), the Applicant submitted further information relating to the proposed Action to assist the Board’s review thereof pursuant to SEQRA; and

WHEREAS, Village Staff and its independent consultants recommended that the Board issue a determination that the Proposed Action would not have a significant adverse environmental impact; and

WHEREAS, the Board has reviewed and carefully considered the FEAF, the additional submissions made by the Applicant, public comments, materials produced by Village Staff, and the recommendations of its Staff and independent consultants.

NOW, THEREFORE, be it

RESOLVED, that the Board finds that the Proposed Action involves an “unlisted action” (as such quoted term is defined under SEQRA). The review is “uncoordinated” (as such quoted term is defined under SEQRA). Based upon the review by the Board of the FEAF and related documents delivered by the Applicant to the Board and other representations made by the Applicant to the Board in connection with the Proposed Action, the Board hereby finds that (i) the Proposed Action will result in no major impacts and, therefore, is one which may not cause significant damage to the environment; (ii) the Proposed Action will not have a “significant effect on the environment” (as such quoted term is defined under SEQRA); and (iii) no “environmental impact statement” (as such quoted term is defined under SEQRA) needs or is required to be prepared for this action. This determination constitutes a “negative declaration” (as such quoted terms are defined under SEQRA) for purposes of SEQRA, and be it finally,

RESOLVED, that the Village Clerk is directed to undertake all filings and service of this Resolution pursuant to the regulations governing SEQRA at 6 NYCRR 617.12.

Approved as to Form:

Village Attorney, Anthony Cerreto

REASONS SUPPORTING THE DETERMINATION OF NO SIGNIFICANT ENVIRONMENTAL IMPACT

The Proposed Action involves new construction of a five (5)-story, 65,980 square foot, mixed residential and commercial use development, consisting of approximately 12,000 square feet of ground floor retail space and 79 residential dwelling units, primarily studios and one-bedroom units. The 0.45-acre property is located at the north side of the intersection of Abendroth Place, North Main Street, and Westchester Avenue, also known as the “Retail D” (Section 142.031, Block 1, Lots 3, 4, 5, 6, 20, 21, 22, 23, and 24 of the Town of Rye Official Tax Map), within the MUR Marina Redevelopment Project Urban Renewal District.

The Proposed Action will not result in any significant adverse impacts on the environment that cannot be mitigated by the Applicant. In reaching this determination the Board of Trustees has considered relevant areas of environmental concern and the criteria identified in 6 NYCRR § 617.7.

The Board of Trustees’ rationale with respect to particular areas of relevance for the elements of the Proposed Action follows:

A. LAND USE, ZONING, AND PUBLIC POLICY

Land Use

The proposed mixed-use is consistent with planning concepts that combine retail and residential components in proximity in downtowns. In addition, with the proximity to the Port Chester Metro-North Railroad (MNR), the proposed development will be transit-oriented and reduce the use of automobiles by residents – particularly during weekday morning and evening rush hours.

Zoning

The Proposed Action is consistent with the requirements of the MUR Zoning District, as amended by the Board in 2016.

Public Policy

The Proposed Action is consistent with the Village Comprehensive Plan adopted in 2012, That Plan includes the Project Site in the Higher Intensity Planning Zone Category and provides a land use strategy for mixed-use development consisting of ground-floor retail and upper-floor residential with a maximum height of five stories. (See Comprehensive Plan at page 140).

The Proposed Action was found by the Village Waterfront Commission to be consistent with the Village’s current Local Waterfront Revitalization Plan (LWRP), which was adopted in 1992 and approved amended in 1999. The LWRP was approved by the New York State Department of State (NYS DOS) pursuant to the Coastal Zone Management Act. The Village

is currently in the process of updating the LWRP, with a draft having been submitted to and pending approval by the NYSDOS.

However, pursuant to Section 5.3.c of the adopted LWRP, the Board has the ability to adopt findings that the Proposed Action proceed, should it meet four conditions. The Board found, by a resolution dated August 20, 2018, that these conditions were satisfied and that Proposed Action could proceed.

As noted in a January 12, 2018 letter from the Westchester County Planning Board, “The concept of mixing residential and commercial uses through a downtown redevelopment project is generally consistent with the County Planning Board’s long-range planning policies set forth in *Westchester 2025—Context for County and Municipal Planning and Policies to Guide County Planning*, adopted by the Board on May 6, 2008, amended January 5, 2010, and its recommended strategies set forth in *Patterns for Westchester: The Land and the People*, adopted December 5, 1995, which call for the channeling of growth towards existing downtown centers where shopping, services and transit are within walking distance.”

No significant adverse impacts on land use, zoning, or public policy are anticipated from the Proposed Action. Therefore, no mitigation is necessary.

B. COMMUNITY CHARACTER AND VISUAL RESOURCES

The Project Site is currently a surface parking lot, with no screening, in the middle of downtown Port Chester. The redevelopment of the Project Site as a five (5)-story, mixed-use building will have a positive impact on community character.

In terms of visual appearance, the Proposed Action will be an improvement over the existing vacant sight. The five (5)-story, 68-foot, eight (8) inch tall building will be higher than many of the surrounding buildings and will be slightly greater than the 60-foot maximum height now permitted in the C2 Main Street Business and C5T Downtown Mixed Use Transitional Districts (exclusive of the 10-foot bonus allowed in the latter district). That being said, due to its design, the new building will not be discordant with its surroundings.

The Proposed Action has been designed utilizing multiple entrances/exits along the North Main Street and Westchester Avenue frontages, which preserve the storefront permeability and pedestrian-oriented atmosphere that is experienced throughout the rest of downtown.

The Proposed Action has further been designed utilizing additional seating alongside inset planters into the frontage, to allow for a passive recreational use along the frontage where access to the retail space cannot be accommodated. This helps to incorporate a sense of placemaking and gathering space for those downtown.

The Proposed Action will provide new interior roof space, on the roof of the first floor, within the “U” configuration of the upper four stories. This larger, contiguous area of space will be available to residents of the building. The Applicant anticipates providing an array of

amenities to make this space attractive. In addition, the Proposed Action will also provide for a new roof deck space, on the roof of the fifth floor, in the southwestern portion of the roof only. The area of space will provide landscaping, seating areas, and viewing areas of the Village and Byram River available to residents of the building.

With these mitigation measures and with the ground-floor as a multi-tenant space, it is not anticipated that the Proposed Action will not have any significant adverse impacts with respect to community character or visual resources.

C. NATURAL RESOURCES

The Project Site consists of impervious surfaces with little vegetative cover. Therefore, most natural resources are not anticipated to be impacted from the Proposed Action, outside of floodplains.

Floodplains

According to the Flood Insurance Rate Map (FIRM) Panel #36119C0293F, provided by the Federal Emergency Management Agency (FEMA), the Project Site is located within the 100-year floodplain (Flood Zone AE), a Special Flood Hazard Area. The Base Flood Elevation (BFE) is approximately 12 feet and the height of the lowest floor freeboard is required to be at least two (2) feet above the BFE. As depicted in the submitted Elevation Certificate, the Applicant proposes to construct the building with the finished floor elevation (FFE) of the structure to be at 14.25 feet freeboard. A Flood Development Permit, per Chapter 181, Flood Damage Prevention of the Code of the Village of Port Chester, is required for the Proposed Action (both the building construction and the repair/replacement of the Bulkley Drain, see below under Section 'D'). As a result, it is not anticipated that the Proposed Action will result in any significant adverse floodplain impacts.

Wetlands

A review of the National Wetland Inventory (NWI) Wetlands Mapper¹ and New York State Department of Environmental Conservation (NYSDEC) Wetland Inventory (Environmental Resource Mapper)² did not identify wetlands on the Project Site. However, such review did indicate that there are tidal wetlands immediately adjacent to the Project Site. The Proposed Action proposes the use of construction Best Management Practices (BMP) in order to avoid adverse impacts to these tidal wetlands. With this mitigation, no significant adverse impacts on wetland resources are anticipated as a result of the Proposed Action.

Terrestrial and Aquatic Ecology

The Project Site is a surface parking lot and, therefore, no terrestrial or aquatic habitats exist. No threatened or endangered species of animals or the habitat of such species have been identified on the Site according to the New York State Natural Heritage Inventory (NYSNHI). Therefore, no significant adverse impacts on wildlife resources or endangered species are anticipated.

¹ <https://www.fws.gov/wetlands/data/mapper.html>, accessed July 16, 2018

² <http://www.dec.ny.gov/gis/erm/>, accessed July 16, 2018

D. INFRASTRUCTURE AND UTILITIES

Drainage and Stormwater

Improvements to the stormwater system were implemented as part of the original MMRP approval, including upsizing pipes and culverts and incorporating oil/grit separators, outfall hoods and deep sump catch basins into the overall MMRP site. The Proposed Action will not result in an increase of impervious coverage of the Project Site, as it is currently impervious. Post-development stormwater runoff will be directed to the Village's stormwater system. Plans submitted by the Applicant's Engineer, Langan Engineering Inc., include Grading, Drainage & Utility Plans (Sheet CG101) and the site plan (Sheet CS101) indicate that all proposed roof leaders will be connected to the storm sewer system. All proposed stormwater improvements will comply with the technical standards of the *New York State Stormwater Management Design Manual*. With these measures, it is not anticipated that the Proposed Action will result in any significant adverse impacts to stormwater.

Bulkley Drain

The Bulkley Drain transverses the Project Site and is piped (in a culvert) under the Project Site at an approximate level at top of culvert of six (6) feet. That being said, the long-term viability of the Bulkley Drain, especially underneath the Project Site, has been identified as a concern. For the purposes of this SEQRA review, the potential impact that the Proposed Action would have on the current and future viability of the Bulkley Drain was evaluated extensively (see June 2017 Bulkley Drain Survey and Investigation Report by Boswell Engineering; October 23, 2017 Structural Foundation Schematic Design Narrative by McLaren Engineering Group; September 29, 2017 Memorandum from Boswell Engineering; January 24, 2018 Memorandum from Boswell Engineering; August 2, 2018 Culvert Capacity Analysis by Langan Engineering; August 10, 2018 Memorandum from Boswell Engineering). The Applicant has proposed a means of construction that would disperse the load of the building away from the Bulkley Drain, thereby having no impact upon the Bulkley Drain itself. However, the 1999 Environmental Findings and subsequent Land Acquisition and Development Agreement (LADA) and amendments requires the reinforcement of the Bulkley Drain, as necessary. The Applicant has proposed the replacement/reinforcement of the Bulkley Drain under the Project Site through the use of 8-inch shotcrete and a newly constructed drain roof (the "Bulkley Drain Improvements").

The proposed building foundation design, its installation methodology with vibration monitoring during construction, and the liner reinforcement installation was reviewed by Boswell Engineering (the Village's "independent consultants" for the purposes of the evaluating the potential impact to the Bulkley Drain). It is their opinion that the concerns regarding the existing Bulkley Drain beneath the Project Site have been satisfactorily addressed provided there is proper oversight during construction. They also noted that the construction of the Proposed Action (including the Bulkley Drain) will be contingent upon receiving permitting approval for the liner reinforcement from the United States Army Corps of Engineers (ACOE).

The Applicant has worked with the Village and the Port Chester Industrial Development Agency (PCIDA) to create and mutually agree to a set of terms regarding the Village's right to the following: (i) the Applicant's construction, maintenance, operation, repair and replacement of the Building; (ii) the terms and conditions associated with the Applicant's requirement to undertake and complete construction of the Bulkley Drain Improvements at the Applicant's exclusive expense prior to the Applicant constructing the above-grade portions of the Building; and (iii) the establishment of permanent easement rights for the benefit of the Village regarding the ownership of and future maintenance, repair and replacement of the Bulkley Drain.

The Applicant shall promptly submit for and diligently pursue all necessary permits and approvals necessary to undertake the Bulkley Drain Improvements, including, but not limited to applicable permit(s) from the ACOE, and shall provide the Village will copies of all permit applications at the time of submission. If and to the extent that any regulatory agency or other permitting authority (including ACOE) shall require the Village's endorsement or approval thereof, the Village shall cooperate with the Applicant and such regulatory authority to facilitate expedient issuance of necessary permit(s). If and to the extent that any such regulatory authority further require the Village to join any such application as co-applicant and owner of the Bulkley Drain and/or any related infrastructure outside of the Project Site, the Village shall likewise cooperate and assist the Applicant with timely securing necessary permit(s) to undertake the Bulkley Drain Improvements. The Village shall bear all costs of the maintenance, repair and replacement in kind of the Bulkley Drain, as it exists following the Applicant's completion of the Bulkley Drain Improvements, as accepted by the Village in accordance with the terms hereof, in accordance with applicable laws.

As a result of the design, oversight, and agreement, it is anticipated that there would be no significant adverse impacts to the Bulkley Drain.

Water

The Applicant estimated that water demand, based on a standard multiplier will be 12,000 gallons-per-day (gpd), an increased demand of approximately 4,330 gpd over the formerly approved retail use of 8,160 gpd. Based upon consultation with Suez, the water provider within the Village of Port Chester, it is expected that there is adequate capacity to accommodate this nominal increase in demand. Therefore, it is not anticipated that the Proposed Action would have a significant adverse impact that cannot be mitigated upon water demand.

Sanitary Sewer

The Applicant estimated that the sanitary sewage will be the same as water demand. The Westchester County's Wastewater Treatment Plant (WWTP) in Port Chester has adequate capacity to handle this small additional volume of sanitary sewage. See Westchester County *2014 Annual Report, Wastewater Treatment, Solid Waste, Water Agency Operations* (the most recent available), reflecting that the 2014 actual flow of 4.4 million gallons per day (mgd), as compared to the design flow is 6.0 mgd. Therefore, it is not anticipated that the Proposed Action would have a significant adverse impact that cannot be mitigated upon sewer demand. Further, all connections to the existing sanitary sewer system will be maintained in

accordance with the requirements of the *Recommended Standards for Wastewater Facilities*. There are no anticipated modifications to the existing system as part of this proposal. New mains were installed as a result of the original MMRP, and the Applicant proposes to connect to these new mains.

Solid Waste

The Proposed Action is anticipated to generate ten (10) tons of solid waste per month during construction and 69,000 gallons of solid waste per month during operations. All solid waste generated by the Proposed Action will be collected by a private carter and will be disposed of at the Wheelabrator Westchester waste-to-energy facility in Peekskill. It will be the responsibility of the owner, operator, or manager of the building to ensure that construction waste and all operational solid waste will be recycled consistent with the Village's and County's requirements and regulations. The site plan (Sheet CS101) illustrates the proposed location of the trash compactor. The compactor will be recessed into the building roughly 40 feet on a downward slope, adjacent to the loading dock and will be covered by the second-floor overhang. The location of the compactor provides sufficient screening from the public realm.

Electricity/Gas

Consolidated Edison (ConEd) provides electric and natural gas service to the area and Project Site. The Proposed Action is not expected to significantly impact gas or electric demand or service in the area. As indicated in the site plan, all proposed on-site utilities are proposed to be installed underground, consistent with Chapter 312 of the Code of the Village of Port Chester. As a result, it is anticipated that there would be no significant adverse impacts on electricity or gas.

E. TRANSPORTATION AND PARKING

Traffic

The Proposed Action will generate less traffic than the entirely retail use approved as part of the MMRP in 1999. However, as part of the 2016 Rezoning by the Board, the Applicant conducted limited traffic counts in several intersections in the vicinity of the Project Site, and also utilized traffic data and a traffic analysis prepared by Atlantic Traffic & Design Engineers, Inc. (Atlantic T&D) in 2014, using traffic data collected for Costco Wholesale. Atlantic T&D had collected volume data in December 2011 for the weekday midday, weekday PM and Saturday midday periods, but not the AM peak period, at the following intersections:

- Westchester Avenue with Main Street (Route 1)/King Street;
- Westchester Avenue with Abendroth Avenue/Don Bosco Place; and
- Westchester Avenue with Traverse Avenue.

The Applicant's traffic engineer collected vehicle turning movement data at the three (3) intersections identified above for the weekday AM peak period on February 8, 2016 and then calculated AM Peak Hour volumes. The Applicant's traffic engineer grew the traffic volume data collected by Atlantic T&D for the weekday PM and Saturday midday periods to 2017 using an annual growth rate of two (2) percent. The Applicant's traffic engineer then

conducted capacity analyses for the three (3) intersections using the 2017 traffic volumes for the weekday AM Peak Hour, the weekday PM Peak Hour and Saturday midday Peak Hour.

The Applicant's traffic study was reviewed and approved by the Village's traffic consultants at the time, Adler Consulting. The capacity analyses used accepted methodologies based on Level of Service (LOS) comparisons. The analyses show that traffic impacts will be nominal and there will be no deterioration of LOS at the intersections referenced above as the result of the Proposed Action.

As part of the site plan and SEQRA review, "drop-off" activity (e.g., the loading and unloading of passengers at the entrance and the loading and unloading of materials into moving vans) was evaluated.

There are two (2) driveways that will serve the building. Both driveways are located on Abendroth Avenue. The western driveway closest to Westchester Avenue will be right-in only for passenger vehicles entering the Project Site. The curb design and signage prohibit left-turn movements into this driveway. The eastern driveway is a right-in/right-out driveway for passenger vehicles to exit and commercial vehicles to enter and exit. The level of drop-off activity and commercial loading is expected to be minimal; therefore the driveway operations are not anticipated to impact traffic operations and pedestrian activity along Abendroth Avenue.

Taking into account the size of the building, there would be some 50 trips (25 in/25 out) during the Peak PM Highway Hour. Since there is no parking on-site, these vehicles would be destined to the second floor of the parking structure. However, a percentage of these vehicles could make a "drop off" at the building. Assuming 20% of the vehicles decide to make "drop off" that would equate to five [5] vehicles entering and leaving the Project Site during the Peak PM Hour (average one [1] vehicle every twelve [12] minutes). These vehicles would use the westerly driveway (right turn in only) and exit the easterly driveway after making their "drop off." Note, other hours would be lower since they are "off peak."

To ensure that this storage area remains clear, it is recommended that the management of the building clear snow or other debris from the paved area as soon as possible and should restrict parking/"waiting" at the drop off area for a maximum of fifteen (15) minutes.

The site plan and supplemental traffic information was reviewed by the Village's current traffic consultants, AKRF. Their review of the revised site plan (Sheet CS101) indicated:

- A "No Right-Turn on Red" sign is provided on the southbound approach.
- A new ADA pedestrian curb ramp is provided in the northwest corner of the Abendroth Avenue/Westchester Avenue intersection.

As a result of these improvements, it is not anticipated that the Proposed Action will have any significant adverse impacts with respect to traffic.

Parking

The Applicant owns the adjacent parking structure, and under the LADA with the Village, can generally control parking within that structure and limit it to parking associated with tenants of the MMRP. However, historically, the Applicant has allowed public parking in that structure, and commuter parking for MNR patrons is available on the second floor deck. Consequently, as part of the 2016 Rezoning SEQRA review, the Village requested the Applicant to study the impacts, if any, of providing for parking from the proposed mixed-use development in the parking structure – although the proposed mixed-use development will require less parking than the 1999-approved retail use – to confirm the absence of material changes in circumstances since the MMRP was approved in 1999.

The Applicant's planner generated a parking compliance summary, which reflects the number of parking spaces required by the proposed mixed-use development during peak periods of parking demand, as well as the number of spaces required by the overall MMRP. The proposed mixed-use development will generate a maximum demand for 167 parking spaces, which will occur during the weekday PM peak. Given the extensive retail uses now in the area, a significant portion of the assumed traffic generated by the retail use (88 at peak hour) will likely be bypass traffic (i.e., traffic that would be in the area without the Proposed Action). According to the Applicant's parking compliance summary, at that peak, after accounting for a shared parking credit and minimum parking requirements from the MMRP approvals, and taking account for existing parking demand and future commuter parking demand, there is an excess of approximately 173 parking spaces. This would address the parking demand of the Proposed Action.

During the 2016 Rezoning SERA review, to ensure the additional capacity assumed by the Applicant's parking compliance summary, the Village requested, that the Applicant conduct a parking accumulation study of the second floor deck of the parking structure during the peak weekday and Saturday hours. The second floor deck is where excess parking capacity is most likely to exist. The Applicant's traffic engineer collected parking data on the middle level of the parking deck, which includes approximately 390 parking spaces. The Applicant's traffic engineer conducted an inventory to confirm the number of parking spaces available. Approximately 350 parking spaces are currently used by MNR. The parking accumulation data was collected every 30 minutes on February 6, 2015, a typical weekday, between 6:00 PM and 10:00 PM and on February 8, 2015, a typical Saturday, between 11:00 AM and 3:00 PM.

This study determined that the second floor deck has excess capacity during the weekday PM, weekday evening and Saturday PM peak period sufficient to address the additional parking demand of 127 spaces associated with the Proposed Action. It is also noted that the adjacent Marina Parking Lot is most highly utilized overnight and on weekends, with less utilization during weekday periods. The Applicant has agreed to adopt measures to assure that its tenants/residents of the Project Site must park their vehicles in the middle level of the parking deck, thus providing sufficient capacity to accommodate the parking demand generated by the Proposed Action. These measures will include parking restrictions in the leases for its residential tenants, or comparable provisions (approvable by the Village Manager or his/her designee), that the Applicant would commit to enforce, which prohibit the residential tenants

from parking in the Marina Parking Lot overnight or for longer than four (4) hours (which has since been adjusted to a maximum of three [3] hours). Such Tenant Parking Restrictions to remain in effect until the earlier of: (a) the effective date that the current Marina Parking Lot restrictions are modified or amended (e.g. conversion from free parking to a pay lot), or (b) such time as the Applicant can demonstrate to the Village that the Marina Parking Lot has sufficient parking capacity for the residential tenants associated with the Proposed Action to park in the Marina Parking Lot without an adverse parking impact. The Applicant has agreed, if necessary, to modify any arrangement that it has with MNR to assure the availability of sufficient parking spaces in the second floor of the parking deck to accommodate the residents/tenants of the Proposed Action as described above. The Applicant should pursue such modifications. It is further noted that in the event there is an unanticipated demand for parking, the parking study showed that there are additional spaces available on the main level for residents/tenants of the Proposed Action or members of the public that currently use the marina parking lot. The parking study was reviewed and approved by the Village's traffic consultants at the time, Adler Consulting.

The site plan and supplemental traffic information was reviewed by AKRF. Their review of the revised site plan (Sheet CS101) indicated:

- Signage to direct retail patrons to park in the parking structure within the Waterfront at Port Chester is indicated along Westchester Avenue and North Main Street.

As a result of these improvements, it is not anticipated that the Proposed Action will have any significant adverse impacts with respect to parking.

Pedestrians

The Proposed Action will generate some additional pedestrian traffic, primarily by customers of the retail use – although it is expected that many of these customers would be in the downtown area without the proposed retail. It is estimated that the Proposed Action will generate approximately 75 additional pedestrians in the midday weekday peak, which is expected to be the highest pedestrian usage given the concentration of commercial uses in the area. This additional number of pedestrians is not expected to significantly impact existing conditions or cause a safety problem, as it will result in approximately one (1) extra pedestrian per minute.

As part of the site plan and SEQRA review, pedestrian activity was evaluated. The parking provided for the proposed developed will be located off-site at the existing parking structure at Waterfront Place, requiring tenants to walk along Main Street or Waterfront Place and cross Westchester Avenue to access the Project Site. There are sidewalks provided along the pedestrian travel routes, as well signals with push button actuation and crosswalks at intersection crossings. At each of those locations the following is noted:

- **Westchester Avenue/Main Street** – This traffic signal is under the control of the New York State Department of Transportation (NYSDOT). There are drop curbs, crosswalks, and pedestrian actuation. The pedestrian actuation is working and the crosswalks are clearly identified.
- **Westchester Avenue/Abendroth Avenue** – This location is not a State or County road and is, therefore, under Village control. At the intersection, there are drop curbs,

crosswalks, and pedestrian actuation. However, the pedestrian actuation does not work and the crosswalk on Westchester Avenue closer to Main Street is faded and should be restriped.

The site plan and supplemental pedestrian mobility information was reviewed by AKRF. Their review of the revised site plan (Sheet CS101) indicated that the north crosswalk will be restriped as part of the project with improved ADA curb ramps; however, replacement of the pedestrian actuation at Westchester Avenue/Abendroth Avenue was not identified in the site plan and should be included. A decorative light should be included at the northwest corner of Abendroth Avenue and Westchester Avenue. Bicycle racks are proposed along the Westchester Avenue frontage.

In addition, the Applicant should pursue opportunities with the Village to improve pedestrian crossings at the Abendroth Avenue/Westchester Avenue and Main Street/Westchester Avenue intersections, as well as examine the potential to add a midblock crosswalk on Abendroth Avenue between Westchester Avenue and Adee Street. The Village should evaluate removing left-hand turns exiting the gas station located across Abendroth Avenue from the Project Site in order to reduce potential vehicle conflicts along Abendroth Avenue. Additional options for encouraging alternative modes of transportation for tenants should be explored, including: indoor bicycle storage, enhancing crosswalks/surface treatments at intersections around the Project Site, and/or improving the bus stop adjacent to the Project Site on North Main Street to include a covered waiting area.

Lastly, the design of the ground-floor retail space will help to mitigate additional vehicle loading, delivery and traffic impacts from the Proposed Action. Smaller tenant spaces typically require smaller deliveries and delivery vehicles, and less impactful loading procedures. Further, 'big box' stores generate, on average, larger numbers of vehicle trips and traffic volume than traditional (< 3,000 square feet) commercial stores. In order to mitigate potential traffic, loading and delivery impacts, the Applicant should divide the ground-floor retail tenant space into a multi-tenant space.

Should the Applicant pursue these measures in addition to what is proposed, it is not anticipated that the Proposed Action will have any significant adverse impacts with respect to pedestrians.

Construction Traffic

The Traffic and Pedestrian Control Plan (Sheet PC101) was reviewed by AKRF. Their review of indicated that vehicles will not be detoured during construction; however, sidewalks adjacent to the project will be closed, forcing pedestrians to detour. Along Abendroth Avenue, pedestrian detour signage will be placed at Westchester Avenue and Adee Street. In addition, a midblock crossing will be located along Abendroth Avenue between Westchester Avenue and Adee Street with pedestrian crossing signage. On North Main Street, pedestrians will be detoured to the west side of North Main Street.

The site plan presents a temporary crosswalk on King Street; however, the following concerns remain:

- The crosswalk appears to connect in the middle of the private parking curb ramp;
- There is no signage at the northwest corner of Westchester Avenue and North Main Street/King Street indicating pedestrians should be detoured to this location;
- There is no pedestrian crossing signage proposed; and
- The crosswalk should be better aligned to shorten the crossing distance.

A plan for maintenance and protection of traffic, which shall include addressing these concerns, as well as providing for flag persons at the Project Site to facilitate safety for pedestrians, construction workers, and motorists, shall be submitted to the Building Department concurrently with a Building Permit application by the Applicant and shall be subject to review and sign-off by the Village of Port Chester Village Manager or his/her designee. Finally, NYSDOT has indicated that a Highway Work Permit will be necessary to construct the Proposed Action.

Should the Applicant pursue these measures in addition to what is proposed, it is not anticipated that the Proposed Action will not have any significant adverse construction impacts to traffic, parking, or pedestrians.

F. SOCIOECONOMICS

Demographics

The Applicant has estimated that the proposed mixed-use development will result in the addition of 141 new residents to the Village, which represents a negligible increase on 0.5% increase in the Village population. That being said, the addition of population to downtown Port Chester is a goal of the Village and is considered a beneficial impact of the Proposed Action. Therefore, it is not anticipated that the Proposed Action will have any adverse impacts with respect to demographics.

Schools

The Project Site is located within the Port Chester-Rye Union Free School District (School District). As part of the 2016 Rezoning SEQRA process, the Applicant provided an estimate of public school children to be generated by the Proposed Action, using both the well-accepted Rutgers method, as well as the results of the “Port Chester Public Schools Overcrowding and Mitigation Analysis,” prepared for the Village of Port Chester IDA (PCIDA) by Urbanomics, Inc. (PCIDA Mitigation Study³). Using either the Rutgers methodology or that in the PCIDA Mitigation Study, the Proposed Action is projected to generate seven (7) school children.

The PCIDA Mitigation Study indicated that a “new construction cost” to address the facility and infrastructure needs of the School District in \$18,370, whereas the annual educational costs per student in \$13,723 (actual cost minus school aid). The Applicant has asserted that a combination of PILOT payments and/or real estate taxes generated from the Proposed Action once it is put into use will more than offset any incremental variable cost associated with the projected addition of seven school children to the local public school system. The Applicant has agreed that if the increase of such revenues over the real estate taxes generated for the

³ Note that the PCIDA Mitigation Study is currently being updated by the PCIDA, but will not be completed in time to utilize as part of this SEQRA review.

School District from the Project Site at the time the Proposed Action is placed into use do not generate an amount that would cover the annual cost per student of \$13,723 (as reported in the PCIDA Mitigation Study) for the actual number of students generated each school year, increased annually from January 1st by the increase, if any, in the cost of living index for the metropolitan New York region, the Applicant will pay the School District any deficit within thirty (30) days after being informed by the School District of such deficiency. The Applicant has agreed that this obligation shall continue for a period of ten (10) years. Based on this concurrence, any potential impacts to the public school should be minimal.

Therefore, it is not anticipated that the Proposed Action will have any adverse impacts with respect to school.

Fiscal Impact

The Proposed Action will involve an investment in the community and will result in the creation of both construction and permanent jobs, and help to increase the Village's tax base. This need for construction workers is viewed as a beneficial impact to the construction industry. Direct expenditures are only the tip of the iceberg in terms of the overall economic impact of project spending during the development phase. Construction workers will spend their earnings in local business establishments and construction firms will buy materials and services from local businesses. Similarly, the jobs created annually during the construction period and during annual operations would also have both indirect and induced impacts on other industry sectors. Moreover, the addition of 79 units to downtown Port Chester is considered to have a positive secondary effect on economic development within downtown Port Chester. Although there may be increased demand for services including schools, police, and fire protective services, it is anticipated that the additional property tax revenue generated would exceed the public services costs associated with the increased residents, employees, and visitors. Therefore, overall, it could be anticipated that the Proposed Action will result in a beneficial fiscal impact, locally and beyond.

G. HAZARDOUS MATERIALS

Sites with hazardous materials may be subject to Federal and State regulations and guidance, including the following:

- United States Environmental Protection Agency (USEPA) Brownfield grant program; USEPA National Priority Site (NPS);
- NYSDEC Brownfield Cleanup Program (6 NYCRR Part 375);
- NYSDEC Registry of Inactive Hazardous Waste Disposal Sites, ECL Article 27;
- 6 NYCRR Parts 595-599, 6 NYCRR Parts 612-614, NYSDEC STARS Memo #1—Chemical and petroleum bulk storage management and removal of aboveground or underground storage tanks;
- Article 71 of the Environmental Conservation Law, 17 NYCRR Part 32, Article 12 of the Navigation Law—Petroleum and chemical spill reporting; and,
- 6 NYCRR Part 360 and Part 364—Solid waste management requirements.

The MMRP is in-part the site of the former Port Chester manufactured gas plant (MGP), in use from the 1860s to the 1880s. All building related to previous operations have been demolished and removed. According to an Environmental Site Remediation Database search, "The site enter[ed] the Voluntary Cleanup Program in 2002...a Site Investigation was completed in 2004 and remedial construction was substantially completed in 2006. The remedy included excavation of former MGP structures and coal tar contaminated soil/wastes." A deed restriction and Site Management Plan are currently in place for the MMRP, which is regularly monitored and reviewed in accordance with New York Department of Environmental Conservation (NYSDEC) requirements. According to a report by NYSDEC, "Contact with contaminated soils is not expected" and "A sub-slab depressurization system has been installed in the on-site structure to prevent exposure to site contaminants potentially entering the building via soil vapor intrusion." Historically, there were a number of spills of petroleum reported to NYSDEC on the Project Site, both of which have been closed (Spill Number 9001927, closed on June 27, 1990; and Spill Number 9515849, closed on April 5, 1999. In addition, there was a release of chlorinated solvents on the Project Site, which was given a No Further Action letter by NYSDEC on April 30, 2001. There is an open petroleum spill across Abendroth Avenue; however, the groundwater flows generally toward the Byram River, away from the Project Site.

The Proposed Action will not include the introduction of hazardous materials and does not present any opportunity to adversely affect public safety nor would it create a hazard to human health. As a result, no significant adverse impacts caused by hazardous materials are anticipated from the Proposed Action.

H. CULTURAL RESOURCES

There are three (3) tiers of recognition and regulatory protection for cultural and historic resources in New York State:

- National Register of Historic Places and National Historic Landmarks;
- New York State Register of Historic Places held by the State Historic Preservation Office (SHPO); and
- Local recognition.

Districts, sites, buildings, structures, and objects are eligible for the State and National Registers if they meet a number of criteria, such as possessing integrity of location, design, setting, materials workmanship, feeling, and association, and:

- Are associated with events that have made a significant contribution to the broad patterns of history; or
- Are associated with the lives of significant persons; or
- Embody the distinctive characteristics of a type, period, or method of construction; represent the work of a master; possess high artistic values; or represent a significant and distinguishable entity whose components may lack individual distinction; or
- Have yielded, or may be likely to yield, information important in history or prehistory.

Determinations of eligibility are made by SHPO. Generally, all properties that are listed on the National Register are listed on the State Register, which has the same criteria for evaluation as the National Register. Properties that have been constructed within the last 50 years are ordinarily not eligible.

Historic Resources

A review of the New York State Cultural Resource Information System (CRIS)⁴ indicates that there are no structures that are listed on the State/National Register of Historic Places on the Project Site. The Proposed Action itself is not anticipated to affect any building listed or eligible to be listed on the State/National Register of Historic Places. National Historic Landmarks are nationally significant historic places designated by the Secretary of the Interior because they possess exceptional value or quality in illustrating or interpreting the heritage of the United States. There are no National Historic Landmarks located within Port Chester. Therefore, is not anticipated that the Proposed Action will result in any significant adverse impacts to historic resources.

Archaeological Resources

The Project Site, as with the entire MMRP, is located in an area that has experienced commercial and residential activity since the earliest period of Port Chester's settlement by Europeans in the mid-17th Century. Although there is little information regarding the prehistory of Port Chester, research documentation indicates that Native Americans have occupied sites within the Village and surrounding areas. As part of the original MMRP SEQRA review, a number of investigations into the presence of archaeological resources were performed. The Project Site was not determined to be one (1) of the "Areas of Potential Archeological Resources within Project Area". Therefore, is not anticipated that the Proposed Action will result in any significant adverse impacts to archaeological resources.

I. AIR QUALITY

The United States Environmental Protection Agency (USEPA), through the 1970 Clean Air Act, has established National Ambient Air Quality Standards (NAAQS) for six criteria pollutants: ozone (O₃), particulate matter (PM₁₀ and PM_{2.5}), sulfur dioxide (SO₂), nitrogen dioxide (NO₂), carbon monoxide (CO), and lead (Pb). Currently, USEPA and New York State Department of Environmental Conservation (NYSDEC) enforce ambient air quality standards. The 1977 and 1990 Clean Air Act Amendments (CAAA) reinforced attainment and maintenance of these standards. New York State is part of USEPA Region II. Port Chester is part of the USEPA New York-N, New Jersey-Long Island, and NY-NJ-CT metropolitan region for air quality, which is in marginal non-attainment for 8-hour ozone and in a CO Maintenance Attainment area. Existing air quality standards for New York State are found in the State Ambient Air Quality Standards (SAAQS), which largely mimic the NAAQS. Port Chester and the Project Site are located in Westchester (NYSDEC Region 2) in the New Jersey\New York\Connecticut Interstate Air Quality Control Region. NYSDEC Bureau of Air Surveillance maintains air quality monitoring stations throughout the State for the purpose of evaluating local air quality for various pollutants. NYSDEC has an air monitoring location at

⁴ <http://www.oprhp.state.ny.us/hpimaging/>; Accessed July 16, 2018.

the White Plains Water District Pumping Station, 204 Orchard Street in White Plains (NYSDEC#: 5902-04). Based upon information from that monitoring location, air quality on the Project Site, Village, and the region is considered good and current air pollution poses little or no risk to the local population.

Permanent Air Quality Impacts

Impacts to air quality come from two (2) general categories: 1) Point Source emissions and 2) Non-Point Source emissions.

- Point Source emissions include chemical plants, refineries, electric utility plants, and other industrial sites. Since the Proposed Action does not contain such uses, the Proposed Action is not anticipated to effect a significant change to point source emissions.
- Non-Point Source emissions include both area source and mobile emissions.
 - Area source emissions include a variety of industrial and storage activities, waste management, and agriculture. Again, such activities and sources are not being considered under the Proposed Action, and, therefore, the Proposed Action is not anticipated to effect a significant change to area source emissions.
 - Mobile source emissions, including both on road (i.e., automobiles) and off-road (e.g., recreational vehicles, lawn and garden equipment). Since the Proposed Action would result in a change in traffic conditions, the discussion that follows will focus on mobile source emissions.

As presented in Section E, while the Proposed Action will create increased traffic, such increase is not anticipated to create a significant adverse impact on the Village. Carbon dioxide emissions from truck delivery and passenger vehicles will result, but will be not noticeably different than existing conditions downtown. As a result, significant long-term air impacts are not anticipated as a result of the redevelopment of the Site.

Short-Term Construction

The redevelopment will result in temporary air quality impacts during construction as the short-term use of heavy equipment operations could result in temporary, minor increases in pollutant emissions from equipment used during construction. The major concern during the construction operation would be the control of fugitive dust during site clearing, excavation, demolition, and grading operations. Fugitive dust is essentially airborne soil particles caused by heavy equipment operations entraining the soil into the air. Some fugitive dust emissions could arise from wind erosion of the exposed soil where pavement is removed.

These temporary impacts to air quality will be carefully monitored by the Building Department and will be controlled through the implementation of a construction management plan and site development protocol that will be submitted with the Building Permit application, as well as through a continual reliance on construction best management practices and continued equipment repair and maintenance. The approved construction management plan and site development protocol will emphasize minimizing fugitive dust and particulate matter from drifting beyond the confines of the Site.

Employing these measures will assure that the Proposed Action will not result in any significant adverse environmental impacts to air quality.

J. NOISE AND VIBRATION

Downtown Port Chester, being a suburban downtown, has an existing noise environment that is more typical of an urban area. In this environment, noise is generated by HVAC (heating, ventilation and air conditioning) equipment for commercial, institutional, and residential uses, as well as by transportation uses, including vehicular traffic (i.e., buses and trucks) and railroad use.

Chapter 224, Noise, of the Code of the Village of Port Chester provides the local regulations pertaining to noise. Among other things, Chapter 224 discusses unreasonable noise, standards, exemptions, and waivers. Chapter 224 also includes specific regulations for construction work.

Permanent Noise Impacts

As with air quality, the impacts with respect to noise related to the Proposed Action would be limited to increases in vehicular traffic and its impact on the noise environment, especially residential components. As the downtown is redeveloped, the land use pattern is not expected to change such that noise-generating uses would be prevalent (e.g., no industrial or manufacturing is included) and, therefore, the character of the noise environment would not be expected to worsen. For the Proposed Action, the HVAC system is the only new significant source of noise to consider, and such system is located on the building roof. The Proposed Action will be required to conform to Chapter 224 of the Village Code.

Short-Term Construction

Adjoining public and private property shall be protected from damage during construction, remodeling and demolition work. Pile driven foundations create underground vibrations that can damage nearby buildings by cracking or cause settlement in the foundations and by cracking or deformation in underground utilities, such as water, gas and sewer pipes, power lines, and communications cables.

As a result, the potential for short-term noise and vibration impacts associated with the redevelopment of the Site exists, but mitigation is proposed by the Applicant. Particularly, the Proposed Action will involve the driving of primarily H pile and in some locations pre-augured cased holed foundation, which has the potential to create noise and vibration. In order to mitigate these impacts, the Applicant proposes to pre-drill to a depth of four-eight feet depending on the topography of the site, and then complete installation of the piles by driving at a maximum velocity of 0.5 inches per second. In addition, the Applicant proposes maintaining construction equipment in good working order and providing mufflers if necessary.

In conformance with Section 224-2 of the Village Code, construction activities will be limited to the hours of 8:00 AM to 8:00 PM Monday through Friday and 10:00 AM to 7:00 PM on Saturdays. Interior construction activities may take place at other hours, in accordance with the regulations set forth in Chapter 224. As a result, it is anticipated that these controlled, short-term noise impacts will not result in a significant adverse environmental impact.

Therefore, no significant adverse noise impacts are anticipated by the Proposed Action.

K. CONSTRUCTION

Beyond the short-term construction-related impacts discussed above under particular resource categories, a brief discussion of construction impacts is presented here.

Construction of the building is expected to take approximately 12 months in one (1) phase. Construction activities will require the use of heavy equipment during construction. Construction activities in general will take place between 7:00 AM and 4:00 PM on weekdays and no construction is proposed for weekends or holidays.

The construction will not be staged, but will be a continuous process. The delivery of material to the Project Site will generally occur during the early morning hours, prior to the AM peak, so it should not have significant adverse impacts on traffic. A material staging and storage area will be located adjacent to Westchester Avenue. Lane closures are not anticipated, and sidewalk closings, if necessary, would not present material impacts. Any sidewalk closings that would be necessary adjacent to the Project Site will be mitigated with extensive directional signage to redirect pedestrians around the Project Site. Temporary crosswalks at King Street and Abendroth Avenue, mid-block, will also be added to redirect pedestrians.

During the construction process, the potential for soil erosion and sedimentation will exist. This situation will be controlled through the use and installation of stabilization and erosion and sediment control devices, as detailed on the Soil Erosion & Sediment Control Plan (Sheet CE101). During construction, the Applicant proposes to use silt fencing and curb drop inlet protection as well as hay bale sediment barriers to prevent sediment run-off and erosion beyond the project site. All devices shall be designed and installed in accordance with *New York Guidelines for Urban Erosion and Sediment Control*, and *New York Standards and Specifications for Urban Erosion and Sediment Control*. This plan will be implemented under the strict supervision of the Village Engineer.

All construction-related impacts are temporary in nature. As a result of the measures that the Applicant is proposing and the temporary nature of construction, it is not anticipated that the Proposed Action will result in significant adverse construction impacts.

L. OTHER REVIEW CATEGORIES

Energy Use/Building & Fire Codes

The Proposed Action will utilize energy in the form of fossil fuels and electricity in quantities typical for its uses. The Proposed Action will conform to all New York State Building Code requirements, including all State and Federal energy compliance standards. Therefore, it is not anticipated that there will be any significant adverse impacts on energy or building/fire codes.

Elements/Cumulative Impacts

The Proposed Action will not result in changes to two (2) or more elements of the environment, which alone would not have a significant effect on the environment, but when considered together, would result in a substantial adverse impact on the environment.

Plan Segmentation

The Proposed Action is not related to another action which would be funded or approved by an agency which, when considered cumulatively, would meet one (1) or any of the aforementioned criteria.

M. SUMMARY

For the foregoing reasons, as well as those set forth in the various submissions and analyses conducted by the Village Staff and the Village's independent consultants, the Proposed Action will not have any significant, adverse effect on the environment.

FOR FURTHER INFORMATION

Contact Person:

Eric Zamft, AICP, Director

Village of Port Chester Department of Planning & Economic Development

222 Grace Church Street

Port Chester, NY 105737

(914) 937-6780

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 project sponsor to verify that the information contained in Part 1 is accurate and complete.

A. Project and Sponsor Information.

Name of Action or Project: Port Chester Marina Redevelopment Project Retail D		
Project Location (describe, and attach a general location map): Northeast corner of the N Main Street and Westchester Ave. intersection (See attached site location map)		
Brief Description of Proposed Action (include purpose or need): 65,980 SF 5-story mixed use building, ground floor retail with 4-story residential above		
Name of Applicant/Sponsor: G&S Port Chester Unit 2, LLC		Telephone: 212-286-3300
		E-Mail: steven @gsinvestors.com
Address: 211 East 43rd Street		
City/PO: New York	State: NY	Zip Code: 10017
Project Contact (if not same as sponsor; give name and title/role): Same as sponsor		Telephone: 212-286-3300
		E-Mail: steven @gsinvestors.com
Address:		
City/PO:	State:	Zip Code:
Property Owner (if not same as sponsor): G&S Port Chester, Unit 2B, LLC		Telephone: 212-286-3300
		E-Mail: steven @gsinvestors.com
Address: 211 East 43rd Street		
City/PO: New York	State: NY	Zip Code: 10017

B. Government Approvals

B. Government Approvals, Funding, or Sponsorship. ("Funding" includes grants, loans, tax relief, and any other forms of financial assistance.)		
Government Entity	If Yes: Identify Agency and Approval(s) Required	Application Date (Actual or projected)
a. City Council, Town Board, <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No or Village Board of Trustees	Site Plan Approval	
b. City, Town or Village <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Planning Board or Commission	Referral for Recommendation	
c. City Council, Town or <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Village Zoning Board of Appeals		
d. Other local agencies <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Waterfront Commission	
e. County agencies <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	239-m Referral	
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 checked="" type="checkbox"/> No

C. Planning and Zoning

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

C.3. Zoning

a. Is the site of the proposed action located in a municipality with an adopted zoning law or ordinance. Yes No
If Yes, what is the zoning classification(s) including any applicable overlay district?
Marina Urban Redevelopment District (MUR), Land Use Parcel No. 2

b. Is the use permitted or allowed by a special or conditional use permit? Yes No

c. Is a zoning change requested as part of the proposed action? Yes No
If Yes,
i. What is the proposed new zoning for the site? _____

C.4. Existing community services.

a. In what school district is the project site located? Port Chester - Rye Union Free School District

b. What police or other public protection forces serve the project site?
Village of Port Chester Police Department

c. Which fire protection and emergency medical services serve the project site?
Port Chester Fire Department, Port Chester - Rye EMS

d. What parks serve the project site?
Columbus Park, Abendroth Park, Edgewood Park, Lyon Park, Recreation Park

D. Project Details

D.1. Proposed and Potential Development

a. What is the general nature of the proposed action (e.g., residential, industrial, commercial, recreational; if mixed, include all components)? 5-story mixed use building, retail with 4 story residential above

b. a. Total acreage of the site of the proposed action? _____ 0.45 acres
b. Total acreage to be physically disturbed? _____ 0.45 acres
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? _____ 27 acres

c. Is the proposed action an expansion of an existing project or use? Yes 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? Yes 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? Yes No

iii. Number of lots proposed? _____
iv. Minimum and maximum proposed lot sizes? Minimum _____ Maximum _____

e. Will proposed action be constructed in multiple phases? Yes No

i. If No, anticipated period of construction: _____ 12 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: _____

f. Does the project include new residential uses? Yes No

If Yes, show numbers of units proposed.

	<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	_____	_____	_____	4 floors with 79 units

g. Does the proposed action include new non-residential construction (including expansions)? Yes No

If Yes,

- i. Total number of structures 1
- ii. Dimensions (in feet) of largest proposed structure: 68'-8" height; 160' +/- width; and 150' +/- length
- iii. Approximate extent of building space to be heated or cooled: 75,000 +/- square feet

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? Yes No

If Yes,

- i. Purpose of the impoundment: _____
- ii. If a water impoundment, the principal source of the water: Ground water Surface water streams Other specify: _____
- iii. If other than water, identify the type of impounded/contained liquids and their source. _____
- iv. Approximate size of the proposed impoundment. Volume: _____ million gallons; surface area: _____ acres
- v. Dimensions of the proposed dam or impounding structure: _____ height; _____ length
- vi. Construction method/materials for the proposed dam or impounding structure (e.g., earth fill, rock, wood, concrete): _____

D.2. Project Operations

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) Yes No

If Yes:

- i. What is the purpose of the excavation or dredging? _____
- ii. How much material (including rock, earth, sediments, etc.) is proposed to be removed from the site?
 - Volume (specify tons or cubic yards): _____
 - Over what duration of time? _____
- iii. Describe nature and characteristics of materials to be excavated or dredged, and plans to use, manage or dispose of them. _____
- iv. Will there be onsite dewatering or processing of excavated materials? Yes No
If yes, describe. _____
- v. What is the total area to be dredged or excavated? _____ acres
- vi. What is the maximum area to be worked at any one time? _____ acres
- vii. What would be the maximum depth of excavation or dredging? _____ feet
- viii. Will the excavation require blasting? Yes No
- ix. Summarize site reclamation goals and plan: _____

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? Yes No

If Yes:

- i. Identify the wetland or waterbody which would be affected (by name, water index number, wetland map number or geographic description): _____

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 proposed action cause or result in disturbance to bottom sediments? Yes No
If Yes, describe: _____

iv. Will 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: _____

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: _____ 12,000 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: Suez - f/k/a United Water
- 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: 65% Putnam, CT Reservoir, 35% Westchester Joint Waterworks

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), 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: _____ 12,000 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): _____

Sanitary Wastewater (100%)

iii. Will the proposed action use any existing public wastewater treatment facilities? Yes No

If Yes:

- Name of wastewater treatment plant to be used: Port Chester Sewage Treatment Plant
- Name of district: Port Chester Sewage 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

Yes No
 Yes No

• Do existing sewer lines serve the project site?
 • Will line extension within an existing district be necessary to serve the project?
 If Yes:
 • Describe extensions or capacity expansions proposed to serve this project: _____

iv. Will a new wastewater (sewage) treatment district be formed to serve the project site? Yes No
 If Yes:
 • Applicant/sponsor for new district: _____
 • Date application submitted or anticipated: _____
 • What is the receiving water for the wastewater discharge? _____

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):

vi. Describe any plans or designs to capture, recycle or reuse liquid waste: _____ None

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? Yes No
 If Yes:
 i. How much impervious surface will the project create in relation to total size of project parcel?
 _____ Square feet or _____ acres (impervious surface)
 _____ Square feet or _____ acres (parcel size)
 ii. Describe types of new point sources. _____

 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)?

 • If to surface waters, identify receiving water bodies or wetlands: _____

 • Will stormwater runoff flow to adjacent properties? Yes No

iv. Does proposed plan minimize impervious surfaces, use pervious materials or collect and re-use stormwater? Yes No

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? Yes No
 If Yes, identify:
 i. Mobile sources during project operations (e.g., heavy equipment, fleet or delivery vehicles)
 None
 ii. Stationary sources during construction (e.g., power generation, structural heating, batch plant, crushers)
 None
 iii. Stationary sources during operations (e.g., process emissions, large boilers, electric generation)
 Natural Gas, Fire, HVAC

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? Yes No
 If Yes:
 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) Yes No
 ii. In addition to emissions as calculated in the application, the project will generate:
 • _____ Tons/year (short tons) of Carbon Dioxide (CO₂)
 • _____ Tons/year (short tons) of Nitrous Oxide (N₂O)
 • _____ Tons/year (short tons) of Perfluorocarbons (PFCs)
 • _____ Tons/year (short tons) of Sulfur Hexafluoride (SF₆)
 • _____ Tons/year (short tons) of Carbon Dioxide equivalent of Hydrofluorocarbons (HFCs)
 • _____ Tons/year (short tons) of Hazardous Air Pollutants (HAPs)

h. Will the proposed action generate or emit methane (including, but not limited to, sewage treatment plants, landfills, composting facilities)? Yes No

If Yes:

i. Estimate methane generation in tons/year (metric): _____

ii. Describe any methane capture, control or elimination measures included in project design (e.g., combustion to generate heat or electricity, flaring): _____

i. Will the proposed action result in the release of air pollutants from open-air operations or processes, such as quarry or landfill operations? Yes No

If Yes: Describe operations and nature of emissions (e.g., diesel exhaust, rock particulates/dust): _____

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? Yes No

If Yes:

i. When is the peak traffic expected (Check all that apply): Morning Evening Weekend
 Randomly between hours of _____ to _____.

ii. For commercial activities only, projected number of semi-trailer truck trips/day: _____

iii. Parking spaces: Existing _____ Proposed _____ Net increase/decrease _____

iv. Does the proposed action include any shared use parking? Yes No

v. If the proposed action includes any modification of existing roads, creation of new roads or change in existing access, describe:
 SEE TRAFFIC REPORT

vi. Are public/private transportation service(s) or facilities available within ½ mile of the proposed site? Yes No

vii. Will the proposed action include access to public transportation or accommodations for use of hybrid, electric or other alternative fueled vehicles? Yes No

viii. Will the proposed action include plans for pedestrian or bicycle accommodations for connections to existing pedestrian or bicycle routes? Yes No

k. Will the proposed action (for commercial or industrial projects only) generate new or additional demand for energy? Yes No

If Yes:

i. Estimate annual electricity demand during operation of the proposed action: _____
 787,400 KWH

ii. Anticipated sources/suppliers of electricity for the project (e.g., on-site combustion, on-site renewable, via grid/local utility, or other):
 Consolidated Edison (electric and natural gas)

iii. Will the proposed action require a new, or an upgrade to, an existing substation? Yes No

l. Hours of operation. Answer all items which apply.

<p>i. During Construction:</p> <ul style="list-style-type: none"> • Monday - Friday: _____ 7:00 AM - 4:00 PM • Saturday: _____ None • Sunday: _____ None • Holidays: _____ None 	<p>ii. During Operations:</p> <table border="0"> <tr> <td></td> <td style="text-align: center;">Retail</td> </tr> <tr> <td>• Monday - Friday: _____</td> <td style="text-align: center;">9:00 AM - 10:00 PM</td> </tr> <tr> <td>• Saturday: _____</td> <td style="text-align: center;">9:00 AM - 10:00 PM</td> </tr> <tr> <td>• Sunday: _____</td> <td style="text-align: center;">9:00 AM - 10:00 PM</td> </tr> <tr> <td>• Holidays: _____</td> <td style="text-align: center;">9:00 AM - 10:00 PM</td> </tr> </table>		Retail	• Monday - Friday: _____	9:00 AM - 10:00 PM	• Saturday: _____	9:00 AM - 10:00 PM	• Sunday: _____	9:00 AM - 10:00 PM	• Holidays: _____	9:00 AM - 10:00 PM
	Retail										
• Monday - Friday: _____	9:00 AM - 10:00 PM										
• Saturday: _____	9:00 AM - 10:00 PM										
• Sunday: _____	9:00 AM - 10:00 PM										
• Holidays: _____	9:00 AM - 10:00 PM										

m. Will the proposed action produce noise that will exceed existing ambient noise levels during construction, operation, or both? Yes No

If yes:

i. Provide details including sources, time of day and duration: _____

ii. Will proposed action remove existing natural barriers that could act as a noise barrier or screen? Yes No

Describe: _____

n. Will the proposed action have outdoor lighting? Yes No

If yes:

i. Describe source(s), location(s), height of fixture(s), direction/aim, and proximity to nearest occupied structures:
Standard retail building mounted exterior lighting fixtures

ii. Will proposed action remove existing natural barriers that could act as a light barrier or screen? Yes No

Describe: _____

o. Does the proposed action have the potential to produce odors for more than one hour per day? Yes No

If Yes, describe possible sources, potential frequency and duration of odor emissions, and proximity to nearest occupied structures: _____

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? Yes No

If Yes:

i. Product(s) to be stored _____

ii. Volume(s) _____ per unit time _____ (e.g., month, year)

iii. Generally describe proposed storage facilities: _____

q. Will the proposed action (commercial, industrial and recreational projects only) use pesticides (i.e., herbicides, insecticides) during construction or operation? Yes No

If Yes:

i. Describe proposed treatment(s): _____

ii. Will the proposed action use Integrated Pest Management Practices? Yes No

r. Will the proposed action (commercial or industrial projects only) involve or require the management or disposal of solid waste (excluding hazardous materials)? Yes No

If Yes:

i. Describe any solid waste(s) to be generated during construction or operation of the facility:

- Construction: _____ 10 _____ tons per _____ Month _____ (unit of time)
- Operation : _____ 69,000 Gal. per _____ Month _____ (unit of time)

ii. Describe any proposals for on-site recycling or reuse of materials to avoid disposal as solid waste:

- Construction: Construction waste will be recycled. _____
- Operation: Compliance with recycling program. _____

iii. Proposed disposal methods/facilities for solid waste generated on-site:

- Construction: Private Carter _____
- Operation: Private Carter - disposal at Wheelabrator Peekskill _____

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 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	0.45	0.45	0.00
• 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? Yes 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? Yes No
 If Yes,
 i. Identify Facilities:
Open Door Family Medical Centers

e. Does the project site contain an existing dam? Yes 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? Yes No
 If Yes:
 i. Has the facility been formally closed? Yes 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? Yes 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? Yes 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: Yes No
 Yes – Spills Incidents database Provide DEC ID number(s): _____
 Yes – Environmental Site Remediation database Provide DEC ID number(s): _____
 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? Yes No
 If yes, provide DEC ID number(s): V00516
 iv. If yes to (i), (ii) or (iii) above, describe current status of site(s):
 Remediation completed.

v. Is the project site subject to an institutional control limiting property uses? Yes No

- If yes, DEC site ID number: _____
- Describe the type of institutional control (e.g., deed restriction or easement): _____
- Describe any use limitations: _____
- Describe any engineering controls: _____
- Will the project affect the institutional or engineering controls in place? Yes No
- Explain: _____

E.2. Natural Resources On or Near Project Site

a. What is the average depth to bedrock on the project site? _____ 20 to 35 feet below ground surface

b. Are there bedrock outcroppings on the project site? Yes No
 If Yes, what proportion of the site is comprised of bedrock outcroppings? _____ %

c. Predominant soil type(s) present on project site: Urban Fill _____ 100 %
 _____ %
 _____ %

d. What is the average depth to the water table on the project site? Average: _____ 10 feet

e. Drainage status of project site soils: Well Drained: _____ % of site
 Moderately Well Drained: _____ 100 % of site
 Poorly Drained _____ % of site

f. Approximate proportion of proposed action site with slopes: 0-10%: _____ 100 % of site
 10-15%: _____ % of site
 15% or greater: _____ % of site

g. Are there any unique geologic features on the project site? Yes 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)? Yes No

ii. Do any wetlands or other waterbodies adjoin the project site? Yes No
 If Yes to either *i* or *ii*, 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? Yes No

iv. For each identified regulated wetland and waterbody on the project site, provide the following information:

- Streams: Name Byram River Classification Estuary
- Lakes or Ponds: Name _____ Classification _____
- Wetlands: Name E1UBLx Approximate Size N/A
- 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? Yes No
 If yes, name of impaired water body/bodies and basis for listing as impaired: _____

i. Is the project site in a designated Floodway? Yes No

j. Is the project site in the 100 year Floodplain? Yes No

k. Is the project site in the 500 year Floodplain? Yes No

l. Is the project site located over, or immediately adjoining, a primary, principal or sole source aquifer? Yes 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? Yes 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? Yes No

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? Yes No

q. Is the project site or adjoining area currently used for hunting, trapping, fishing or shell fishing? Yes No
 If yes, give a brief description of how the proposed action may affect that use: _____

E.3. Designated Public Resources On or Near Project Site

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? Yes No
 If Yes, provide county plus district name/number: _____

b. Are agricultural lands consisting of highly productive soils present? Yes 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? Yes No
 If Yes:
 i. Nature of the natural landmark: Biological Community 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? Yes No
 If Yes:
 i. CEA name: Long Island Sound
 ii. Basis for designation: Exceptional or unique character
 iii. Designating agency and date: Agency: Westchester County; Date: January 31, 1990

e. Does the project site contain, or is it substantially contiguous to, a building, archaeological site, or district which is listed on, or has been nominated by the NYS Board of Historic Preservation for inclusion on, the State or National Register of Historic Places?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
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: _____	
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 checked="" 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: _____	
h. Is the project site within five miles of any officially designated and publicly accessible federal, state, or local scenic or aesthetic resource?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
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.	
i. Is the project site located within a designated river corridor under the Wild, Scenic and Recreational Rivers Program 6 NYCRR 666?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
If Yes:	
i. Identify the name of the river and its designation: _____	
ii. Is the activity consistent with development restrictions contained in 6NYCRR 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.

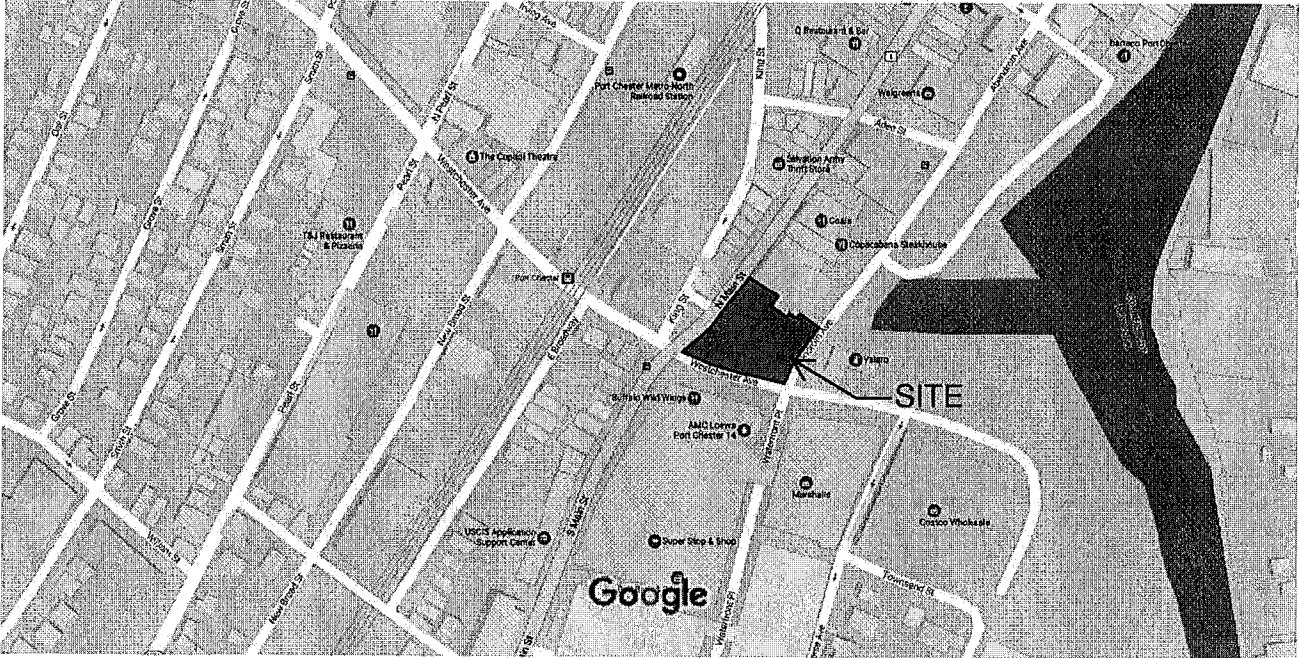
G. Verification

I certify that the information provided is true to the best of my knowledge.

Applicant/Sponsor Name CS'S PART CLERK UNIT 2B, LLC Date Oct. 23, 2017

Signature [Signature] Title MANAGING MEMBER
DEEBO WASSER

Google Maps Port Chester



Map data ©2017 Google 100 ft

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

Agency Use Only [If applicable]

Project : _____
 Date : _____

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.

1. Impact on Land Proposed action may involve construction on, or physical alteration of, the land surface of the proposed site. (See Part 1. D.1) <i>If "Yes", answer questions a - j. If "No", move on to Section 2.</i>			
		<input checked="" type="checkbox"/> NO	<input type="checkbox"/> YES
	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 checked="" 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 checked="" 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 checked="" 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 checked="" 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 checked="" type="checkbox"/>
f. The proposed action may include construction of one or more intake(s) for withdrawal of water from surface water.	D2c	<input checked="" 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 checked="" 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 checked="" 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 checked="" 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 checked="" 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 checked="" type="checkbox"/>	<input type="checkbox"/>

I. Other impacts: _____ _____		<input checked="" type="checkbox"/>	<input type="checkbox"/>
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4. Impact on groundwater
 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. NO YES
 (See Part 1. D.2.a, D.2.c, D.2.d, D.2.p, D.2.q, D.2.t)
If "Yes", answer questions a - h. If "No", move on to Section 5.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
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"/>

5. Impact on Flooding
 The proposed action may result in development on lands subject to flooding. NO YES
 (See Part 1. E.2)
If "Yes", answer questions a - g. If "No", move on to Section 6.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
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 type="checkbox"/>	<input checked="" 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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6. Impacts on Air
 The proposed action may include a state regulated air emission source. NO YES
 (See Part 1. D.2.f., D.2.h, D.2.g)
If "Yes", answer questions a - f. If "No", move on to Section 7.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
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 ₂) ii. More than 3.5 tons/year of nitrous oxide (N ₂ O) iii. More than 1000 tons/year of carbon equivalent of perfluorocarbons (PFCs) iv. More than .045 tons/year of sulfur hexafluoride (SF ₆) v. More than 1000 tons/year of carbon dioxide equivalent of hydrochloroflouorocarbons (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"/>

7. Impact on Plants and Animals
 The proposed action may result in a loss of flora or fauna. (See Part 1. E.2. m.-q.) NO YES
If "Yes", answer questions a - j. If "No", move on to Section 8.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
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"/>

8. Impact on Agricultural Resources			
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>			
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
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 or has been nominated by the NYS Board of Historic Preservation for inclusion on the State or National 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"/>

11. Impact on Open Space and Recreation 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. <input checked="" type="checkbox"/> NO <input type="checkbox"/> YES (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>			
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
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"/>

12. Impact on Critical Environmental Areas The proposed action may be located within or adjacent to a critical environmental area (CEA). (See Part 1. E.3.d) <input checked="" type="checkbox"/> NO <input type="checkbox"/> YES <i>If "Yes", answer questions a - c. If "No", go to Section 13.</i>			
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
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 checked="" 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 checked="" type="checkbox"/>	<input type="checkbox"/>
c. The proposed action will degrade existing transit access.	D2j	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d. The proposed action will degrade existing pedestrian or bicycle accommodations.	D2j	<input checked="" 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 checked="" 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 checked="" 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 checked="" type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may utilize more than 2,500 MWhrs per year of electricity.	D2k	<input checked="" 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 checked="" type="checkbox"/>	<input type="checkbox"/>
e. Other Impacts: The Proposed Action may increase demand on energy from an existing supplier via local utility _____		<input type="checkbox"/>	<input checked="" type="checkbox"/>

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"/>

16. Impact on Human Health

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.)

NO

YES

If "Yes", answer questions a - m. If "No", go to Section 17.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
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 checked="" type="checkbox"/>
b. The site of the proposed action is currently undergoing remediation.	E1g, E1h	<input checked="" 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 checked="" 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 checked="" 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 checked="" 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 checked="" type="checkbox"/>	<input type="checkbox"/>
g. The proposed action involves construction or modification of a solid waste management facility.	D2q, E1f	<input checked="" type="checkbox"/>	<input type="checkbox"/>
h. The proposed action may result in the unearthing of solid or hazardous waste.	D2q, E1f	<input checked="" 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 checked="" 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 checked="" 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 checked="" 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 checked="" type="checkbox"/>	<input type="checkbox"/>
m. Other impacts: _____ _____		<input checked="" type="checkbox"/>	<input type="checkbox"/>

17. Consistency with Community Plans
 The proposed action is not consistent with adopted land use plans.
 (See Part 1. C.1, C.2. and C.3.) NO YES
If "Yes", answer questions a - h. If "No", go to Section 18.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
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"/>

18. Consistency with Community Character
 The proposed project is inconsistent with the existing community character.
 (See Part 1. C.2, C.3, D.2, E.3) NO YES
If "Yes", answer questions a - g. If "No", proceed to Part 3.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may replace or eliminate existing facilities, structures, or areas of historic importance to the community.	E3e, E3f, E3g	<input checked="" 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 checked="" 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 checked="" 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 checked="" type="checkbox"/>	<input type="checkbox"/>
e. The proposed action is inconsistent with the predominant architectural scale and character.	C2, C3	<input checked="" 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 checked="" type="checkbox"/>	<input type="checkbox"/>
g. Other impacts: _____ _____		<input checked="" type="checkbox"/>	<input type="checkbox"/>

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Project : _____

Date : _____

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.

The Proposed Action consists of construction of a five (5)-story, 65,980 square foot, mixed residential and commercial development, consisting of approximately 12,000 square feet of ground floor retail space and 79 residential dwelling units, primarily studios and one-bedroom units. The subject parcels were approved for three (3) stories and approximately 40,000 square feet of retail development as part of the overall project approval in 1999 Marina Redevelopment Project Concept Development Plan. In 2015, the zoning district was altered to include residential above the retail, increased dimensional and bulk requirements, and a multifamily dwelling parking regulation.

Although the Proposed Action may have impacts flooding due to its location within the 100 year floodplain, the site is designed with sufficient drainage infrastructure to mitigate additional water outputs from the site. The site will also be constructed 2.25 feet above the required base elevation to further mitigate against flooding risks.

The Proposed Action is located above the 97 year-old Bulkley Drain which is reaching its 100 year lifespan. As a result, the Village and the Applicant have come to an agreement to reinforce the drain underneath the site while also giving the Village and access easement in order to access it for further repairs and assessments.

The Proposed Action involves land disturbances due to pile driven foundations. In order to mitigate any potential impacts, the Applicant proposes to pre-drill to a depth of four to eight feet depending on the topography of the site, and then complete installation of the piles by driving at a maximum velocity of 0.5 inches per second. In addition, the Applicant proposes to provide mufflers if necessary in order to mitigate potential noise impacts.

The attached document provides reasons for the Proposed Action's Determination of No Significance.

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

February 6, 2018 Planning Commission Resolution; January 12, 2018 Westchester County letter; January 3, 2018 Village of Port Chester Waterfront Commission LWRP Determination; Reports and Memoranda from Langan Engineering, Boswell Engineering, and McLaren Engineering on the Bulkeley Drain; Reports and Memoranda from AKRF and Maser on traffic, parking, and pedestrians.

and considering both the magnitude and importance of each identified potential impact, it is the conclusion of the Village of Port Chester 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:

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.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: Site Plan Approval Retail D

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

Name of Responsible Officer in Lead Agency: Richard Falanka

Title of Responsible Officer: Mayor

Signature of Responsible Officer in Lead Agency:

Date:

Signature of Preparer (if different from Responsible Officer)

Date:

For Further Information:

Contact Person: Eric Zamft

Address: 222 Grace Church Street, Port Chester, NY 10573

Telephone Number: (914) 937-6780

E-mail: ezamft@portchesterny.com

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>

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